

Memorandum

Date: September 8, 2011

To: Mayor and City Council

Subject: Agenda Briefing - Regular City Council
Meeting - *Tuesday, September 13, 2011*



Following is a brief review and description of the various business items listed upon the agenda and set for discussion at the next regular meeting of City Council:

6. Commendations and Presentations:

- A. This item provides an opportunity for the staff to present a brief update and review of Hurricane Irene Response and Recovery Activities.
- B. Requested by Mayor Davis; This item is for a Resolution recognizing the passing of Gilbert Martin, longtime Colonial Heights businessman and one of the city's first developers.
- C. This item is for the formal recognition of the City of CH Youth Advisory Council on its 30th Anniversary
- D. This item is for the formal recognition of Colonial Heights High School class of 1961 on its 50th Anniversary – the first graduating class of Colonial Heights High School.
- E. This item is for formal recognition of *Kristin Daniel* from the Office of the Commonwealth Attorney as August 2011 City Employee of the Month by Mayor Davis. A copy of the formal recognition is included in with the meeting packet. The Mayor will be making a brief presentation of the award to Ms. Daniel at the meeting.

7. Consent Agenda (*“Consideration of Uncontested Minutes, Ordinances, Resolutions, & Motions . . .”*):

- A. Copies of the minutes from our (1.) Special Meeting on 7/19/11, (2.) Special Meeting on 8/9/11, and (3.) Regular Meeting on 8/9/11 is included in the meeting packet for your review.

B. “Adoption of:”

- ORDINANCE NO. 11-18 - Discussed and approved at the last regular meeting; This item is for Second Reading and Final Adoption of an Ordinance to formally amend and reordain Chapter 273 of the City Code to formally prohibit the distribution of handbills, leaflets, etc., the solicitation of contributions, and the sale of merchandise or services on highways, public roadways, and medians within the City.

This Ordinance has been proposed to help address issues related to roadside solicitations. Both staff and Councilmembers have recently received comments or complaints about roadside solicitation activities, questioning both the appropriateness of such activities and the safety of those participating. This Ordinance would prohibit such activities within public roadways, enhancing safety for all.

Budgetary Impact – None

A public hearing on this Ordinance was conducted at our last meeting and Councilmembers have previously been provided a copy of the proposed Ordinance.

The staff recommends approval of this item as presented

7. Consent Agenda (continued):

➤ ORDINANCE NO. 11-FIN-18 - Discussed and approved at the last regular meeting; This item is for Second Reading and Final Adoption of an Ordinance to authorize an amendment to the FY11-12 Annual Budget to accommodate various funding adjustments as follows:

- A routine annual adjustment in the total amount of \$79,517 to account for additional state funding changes, grants, and intergovernmental reimbursements. A copy of a memorandum from the Director of Finance providing a brief review and explanation of this item is included with the meeting packet.
- The CH Police Department has received a Homeland Security Program Grant in the total amount of \$16,040 that will be utilized to purchase a Mobile License Reader and associated miscellaneous equipment.
- CHPD is also requesting authorization to utilize donated funds in the total amount of \$1,175 in support of the city animal shelter to pay for a surveillance camera system (This is a “re-funding” of an item from the last fiscal year that was not purchased in a timely manner).
- The CH Fire & EMS Department has also received a Homeland Security Program Grant in the total amount of \$23,000 that will be utilized to purchase hazardous material response equipment.
- CHFD is also requesting authorization to utilize donated funds in the total amount of \$13,852 to purchase miscellaneous turn-out gear for both paid and volunteer firefighters.
- CHFD has also received a Local Emergency Management Program Grant in the total amount of \$5,000 that will be utilized to continue funding of the department’s Emergency Management Assistant position.
- CHFD has also received an additional Homeland Security Program Grant in the total amount of \$6,781 that will be utilized to fund citizen preparedness activities and the CERT program.
- CHFD has also received a Global Fire Prevention Grant in the total amount of \$850 that will be utilized to purchase a digital camera for fire investigations.
- The Sheriff’s Office has received a Risk Management Grant in the total amount of \$3,992 that will be utilized to purchase 7 DSLR camera kits.

Budgetary Impact - This amendment as proposed is bottom-line, “cost-neutral”, as it is the formal appropriation budget-anticipated state funds, donated funds and/or restricted funds and will not adversely affect overall funding or costs to taxpayers.

A copy of the proposed Ordinance and supporting information is included in the meeting packet.

The staff recommends approval of this item as presented

➤ ORDINANCE NO. 11-FIN-19 - Discussed at previous meetings and throughout the FY2011-12 Annual Budget development process; Approved at the last regular meeting; This item is for Second Reading and Final Adoption of an Ordinance to formally authorize the 3.0% Cost of Living Adjustment (COLA) in base salaries or rates of pay for all full-time city employees that was included within the approved FY11-12 Annual Budget. The COLA as proposed will go into effect with the first payroll of October.

7. Consent Agenda (continued):

This action will specifically help address one of Council's *Goals for 2011-12*, to "Strive to continue efforts to provide appropriate and market-competitive compensation for all city employees; and to effectively address any increased costs for employee benefits".

Budgetary Impact – A copy of a staff memorandum providing cost implications and further details on this item is included with the meeting packet. While the COLA certainly represents new costs for the city, this increase was anticipated and accounted for within the FY11-12 Annual Budget; and should therefore have no adverse impact on the current year budget.

A copy of the proposed Resolution is also included with the meeting packet.

The staff recommends approval of this item as presented

8. Reading of Manner Addressing Council

9. Public Hearings:

- A. ORDINANCE NO. 11-20** – Requested by Councilman Freeland and discussed at last meeting; This item is for a Public Hearing and consideration of an Ordinance on First Reading to formally amend and reordain Chapter 226 (Precious Metals and Gems) of the City Code to require annual rather than semi-annual issuance of a dealer permit and raising the annual permit fee for same from \$100 to \$200.

This Ordinance has been proposed to help simplify the permitting process for these particular businesses and economize the workload for city staff. This change should have no impact on the effectiveness of the process; nor adversely impact revenue for the City.

Budgetary Impact – None

As noted on the agenda, the required notice of public hearing for this agenda item was published in *The Progress-Index* in compliance with applicable law.

The City Attorney and/or staff will be making a brief presentation of this item at the meeting. A copy of the proposed Ordinance is included in the meeting packet.

The staff recommends approval of this item as presented

10. Written Petitions/Communications – *None submitted for inclusion on the meeting agenda*

11. Public Comments (*"Hearing of Citizens Generally on Non-Agenda Issues"*):

12. New Business/Legislation (*"Introduction and Consideration of Ordinances and Resolutions"*):

- **ORDINANCE NO. 11-FIN-20** - This item is for consideration of an Ordinance on First Reading to authorize an amendment to the FY11-12 Annual Budget to accommodate various funding adjustments as follows:

- For the routine, annual reappropriation of encumbered funds (\$543,235) from FY 2010-11 being carried over to the current fiscal year. A copy of a memorandum from the Director of Finance providing a brief review and explanation of this item is included with the meeting packet.
- To appropriate \$78,399 in grant funding coming from a Community Development Block Grant to be used for the emergency home repair program. A copy of a memorandum from the Director of Community Development providing a brief review and explanation of this item is included with the meeting packet.
- The Sheriff's Office has received a donation in the total amount of \$200 in support of the "Halloween in the Park" event.

12. **New Business/Legislation (continued):**

Budgetary Impact - This amendment as proposed is bottom-line, “cost-neutral”, as it is the formal appropriation fund balance, donated funds and/or restricted funds and will not adversely affect overall funding or costs to taxpayers.

A copy of the proposed Ordinance and supporting information is included in the meeting packet.

The staff recommends approval of this item as presented

- ORDINANCE NO. 11-FIN-21 - This item is for consideration of an Ordinance on First Reading to authorize a routine amendment to the FY10-11 Annual Budget to reflect the modified School Fund Budget as requested by the CH School Administration.

Budgetary Impact – This action has no adverse impact on the city’s budget.

A copy of the proposed Ordinance and supporting information is included with the meeting packet.

- RESOLUTION NO. 11-32 - This item is for consideration of a Resolution for the formal routine approval of the annual performance contract for District 19 Community Services Board for FY 2012.

Budgetary Impact – While there are certain costs to the City associated with this contract, its impact was anticipated and accounted for within the FY11-12 Annual Budget; and should therefore have no adverse impact on the current year budget.

A copy of the proposed Resolution is included with the meeting packet.

The staff recommends approval of this item as presented

13. **Unfinished Business . . . and Items Removed from Consent Agenda**

- ORDINANCE NO. 11-19 - (*See Item ORD 11-FIN-19 above for additional details*) Discussed at previous meetings and throughout the FY2011-12 Annual Budget development process; Approved at the last regular meeting; This item is for Second Reading and Final Adoption of an Ordinance to formally authorize the appropriate adjustment to the city’s approved pay plan and salary ranges to reflect the 3.0% Cost of Living Adjustment (COLA) included within the FY11-12 Annual Budget.

Budgetary Impact – This specific action has no direct budgetary impact.

A copy of the proposed Ordinance and supporting information is included with the meeting packet.

Note: The agenda item listed above is eligible for Second Reading and Final Adoption, but as it did not receive the mandatory unanimous vote by Council on First Reading, it is included here on the agenda rather than as a Consent Item.

14. **Staff Reports (“Reports of Officers . . .”):**

A. City Manager

1. ***Review of Council Policy Goals relating to aesthetic control of commercial buildings adjacent to the Boulevard; possible direction to staff regarding area*** – A copy of a memorandum regarding this agenda item is included with the meeting packet.
2. ***Update on City Courthouse Project*** - This item is to allow for general update and/or activities report on this on-going project.
3. ***September 20 Work Session*** - This item is to verify with all our current plan to not have a Council Work session this month.

4. ***General Activity Report and/or Project Update*** - This item is for miscellaneous updates and comments by the staff; and general Q&A with the City Council relative to on-going projects and/or issues.

B. City Attorney

C. Director of Planning and Community Development

15. **Consideration of Claims** – *None submitted for inclusion on the meeting agenda*

Please feel free to contact me anytime prior to Tuesday's meeting if you have any questions or require additional information relative to any item on the agenda; or if you need an update on any item not listed on the agenda.

A handwritten signature in blue ink, appearing to read 'T. Mattis', is positioned above the printed name.

Thomas L. Mattis
City Manager

AUGUST 2011 EMPLOYEE OF THE MONTH



NAME: Kristin L. Daniel

POSITION: Legal Secretary

EMPLOYMENT

HISTORY: Ms. Daniel was hired in May, 2006 as a Legal Secretary in the Commonwealth Attorney's Office.

NARRATIVE: Kristin is an invaluable member of the administrative staff for the Commonwealth Attorney's Office. She pulls files for dockets, updates the files after court, runs criminal records, and drafts motions and orders; if an attorney needs it, Kristin makes sure he or she has it. In addition, Kristin is often the first office contact with victims since she answers the phones and takes messages.

In March, the attorneys had a conference out of town which required Kristin to continue cases set for four General District Court dockets. She coordinated with attorneys, police officers, and victims in coming to an agreeable date on at least 25 cases. Thanks to her diligence and hard work, the attorneys attended the training without interruption.

In July, an employee left and Kristin switched responsibilities by becoming the administrative staff member in charge of Circuit Court. Not only was Kristin learning the procedures of a new court, but she also had to train and assist an interim employee doing Kristin's previous job as the administrative staff member handling General District Court. Despite having two young children, Kristin made sure the transition went as smoothly as possible by staying late on numerous nights and even coming in on a few Sundays.

Kristin also makes the office a pleasant place to work. Her laid-back demeanor and quiet good nature ensures that an inherently stressful office like a prosecutor's office remains as tension free as possible. The Commonwealth Attorney's Office and the City of Colonial Heights are very fortunate to have Kristin as an employee. She has worked in the Commonwealth Attorney's Office longer than any other employee and has always been a positive team player willing to do whatever she can to make the office run more smoothly. Each time there is a challenge, she rises to meet it and performs her duties professionally.

A RESOLUTION NO. 11-28

Remembering Gilbert Creff Martin
October 23, 1922 – July 31, 2011

WHEREAS, Gilbert Creff Martin was born October 23, 1922 to George Creff and Marinda Aldridge Martin and was reared with two sisters, Catherine and Barbara, and one brother, George; and

WHEREAS, Mr. Martin served honorably in the United States Army during World War II as a captain in the Transportation Corps; and

WHEREAS, Mr. Martin was married to the late Geraldine “Gerry” Sowder Martin and was the proud parent of one daughter, Pamela Martin Comstock, as well as one grandchild; and

WHEREAS, Mr. Martin owned and operated Gilbert C. Martin Company Inc., developing many subdivisions in Colonial Heights, including Bennington, Edinborough, Lexington, Burlington, and Concord; and

WHEREAS, Mr. Martin, along with his brother, George Franklin Martin, co-owned Martin Oldsmobile-Toyota for 40 years in Colonial Heights; and

WHEREAS, Mr. Martin was also a dedicated community leader in the Tri-Cities serving as the president of the Southside Virginia Fair for several years; past president of the Petersburg Lions Club and a member for more than 60 years; and a member of Dinwiddie Masonic Lodge No. 136 A.F. & A.M., the Petersburg Shrine Club, the ACCA Temple, the Scottish Rite, and the Royal Order of Jesters; and

WHEREAS, Gilbert Creff Martin will be remembered for his love of family and dedicated community service; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That Council hereby expresses, on behalf of the City, its gratitude to Gilbert Creff Martin for his community spirit and service to others and its sympathy to his family for their loss.

2. That, in attestation of the high regard in which Gilbert Creff Martin was held by this Council, this resolution is hereby read into the minutes of this meeting and permanent record of the City of Colonial Heights, this 13th day of September, 2011; and the members of Council unanimously affix their signatures.

/s/ C. Scott Davis, Mayor

/s/ Milton E. Freeland, Jr. Councilman

/s/ Elizabeth G. Luck, Vice Mayor

/s/ Kenneth B. Frenier, Councilman

/s/ W. Joe Green, Jr., Councilman

/s/ John T. Wood, Councilman

/s/ Diane H. Yates, Councilwoman

Approved:

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

A RESOLUTION NO. 11-30

Recognizing the Youth Advisory Council on its 30th Anniversary.

WHEREAS, in 1981 the Youth Advisory Council (YAC) was established to form a partnership between the youth in the middle and high schools and City Council; and

WHEREAS, as members of YAC, youth have been able to participate in leadership roles, officer and facilitator training, recreational events, and outreach activities to serve those less fortunate in our community; and

WHEREAS, YAC is involved in many worthwhile projects, such as the Lemon-Aid Stand to support childhood cancer research, the Christmas Mother project, Christmas caroling at Dunlop House, sending Christmas cards to veterans at McGuire Hospital, offering bingo to residents at Colonial Heights Convalescent Center, administering the Shoe Fund for needy children, and the Adopt-a-Street program; and

WHEREAS, in addition to the many projects that these youth are involved in, they also tutor elementary students, help with the citywide cleanup and a Back-to-School Festival, coach children's soccer teams, provide a scholarship opportunity for YAC seniors, plan and host the Annual Youth Forum, and provide representation on the Youth Services Commission; and

WHEREAS, YAC has been instrumental in the development of "Pete's Place," the teen center for Colonial Heights youth, which offers them a place to do homework, play, learn and socialize with each other or just "hang out" in a positive environment; and

WHEREAS, those young people who serve and have served as members of YAC are role models for other youth in our city, promoting an environment for personal growth and development, encouraging positive activities and services for all; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That Council hereby expresses, on behalf of the City, its gratitude and pride to all past, present and future members of the Youth Advisory Council for their community spirit and service over the past 30 years; and urges its citizens to support the worthy endeavors of this organization.

2. That, in attestation of the high regard in which the Youth Advisory Council is held by this Council, this resolution is hereby read into the minutes of this meeting and permanent record of the City of Colonial Heights, this 13th day of September, 2011; and the members of Council unanimously affix their signatures.

/s/ C. Scott Davis, Mayor

/s/ Milton E. Freeland, Jr. Councilman

/s/ Elizabeth G. Luck, Vice Mayor

/s/ Kenneth B. Frenier, Councilman

/s/ W. Joe Green, Jr., Councilman

/s/ John T. Wood, Councilman

/s/ Diane H. Yates, Councilwoman

Approved:

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

A RESOLUTION NO. 11-31

Recognizing the Colonial Heights High School graduating class of 1961 on its 50th Anniversary.

WHEREAS, the City of Colonial Heights became a city of the first class and was granted its charter in 1960; and upon the proclamation of becoming a city of the first class, a separate school district was created; and

WHEREAS, prior to 1957, students in grades 1-7 went to Colonial Heights Elementary School, which opened in 1921 as a Chesterfield County school, with high school students attending school in either Petersburg or Chester; and

WHEREAS, in 1957 Colonial Heights High School was established at the present site of Colonial Heights Middle School, remaining at that site until the completion of the current high school building in 1964; and

WHEREAS, this year marks the 50th anniversary of the first graduating class from Colonial Heights High School in 1961; and

WHEREAS, Council finds it an appropriate time to recognize the Class of 1961 for the numerous contributions it made not only for its class but for all future students who would attend Colonial Heights High School; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That Council wishes to recognize the Class of 1961, the first class to graduate from Colonial Heights High School, on this its 50th anniversary.

2. That, in attestation of this memorable event and the high regard in which Council holds the Class of 1961, this resolution is hereby read into the minutes of this meeting and permanent record of the City of Colonial Heights, this 13th day of September, 2011; and the members of Council unanimously affix their signatures.

/s/ C. Scott Davis, Mayor

/s/ Milton E. Freeland, Jr. Councilman

/s/ Elizabeth G. Luck, Vice Mayor

/s/ Kenneth B. Frenier, Councilman

/s/ W. Joe Green, Jr., Councilman

/s/ John T. Wood, Councilman

/s/ Diane H. Yates, Councilwoman

Approved:

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
July 19, 2011

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Davis at 6:00 P.M.

2. Roll Call.

Present: Councilman Kenneth B. Frenier
Vice Mayor Elizabeth G. Luck
Councilman John T. Wood
Mayor C. Scott Davis

Absent: Councilman Milton E. Freeland, Jr.
Councilman W. Joe Green, Jr.
Councilwoman Diane H. Yates (Arrived at 6:16 P.M.)

Also Present: Mr. Thomas L. Mattis, City Manager
Mr. Hugh P. Fisher, III, City Attorney

Mr. William E. Johnson, Director of Finance
Ms. Karen K. Saunders, Information Technology Administrator
Mr. William E. Henley, Director of Public Works/Engineering

3. Special Meeting to hold a work session for the following purpose:

Mayor Davis stated Council will receive an update on the City Courthouse Preliminary Development Plans, and the Building and Oversight Committee's suggestion for construction manager for the Courthouse Project.

A. Introduction and Consideration of Ordinances and Resolutions.

A RESOLUTION NO. 11-24. Approving the Preliminary Building and Development Plans for the New City of Colonial Heights Courthouse and Authorizing the City Manager to negotiate an interim agreement with Kenbridge Construction relating to same.

A motion for adoption of Resolution No. 11-24 was made by Mayor Davis and seconded by Mrs. Luck.

Mayor Davis stated the Building and Oversight Committee has held several meetings since the last update to Council. He further stated Council will be updated on the detailed floor plan and architectural design of the Courthouse. He stated the Committee has reviewed the results of the RFP for a construction manager and interviewed three companies, and the Committee suggests the City go with Kenbridge Construction. He further stated the selection of Kenbridge Construction was based on their experience building courthouses and the professional team they bring to the project. He stated the

preliminary plan for the Courthouse has been reviewed by the stakeholders, and some of the suggested changes from the stakeholders have been incorporated into the plans. He further stated the Juvenile and Domestic Relations, General District, and Circuit Court Judges have blessed the current plans which are being presented to Council tonight.

Mr. Wood read a Declaration of Personal Interest with regard to his residential location near the former church property, which was filed with the Clerk.

Mr. Mattis stated Council will see a culmination of the work that has been performed by staff, the consulting architects and the two Committees.

Mr. Jay Moore, Moseley Architects, presented the Site and Landscape Plan to Council. He stated the Courthouse will be located approximately where the church was located on the site. He stated there is no vehicular access to and from Battery Place to the Courthouse parking lot. He further stated there will be approximately 220 parking spaces, which is more than would normally be provided.

In response to a question from Mr. Wood, Mr. Moore stated the rear of the property that faces Battery Place has no vehicular access, which was a decision of the Land Use Committee. He further stated there is pedestrian access on sidewalks.

In response to a question from Mr. Wood, Mr. Henley stated it is a possibility overflow parking would utilize Battery Place and would walk along the sidewalks to the Courthouse.

Mr. Wood stated the current Courthouse currently does not have sufficient parking and citizens will park along Hamilton and McArthur on court days. He further stated an open walkway is going to be an invitation to people to avoid the convoluted parking pattern and park on access streets adjacent to the site and walk in. He stated there will be congestion on Battery Place as a result of the walkways, and suggested the walkways be closed off so not to have pedestrian traffic from the Courthouse site into the residential neighborhood.

Mr. Henley stated there are other City streets in the vicinity of the Courthouse that may see some overflow parking, such as Chesterfield Avenue, during certain times of the year. He further stated eliminating the walkways will not be sufficient to deter parking along Battery Place. There are other options available to the City to address parking on local streets if it becomes a problem.

Mr. Wood stated with the number of people that will be inhabiting the Courthouse and having several courts in session at the same time, the peak number of cars utilizing the parking lot will be reached more frequently than anticipated. He suggested having a masonry fence around the perimeter of the site due to the Courthouse being constructed in an area with residential neighborhoods on three sides. He stated there will be a good number of people from the neighborhood that may utilize the open space, which may be an unwanted result of the walkways to Battery Place.

In response to a question from Mr. Wood, Mr. Moore stated he provided information to the City Manager from the standpoint of the courts and the City, as opposed to from the standpoint of the neighborhood. He further stated the decision as to whether there should be some screening of the residential neighborhood would be up to Council.

Mr. Wood stated every site is going to have shrubbery, trees and screening for aesthetics which is good for sound absorption, but if it is a high traffic area there will be shortcuts made even though the area may not be designed for pedestrian traffic. He suggested a masonry wall would be more secure than shrubbery along the perimeter of the property.

Mayor Davis stated the Committee considered having a masonry fence around the perimeter of the property but felt it was not what the Committee was looking for in terms of security needs. He mentioned the current Courthouse and the neighborhoods that are on two sides of the property and the lack of complaints about the Courthouse. He stated the neighborhoods would rather have the Courthouse located there than some other kind of use. He further stated the Reuse Committee for the church property suggested it be used for a Courthouse and also included a green space area. Any green space area will attract people. He stated the grounds of the Courthouse will have security cameras, and he does not believe there will be a security concern.

Mr. Wood stated areas designed as a green space should be available to pedestrians, such as the front portion of the building. He further stated the current Courthouse has a relatively high berm to separate it from the surrounding neighborhoods and does not have an access street at the rear of the property. He stated those that may want to leave quickly without authorization would leave out the rear of the property and get into a car on Battery Place without having to get onto the Boulevard. He further stated security would be enhanced because it is not a park, it is a parking lot which backs up to a City street. He suggested a masonry wall would be an impediment to those that may be attempting to escape and may assist with retaining people on site. He stated there is less of a physical barrier on the west side of the site facing Battery Place than on the north side at the Lee Avenue entrance, so the green space is being buffered more effectively than the residences along Battery Place.

Mayor Davis stated there will be shrubbery and shade trees on Battery Place.

Mr. Wood stated the shade trees and shrubbery are spaced out and will probably be 18 to 26 inches tall, which will allow pathways going from the parking lot to Battery Place. He suggested the site would be more protected with a masonry fence on the west, north and south sides of the property. He stated it is reasonable to protect the site as well as those in the neighborhood, and this is not going to be done with 18 inch shrubs and shade trees, that a physical barrier is needed.

Mayor Davis stated the masonry wall located at the rear of the building is to provide security for a certain entity of the building.

Mr. Mattis stated Council can decide whether or not to have a masonry fence around the perimeter of the property. He further stated the issue of a perimeter fence was presented to every group throughout the process, and no one else thought a perimeter fence would

be appropriate. He stated there was an expressed desire to keep pedestrian access to Battery Place. He further stated the shrubbery along the rear of the property will be three and a half feet at full maturity.

In response to a question from Mr. Wood, Mr. Mattis stated the Landscape Plan was reviewed and approved by the Committees.

In response to a question from Mr. Frenier, Mr. Moore stated the current Courthouse has about 128 paved parking spaces and some unofficial parking spaces.

Mr. Frenier stated today's society tends to park as close as they can to an entrance of a building so he does not think parking along Battery Place will be an issue.

Mrs. Luck stated the Land Use Committee discussed the possibility of overflow parking effecting the School Board parking lot, which is much closer to the Courthouse than Battery Place. She further stated since the number of available parking spaces has increased dramatically, the Committee did not feel there would be an issue with not enough parking spaces unless it is a day when all three courts are in session. She stated there is room in the future on the corner property for additional parking spaces if they are needed.

In response to a question from Mr. Wood, Mrs. Luck stated the neighborhood committee wanted to connect the neighborhood to the green spaces without having to access the Boulevard. She further stated the neighborhood had two representatives on the Land Use Committee that did think the neighborhood being connected to the Courthouse property was desirable.

Mr. Wood stated it was his understanding that the neighborhood was opposed to having direct access to the Courthouse property.

Mrs. Luck stated if the access from the neighborhood to the Courthouse becomes a major issue, additional shrubs can be planted to restrict pedestrian traffic.

Mr. Wood stated the access from the neighborhood to the Courthouse property is an issue for him now.

Mrs. Luck stated Mr. Wood was one of the biggest advocates to place the Courthouse on this property, both Committees studied the plans, and the neighborhood wants to be involved with the Courthouse property.

Mr. Wood stated he does not have a problem with the green space but the green space on the east side of the site should not be accessed through the rear portion of the site.

Mr. Mattis pointed out two changes to the Landscape Plan which requested by the Committee.

Mr. Moore stated there were two walkways coming out of the front of the Courthouse which were removed to discourage mid-block crossing of the Boulevard. The flagpoles were moved so they would not distract from the monuments which are already in place.

In response to a question from Mr. Wood, Mr. Henley stated more plantings could be placed along Battery Place for a minimal cost to act as a barrier and balance the Landscape Plan along the three sides of the site.

Mr. Mattis stated staff and the consultant will continue to review any feedback received on the Courthouse Project.

Mr. Moore presented the first floor plan and stated that floor plans are very true to the conceptual plans reviewed with Council. He stated the floor plans have been reviewed with all of the stakeholders and their input was considered by the Committee.

In response to a question from Mr. Wood, Mr. Moore stated the law library space is a dedicated space although there is access from the Commonwealth Attorney's office.

Mayor Davis stated the judges had commented that law libraries were not needed in courthouses any longer with the technology available, but the Committee decided to keep it.

In response to a question from Mr. Wood, Mr. Moore stated there would be monitors available to access court documents.

Mr. Moore stated the undesignated space on the second floor is for whatever use the City may choose to use it for in the future.

In response to a question from Mr. Wood, Mr. Moore stated the amount of space allocated for each department has been reviewed with each group and is sufficient for growth. He further stated the Clerk's file room is able to provide for three times as many files as the office currently has.

Mayor Davis stated the Clerk's file room allows for high density files.

Mr. Wood stated municipalities and localities have the tendency to build to their current needs as opposed to what might be needed in 10 to 15 years.

Mr. Mattis stated future space requirements were discussed with all stakeholders.

In response to a question from Mrs. Luck, Mayor Davis stated the Committee agrees there is enough space for growth in the Commonwealth Attorney's office. He further stated they are projected to have seven Assistant Commonwealth Attorneys in the future but they currently have five.

Mr. Moore reviewed the design for the public lobby which is upstream from the security check point that can be used for exhibits and other business the City may have.

Mr. Mattis stated there will be conference room opportunities throughout the building that can be accessed by the public.

In response to questions from Mr. Wood, Mr. Moore stated the footprint of the Courthouse is approximately the same size and location as the previous existing structure. He further stated the front lobby area will sit further forward than the rest of the building by approximately 25 feet and has a portico with columns. He further stated the design of the lobby was reviewed with the Sheriff and since staff can see the entire space there are no concerns with security.

Mayor Davis stated the public lobby will be an opportunity for the City to enlighten citizens about the City. He further stated Moseley Architects have done an excellent job meeting Council's requests regarding the look for the Courthouse. He stated the new building will not have the wasted space that would have been present in the church and will be more energy efficient.

Mr. Wood stated he appreciates the concerns regarding the aesthetics of the Courthouse and agrees the building should have a reflection of what once was. He further stated the open vestibule for meetings and the ability to have historical displays is useful. He stated he likes the location and design of the Courthouse building but wishes the design could have been original and made with an original structure.

Mrs. Luck stated although the appearance of the church and the Courthouse are similar, there is a huge difference which is the absence of stairs for ADA compliance. She further stated citizens are able to walk right into the front of the building without going up stairs.

Mr. Moore presented the exterior renderings of the building. He stated in response to Council's direction, a neoclassical design has been done for the Courthouse with a portico and four columns to designate the front entrance. He provided an explanation for how the cupola or lantern works over the public lobby. He stated a red brick has been selected by the Committees.

In response to a question from Mr. Mattis, Mr. Moore stated the City will be involved with the actual selection of the shade of brick which will be utilized on the building.

Mr. Moore presented a view of the recessed area in the center of the roof where the light monitors for the courtroom waiting areas will be located along with some mechanical equipment.

In response to a question from Mrs. Yates, Mr. Moore stated two public waiting rooms on the first floor are located below the recessed area on the building.

In response to a question from Mr. Wood, Mr. Moore stated to prevent water from standing in the recessed portion of the roof, there will be numerous roof drains.

In response to a question from Mayor Davis, Mr. Moore stated typically a synthetic rubber or some type of synthetic membrane would be used on the recessed portion of the roof.

In response to a question from Mrs. Yates, Mr. Moore stated there will be a slope in the recessed portion of the roof to direct the water to the roof drains. He further stated there will be no flat roofs on this building.

Mr. Wood stated buildings constructed by the City with flat roofs have always leaked and not only does the Courthouse have a flat roof, but also contains a reservoir which will hold the water and other debris. He further stated any drains in the reservoir will get clogged with debris and cause the water to back up over whichever membrane is utilized on the building. He expressed concerns regarding the recessed area without a roof over it which will eventually cause leaks in the Courthouse.

In response to a question from Mr. Wood, Mr. Moore stated the Chesterfield County Circuit Court Building is constructed with the recessed portion in the center, and there have not been any serious problems over the last 21 years.

In response to a question from Mayor Davis, Mr. Moore stated there are green roofs, but that kind of roof is not being suggested for the Courthouse.

Mr. Moore stated the design of the recessed area of the roof will direct water to go to the drains and if they are maintained properly there will not be any concerns with leaks.

Mr. Henley stated all roofs require maintenance and replacement over time.

Mr. Wood stated roofs that require water to drain downhill have long life spans, than those roofs which do not require the water to drain downhill.

Mr. Mattis presented the project budget and construction costs estimate as a reminder for Council. He stated he believes the project as presented can be built for \$13.5 million or less, but there are other development costs that make the project cost upwards of \$18 million.

In response to a question from Mrs. Luck, Mr. Moore stated a spire or weathervane could be placed on top of the cupola. He further stated it could also be a location for a lightening rod to be placed.

Mr. Henley stated \$13.5 million is the estimated cost of the construction and additional amounts may be added having to do with construction, the fee for the construction manager, and general conditions fee. He further stated staff will be negotiating with the construction manager.

Mayor Davis stated there were three companies chosen to be interviewed to be the construction manager for the Courthouse project. He further stated Kenbridge Construction is being recommended by the Committee to be selected as the construction manager for the Courthouse project. He provided an overview of the companies Kenbridge Construction will be utilizing on the Courthouse.

Mr. Wood invited the members of Council, architects, developer and Mr. Henley to tour the Federal Courthouse on Broad Street in Richmond to view the masonry wall which is around the perimeter of the building. He stated the only access for the Federal Courthouse is through the front of the building for security.

Vote:	4-1
Yes:	Frenier
	Luck
	Yates
	Davis
No:	Wood
Abstained:	None
Absent:	Freeland
	Green, Jr.

Mr. Wood stated he could not vote for a courthouse which is going to be placed in a residential neighborhood without a physical barrier to protect both the courthouse and the neighborhood just as a secured wall around the parking area for the judges, for their security. He further stated a physical barrier around the perimeter would be beneficial to both the neighborhood and the Courthouse.

Council recessed at 7:15 P.M. for a five minute break.

Council reconvened at 7:20 P.M.

B. Reports of Officers and Documents Related Thereto.

(1) City Manager.

- **Report and Recommendation on Possible Acquisition of iPads for City Council and Senior Staff**

Ms. Saunders made a presentation on iPads for use by Council and senior staff in an effort to move towards a paperless government. She stated the use of iPads will eliminate the need to use the quantity of paper currently being used, increase staff efficiency and make communication easier. She further stated the iPad 2 is mobile, flexible, easy to use interface, and will increase business productivity. She stated she is recommending the Apple iPad 2 for purchase for use by Council and senior staff members. She reviewed the pros and cons of the iPad 2 and laptops. She discussed several different applications which are available for the iPad 2. She stated the iPad 2 will integrate with the City's email server which will eliminate the need to log in to a computer to receive email. She stated the initial start up cost to purchase the iPads for Council and senior staff would be approximately \$13,600, plus the monthly data plan fee of \$40 per month per iPad.

In response to a question from Mayor Davis, Mr. Mattis stated it is difficult to quantify the savings which would be generated from the reduction of the amount of copies for Council agenda packets by using the iPads. He further stated the efficiency of staff will increase and be a cost savings with the elimination of the time needed to create, assemble and copy agenda packets.

Mayor Davis stated other governing bodies and the State legislature are utilizing iPads for their meetings.

Mr. Frenier commended Ms. Saunders for the research performed on the utilization of iPads for use by Council. He stated although there is an initial cost for the start up, the City will be saving money and increasing staff efficiency.

Mr. Mattis stated utilizing iPads will allow Council to see presentations much clearer than through the projector. He recommended iPad 2 be purchased for Council and most department heads. He stated Ms. Saunders will perform a trial run with an iPad 2 and will provide training for Council once the other units are purchased.

In response to a question from Mrs. Yates, Ms. Saunders stated if a Council member needs to make a presentation, it can be prepared on a computer and then transferred to the iPad 2. She further stated the iPad 2 has several different applications that allow the transfer from a computer to the iPad 2. She stated once the presentation has been transferred to the iPad 2, it can be operated from the iPad 2.

Mayor Davis stated he has an iPhone and it is a neat resource to have.

In response to a question from Mr. Frenier, Ms. Saunders stated she does not see iPads replacing desktops for the heavier users but possibly for mobile personnel.

In response to a question from Mrs. Luck, Ms. Saunders stated the iPad 2 has two cameras to take pictures or to use for the video conferencing.

In response to a question from Mr. Wood, Ms. Saunders stated the iPad 2 is designed to be manipulated using a double touch screen. She further stated a stylus can be utilized with the iPad 2. She stated the iPad 2 allows users to transfer documents from one location to another, and the application IAnnotate provides tools to make notes on the document.

There was a brief discussion about the accessory keyboard and the keyboard available on the iPad 2.

In response to a question from Mr. Wood, Mr. Fisher stated if a document, photo or anything created on a City or personal computer does not pertain to City business it is not disclosable under the Freedom of Information Act. He further stated the City has prohibitions on using City issued equipment for personal matters, but those items are not accessible to the public.

In response to a question from Mr. Wood, Ms. Saunders stated the monthly data plan is for unlimited data usage, so it doesn't matter how many pictures or emails are created on the iPad 2, it will be the same price.

In response to a question from Mrs. Luck, Ms. Saunders stated Verizon will continue to provide unlimited packages for government contracts.

Mayor Davis expressed appreciation to Ms. Saunders for the presentation.

In response to a question from Mayor Davis, Mr. Mattis stated the City is ready to proceed with purchasing the iPad 2 for use by Council and senior staff. He recommended the purchase of one iPad 2 for testing and once the testing is complete to purchase the remainder of the iPad 2s.

There was a general consensus of Council to move forward with the purchase of an iPad 2 for testing, as presented.

Mr. Wood stated he is suffering from sensory overload due to the amount of devices he utilizes to receive information. He further stated maybe utilizing the iPad 2 will make receiving all of the information easier to access. He stated many critical emails received end up going to the Spam file.

Mayor Davis stated utilizing the iPad 2 will allow Council members to access City email without having to log into a computer.

Mr. Fisher stated lawyers need to keep more paper files and the use of the iPad 2 may not be a paper reducer for his office, although he sees many applications available on the iPad 2 that will be useful for his office.

Mayor Davis provided background information on a request from the Virginia Municipal League for localities to adopt a resolution in support of restoration of state funding for localities. He inquired whether Council would be in support of adopting the resolution.

It was a general consensus to have the City Manager draft a resolution in support of restoration of state funding for localities for adoption by Council at the August meeting.

In response to a question from Mrs. Luck concerning whether the check for aid would be sent, Mayor Davis stated that it should be or services would be reduced.

Mrs. Luck stated that if the suggested resolution was adopted, the suggestion on how to manage the cuts should also be adopted.

Mr. Johnson provided an explanation of how the State funding reductions are shown in the budget and the process in which the check is sent to the State. He stated not sending a check to the State and making them show which revenues would be affected would be no more work on the Finance Department but would be more work for the State.

Mr. Mattis stated Mrs. Luck's recommendation be reviewed and discussed.

Mr. Fisher called attention to Resolution No. 11-25, which amends Resolution No. 11-21, which was adopted to make changes to the Group Health Insurance Credit for eligible City Employees. He noted that two typographical errors have been corrected and that a revised document needs to be adopted.

A motion to adopt Resolution No. 11-25 was made by Mrs. Luck and seconded by Mrs. Yates.

<u>Vote:</u>	5-0
Yes:	Frenier
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	Freeland
	Green, Jr.

Motion UNANIMOUS PASS.

(2) City Attorney.

- Review and Discussion of City Roadside Solicitation Policies and Issues; and Potential Changes Regarding Same**

Mr. Fisher stated that citizens had expressed concern over roadside solicitation at some intersections in the City. He further stated that the State passed legislation last year which specifically authorized localities to adopt an ordinance banning all solicitations in roadways and medians. He stated the City cannot be too broad with the ordinance it adopts banning roadside solicitations, because it gets into the issue of freedom of speech and freedom of expression. He further stated the ordinance would increase the penalty for a violation to a traffic infraction.

In response to a question from Mrs. Yates, Mayor Davis stated the infraction would be for solicitation of contributions under the City ordinance, and the judge would have to determine what the penalty is as a traffic infraction.

In response to a question from Mrs. Luck concerning whether solicitations for charities at Wal-Mart would be affected, Mr. Fisher replied that non-City roads should not be affected.

In response to a question from Mrs. Luck concerning solicitations for votes during elections, Mr. Fisher stated he would have to review it since political speech is a more protected area.

In response to a question from Mr. Wood concerning whether the ordinance would address entering the right of way such as sidewalks, Mr. Fisher stated the wording in the State legislation was public highways, roadways and medians.

4. Adjournment of Special Meeting.

A motion to adjourn the meeting was made by Mrs. Yates seconded by Mrs. Luck and carried unanimously on voice vote at 8:28 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
August 9, 2011

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Davis at 6:45 P.M.

2. Roll Call.

Present: Councilman Milton E. Freeland, Jr.
Councilman Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Vice Mayor Elizabeth G. Luck
Councilman John T. Wood
Mayor C. Scott Davis

Absent: Councilwoman Diane H. Yates (Arrived at 6:47 P.M.)

Also Present: Mr. Thomas L. Mattis, City Manager
Mr. Hugh P. Fisher, III, City Attorney

3. Special Meeting for the purpose of:

A. Holding a closed meeting pursuant to the Code of Virginia in accordance with the following provision:

- **Section 2.2-3711.A.1 – to discuss and consider an appointment to the Youth Services Commission.**

The Clerk announced the purpose of the meeting.

A motion to go into closed session was made by Mr. Freeland, seconded by Mr. Frenier, and carried unanimously on voice vote at 6:46 P.M.

4. Voice Vote – come back into Open Session.

A motion to reconvene in open session was made by Mrs. Luck, seconded by Mrs. Yates, and carried unanimously on voice vote at 6:58 P.M.

5. The Council has been in a closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

- **Section 2.2-3711.A.1 – to discuss and consider an appointment to the Youth Services Commission.**

6. Each member will now certify that to the best of the member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the act and identified in the motion pursuant to which the closed meeting was convened were heard, discussed or considered. Any members who do not intend to so certify shall state now, for the minutes, their reasons.

7. Roll Call. An affirmative vote shall constitute certification of compliance.

<u>Vote:</u>	7-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

Motion UNANIMOUS PASS.

As a result of the closed meeting, a motion was made by Mayor Davis, seconded by Mrs. Luck, to make the following appointments to the Youth Services Commission:

Miss Kari Christopher
Miss Anna-Claire Bousquet

<u>Vote:</u>	7-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

Motion UNANIMOUS PASS.

8. Adjournment of Special Meeting.

A motion to adjourn the Special Meeting was made by Mr. Freeland, seconded by Mr. Frenier, and carried unanimously on voice vote at 7:00 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, August 9, 2011

1. Call to Order.

The Regular Meeting of City Council was called to order by Mayor Davis at 7:01 P.M.

2. Roll Call.

The following members of Council and Council's staff were present for roll call by the Clerk:

Present:
Councilman Milton E. Freeland, Jr.
Councilman Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Vice Mayor Elizabeth G. Luck
Councilman John T. Wood
Councilwoman Diane H. Yates
Mayor C. Scott Davis

Absent: **None**

Also Present:
Mr. Thomas L. Mattis, City Manager
Mr. Hugh P. Fisher, III, City Attorney

Mr. William E. Johnson, Director of Finance
Mrs. Jennifer N. Carpenter, Director of Human Resources
Mr. Craig R. Skalak, Director of Recreation and Parks
Mr. Jeffrey W. Faries, Chief of Police
Mr. George W. Schanzenbacher, Director of Planning
Ms. Karen K. Saunders, Information Technology Administrator
Mr. William E. Henley, Director of Public Works/Engineering
Mr. A. G. Moore, Jr., Chief of Fire and EMS

3. Devotion.

A devotional prayer was led by Councilwoman Yates.

4. Pledge of Allegiance.

The Pledge of Allegiance was led by Councilwoman Yates.

5. Adoption of Agenda.

A motion to adopt the agenda, as presented, was made by Mr. Green and seconded by Mrs. Luck.

<u>Vote:</u>	7-0
<u>Yes:</u>	Freeland, Jr. Frenier Green, Jr. Luck Wood Yates Davis
No:	None
Abstained:	None
Absent:	None

Motion UNANIMOUS PASS.

6. Commendations and Presentations.

- A. Presentation of Colonial Heights Beautification Award for August 2011 to Carini's Pizzeria & Ristorante.**

Mayor Davis expressed appreciation for the work the owner of Carini's Pizzeria & Ristorante has done to beautify the restaurant property which is located on the Boulevard.

- B. Presentation of Employee of the Month Award for July 2011 to Peggy F. Taylor, Library Associate.**

Mayor Davis recognized Ms. Taylor, read the commendation in its entirety, and presented her with a certificate and a small token of appreciation.

Ms. Taylor expressed appreciation for the recognition and for the opportunity to work for the City.

- C. Presentation of 2010/2011 Annual Report for Office on Youth – Mr. Rennie B. Glazer, Chairperson, Youth Services Commission.**

Mr. Glazier provided highlights included in the annual report and expressed appreciation for the Council's support of the Youth Services Commission and added that the programs provided to the youth of the City are a benefit to the citizens of the City.

Mayor Davis expressed appreciation to Mr. Glazier for his dedication to the youth of the City.

- D. Recognition of CHPD Captain William K. Early and his selection for the 247th Session of the FBI National Academy.**

Chief Faries recognized Captain William K. Early for being selected to attend the 247th Session of the FBI National Academy. He stated less than 1% of law enforcement personnel have the opportunity to attend the FBI National Academy.

Captain Early expressed appreciation for the recognition. He stated he is looking forward to the challenges and networking with 250 other professionals.

Mayor Davis stated Captain Early is joining an elite group of law enforcement professionals, adding that only 44,000 have graduated from the FBI National Academy since 1935.

7. Consideration of Uncontested Minutes, Ordinances, Resolutions, and Motions in Accordance with the Consent Agenda.

A. Approval of Minutes:

- 1. Special Meeting, July 12, 2011.**
- 2. Regular Meeting, July 12, 2011.**

B. Adoption of:

AN ORDINANCE NO. 11-15 (Second Reading). To amend and reordain Chapter 286, Zoning, and the official Zoning Map, of the Colonial Heights City Code by repealing the current provisions of Chapter 286 and adopting all new provisions thereto. The new Zoning Ordinance and Map completely rewrite Chapter 286, including consolidating and reorganizing zoning districts, updating terms and definitions, and adding new development and use standards for the City's various zoning districts.

AN ORDINANCE NO. 11-16 (Second Reading). To amend and reordain § 238-1 of Chapter 238, Sewers and Sewage Disposal; §§ 250-14, 250-16 and 250-31 of Chapter 250, Subdivision of Land; and §§ 286-200, 286-300.06, 286-302.06, 286-304.06, 286-306.06, 286-310.06, 286-312.06, 286-326.12, 286-326.24, 286-326.30, 286-506.02, 286-506.12, 286-512.16, 286-512.24, 286-512.26, and 286-518.19 of Chapter 286, Zoning, of the Colonial Heights City Code, relating to the implementation of Phase III of the Chesapeake Bay Preservation Act.

AN ORDINANCE NO. 11-FIN-17 (Second Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$40,580, of which \$17,180 is to be appropriated to Public Safety, \$4,839 in grant funds to purchase law enforcement equipment, and \$12,341 of forfeited assets to purchase police vehicular equipment; \$11,500 of grant funds to be appropriated to Parks and Recreation to purchase a production copy of a 1862 Gatling gun for display at Violet Bank Museum; and \$11,900 to be appropriated to Human Services, of which \$400 of donated funds is to be used for the Colonial Heights CADRE Coalition, and \$11,500 of grant funds is to be used for the Summer Youth Conservation Corps Program.

A motion for adoption of the Consent Agenda, as presented, was made by Mrs. Yates and seconded by Mrs. Luck.

<u>Vote:</u>	7-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

Motion UNANIMOUS PASS.

8. Reading of Manner of Addressing Council.

The City Attorney read the Manner of Addressing Council.

9. Advertised Public Hearings.

- A. Public Hearing as advertised in *The Progress-Index* on Saturday, July 30, 2011.**

AN ORDINANCE NO. 11-18 (First Reading). To amend and reordain § 273-19 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code, prohibiting the distribution of handbills, leaflets, etc., the solicitation of contributions, and the sale of merchandise or services on highways, public roadways, and medians within the City; and providing that violators shall be guilty of a traffic infraction.

A motion for adoption of Ordinance No. 11-18 was made by Mrs. Luck and seconded by Mrs. Yates.

Mayor Davis provided a brief explanation of Ordinance No. 11-18.

Mr. Green stated he has received several phone calls from citizens regarding solicitation on medians in the City and supports the ordinance.

Mr. Fisher provided clarification for the penalty for a traffic infraction and stated it would be a \$15 fine and a \$51 court processing fee for a total fee of \$66.

<u>Vote:</u>	7-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck

	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

Motion UNANIMOUS PASS.

10. Written Petitions and Communications.

A. Possible Changes to the Precious Metals and Gems Chapter in the City Code – Councilman Freeland.

Mr. Freeland stated the City has a requirement for jewelers and pawn shop owners to have a precious metals license which has to be renewed every six months. He further stated he has been requested to bring to Council the suggestion of changing the requirement of renewing the precious metals license to once a year, which would eliminate some of the paperwork for both the precious metals dealers and the City. He stated there would be no loss in revenue for the City if the ordinance was changed.

Mr. Fisher stated that the State code specifies renewal of precious metals licenses on a yearly basis, not every six months, and also specifies a fee of \$200. He further stated the precious metals dealers would save time in the amount of paperwork which is required to be processed.

It was the consensus of Council to schedule a public hearing in September on the proposed changes to the precious metals' chapter in the City Code.

Mayor Davis requested Council adopt a resolution recognizing the life of Mr. Gilbert C. Martin, who recently passed away.

Mayor Davis then made a motion, seconded by Mrs. Luck, for Council to present the family of Mr. Gilbert C. Martin with a resolution.

<u>Vote:</u>	7-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

Motion UNANIMOUS PASS.

11. Hearing of Citizens Generally on Non-Agenda Issues.

There were none.

12. Introduction and Consideration of Ordinances and Resolutions.

A RESOLUTION NO. 11-26. In support of restoration of state funding for aid to localities.

A motion for adoption of Resolution No. 11-26 was made by Mr. Green and seconded by Mr. Frenier.

Mayor Davis provided a brief explanation of Resolution No. 11-26. He stated the Finance Department has provided an explanation of the options available to the City on how to handle the reduction in state aid.

Mr. Johnson stated either way Council prefers to handle the reduction in state aid does not affect the City's budget. He suggested the City continue to make the selections equally across the board with the different programs.

Mayor Davis stated all of the programs are important, but the City will be allowing the State to choose which programs they want to cut funding for.

Mr. Mattis stated the Governor is claiming to end the fiscal year for the State with a surplus, and the resolution is requesting the funds be restored.

<u>Vote:</u>	7-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

Motion UNANIMOUS PASS.

It was a general consensus of Council for the City to follow VML's lead of making the Commonwealth reduce the funds that they feel need to be reduced.

Mr. Green stated that since the Governor has a declared a surplus, that now is the time to adopt this resolution.

AN ORDINANCE NO. 11-FIN-18 (First Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$150,207, consisting of \$79,517 in additional state funding changes, grants, and intergovernmental reimbursement; and \$70,690 of grant funds and donations to be used to continue part-time funding of the Emergency Management Assistant position, to purchase additional fire hoses, HazMat equipment, turnout gear for paid and volunteer firefighters, a digital camera for fire investigations, a mobile license reader for the Police Department, and police cameras for the Sheriff's Office, and for citizen preparedness activities.

Mr. Frenier read a Declaration of Personal Interest as it pertained Ordinance No. 11-FIN-18 and Ordinance No. 11-19 with specific regard to his part-time employment with the Fire/EMS Department and the employment of his spouse by the City, which he filed with the Clerk.

A motion for adoption of Ordinance No. 11-FIN-18 was made by Mrs. Yates and seconded by Mrs. Luck.

Mayor Davis provided a brief explanation of Ordinance No. 11-FIN-18.

In response to a question from Mr. Freeland, Chief Faries stated the mobile license reader is a device affixed to a patrol unit that scans license plates and relays back to the police officer if the vehicle is stolen. He further stated the funding is from a grant from state with no City match required.

In response to a question from Mrs. Yates, Chief Faries stated the mobile license reader is affixed to a vehicle and will be assigned to one police officer.

Sheriff Wilson stated the mobile license reader will automatically check license plates while the officer is conducting his normal patrols through the City.

Mr. Mattis stated some of the grant funds will supplement the Emergency Management Assistant position.

<u>Vote:</u>	7-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

Motion UNANIMOUS PASS.

AN ORDINANCE NO. 11-19 (First Reading). To approve a General Pay Plan Class and Salary Range, effective October 1, 2011.

A motion for adoption of Ordinance No. 11-19 was made by Mr. Freeland and seconded by Mrs. Luck.

Mayor Davis provided a brief explanation of Ordinance No. 11-19.

Mr. Mattis stated Ordinance No. 11-19 reflects the three percent cost of living increase for full-time City employees.

Mr. Green stated he is in support of a three percent cost of living increase for City employees but he is not in support of adjusting the pay scales. He further stated the City utilizes an automated system to calculate seniority and deductions, and suggested the cost of living increase be implemented without adjusting the pay scales. He stated if the pay scales continue to be increased due to the cost of living increases, they will have to be adjusted in the future.

Mayor Davis stated if the employee is at the top of the pay scale, they will receive a three percent bonus instead of a three percent cost of living increase.

Mr. Green stated the increase to the pay scale increases the pay scale for the employee that is moving up, and the City does not have to do that. He suggested continuing to give the cost of living and merit increases as the City can afford to but not to increase the pay scale. He further stated if the City continues to increase the pay scales, it will become so high that the City will not be able to afford to pay employees in that position and will have to readjust it in the future.

Mayor Davis stated if the City does not increase the pay scale, the employee which is already at the top of the scale will receive a bonus because the City cannot increase their salary above the pay scale.

Mr. Green stated if Council approves a three percent cost of living increase, the employee will receive the increase.

Mayor Davis stated that the three percent increase will be in the form of a bonus and will not go towards the employees' VRS retirement since the salary cannot be higher than the pay scale.

In response to a question from Mrs. Luck, Mayor Davis stated a utility foreman, which is a grade 14, making \$55,709 would receive a three percent bonus instead of an increase to his salary if the pay scales are not increased. He further stated the salary reported to VRS would not reflect that bonus.

There was a brief discussion regarding the reporting of salaries to VRS and the effects of employees receiving a bonus instead of a salary increase.

In response to a question from Mr. Freeland, Mayor Davis stated the employee's base salary is reported to VRS absent any overtime the employee may have worked.

Mr. Green stated he agrees with increasing the employees pay, but not adjusting the City's pay scales.

In response to a question from Mr. Freeland, Mayor Davis stated giving a cost of living raise also increases the City's contribution to VRS.

In response to a question from Mr. Wood, Mr. Johnson stated according to the City's policy, once an employee is at the top of the pay grade, the salary cannot go above it, so if the City gives a three percent cost of living increase, the employee will receive a one-time bonus. He further stated the City's policy could be changed to allow reporting of any salary above the pay scale to VRS. He stated the salary reported to VRS would not include the three percent bonus the employee received. He stated the pay scales are increased to assist the City in having a competitive pay scale with surrounding localities.

In response to a question from Mr. Freeland, Mr. Johnson stated the City has not given cost of living increases for the last couple of years so the pay scales have not been adjusted during that time.

Mr. Mattis stated he would feel better if staff has an opportunity to think about the questions raised and come back before Council with the answers.

Mr. Green stated he was prepared to support the three percent cost of living increase but not for the pay scale increase.

Mr. Mattis stated the purpose of the ordinance is not to give employees additional pay but to keep the City's pay scales competitive with the marketplace.

Mayor Davis stated not increasing the pay scales could cause an employee's salary with less seniority to be more than an employee's salary with more seniority.

Mr. Green stated the City's policy could be changed so that an employee's salary can be higher than the pay scale and be reported to VRS.

Mr. Fisher stated if the City does not increase the pay scales and allows employees to be paid more than the top of the pay scale, essentially each employee will be made unclassified once they are above the pay scale.

Mayor Davis stated unclassified employees fall under different policies.

Mrs. Luck suggested only increasing the top of the pay scale and leaving the bottom of the scale the same to address Mr. Green's concern.

Mr. Green stated he could support only increasing the top of the pay scale and leaving the bottom of the scale the same.

There was a brief discussion regarding the competitiveness of the City's salary scales.

Mr. Green stated, for clarity, he is in favor of the 3 percent cost of living increase for employees but he is not in favor of the salary scale being adjusted, therefore, he was voting against Ordinance No. 11-19.

<u>Vote:</u>	6-1
Yes:	Freeland, Jr.
	Frenier
	Luck
	Wood
	Yates
	Davis
No:	Green, Jr.
Abstained:	None
Absent:	None

Motion PASSED.

AN ORDINANCE NO. 11-FIN-19 (First Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to reflect a three percent cost-of-living increase for employees, effective October 1, 2011.

A motion for adoption of Ordinance No. 11-FIN-19 was made by Mr. Green and seconded by Mrs. Luck.

Mayor Davis provided a brief explanation of Ordinance No. 11-FIN-19.

<u>Vote:</u>	7-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

Motion UNANIMOUS PASS.

13. Unfinished Business, Contested Ordinances and Resolutions, and Items Removed from the Consent Agenda.

There were none.

14. Reports of Officers and Documents Related Thereto.

A. City Manager.

1. Review of Staff Report on Stormdrainage Issues at 179 Piedmont Avenue and adjacent areas.

Mr. Mattis provided a quick review of the report that staff made relative to the stormwater drainage issues at 179 Piedmont Avenue and adjacent properties. He stated the underground system in the area of the property needs to be replaced and upgraded and there is no easy or short term solution to correct the problem. He further stated the preliminary estimate to make the necessary changes would be approximately \$200,000. He stated the project needs to be programmed into the City's system. He further stated if the project is properly scheduled and anticipated, the City can get it done in a relatively short period of time.

In response to a question from Mr. Green, Mr. Mattis stated the City will be working with Mr. Atkinson to come up with something that can be done in the short term.

In response to questions from Mr. Freeland, Mr. Henley stated that there is funding left over from Phases 1 and 2 of the Bruce Avenue project. He further stated all of the drainage funnels into the pipe which is reflected as the red pipe on the drawing, and that pipe is overwhelmed by the amount of water reaching it and causes flooding on the abutting properties. He stated the City needs to be careful that a short-term fix doesn't push the flooding onto other properties. He further stated staff will have to take a more in-depth look at the project, that there may be ways to utilize the alignment along the street to add some capacity. He stated most stormwater facilities are designed to fail because they are designed to convey most of the water most of the time. He further stated there are other stormwater drainage priorities in the City, and the City Manager is correct in suggesting a review of the overall plan for long term needs and how to address those needs.

There was brief discussion regarding the need to identify the needs for the City's Capital Improvement Plan and to prioritize those needs.

Mayor Davis stated the City has not had the funds to expend on the Capital Improvement Plan in recent years, and the City Manager would like to review the Plan and try to fund part of it with the next budget.

Mayor Davis expressed appreciation to staff for reviewing the stormwater drainage concerns of Mr. Atkinson and providing a report to Council and Mr. Atkinson, including an explanation of problems and possible solutions.

Mr. Mattis stated the report will serve as documentation for the City and Mr. Atkinson regarding the issues.

In response to a question from Mr. Green, Mr. Mattis stated staff will continue to look at any short-term remedies for either existing or potential water damage to Mr. Atkinson's home. He further stated that staff wants to make sure not to create any adverse unintended consequences for Mr. Atkinson or surrounding properties.

In response to a question from Mr. Frenier, Mr. Mattis stated that staff will continue to move forward with the project to have it ready once funding is available.

2. Review of Code Enforcement Policies Regarding "Overgrown" Trees or Shrubs.

Mr. Mattis stated staff has received several phone calls on property and landscape maintenance on properties in the City. He further stated that the majority of the citizens in the City do an excellent job with upkeep of their properties, but there are a few extreme examples of a lack of upkeep. He stated there are a couple of properties in the City which may be considered to have overgrown lots, whether it is trees or shrubs. He further stated they are not at a level of being in violation with the current City Code. He stated staff is doing a great job of enforcing the current rules and wants to ensure that staff is doing it in a way to meet Council's expectation. He further stated there is a particular property in the City where the lot is overgrown but it does not appear to be violating a law. He stated it is difficult to place a measurable standard on trimming trees or shrubs.

Mayor Davis stated the property in question on Snead Avenue, not only has overgrown grass or weeds but the entire property is overgrown. He further stated there is a shed located in the rear of the property, which is unable to be seen unless you are on an adjacent property due to the overgrown trees, bushes and poison ivy. He stated there are also an old wash tub and sandbox located in the rear yard with stagnant water in them. He further stated the Health Department would regulate those types of items in prior years. He stated the mosquitoes are bad in the neighboring yards due to the stagnant water on the property. He believes the property being overgrown is an issue.

Mr. Freeland stated he agrees with Mayor Davis, but if the property is not in a subdivision with covenant rules, it may be difficult to force property owners to trim trees or shrubs.

Mayor Davis stated the rear yard of the property is severely overgrown. He further stated in the zoning ordinance it states a certain amount of a rear yard cannot be taken up by buildings but the entire rear yard could be a jungle and that does not make sense.

Mrs. Luck suggested the City Manager reconnect with the Health Department and have them investigate possible unhealthy situations in the City.

Mr. Green stated there are more properties for sale or for rent in the City due to the economy and that could lead to property maintenance on these properties decreasing. He further stated with budget reductions, state agencies and localities are reducing the amount of maintenance being performed in right-of-ways. He stated the vegetation in

the right-of-ways can house bugs, snakes, and rodents which can affect residences or businesses close by. He further stated the City needs to ensure it is not creating unhealthy situations.

Mrs. Yates expressed concerns relative to two properties in the City, which she has been involved with to try to remedy the property maintenance concerns of neighbors. She stated the neighbors do not feel comfortable living near these properties due to the unhealthy conditions. She further stated Council owes it to the citizens of the City to do what is necessary to ensure a safe and clean community, which in large part is the reason many moved here. She expressed concerns relative to individuals not keeping their properties up because it may lead to others in the City doing the same since there are no consequences. She stated it is not up to Council to decide what may be considered unsightly, but the properties being discussed are health hazards, and if Council does not do something to attempt to remedy the problems, a disservice is being done to the citizens.

Mr. Wood stated he understands the concerns expressed regarding the condition of properties in the City. He further stated the City does not want to be in a position of having ordinances which address individual exceptions. He stated Mrs. Luck suggested that the City Manager contact the Health Department and investigate these properties as being possible unhealthy situations in the City, which would be a good direction to take. He further stated an ordinance to regulate the height of shrubs will be difficult to quantify and enforce. He stated if the property maintenance concerns were causing a deterioration of property values throughout the City, then he may consider supporting an ordinance. He further stated he is reluctant to tell the citizens how tall their trees or shrubs have to be kept.

There was a brief discussion regarding the City's current policy on overgrown trees and shrubs in relation to the obstruction of view on the streets.

Mr. Mattis stated the health and safety avenue is one the City can pursue with the properties in question, along with the Health Department.

Mayor Davis stated he understood it may be difficult to quantify how a property is kept if Council were to pass an ordinance. He further stated the City has had over 100 properties on the list with property maintenance issues. He stated the City is working towards having better properties and businesses in the City and offering incentives for economic development, but if the housing stock is allowed to decline businesses will not want to move to the City.

Mr. Freeland stated the health and safety aspect is the best way to address the property maintenance issues. He further stated the City is addressing concerns as they are raised when it comes to health issues. He stated if the City adopts an ordinance to mandate trimming of shrubs and trees, the City will also have keep the alleys and right of ways in order.

Mr. Mattis stated the stagnant water located in the containers on the properties is not the only issue involved. He further stated the City is enforcing the current ordinances. He stated the City needs to be wary of unintended consequences when passing an ordinance to solve a few issues.

Mayor Davis stated if the issues are not corrected, more issues could arise relating to property maintenance within the City.

Mr. Green suggested Council authorize the City Manager to work with the Health Department to see what can be done in conjunction with City staff to inspect the properties and to have them cleaned up. He further suggested if a remedy cannot be reached working with the Health Department then the City Manager bring recommendations to Council on what can be done.

Mayor Davis suggested that the City Attorney and Mr. Schanzenbacher review how other localities regulate overgrown lots.

Mr. Fisher stated the situations being discussed are very fact specific. He further stated the City can consider asking the legislature to adopt an amendment to the tall grass provision, which would allow regulation of overgrown trees and shrubs. He stated the approach of working with the Health Department may be the best way to go due to the properties possibly harboring snakes and rodents. He further stated if the Health Department is involved and can document the mosquitoes being a problem and there are rodents or snakes on the property, it will strengthen any argument that there is a real public safety situation. He stated a violation notice has been delivered to the property on Snead Avenue and partial abatement has been achieved. He further stated he would like to approach the owners of the properties being discussed to see what remedies can be reached.

Mr. Frenier suggested getting the Health Department to test the mosquitoes around the property on Snead Avenue for the West Nile Virus.

3. August 16 Council Work Session.

Mr. Mattis provided an update on the topics to be discussed at August 16, 2011 Council Work Session. He stated representatives from CVWMA will be present to provide a presentation on the RFP process for solid waste collection. He further stated a report will be given on the Appomattox River Development Corridor Plan.

In response to a question from Mayor Davis, Mr. Mattis stated the City had received a grant to conduct the analysis on the property on Charles Dimmock Parkway. He further stated staff will be looking for feedback and discussion from Council on the RFP process and the report on the Appomattox River Development Corridor Plan.

Mr. Wood stated he will be out of town for the August 16, 2011, Council Work Session and requested to receive any information being presented prior to the meeting so he can review the information and provide a response to staff.

Mayor Davis stated he would reschedule the meeting but CVWMA has been scheduled to be in attendance.

4. Update on City Courthouse Project.

Mr. Mattis stated a meeting has been scheduled with Kenbridge Construction to discuss the preliminary agreement on the City Courthouse Project.

5. General Activity Report and/or Project Update.

Mr. Green stated he has received a request from Judge Davis for colored blue prints that can be hung in their courtroom.

Mayor Davis stated that request will be taken care of. He further stated Council is still in litigation and no judge should contact a Councilmember directly during this time. All requests should go through Judge Gill.

B. City Attorney.

C. Director of Planning and Community Development.

- 1. Actions, Regular Meeting of Planning Commission, August 2, 2011.**
- 2. Minutes, Regular Meeting of Planning Commission, June 7, 2011.**

Mr. Schanzenbacher reviewed the actions of the Planning Commission meeting on August 2, 2011.

In response to a question from Mrs. Luck, Mr. Schanzenbacher stated he will check out the pink building on the Boulevard. He further stated the restrictions on the colors of buildings along the Boulevard only apply if they were approved under the Boulevard Overlay District.

15. Consideration of Claims.

There were none.

Mayor Davis stated the Employee Appreciation Luncheon is scheduled for 12:00 P.M., August 18, at noon at the Optimist Club.

Mr. Green expressed appreciation to Council and City Administration for all of the work that has been done during his term on Council and stated it has been an honor to work with all of the professionals on staff.

16. Adjournment.

A motion to adjourn the Regular Meeting was made by Mr. Frenier, seconded by Mrs. Yates and carried unanimously on voice vote at 9:01 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins, City Clerk

AN ORDINANCE NO. 11-18

To amend and reordain § 273-19 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code, prohibiting the distribution of handbills, leaflets, etc., the solicitation of contributions, and the sale of merchandise or services on highways, public roadways, and medians within the City; and providing that violators shall be guilty of a traffic infraction.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That § 273-19 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code, be, and is hereby, amended and reordained as follows:

§ 273-19. ~~Solicitation by pedestrians; violations and penalties~~ *Distribution of handbills, etc., solicitation of contributions, and sale of merchandise or services on highways, public roadways, and medians prohibited.*

A. ~~No person shall stand in the vehicular travel portion of any street or roadway for the purpose of soliciting a ride, employment or business, or soliciting for any other purpose, from the occupant of any vehicle. The following acts are prohibited:~~

1. *The distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to the occupants of motor vehicles on highways or on public roadways and medians within the City;*

2. *The solicitation of contributions of any nature from the occupants of motor vehicles on highways or on public roadways and medians within the City; and*

3. *The sale of merchandise or services or the attempted sale of merchandise or services to the occupants of motor vehicles on highways or on public roadways and medians within the City.*

Use of any City street or portion thereof within the terms of a permit issued pursuant to Chapter 213, Parades and Demonstrations, of this Code shall not constitute a violation of this section.

B. Any person violating any of the provisions of this section shall, ~~upon conviction thereof, be fined not less than \$1 nor more than \$5 for each offense~~ *be guilty of a traffic infraction.*

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



OFFICE OF THE
CITY ATTORNEY

CITY OF COLONIAL HEIGHTS
201 JAMES AVENUE
P. O. BOX 3401
COLONIAL HEIGHTS, VIRGINIA 23834-9001

(804) 520-9316 / FAX 520-9398

HUGH P. FISHER, III
CITY ATTORNEY

TAMARA L. DRAPER
LEGAL ASSISTANT

July 20, 2011

The Progress-Index
15 Franklin Street
Petersburg, VA 23803

Attention: Legal Advertisements

Dear Madam or Sir:

I have enclosed for publication in the legal advertisements section of your newspaper a notice of City Council holding a public hearing to accept public comment on and consider the adoption of Ordinance No. 11-18.

You are requested to publish the notice on **Saturday, July 30, 2011.**

Please send a certificate of publication to the Office of the City Clerk in City Hall so that we may have evidence that legal requirements have been met.

If there is any problem in publishing the notice on the date requested, please notify this Office immediately so that we may make other arrangements for publication.

Thank you for your assistance.

Very truly yours,

Hugh P. Fisher, III
City Attorney

Enclosure

cc: The Honorable C. Scott Davis, Mayor
Mr. Thomas L. Mattis, City Manager
✓ Mrs. DeAnna Atkins, City Clerk

RECEIVED

JUL 20 2011

CITY CLERK'S OFFICE

NOTICE OF PUBLIC HEARING
CITY OF COLONIAL HEIGHTS, VIRGINIA

Notice is hereby given to all persons affected or interested that at the Colonial Heights City Council meeting to be held on **Tuesday, August 9, 2011, at 7:00 P.M.**, in Council Chambers of City Hall, 201 James Avenue, Colonial Heights, Virginia, the City Council shall hold a public hearing to accept comments on the following:

AN ORDINANCE NO. 11-18

To amend and reordain § 273-19 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code, prohibiting the distribution of handbills, leaflets, etc., the solicitation of contributions, and the sale of merchandise or services on highways, public roadways, and medians within the City; and providing that violators shall be guilty of a traffic infraction.

A copy of the proposed ordinance is on file for public examination during regular business hours in the City Clerk's Office in City Hall, 201 James Avenue, Colonial Heights, Virginia. All persons affected or interested are invited to be present at the public hearing of the City Council, to be held at the time and place stated above, when an opportunity will be given for them to be heard.

Hugh P. Fisher, III
City Attorney

Any interested party whose participation in this meeting would require reasonable accommodation of a handicap should contact the City Manager's Office at 520-9265 at least six days in advance.

AN ORDINANCE NO. 11-FIN-18

To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$150,207, consisting of \$79,517 in additional state funding changes, grants, and intergovernmental reimbursement; and \$70,690 of grant funds and donations to be used to continue part-time funding of the Emergency Management Assistant position, to purchase additional fire hoses, HazMat equipment, turnout gear for paid and volunteer firefighters, a digital camera for fire investigations, a mobile license reader for the Police Department, and police cameras for the Sheriff's Office, and for citizen preparedness activities.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1 and 2 of Ordinance No. 11-FIN-6, the General Fund Budget, be, and are hereby amended and reordained as follows:

1. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted; and that, subject to transfers by resolution pursuant to § 6.15 of the City Charter, funds hereby appropriated shall be used for the following purposes:

Legislative (City Council)	\$	136,863	
Administrative (City Manager)		288,045	
Legal (City Attorney)		202,565	
Tax Collections		428,851	
Finance		6,318,402	6,311,220
Information Technologies		166,234	
Board of Elections		127,349	
Judicial		4,370,185	4,377,233
Public Safety		7,437,724	7,507,660
Public Works		2,782,798	2,863,203
Health and Social Services		647,559	
Parks and Recreation		1,319,821	
Cultural Enrichment		83,734	
Library		580,111	
Community Development		462,804	
Human Services		270,208	
Nondepartmental		524,171	
Debt Service		2,843,192	
Operating Transfers Out		<u>19,043,934</u>	
TOTAL		\$48,034,550	48,184,757

2. That the foregoing appropriation is based upon the following revenue estimates for the fiscal year beginning July 1, 2011:

General Property Taxes	\$21,283,149	
Other Local Taxes	14,996,861	
Licenses, Permits & Fees	3,368,705	
Fines and Forfeitures	693,000	
Use of Money & Property	158,000	
Intergovernmental Revenues	5,991,218	6,118,767
Charges for Current Services	1,227,954	
Miscellaneous	315,663	
Restricted Fund Balance – Police	1,175	
Restricted Fund Balance – Fire	<u>21,483</u>	
TOTAL	\$48,034,550	48,184,757

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

AN ORDINANCE NO. 11-FIN-19

To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to reflect a three percent cost-of-living increase for employees, effective October 1, 2011.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Section 1 of Ordinance No. 11-FIN-6, the General Fund Budget, be, and is hereby amended and reordained as follows:

1. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted; and that, subject to transfers by resolution pursuant to § 6.15 of the City Charter, funds hereby appropriated shall be used for the following purposes:

Legislative (City Council)	\$	136,863	138,063
Administrative (City Manager)		288,045	293,723
Legal (City Attorney)		202,565	206,645
Tax Collections		428,851	433,656
Finance		6,318,402	6,083,715
Information Technologies		166,234	167,877
Board of Elections		127,349	129,062
Judicial		4,370,185	4,389,768
Public Safety		7,437,724	7,563,727
Public Works		2,782,798	2,815,739
Health and Social Services		647,559	
Parks and Recreation		1,319,821	1,335,805
Cultural Enrichment		83,734	84,867
Library		580,111	588,433
Community Development		462,804	469,914
Human Services		270,208	274,700
Nondepartmental		524,171	
Debt Service		2,843,192	
Operating Transfers Out		<u>19,043,934</u>	
TOTAL		\$48,034,550	

2. That, contingent upon passage of Ordinance No. 11-19, this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

AN ORDINANCE NO. 11-20

To amend and reordain §§ 226-3 and 226-12 of Chapter 226, Precious Metals and Gems, of the Colonial Heights City Code, providing for annual rather than semi-annual issuance of a dealer permit, raising the annual permit fee from \$100 to \$200, and providing for enhanced penalties for first and second convictions under this chapter.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That §§ 226-3 and 226-12 of Chapter 226, Precious Metals and Gems, of the Colonial Heights City Code, be, and are hereby, amended and reordained as follows:

§ 226-3. Issuance of permit; fee.

The permit required herein shall be issued by the Police Chief or his designee upon payment of an application fee of ~~\$100~~ \$200 and satisfaction of the requirements herein. The applicant shall be given a permit if he satisfies the Police Chief of his good character and he has not been convicted within the past seven years of a crime of moral turpitude. Information required on the application shall include the applicant's full name, aliases, address, age, sex, fingerprints and photograph and the name, address and telephone number of the applicant's employer, if any, and the location of the place of business of the dealer. No permit shall be valid for more than ~~six months~~ one year from the date of issuance, but a permit may be renewed in the same manner as the initial permit is obtained. If the dealer does not operate continuously (Saturdays, Sundays and recognized holidays excepted) from the date of obtaining his permit, then he shall notify the Police Chief of any closing and renewing of business. A dealer shall notify the Police Chief of any change in the location of his business.

§ 226-12. Violations and penalties.

Violation of any provisions of this chapter shall be a Class 2 misdemeanor for the first offense and, upon conviction therefor, shall be punished by a fine of not more than \$1,000 or confinement in jail for not more than six months, either or both. Conviction of any subsequent offense shall be a Class 1 misdemeanor and shall be punished by a fine of not more than \$2,500 or confinement in jail for not more than 12 months, either or both.

Upon the first conviction of a dealer for violation of any provision of this chapter, the Police Chief may revoke the dealer's permit for one full year from the date the conviction becomes final. Such revocation shall be mandatory for two full years from the date the conviction becomes final upon a second conviction.

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



OFFICE OF THE
CITY ATTORNEY

CITY OF COLONIAL HEIGHTS
201 JAMES AVENUE
P. O. BOX 3401
COLONIAL HEIGHTS, VIRGINIA 23834-9001

(804) 520-9316 / FAX 520-9398

HUGH P. FISHER, III
CITY ATTORNEY

TAMARA L. DRAPER
LEGAL ASSISTANT

August 17, 2011

The Progress-Index
15 Franklin Street
Petersburg, VA 23803

Attention: Legal Advertisements

Dear Madam or Sir:

I have enclosed for publication in the legal advertisements section of your newspaper a notice of City Council holding a public hearing to accept public comment on and consider the adoption of Ordinance No. 11-20.

You are requested to publish the notice on **Tuesday, August 30, 2011.**

Please send a certificate of publication to the Office of the City Clerk in City Hall so that we may have evidence that legal requirements have been met.

If there is any problem in publishing the notice on the date requested, please notify this Office immediately so that we may make other arrangements for publication.

Thank you for your assistance.

Very truly yours,

Hugh P. Fisher, III
City Attorney

Enclosure

cc: The Honorable C. Scott Davis, Mayor
Mr. Thomas L. Mattis, City Manager
✓ Mrs. DeAnna Atkins, City Clerk

NOTICE OF PUBLIC HEARING
CITY OF COLONIAL HEIGHTS, VIRGINIA

Notice is hereby given to all persons affected or interested that at the Colonial Heights City Council meeting to be held on **Tuesday, September 13, 2011, at 7:00 P.M.**, in Council Chambers of City Hall, 201 James Avenue, Colonial Heights, Virginia, the City Council shall hold a public hearing to accept comments on the following:

AN ORDINANCE NO. 11-20

To amend and reordain §§ 226-3 and 226-12 of Chapter 226, Precious Metals and Gems, of the Colonial Heights City Code, providing for annual rather than semi-annual issuance of a dealer permit, raising the annual permit fee from \$100 to \$200, and providing for enhanced penalties for first and second convictions under this chapter.

A copy of the proposed ordinance is on file for public examination during regular business hours in the City Clerk's Office in City Hall, 201 James Avenue, Colonial Heights, Virginia. All persons affected or interested are invited to be present at the public hearing of the City Council, to be held at the time and place stated above, when an opportunity will be given for them to be heard.

Hugh P. Fisher, III
City Attorney

Any interested party whose participation in this meeting would require reasonable accommodation of a handicap should contact the City Manager's Office at 520-9265 at least six days in advance.

AN ORDINANCE NO. 11-FIN-20

To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$621,834, consisting of \$543,235 of encumbered funds from FY 2010-11 being carried over to the current fiscal year; \$78,399 in grant funding coming from a Community Development Block Grant to be used for the emergency home repair program; and \$200 in donated funds to be used towards the Sheriff's Office "Halloween in the Park" event.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1 and 2 of Ordinance No. 11-FIN-6, the General Fund Budget, be, and are hereby amended and reordained as follows:

1. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted; and that, subject to transfers by resolution pursuant to § 6.15 of the City Charter, funds hereby appropriated shall be used for the following purposes:

Legislative (City Council)	\$ 136,863	137,650
Administrative (City Manager)	288,045	303,045
Legal (City Attorney)	202,565	215,369
Tax Collections	428,851	430,297
Finance	6,318,402	6,336,264
Information Technologies	166,234	207,092
Board of Elections	127,349	127,397
Judicial	4,370,185	4,383,699
Public Safety	7,454,904	7,625,811
Public Works	2,782,798	2,966,133
Health and Social Services	647,559	707,559
Parks and Recreation	1,331,321	1,349,674
Cultural Enrichment	83,734	84,632
Library	580,111	583,141
Community Development	462,804	465,851
Human Services	282,108	361,828
Nondepartmental	524,171	524,396
Debt Service	2,843,192	
Operating Transfers Out	19,043,934	
TOTAL	\$48,075,130	48,696,964

2. That the foregoing appropriation is based upon the following revenue estimates for the fiscal year beginning July 1, 2011:

General Property Taxes	\$21,283,149	
Other Local Taxes	14,996,861	
Licenses, Permits & Fees	3,368,705	
Fines and Forfeitures	693,000	
Use of Money & Property	158,000	
Intergovernmental Revenues	6,007,557	6,085,956
Charges for Current Services	1,227,954	
Miscellaneous	315,663	315,863
Restricted Fund Balance – After School Program	400	
Restricted Fund Balance – Violet Bank	11,500	
Restricted Fund Balance – Asset Forfeiture	12,341	
Fund Balance	543,235	
TOTAL	\$48,075,130	48,696,964

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



CITY OF COLONIAL HEIGHTS

DEPARTMENT OF FINANCE

William E. Johnson
Director

City Hall • 201 James Avenue • P.O. Box 3401
Colonial Heights, Virginia 23834

Kathy L. Sparks
Deputy Director

To: Thomas L. Mattis, City Manager

From: William E. Johnson, Director of Finance *W.E.J.*

Date: 8/30/2011

RE: Budgetary Basis Encumbrance Revisions

Under the guidelines established by the Government Accounting Standards Board (GASB) the budgetary basis of accounting on the City's Financial Statements were modified to show expenditures when the actual payment was made not when originally budgeted. As a result of this change, departmental budgets could show over expenditures in a current year if payments were made from a budgeted prior year purchase order.

The carry over of these encumbrances have been generally authorized by the City's original budget ordinances, but they are not allowed to be reflected in our Comprehensive Annual Financial Report (CAFR) by GASB unless specifically reappropriated. This reappropriation is also my recommendation in order to eliminate any showing of departmental overages due to this procedure and it will give a better view of a budgetary presentation as passed by City Council.

On June 30th the 2011 General Fund Encumbrances were \$706,443 and have been reduced during the preliminary closing period to \$583,705 due to accounts payables being processed and the elimination of expired blanket purchase orders. We also have \$45,111 in addition blanket purchase orders that can now be eliminated which brings our needed reappropriation to \$543,235. These remaining encumbrances are obligations of the City and will be part of the restricted Fund Balance shown in the 2011 CAFR. This compares to \$413,904 needed for fiscal year 2010. The majority of the increase was the delay in receiving new police cars which account for approximately \$127,000 of the increase

It is again my recommendation that the re-appropriation of these encumbrances reflect this reduction and a departmental summary is attached for your review. If any additional information or clarification is needed, I am available at your convenience.

Ordinance/Resolution Recap Worksheet

	Community Development Block Grant	Sheriff Halloween Donation	FY2011 Encumbrance Carryover	Total
GENERAL FUND				
REVENUE:				
Intergovernmental	\$78,399			\$78,399
Miscellaneous		200		200
Restricted Fund Balance-Fire/Ems				0
Fund Balance			543,235	543,235
Total	\$78,399	\$200	\$543,235	\$621,834
EXPENDITURES:				
Legislative			\$787	\$787
Administrative			\$15,000	15,000
Legal			12,804	12,804
Tax Collections			1,446	1,446
Finance			17,862	17,862
Information Technologies			40,858	40,858
Board of Elections			48	48
Judicial		200	13,314	13,514
Public Safety			170,907	170,907
Public Works			183,335	183,335
Health & Social Services			60,000	60,000
Parks & Recreation			18,353	18,353
Cultural Enrichment			898	898
Library			3,030	3,030
Community Development			3,047	3,047
Non Departmental			225	225
Human Services	78,399		1,321	79,720
Total	\$78,399	\$200	\$543,235	\$621,834



Department of Planning and Community Development

MEMORANDUM

TO: Bill Johnson

FROM: Jamie Sherry

CC: George Schanzenbacher

DATE: August 11, 2011

SUBJECT: Community Development Block Grant Allocations for Program Year 2011-12

For Program Year 2011-2012, HUD has approved a total of \$78,399 in CDBG funds for the City of Colonial Heights. The funds will be electronically deposited in the City account as the work is completed and funds are requested. It is expected that 6-8 households will be served this year.

CDBG funds for Program Year 2011-2012 are to be used for an emergency home repair program. The program is available citywide; however, priority will be given to households in the Violet Bank-Flora Hill and Shepherd Stadium Districts, first time applicants, persons who are elderly or disabled, and to those needing repairs that threaten the safety or well-being of the household members. In order to be eligible for this no payback grant, homeowners must HUD income requirements.

RECEIVED

U. S. Department of Housing & Urban Development



AUG 04 2011

City Manager's Office

Richmond Field Office
600 E. Broad Street, 3rd Floor
Richmond, VA 23219
1-800-842-2610

AUG - 3 2011

Mr. Thomas L. Mattis
City Manager
City of Colonial Heights
201 James Avenue
Colonial Heights, Virginia 23834

Dear Mr. Mattis:

I am pleased to inform you of our approval of the Consolidated Plan (2010-2014) and the FY 2011 Action Plan submitted by the city of Colonial Heights. The grant assistance that is being approved with the Action Plan is as follows:

Community Development Block Grant (CDBG) Program	\$78,399
--	----------

The total allocation for the city of Colonial Heights is \$78,399. The city's 2011 program year began on July 1, 2011.

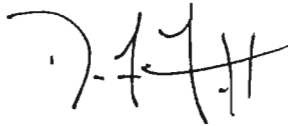
Enclosed for your signature are three copies of the CDBG Entitlement Agreement/Funding Approval (HUD 7082). These documents constitute the contract between the Department of Housing and Urban Development (HUD) and the city of Colonial Heights. You should note any special conditions included in the Funding Approvals (Item 8 for the CDBG program). Please execute all copies of each contract with original signatures, return two copies of each contract to HUD, and retain one copy of each agreement for your records. Failure to execute and return the grant agreements within 60 days of the date of this letter may be deemed a rejection of the grant and cause for HUD to determine that the funds are available for reallocation to other grantees. In addition to the grant agreements, we have also enclosed a copy of "Consolidated Plan Guidance" applicable to the various programs.

We appreciate the efforts of city staff in successfully preparing its Consolidated Plan (2010-2014) and 2011 Action Plan. We look forward to working with you to accomplish the goals you have set forth for the city and to further refine and improve the consolidated planning process.

Visit our website at www.hud.gov/virginia

If you have any questions concerning this letter or other items related to community development programs, please contact me at 822-4831. Staff requesting any technical assistance should contact Tom Ogunde, Community Planning and Development Representative, at 822-4824.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronnie J. Legette', with a stylized flourish at the end.

Ronnie J. Legette
Director, CPD

Enclosures

CONSOLIDATED PLAN GUIDANCE

Line of Credit Control/Integrated Disbursement System

In order to establish a Line of Credit for the fiscal year 2011 grant, it will be necessary to execute and return two copies of the Grant Agreements. Also, if there is a need to establish or change the depository account to which these grant funds are to be wired, a Direct Deposit Sign-Up Form (SF-1199A) must be completed by the Grantee and the financial institution and mailed to this office.

Executive Order 12372

As the Consolidated Plan relates to CDBG program funding, the city is not required to submit the Plan to the Commonwealth of Virginia under Executive Order 12372. Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 still requires that the submissions be made to the appropriate Planning District Commission (PDC). Those submissions are limited to proposals related to, "open space land projects or for the planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewerage facilities, and waste treatment works, highways, transportation facilities, law enforcement facilities, and water development and land conservation projects within any metropolitan area..."

Environmental Review Procedures

Activities included in the Consolidated Plan are subject to the provisions of 24 CFR 58. Funds for such activities may not be obligated or expended unless HUD has approved the release of funds in writing. A request for the release of funds must be accompanied by an environmental certification.

Reporting Requirements for Fiscal Year 2011

All previous reporting requirements no longer apply since they are superseded by the annual reporting requirements under the Consolidated Plan Final Rule (24 CFR Part 91.520). The Integrated Disbursement and Information System (IDIS) is fully operational and should be utilized to generate reports and assessments which would satisfy the reporting requirements for the program year July 1, 2011 to June 30, 2012. Additionally, the required Consolidated Annual Performance and Evaluation Report (CAPER), covering activities completed in the period July 1, 2010, to June 30, 2011, is due in this office by September 28, 2010. Please note that certain required narrative assessments must be generated outside the IDIS environment following the guidance in the Ramirez memorandum dated February 18, 1998. It should also be noted that there are several reports generated by IDIS that contain information that must be provided to citizens in order to meet the annual performance report requirements for Consolidated Planning under 24 CFR 91.520. The information may be presented in a format developed by the city. However, the easiest means of meeting this requirement is to download and attach as part of the Consolidated Annual Performance and Evaluation Report (CAPER) the reports highlighted with an asterisk in the Ramirez memorandum regarding reporting.

Funding Approval/AgreementTitle I of the Housing and Community
Development Act (Public Law 930383)

HI-00515R of 20515R

U.S. Department of Housing and Urban Development

Office of Community Planning and Development

Community Development Block Grant Program

1. Name of Grantee (as shown in item 5 of Standard Form 424)

CITY OF COLONIAL HEIGHTS

3a. Grantee's 9-digit Tax
ID Number:

54-6001228

3b. Grantee's DUNS Number:

010043883

4. Date use of funds may
begin (mm/dd/yyyy):

07/01/2011

2. Grantee's Complete Address (as shown in item 5 of Standard Form 424)

201 JAMES AVENUE

COLONIAL HEIGHTS, VA 23834

5a. Project/Grant No. 1

B11 MC 51 0011

6a. Amount Approved

\$78,399

5b. Project/Grant No. 2

6b. Amount Approved

5c. Project/Grant No. 3

6c. Amount Approved

3FD FY2011 (M) EC1 861/30162

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions/addendums, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name)

Ronnie J. Legette

Grantee Name

Thomas L. Mattis

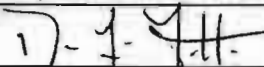
Title

Director, Office of Community Planning and Development

Title

City Manager

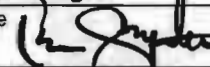
Signature



Date (mm/dd/yyyy)

08/03/2011

Signature



Date (mm/dd/yyyy)

8/17/11

7. Category of Title I Assistance for this Funding Action
(check only one)

- ☒ a. Entitlement, Sec 106(b)
☐ b. State-Administered, Sec 106(d)(1)
☐ c. HUD-Administered Small Cities, Sec 106(d)(2)(B)
☐ d. Indian CDBG Programs, Sec 106(a)(1)
☐ e. Surplus Urban Renewal Funds, Sec 112(b)
☐ f. Special Purpose Grants, Sec 107
☐ g. Loan Guarantee, Sec 108

8. Special Conditions
(check one)

- ☒ None
☐ Attached

9a. Date HUD Received Submission

06/29/2011

9b. Date Grantee Notified

(mm/dd/yyyy)

9c. Date of Start of Program Year

07/01/2011

10. check one

- ☒ a. Orig. Funding
Approval
☐ b. Amendment
Amendment Number

11. Amount of Community Development

Block Grant

FY (2011)

FY ()

FY ()

a. Funds Reserved for this Grantee

b. Funds now being Approved

78,399

c. Reservation to be Cancelled

(11a minus 11b)

12a. Amount of Loan Guarantee Commitment now being Approved

12b. Name and complete Address of Public Agency

Loan Guarantee Acceptance Provisions for Designated Agencies:

The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

12c. Name of Authorized Official for Designated Public Agency

Title

Signature

HUD Accounting use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153											
	176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)

Date Entered LOCCS (mm/dd/yyyy)

Batch Number

Transaction Code

Entered By

Verified By

**ADDENDUM TO GRANT AGREEMENT FOR (INSERT CDBG PROGRAM—CDBG,
NSP3 OR DISASTER RECOVERY)**

In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the *Financial Assistance Use of Universal Identifier and Central Contractor Registration*, 75 Fed. Reg. 55671 (Sept. 14, 2010)(to be codified at 2 CFR part 25) and Appendix A to Part 170 of the *Requirements for Federal Funding Accountability and Transparency Act Implementation*, 75 Fed. Reg. 55663 (Sept. 14, 2010)(to be codified at 2 CFR part 170).

Funding Approval/Agreement

Title I of the Housing and Community
Development Act (Public Law 930383)
HI-00515R of 20515R

U.S. Department of Housing and Urban Development Office of Community Planning and Development Community Development Block Grant Program

1. Name of Grantee (as shown in item 5 of Standard Form 424) CITY OF COLONIAL HEIGHTS	3a. Grantee's 9-digit Tax ID Number: 54-6001228	3b. Grantee's DUNS Number: 010043883	4. Date use of funds may begin (mm/dd/yyyy): 07/01/2011
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 201 JAMES AVENUE COLONIAL HEIGHTS, VA 23834 3FD FY2011 (M) EC1 861/30162	5a. Project/Grant No. 1 B11 MC 51 0011	6a. Amount Approved \$78,399	
	5b. Project/Grant No. 2	6b. Amount Approved	
	5c. Project/Grant No. 3	6c. Amount Approved	

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions/addendums, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name)

Ronnie J. Legette

Grantee Name

Thomas L. Mattis

Title

Director, Office of Community Planning and Development

Title

City Manager

Signature

Date (mm/dd/yyyy)

08/03/2011

Signature

Date (mm/dd/yyyy)

8/17/11

7. Category of Title I Assistance for this Funding Action (check one)

- ☒ a. Entitlement, Sec 106(b)
☐ b. State-Administered, Sec 106(d)(1)
☐ c. HUD-Administered Small Cities, Sec 106(d)(2)(B)
☐ d. Indian CDBG Programs, Sec 106(a)(1)
☐ e. Surplus Urban Renewal Funds, Sec 112(b)
☐ f. Special Purpose Grants, Sec 107
☐ g. Loan Guarantee, Sec 108

8. Special Conditions (check one)

- ☒ None
☐ Attached

9a. Date HUD Received Submission

06/29/2011

9b. Date Grantee Notified

(mm/dd/yyyy)

9c. Date of Start of Program Year

07/01/2011

10. check one

- ☒ a. Orig. Funding Approval
☐ b. Amendment
Amendment Number

11. Amount of Community Development

Block Grant

FY (2011)

FY ()

FY ()

a. Funds Reserved for this Grantee

b. Funds now being Approved

78,399

c. Reservation to be Cancelled (11a minus 11b)

12a. Amount of Loan Guarantee Commitment now being Approved

12b. Name and complete Address of Public Agency

Loan Guarantee Acceptance Provisions for Designated Agencies:

The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

12c. Name of Authorized Official for Designated Public Agency

Title

Signature

HUD Accounting use Only

Batch	TAC	Program Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153										
	176										
		Y					Project Number		Amount		
		Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)

Date Entered LOCCS (mm/dd/yyyy)

Batch Number

Transaction Code

Entered By

Verified By

**ADDENDUM TO GRANT AGREEMENT FOR (INSERT CDBG PROGRAM—CDBG,
NSP3 OR DISASTER RECOVERY)**

In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the *Financial Assistance Use of Universal Identifier and Central Contractor Registration*, 75 Fed. Reg. 55671 (Sept. 14, 2010)(to be codified at 2 CFR part 25) and Appendix A to Part 170 of the *Requirements for Federal Funding Accountability and Transparency Act Implementation*, 75 Fed. Reg. 55663 (Sept. 14, 2010)(to be codified at 2 CFR part 170).

Funding Approval/Agreement

Title I of the Housing and Community Development Act (Public Law 930383)
HI-00515R of 20515R

U.S. Department of Housing and Urban Development Office of Community Planning and Development Community Development Block Grant Program

1. Name of Grantee (as shown in item 5 of Standard Form 424) CITY OF COLONIAL HEIGHTS	3a. Grantee's 9-digit Tax ID Number: 54-6001228	3b. Grantee's DUNS Number: 010043883	4. Date use of funds may begin (mm/dd/yyyy): 07/01/2011
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 201 JAMES AVENUE COLONIAL HEIGHTS, VA 23834 3FD FY2011 (M) EC1 861/30162	5a. Project/Grant No. 1 B11 MC 51 0011	6a. Amount Approved \$78,399	
	5b. Project/Grant No. 2	6b. Amount Approved	
	5c. Project/Grant No. 3	6c. Amount Approved	

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions/addendums, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Ronnie J. Legette	Grantee Name Thomas L. Mattis
Title Director, Office of Community Planning and Development	Title City Manager

Signature 	Date (mm/dd/yyyy) 08/03/2011	Signature 	Date (mm/dd/yyyy) 8/17/11
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7. Category of Title I Assistance for this Funding Action (check only one) <input checked="" type="checkbox"/> a. Entitlement, Sec 106(b) <input type="checkbox"/> b. State-Administered, Sec 106(d)(1) <input type="checkbox"/> c. HUD-Administered Small Cities, Sec 106(d)(2)(B) <input type="checkbox"/> d. Indian CDBG Programs, Sec 106(a)(1) <input type="checkbox"/> e. Surplus Urban Renewal Funds, Sec 112(b) <input type="checkbox"/> f. Special Purpose Grants, Sec 107 <input type="checkbox"/> g. Loan Guarantee, Sec 108	8. Special Conditions (check one) <input checked="" type="checkbox"/> None <input type="checkbox"/> Attached	9a. Date HUD Received Submission 06/29/2011	10. check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number	
		9b. Date Grantee Notified (mm/dd/yyyy)		
		9c. Date of Start of Program Year 07/01/2011		
11. Amount of Community Development Block Grant				
a. Funds Reserved for this Grantee		FY (2011)	FY ()	FY ()
b. Funds now being Approved		78,399		
c. Reservation to be Cancelled (11a minus 11b)				

12a. Amount of Loan Guarantee Commitment now being Approved	12b. Name and complete Address of Public Agency
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency
	Title
	Signature

HUD Accounting use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153											
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			Y					Project Number		Amount		
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Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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**ADDENDUM TO GRANT AGREEMENT FOR (INSERT CDBG PROGRAM—CDBG,
NSP3 OR DISASTER RECOVERY)**

In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the *Financial Assistance Use of Universal Identifier and Central Contractor Registration*, 75 Fed. Reg. 55671 (Sept. 14, 2010)(to be codified at 2 CFR part 25) and Appendix A to Part 170 of the *Requirements for Federal Funding Accountability and Transparency Act Implementation*, 75 Fed. Reg. 55663 (Sept. 14, 2010)(to be codified at 2 CFR part 170).



TODD B. WILSON
SHERIFF

OFFICE OF THE SHERIFF

City of Colonial Heights

401 Temple Avenue
P.O. Box 3401
Colonial Heights, Virginia 23834
Email: sheriff@colonial-heights.com

RECEIVED

SEP 06 2011

Phone: 804 520-9352

Fax: 804 520-9248

City Manager's Office

cc: Bill
Robin
DeAnna

TO: Thomas L. Mattis
City Manager
TBM/SP

FROM: Sheriff Todd Wilson

RR: Donation from Colonial Heights Moose Lodge 1783

DATE: September 2, 2011

The Sheriff's Office has received a donation from the Colonial Heights Moose Lodge 1783. These funds have been deposited in the City Treasurer's Office, city account 10-4812.

Mr. Mattis, would you please have the following request placed on the next available city council docket:

1. City Council appropriate \$200.00 into Sheriff's account 1356-5242, fund deriving from a donation. This donation will be used on purchases for the Sheriff's Office annual "Halloween in the Park" event.

Your attention to this matter is greatly appreciated and should you require additional information to process this request, please do not hesitate to contact me.

AN ORDINANCE NO. 11-FIN-21

To amend and reordain the School Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, so as to modify such budget by \$2,008,576 for the fiscal year ending June 30, 2011; pursuant to School Board action.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 2 and 3 of Ordinance No. 10-FIN-18 (As Amended), be, and are hereby amended and reordained, as follows:

2. That the sum of ~~\$33,463,962~~ \$35,472,538 be, and the same is hereby, appropriated from the resources and revenues of the City of Colonial Heights School Fund for the fiscal year beginning July 1, 2010.

School Expenditures	\$33,463,962 35,472,538
TOTAL	\$33,463,962 35,472,538

3. That the foregoing appropriation is based upon the following estimates of revenue and transfers for the fiscal year beginning July 1, 2010.

Federal Funds	\$ 1,422,646 3,468,153
State Funds	12,059,341 11,923,047
City Funds	18,387,606 18,537,606
Other Funds	738,963 688,326
Fund Balance	<u>855,406</u>
TOTAL	\$33,463,962 35,472,538

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

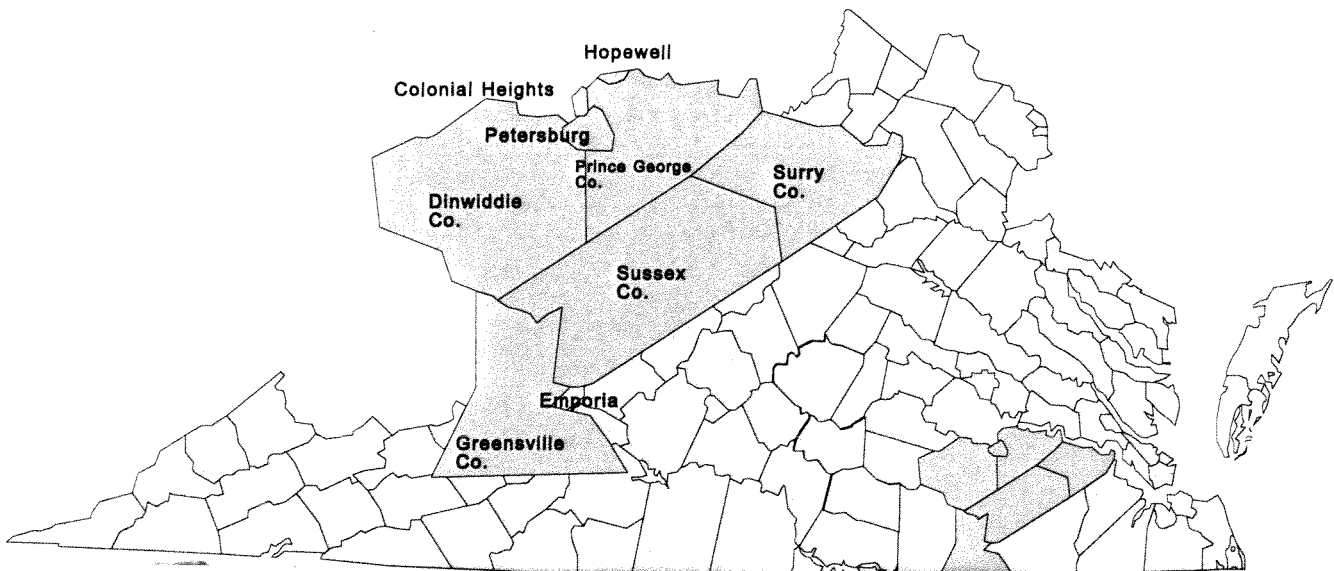
Approved as to form:

City Attorney

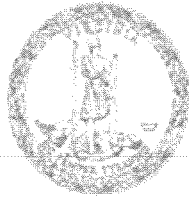
DISTRICT 19 COMMUNITY SERVICES BOARD

PERFORMANCE CONTRACT Fiscal Year 2012

“Helping Others Reach Their Potential”



**Serving Colonial Heights, Dinwiddie, Emporia, Greenville, Hopewell,
Petersburg, Prince George, Surry and Sussex
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JAMES W. STEWART, III
COMMISSIONER

COMMONWEALTH of VIRGINIA

DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Post Office Box 1797
Richmond, Virginia 23218-1797

Telephone (804) 786-3921
Fax (804) 371-6638
www.dbhds.virginia.gov

MEMORANDUM

TO: Community Services Board Executive Directors, the Local Government Department Director, and the Behavioral Health Authority Chief Executive Officer

FROM: Paul R. Gilding
Community Contracting Director

SUBJECT: FY 2012 Community Services Performance Contract

DATE: May 6, 2011

Attached for your information and use are the FY 2012 contract documents: the Community Services Performance Contract and the Partnership Agreement. The Community Services Board Administrative Requirements, a separate document incorporated into the Performance Contract by reference, is also attached. These documents are available on the Department's web site at www.dbhds.virginia.gov/OCC-default.htm. The Department will distribute Letters of Notification and the Community Automated Reporting System (CARS) contract software electronically soon. Letters of Notification contain initial allocations of state and federal funds to community services boards (CSBs), the behavioral health authority, and the local government department with a policy-advisory CSB, all of which are referred to as Boards or CSBs in the contract documents and this memorandum.

The attached documents incorporate the changes proposed in the FY 2012 Performance Contract exposure drafts, which were distributed for public comment on December 31, 2010 with a cover memorandum that summarized changes from the FY 2011 Performance Contract. The attached documents also reflect comments received during the 60-day public comment period required by § 37.2-508 of the Code of Virginia, the work of the Performance Contract Committee established by the Department and the Virginia Association of Community Services Boards, and comments from Department staff. The Performance Contract Committee decided to focus on only a few changes in the FY 2012 contract. Changes from the FY 2012 exposure drafts are summarized below.

Performance Contract Changes

1. In several places in the Performance Contract, such as section 4.c.7.) on page 4, references to the Admission and Discharge Protocols for Individuals with Intellectual Disabilities are updated to reflect the current version, effective on March 4, 2011.
2. Section 6.c.1.) e.) on page 8 is revised to reflect current practice, and the CARS acronym is spelled out.

FY 2012 Performance Contract

May 6, 2011

Page 2

3. Sections 6.c.3.) and 4.) and 7.d.1.), 2.), 3.), and 5.) on pages 9, 12, and 13 are revised to be consistent with language in section 6.c.4.) and clarify the role of the VACSB Data Management Committee in representing Boards, reflecting the recently reissued memo on Approving CSB Surveys and Establishing Reporting Requirements, referenced in section 7.d.4.)..
4. Section 10.d on page 18 about Regional Management Structures or Processes for Individuals Moving Among Regions or Providers is deleted since it is archaic; nothing has been done on this in several years. In its place, language is added about developing Quality Improvement Measures.
5. Pages AF-3 through AF-7 on pages 22 through 26 of Exhibit A include several footnotes related to the restricted or earmarked status of many state general or federal block grant funding sources. The footnotes incorporate recommendations of the Performance Contract Restricted Funds Work Group from the document it produced, Restricted, Earmarked, and Un-earmarked Funds in FY 2011 and FY 2012.
6. The Supplemental Information form on page 28 is streamlined and revised to be consistent with terms in other parts of Exhibit A.
7. Exhibit B is revised to combine the Affirmations in old section IV with the Performance Expectations and Goals in sections I, II, and III. Also, old subsection E in section I is merged into subsection D, since they address the same topic. This will eliminate a lot of duplicative language without changing the substance of the exhibit. The revisions in sections I, II, and III contain no new substantive requirements.
8. A new section IV is added to Exhibit B on page 36, Employment and Housing Opportunities Expectation Affirmations. This is related to *Creating Opportunities* Plan activities.
9. Continuous Quality Improvement Process Measure I.B.4 is deleted since it was linked to a reporting requirement that was eliminated in the 2011 Appropriation Act.
10. References to the Web Site CSB and State Facility Accountability Measures is deleted; this is being replaced by the Quality Improvement Measures activity described in section 10.d on page 18 of the contract body (item 4 above).
11. Section I.A.9 of Exhibit K on pages 59 and 60 was substantially revised in response to feedback from CSB finance directors, submitted in response to proposed language in the exposure draft.

Partnership Agreement Changes

1. Core Values 15 and 16 on page 6 are revised to reflect recommendations from the *Creating Opportunities* Employment and Housing Implementation Teams.
2. Item 1.d under Section 5: Advancing the Vision on page 6 is revised because it contains an archaic reference, is too specific, and the ROSI recommendation is addressed in Exhibit C of the Performance Contract.
3. Section 15 on page 11 is revised to emphasize the partnership perspective in relation to the *Creating Opportunities* Plan.

CSB Administrative Requirements Changes:

1. The reference on page 13 of Appendix A of the CSB Administrative Requirements to the Admission and Discharge Protocols for Individuals with Intellectual Disabilities is updated to reflect the current version, effective on March 4, 2011.

FY 2012 Performance Contract

May 6, 2011

Page 3

2. Sections 11 and 12 on page 29 of Appendix B are revised to clarify the language and reflect current practice.

All of the contract's Exhibit A will be submitted electronically, using CARS software supplied by the Department. More detailed information about which parts of the contract must be submitted on paper is contained in Exhibit E of the contract, the Performance Contract Process. The CARS software also contains Table 2: FY 2012 Board Management Salary Costs, which enables CSBs and the Department to respond to requirements in § 37.2-504 of the Code of Virginia. This table also collects FTE information by program area and for services available outside of a program area, including numbers of peer providers. Peer providers are staff who self-identify as individuals receiving services and have been hired specifically as peer providers. Staff who have not been hired as peer providers, even if they have a mental health or substance use disorder or intellectual disability, should not be reported as peer providers.

The Department is distributing FY 2012 contract documents electronically, rather than as paper copies by mail. This enables the Department to distribute these contract documents more quickly and easily and allows recipients to distribute the documents to others more rapidly and efficiently.

To be accepted for processing by the Department, a performance contract must satisfy the criteria in Exhibits E and I of the contract.

1. Exhibit A, the first two pages of Exhibit H, and Table 2 must be submitted to the Department's Office of Information Technology Services using CARS software and must be complete and accurate.
2. Since the contract is being distributed electronically to CSBs, the parts of the contract that are submitted on paper should be printed, signed where necessary, and mailed to the Office of Community Contracting at the same time that Exhibits A and H are submitted. These parts include: the signature page of the contract body (page 19), the signature page of Exhibit B, Exhibit D (if applicable), Exhibit F (two pages), the first page of Exhibit G, the Board's current organization chart (the third page of Exhibit H); Exhibit J (if applicable), and the signature page of the Partnership Agreement (page 12). The second page of Exhibit G must be submitted as soon as possible and no later than September 30. The Department must receive all parts of the contract submitted on paper before a contract submission will be considered complete.
3. Exhibit A must conform to the allocations of state and federal funds in the Letter of Notification enclosures, unless amounts have been revised by or changes negotiated with the Department and confirmed by the Department in writing. Revenues must equal costs on all contract forms or differences must be explained on the Financial Comments form.
4. Contracts must contain actual appropriated amounts of local matching funds. If a CSB cannot include the minimum 10 percent local matching funds in its contract, it must submit a written request for a waiver of the matching funds requirement, pursuant to § 37.2-509 of the Code of Virginia, to the Office of Community Contracting with its contract. More information about the waiver request is contained in an attachment to this memorandum.

The FY 2012 contract and other materials described above are due in the Department's Office of Community Contracting by **June 17, 2011**, except for Exhibits A and H (the first two pages), which are submitted to the Department's Office of Information Technology Services by the same date. More detailed information about submitting Exhibits A and H (the first two pages) in CARS will be provided in the Performance Contract Workshop, conducted by Department staff later in May.

FY 2012 Performance Contract

May 6, 2011

Page 4

Section 37.2-508 or 37.2-608 of the Code of Virginia requires the CSB or behavioral health authority to make its proposed performance contract available for public review and solicit public comment for a period of 30 days before submitting it for the approval of the operating or administrative policy CSB or behavioral health authority board of directors or the comments of the local government department's policy advisory CSB. That same Code section authorizes the Department to provide up to six semi-monthly payments of state and federal funds to allow sufficient time to complete public review and comment, local government approval, and Department negotiation and approval of the contract. The Performance Contract Process (Exhibit E) automatically provides the first two semi-monthly July payments to all CSBs, whether or not a contract has been submitted. The Process conditions the next four semi-monthly payments (two in August and two in September) on the Department's receipt of a complete performance contract.

Once a performance contract is received in the Department, the Community Contracting Administrator will review it and notify the CSB within five working days that it is or is not accepted for review by the Department. Unacceptable contracts will need to be revised before the Department will process them. If CSBs have any questions about this memo or the contract documents, please e-mail or call Joel Rothenberg, the Community Contracting Administrator, at joel.rothenberg@dbhds.virginia.gov or (804) 786-6089. If other recipients of this memorandum have any questions about it or the contract documents, please e-mail or call me at paul.gilding@dbhds.virginia.gov or (804) 786-4982. Thank you.

Enclosures (4)

PRG/prg

pc:	Sharon A. Becker	Sanford L. Hostetter	Hervey E. Sherd
	Victoria H. Cochran	John F. Jackson	Randy B. Sherrod
	Charline A. Davidson	Martha Kurgens, L.C.S.W.	Cynthia D. Smith
	Sterling G. Deal, Ph.D.	Joy S. Lazarus	Rosanna VanBodegom Smith
	Heidi R. Dix	Janet S. Lung	James W. Stewart, III
	Susan A. Elmore	James M. Martinez, Jr.	Cheri Stierer, Ph.D.
	Adrienne Ferriss	Meghan W. McGuire	Rebecca V. Stredny, Psy.D.
	Nancy C. Ford	L. Hope Merrick	Margaret S. Walsh
	Olivia J. Garland, Ph.D.	Beth Nelson	Steven Wolf, Ph.D.
	A. Wayne Glover	Russell C. Payne	Joy Yeh, Ph.D.
	Arlene G. Good	John J. Pezzoli	Allyson K. Tysinger
	Linda B. Grasewicz	C. Lee Price	C. Douglas Bevelacqua
	Marion Y. Greenfield	Mellie Randall	Mary Ann Bergeron
	Kenneth M. Gunn, Jr.	Cecily J. Rodriguez	Joe Flores
	Neila L. Gunter	Joel B. Rothenberg	Susan E. Massart
	Cynthia A. Hatch	Les H. Saltzberg	Charles E. Good
	Sharon M. Hoban	Michael A. Shank	State Facility Directors

Minimum Ten Percent Local Matching Funds Waiver Request Attachment

A Board should maintain its local matching funds at least at the same level as that shown in its FY 2011 final performance contract revision. The 2011 Appropriation Act prohibits using state funds to supplant local governmental funding for existing services.

If a Board is not able to include at least the minimum 10 percent local matching funds, required by § 37.2-509 of the Code of Virginia and State Board Policy 4010, in its original performance contract, any subsequent contract revision, or its mid-year or end of the fiscal year performance contract reports, it must submit a written request for a waiver of that requirement, pursuant to § 37.2-509 of the Code of Virginia and State Board Policy 4010, to the Office of Community Contracting with the original or revised contract or performance contract reports.

In accordance with sections 7.f and h of the Community Services Performance Contract, if only a Board's participation in the Discharge Assistance Project (DAP), its receipt of state facility reinvestment project funds, or its participation in a regional program, as defined in the Regional Program Operating Principles in Core Services Taxonomy 7.2, causes it to be out of compliance with the 10 percent local matching funds requirement in § 37.2-509 of the Code of Virginia, the Department will grant an automatic waiver of that requirement, related to the funds for the DAP, reinvestment project, or regional program. The Board must submit a written request for the waiver, identifying the specific amounts and types of those funds that cause it to be out of compliance with the local matching funds requirement, but without the documentation required below in items 3, 4, and 5, and the Department will approve an automatic waiver in a letter to the Board.

1. State Board Policy 4010 defines acceptable local matching funds as local government appropriations, philanthropic cash contributions from organizations and people, in-kind contributions of space, equipment, professional services (for which the Board would otherwise have to pay), and, in certain circumstances, interest revenue. All other revenues, including fees, federal grants, and other funds, as well as uncompensated volunteer services, are not acceptable as local matching funds.
2. Section 37.2-509 of the Code of Virginia states that allocations of state funds to any Board for operating expenses, including salaries and other costs, shall not exceed 90 percent of the total amount of state and local matching funds provided for these expenses. This section effectively defines the 10 percent minimum amount of local matching funds as 10 percent of the total amount of state and local matching funds.
3. The written waiver request must include an explanation of each local government's inability to provide sufficient local matching funds at this time. This written explanation could include, among other circumstances, the following factors:
 - a. an unusually high unemployment rate compared with the statewide or regional average unemployment rate,
 - b. a decreasing tax base or declining tax revenues,
 - c. the existence of local government budget deficits, or
 - d. major unanticipated local government capital or operating expenditures (e.g., for flood damage).
4. Additionally, the waiver request must include information and documentation about the Board's efforts to obtain sufficient local matching funds. Examples of such efforts could include newspaper articles, letters from Board members to local governing bodies outlining statutory matching funds requirements, and Board resolutions.
5. Finally, the waiver request must include a copy of the Board's budget request that was submitted to each local government and a copy or description of the local government's response to the request.

Exhibit A: Resources and Services

District 19 Community Services Board

Consolidated Budget (Pages AF-3 through AF-7)				
Revenue Source	Mental Health Services	Developmental Services	Substance Abuse Services	TOTAL
State Funds	5,251,811	507,196	1,526,765	7,285,772
Local Matching Funds	690,755	87,031	0	777,786
Total Fees	6,320,415	1,629,240	39,817	7,989,472
Transfer Fees In/(Out)	0	0	0	0
Federal Funds	96,678	0	1,450,573	1,547,251
Other Funds	109,149	0	0	109,149
State Retained Earnings	0	0	0	0
Federal Retained Earnings	0		0	0
Other Retained Earnings	565,387	0	0	565,387
Subtotal Funds	13,034,195	2,223,467	3,017,155	18,274,817
State Funds One-Time	0		0	0
Federal Funds One-Time	0		0	0
Subtotal One -Time Funds	0	0	0	0
TOTAL ALL FUNDS	13,034,195	2,223,467	3,017,155	18,274,817
Cost for MH/DV/SA	12,059,949	2,154,856	2,664,512	16,879,317
Cost for Services Available Outside of a Program Area (SAOPA) (AP-4)				1,760,225
Total Cost				18,639,542

Local Match Computation	
Total State Funds	7,285,772
Total Local Matching Funds	777,786
Total State and Local Funds	8,063,558
Total Local Match % (Local/Total State + Local)	9.65%

Administrative Expenses	
Total Admin. Expenses	2,735,904
Total Expenses	18,639,542
Administrative Percent	14.68%

FY2012 Community Services Performance Contract
Exhibit A: Resources and Services
District 19 Community Services Board
Financial Comments

Comment1	\$104,558 of DV GF used for PART C services (\$603,254 LON amount minus
Comment2	\$104,558 = \$498,696 adjusted DV GF amount
Comment3	
Comment4	
Comment5	
Comment6	
Comment7	
Comment8	
Comment9	
Comment10	
Comment11	
Comment12	
Comment13	
Comment14	
Comment15	
Comment16	
Comment17	
Comment18	
Comment19	
Comment20	
Comment21	
Comment22	
Comment23	
Comment24	
Comment25	

FY 2012 Performance Contract Financial Summary

Exhibit A: Resources and Services

Mental Health (MH) Services

District 19 Community Services Board

Funding Sources	<u>Funds</u>
<u>FEES</u>	
MH Medicaid Fees	5,975,680
MH Fees: Other	344,735
Total MH Fees	6,320,415
MH Transfer Fees In/(Out)	0
MH NET FEES	6,320,415
<u>FEDERAL FUNDS</u>	
MH FBG SED Child & Adolescent (93.958)	22,712
MH FBG SMI (93.958)	64,754
MH FBG SMI PACT (93.958)	0
MH FBG SMI SWVMH Board (93.958)	0
Total MH FBG SMI Funds (Adult)	64,754
MH FBG Geriatrics (93.958)	0
MH FBG Consumer Services (93.958)	0
Total MH FBG Adult Funds	64,754
MH Federal PATH (93.150)	9,212
MH Other Federal - DBHDS	0
MH Other Federal - CSB	0
TOTAL MH FEDERAL FUNDS	96,678
<u>STATE FUNDS</u>	
<u>Regional Funds</u>	
MH Acute Care (Fiscal Agent)	0
MH Regional DAP (Fiscal Agent)	0
MH Crisis Stabilization (Fiscal Agent)	0
MH Recovery (Fiscal Agent)	0
MH Other Regional (Fiscal Agent)	0
MH Total Regional Transfer In/(Out)	1,412,935
Total MH Regional Funds	1,412,935
<u>Children's Funds</u>	
MH Child & Adolescent Services Initiative	161,429
MH Children's Outpatient	75,000
Total Restricted MH Children's Funds	236,429
MH State Children's Services	25,000
MH Juvenile Detention	111,724
MH Demo Proj-System of Care (Child)	0
Total Unrestricted MH Children's Funds	136,724
Total MH Children's Funds	373,153
<u>Other State Funds</u>	

FY 2012 Performance Contract Financial Summary

Exhibit A: Resources and Services

Mental Health (MH) Services

District 19 Community Services Board

Funding Sources	Funds
MH Law Reform	331,492
MH Pharmacy - Medication Supports	351,355
MH Jail Diversion/Service	0
Total Restricted MH Other State Funds	682,847
MH State Funds	1,777,090
MH State Regional Deaf Services	0
MH State NGRI Funds	0
MH PACT	547,352
MH Discharge Assistance (DAP)	458,434
MH Geriatric Services	0
Total Unrestricted MH Other State Funds	2,782,876
Total MH Other State Funds	3,465,723
TOTAL MH STATE FUNDS	5,251,811
OTHER FUNDS	
MH Other Funds	109,149
MH Federal Retained Earnings	0
MH State Retained Earnings	0
MH State Retained Earnings - Regional Prog	0
MH Other Retained Earnings	565,387
TOTAL MH OTHER FUNDS	674,536
LOCAL MATCHING FUNDS	
MH In-Kind	0
MH Contributions	0
MH Local Other	60,000
MH Local Government	630,755
TOTAL MH LOCAL FUNDS	690,755
TOTAL MH FUNDS	13,034,195
ONE-TIME FUNDS	
MH FBG SMI (93.958)	0
MH FBG SED Child & Adolescent (93.958)	0
MH State Funds	0
TOTAL MH ONE-TIME FUNDS	0
TOTAL All MH FUNDS	13,034,195

FY 2012 Performance Contract Financial Summary

Exhibit A: Resources and Services

Developmental (DV) Services

District 19 Community Services Board

Funding Sources	Funds
<u>FEES</u>	
DV Medicaid Fees	1,523,200
DV Medicaid ICF/MR	0
DV Fees: Other	106,040
Total DV Fees	1,629,240
DV Transfer Fees In/(Out)	0
DV NET FEES	1,629,240
<u>FEDERAL FUNDS</u>	
DV Other Federal - DBHDS	0
DV Other Federal - CSB	0
TOTAL DV FEDERAL FUNDS	0
<u>STATE FUNDS</u>	
DV State Funds	498,696
DV OBRA	8,500
Total DV Unrestricted State Funds	507,196
DV Crisis Stabilization (Restricted)	0
TOTAL DV STATE FUNDS	507,196
<u>OTHER FUNDS</u>	
DV Workshop Sales	0
DV Other Funds	0
DV State Retained Earnings	0
DV Other Retained Earnings	0
TOTAL DV OTHER FUNDS	0
<u>LOCAL MATCHING FUNDS</u>	
DV In-Kind	0
DV Contributions	0
DV Local Other	0
DV Local Government	87,031
TOTAL DV LOCAL FUNDS	87,031
TOTAL DV FUNDS	2,223,467
<u>ONE-TIME FUNDS</u>	-----
TOTAL ALL DV FUNDS	2,223,467

FY 2012 Performance Contract Financial Summary

Exhibit A: Resources and Services

Substance Abuse (SA) Services

District 19 Community Services Board

Funding Sources	Funds
<u>FEES</u>	
SA Medicaid Fees	39,817
SA Fees: Other	0
Total SA Fees	39,817
SA Transfer Fees In/(Out)	0
SA NET FEES	39,817
<u>FEDERAL FUNDS</u>	
SA FBG Alcohol/Drug Trmt (93.959)	806,450
SA FBG SARPOS (93.959)	71,271
SA FBG Jail Services (93.959)	0
SA FBG Co-Occurring (93.959)	0
SA FBG New Directions (93.959)	0
SA FBG Recovery (93.959)	200,000
Total SA FBG A/D Trmt Funds	1,077,721
SA FBG Women (Includes LINK at 6 CSBs) (93.959)	177,900
SA FBG Prevention-Women (LINK) (93.959)	20,000
Total SA FBG Women Funds	197,900
SA FBG Prevention (93.959)	174,952
SA FBG Prev-Strengthening Families (93.959)	0
Total SA FBG Prevention Funds	174,952
SA Fed "Returning to Work" (93.243)	0
SA Other Federal - DBHDS	0
SA Other Federal - CSB	0
TOTAL SA FEDERAL FUNDS	1,450,573
<u>STATE FUNDS</u>	
<u>Regional Funds</u>	
SA Facility Reinvestment (Fiscal Agent)	0
SA Facility Reinvestment Transfer In/(Out)	0
SA Net Facility Reinvestment Funds	0
<u>Other State Funds</u>	
SA Women (Includes LINK at 4 CSBs) - Restricted	1,200
SA State Funds	1,211,229
SA Region V Residential	0
SA Jail Services/Juv Detention	180,883
SA MAT - Medically Assisted Treatment	0
SA SARPOS	37,819
SA Recovery	0
SA HIV/AIDS	95,634
Total Unrestricted SA Other State Funds	1,525,565
Total SA Other Funds	1,526,765
TOTAL SA STATE FUNDS	1,526,765

FY 2012 Performance Contract Financial Summary

Exhibit A: Resources and Services

Substance Abuse (SA) Services

District 19 Community Services Board

Funding Sources

Funds

OTHER FUNDS

SA Other Funds	0
SA Federal Retained Earnings	0
SA State Retained Earnings	0
SA State Retained Earnings-Regional Prog	0
SA Other Retained Earnings	0
TOTAL SA OTHER FUNDS	0

LOCAL MATCHING FUNDS

SA In-Kind	0
SA Contributions	0
SA Local Other	0
SA Local Government	0
TOTAL SA LOCAL FUNDS	0
TOTAL SA FUNDS	3,017,155

ONE TIME FUNDS

SA FBG Alcohol/Drug Trmt (93.959)	0
SA FBG Women (includes LINK at 6 CSBs) (93.959)	0
SA FBG Prevention (93.959)	0
SA State Funds	0
TOTAL ONE TIME SA FUNDS	0
TOTAL ALL SA FUNDS	3,017,155

FY 2012 Community Services Performance Contract

Exhibit A: Resources and Services

Local Government Tax Appropriations

District 19 Community Services Board

City/County	Tax Appropriation
Dinwiddie County	66,286
Greensville County	48,019
Prince George County	88,561
Surry County	56,867
Sussex County	61,339
Colonial Heights City	70,000
Emporia City	39,471
Hopewell City	105,288
Petersburg City	181,955
Total Local Government Tax Funds:	717,786

FY 2012 Community Services Performance Contract

Exhibit A: Resources and Services

Supplemental Information

Reconciliation of Projected Revenues and (Core Services) Costs by Program Area

District 19 Community Services Board

	MH Services	DV Services	SA Services	SAOPA *	Total
Total All Funds (Page AF-1)	13,034,195	2,223,467	3,017,155		18,274,817
Cost for MH, DV, SA, and SAOPA Services (Page AF-1)	12,059,949	2,154,856	2,664,512	1,760,225	18,639,542
Difference	974,246	68,611	352,643	-1,760,225	-364,725

* Services Available Outside of a Program Area

Difference results from

Other: -364,725

Explanation of Other in Table Above:

Regional Expenses Paid on Behalf of CSB

FY 2012 Community Services Performance Contract

Exhibit A: Resources and Services

CSB 100 Mental Health Services

District 19 Community Services Board

Report for Form 11

Core Services Code	Costs
310 Outpatient Services	\$2,861,205
350 Assertive Community Treatment	\$1,830,633
320 Case Management Services	\$3,746,877
425 Rehabilitation or Habilitation	\$1,593,823
460 Individual Supported Employment	\$183,055
510 Residential Crisis Stabilization Services	\$30,793
521 Intensive Residential Services	\$118,369
551 Supervised Residential Services	\$100,780
Total Costs	\$10,465,535

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Exhibit A: Resources and Services

CSB 200 Developmental Services

District 19 Community Services Board

Report for Form 21

Core Services Code	Costs
320 Case Management Services	\$805,152
430 Sheltered Employment	\$298,588
521 Intensive Residential Services	\$1,051,116
Total Costs	\$2,154,856

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Exhibit A: Resources and Services

CSB 300 Substance Abuse Services

District 19 Community Services Board

Report for Form 31

Core Services Code	Costs
260 Community-Based SA Medical Detox Inpatient (Hospital) Services	\$10,134
310 Outpatient Services	\$1,953,101
320 Case Management Services	\$48,484
521 Intensive Residential Services	\$143,850
551 Supervised Residential Services	\$27,866
581 Supportive Residential Services	\$0
610 Prevention Services	\$481,077
Total Costs	\$2,664,512

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Exhibit A: Resources and Services

CSB 400 Services Available Outside of a Program Area

District 19 Community Services Board

Report for Form 01

Core Services Code	Costs
100 Emergency Services	\$1,294,302
390 Consumer Monitoring Services	\$277,898
720 Assessment and Evaluation Services	\$38,734
620 Early Intervention Services	\$149,291
Total Costs	\$1,760,225

FY 2012 Community Services Performance Contract Supplement

Table 1: Board of Directors Membership Characteristics

Name of CSB:	District 19 Community Services Board				
Total Appointments:	16	Vacancies:	0	Filled Appointments:	16
Number of Consumers:	0	Number of Family Members:	5		

FY 2012 Community Services Performance Contract

Exhibit D: CSB Board of Directors Membership List

District 19 Community Services Board

Name	Address	Phone Number	Start Date	End Date	Term No.
Lance Forsythe	1411 Smokey Ordinary Road Emporia, VA 23847	(434) 634-0670	7/1/2004	6/30/2013	3
Mary Bagshaw	11234 Lawyers Road Prince George, VA 23875	(804) 458-6901	7/1/2004	6/30/2013	3
Rhonda Greene	1600 Kings Road Petersburg, VA 23805	(804) 732-1335	9/1/2009	9/30/2012	1
Willadean Harrison	8801 Hobbs Mill Road Wilsons, VA 23894	(804) 469-4294	3/4/2003	12/31/2011	3
Donald Hunter	6255 Hunter Place Prince George, VA 23875	(804) 518-4800	4/1/2010	5/31/2013	1
Judy Lyttle	3893 Colonial Trail East Surry, VA 23883	(757) 294-3837	7/1/2010	6/30/2013	1
Phyllis Moore Tolliver	24128 Cabin Point Road Disputanta, VA 23842	(807) 734-5073	7/19/2010	6/30/2013	1
Cornell Prince	24 South Crater Road Petersburg, VA 23803	(804) 504-7200	10/6/2006	9/30/2012	2
George W. Pugh, Sr	750 Halifax Street Emporia, VA 23847	(434) 634-4455	7/1/2004	6/30/2013	3
Kenneth Robinson	10844 Walton Lake Rd. Disputanta, VA 23842	(804) 733-2180	7/1/2005	6/30/2011	2
Ray Spicer	14012 Boydton Plank Road Dinwiddie, VA 23841	(804) 469-4524	4/1/2011	9/30/2012	1
Carolyn Thompson	410 Norwood Dr Colonial Heights, VA 23834	(804) 526-3732	1/1/2008	12/31/2013	2
Isabel Vartanian	2005 Jackson Street Hopewell, VA 23860	(804) 452-0393	9/1/2009	6/30/2012	1
Raenord Walker	200 Swift Creek Lane Colonial Heights, VA 23834	(804) 526-0129	7/1/2004	6/30/2013	3
Ronald Washington	729 Hampton Road Petersburg, VA 23805	(804) 732-4031	9/1/2009	9/30/2012	1
John Weigel	105 Summit Court Hopewell, VA 23860	(804) 541-2311	1/1/2009	12/31/2011	1

FY 2012 Community Services Performance Contract Supplement

District 19 Community Services Board

Table 2: Board Management Salary Costs

Explanations for Table 2a						

Table 2b: Community Service Board Employees

1.	2.	3.	4.	5.	6.	7.
No. of FTE CSB Employees	MH	MR	SA	Srv Outside Pgm	ADMIN	TOTAL
Consumer Service FTEs	92.81	27.55	30.00	12.00		162.36
Peer Staff Service FTEs	1.61	0.00	0.00	0.00		1.61
Support Staff FTEs	30.42	3.52	5.08	2.00	27.75	68.77
TOTAL FTE CSB Employees	124.84	31.07	35.08	14.00	27.75	232.74

Lance Forsythe
1411 Smokey Ordinary Road
Emporia,VA 23847

Mary Bagshaw
11234 Lawyers Road
Prince George,VA 23875

Rhonda Greene
1600 Kings Road
Petersburg,VA 23805

Willadean Harrison
8801 Hobbs Mill Road
Wilsons,VA 23894

Donald Hunter
6255 Hunter Place
Prince George,VA 23875

Judy Lyttle
3893 Colonial Trail East
Surry,VA 23883

Phyllis Moore Tolliver
24128 Cabin Point Road
Disputanta,VA 23842

Cornell Prince
24 South Crater Road
Petersburg,VA 23803

George W. Pugh, Sr
750 Halifax Street
Emporia,VA 23847

Kenneth Robinson
10844 Walton Lake Rd.
Disputanta,VA 23842

Ray Spicer
14012 Boydton Plank Road
Dinwiddie,VA 23841

Carolyn Thompson
410 Norwood Dr
Colonial Heights,VA 23834

Isabel Vartanian
2005 Jackson Street
Hopewell,VA 23860

Raenord Walker
200 Swift Creek Lane
Colonial Heights,VA 23834

Ronald Washington
729 Hampton Road
Petersburg,VA 23805

John Weigel
105 Summit Court
Hopewell,VA 23860

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FY 2012 Community Services Performance Contract

1. Contract Purpose

- a. Title 37.2 of the Code of Virginia establishes the Virginia Department of Behavioral Health and Developmental Services, hereafter referred to as the Department, to ensure delivery of publicly funded services and supports to individuals with mental health or substance use disorders or intellectual disability and authorizes the Department to fund community mental health and substance abuse (behavioral health) and developmental services.
- b. Sections 37.2-500 through 37.2-511 of the Code of Virginia require cities and counties to establish community services boards for the purpose of providing local public mental health, developmental, and substance abuse services; §§ 37.2-600 through 37.2-614 authorize certain cities or counties to establish behavioral health authorities that plan and provide those same local public services. In this contract, the community services board, local government department with a policy-advisory community services board, or behavioral health authority named on page 19 of this contract will be referred to as the Board or CSB.
- c. Section 37.2-500 or 37.2-601 of the Code of Virginia states that, in order to provide comprehensive mental health, developmental, and substance abuse services within a continuum of care, the Board shall function as the single point of entry into publicly funded mental health, developmental, and substance abuse services. The Board fulfills this function in accordance with State Board Policy 1035 for any person who is located in the Board's service area and needs mental health, developmental, or substance abuse services.
- d. Sections 37.2-508 and 37.2-608 of the Code of Virginia and State Board Policy 4018 establish this contract as the primary accountability and funding mechanism between the Department and the Board.
- e. The Board is applying for the assistance provided under Chapter 5 or 6 of Title 37.2 of the Code of Virginia by submitting this performance contract to the Department in accordance with § 37.2-508 or § 37.2-608 of the Code of Virginia.
- f. This contract establishes requirements and responsibilities for the Board and the Department that are not established through other means, such as statute or regulation. The Community Services Board Administrative Requirements, which, by agreement of the parties, is hereby incorporated into and made a part of this contract by reference, includes or incorporates by reference ongoing statutory, regulatory, policy, and other requirements that are not contained in this contract. This document is available on the Department's web site at www.dbhds.virginia.gov/OCC-default.htm.
- g. The Department and the Board enter into this performance contract for the purpose of funding services provided directly or contractually by the Board in a manner that ensures accountability to the Department and quality of care for individuals receiving services and implements the vision articulated in State Board Policy 1036 of an individual-driven system of services and supports that promotes self-determination, empowerment, recovery, resilience, health, and the highest possible level of participation by individuals receiving services in all aspects of community life, including work, school, family, and other meaningful relationships; and the Board and the Department agree as follows.

2. **Relationship:** The Department functions as the state authority for the public mental health, developmental, and substance abuse services system, and the Board functions as the local authority for that system. The relationship between and roles and responsibilities of the Department and the Board are described in the Partnership Agreement between the parties, which, by agreement of the parties, is hereby incorporated into and made a part of this contract by reference. This contract shall not be construed to establish any employer-employee or principal-agent relationship between employees of the Board or its board of directors and the Department.

FY 2012 Community Services Performance Contract

3. **Contract Term:** This contract shall be in effect for a term of one year, commencing on July 1, 2011 and ending on June 30, 2012.

4. Scope of Services

- a. **Services:** Exhibit A of this contract includes all mental health, developmental, and substance abuse services provided or contracted by the Board that are supported by the resources described in section 5 of this contract. Services and certain terms used in this contract are defined in the current Core Services Taxonomy, which, by agreement of the parties, is hereby incorporated into and made a part of this contract by reference. The Taxonomy is on the Department's web site at www.dbhds.virginia.gov/OCC-default.htm.
- b. **Expenses for Services:** The Board shall provide to the extent practicable those services that are funded within the revenues and expenses set forth in Exhibit A and documented in the Board's financial management system. The Board shall distribute its administrative and management expenses across some or all of the three program areas on a basis that is in accordance with Uniform Cost Report principles, is auditable, and satisfies Generally Accepted Accounting Principles.
- c. **Continuity of Care:** In order to partially fulfill its responsibility in § 37.2-500 or 37.2-601 of the Code of Virginia and State Board Policy 1035 to function as the single point of entry into publicly funded services in its service area, the Board shall follow the Continuity of Care Procedures in Appendix A of the Community Services Board Administrative Requirements.
- 1.) **Coordination of Intellectual Disability Waiver Services:** The Board shall provide case management services to individuals who are receiving services under the Medicaid Intellectual Disability Home and Community-Based Waiver (ID Waiver). In its capacity as the case manager for these individuals and in order to receive payment for services from the Department of Medical Assistance Services (DMAS), the Board shall develop individual service authorization requests (ISARs) for Waiver services and submit them to the Department for preauthorization, pursuant to the current DMAS/DBHDS Interagency Agreement, under which the Department preauthorizes ISARs as a delegated function from the DMAS. As part of its specific case management responsibilities for individuals receiving ID Waiver services, the Board shall coordinate and monitor the delivery of all services to individuals it serves, including monitoring the receipt of services in an individual's ISAR that are provided by independent vendors who are reimbursed directly by the DMAS, to the extent that the Board is not prohibited from doing so by such vendors (reference the DMAS *Intellectual Disability Community Services Manual*). The Board may raise issues regarding its efforts to coordinate and monitor services provided by independent vendors to the applicable funding or licensing authority, such as the Department, DMAS, or Virginia Department of Social Services. In fulfilling this service coordination responsibility, the Board shall not restrict or seek to influence an individual's choice among qualified service providers. This prohibition is not intended to restrict the ability of Board case managers to make recommendations, based on their professional judgment, to individuals regarding those available service options that best meet the terms of the individuals' ISPs and allow for the most effective coordination of services. This section does not, nor shall it be construed to, make the Board legally liable for the actions of independent vendors of ID Waiver services who are reimbursed directly by the DMAS.
- 2.) **Linkages with Health Care:** When it arranges for the care and treatment of individuals in hospitals, inpatient psychiatric facilities, or psychiatric units of hospitals, the Board shall assure its staff's cooperation with those hospitals, inpatient psychiatric facilities, or psychiatric units of hospitals, especially emergency rooms and emergency room physicians, in order to promote continuity of care for those individuals.

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- 3.) Coordination with Local Psychiatric Hospitals:** When the Board performed the preadmission screening and referral to the Board is likely upon the discharge of an involuntarily admitted individual, the Board shall coordinate or, if it pays for the service, approve an individual's admission to and continued stay in a psychiatric unit or hospital and collaborate with that unit or hospital to assure appropriate treatment and discharge planning to the least restrictive setting and to avoid the use of these facilities when the service is no longer needed.
- 4.) Access to Services:** The Board shall not require an individual to receive case management services in order to receive other services that it provides, directly or contractually, unless it is permitted to do so by applicable regulations or the person is an adult with a serious mental illness, a child with or at risk of serious emotional disturbance, or an individual with an intellectual disability or a substance use disorder, the person is receiving more than one other service from the Board, or a licensed clinician employed or contracted by the Board determines that case management services are clinically necessary for that individual. Federal Medicaid targeted case management regulations forbid using case management to restrict access to other services by Medicaid recipients or compelling Medicaid recipients to receive case management if they are receiving another service.
- 5.) PACT Criteria:** If the Board receives state general or federal funds for a Program of Assertive Community Treatment (PACT), it shall satisfy the following criteria:
- a.) Meet PACT state hospital bed use targets;
 - b.) Prioritize providing services to individuals with serious mental illnesses who are frequent recipients of inpatient services or are homeless;
 - c.) Achieve and maintain a caseload of 80 individuals receiving services after two years from the date of initial funding by the Department; and
 - d.) Participate in technical assistance provided by the Department.
- 6.) Preadmission Screening:** The Board shall provide preadmission screening services pursuant to § 37.2-505 or § 37.2-606, § 37.2-805, § 37.2-809 through § 37.2-813, § 37.2-814, and § 16.1-335 et seq. of the Code of Virginia and in accordance with the Continuity of Care Procedures in Appendix A of the Community Services Board Administrative Requirements for any person who is located in the Board's service area and may need admission for involuntary psychiatric treatment.
- 7.) Discharge Planning:** The Board shall provide discharge planning pursuant to § 37.2-505 or § 37.2-606 of the Code of Virginia and in accordance with State Board Policies 1035 and 1036, the Continuity of Care Procedures, and the *Discharge Protocols for Community Services Boards and State Hospitals* issued by the Department on 12-01-2010 or the *Admission and Discharge Protocols for Individuals with Intellectual Disabilities* issued by the Department and effective on 03-01-2011 that by agreement of the parties are incorporated into and made a part of this contract by reference.
- d. Populations Served:** The Board shall provide needed services to adults with serious mental illnesses, children with or at risk of serious emotional disturbance, and individuals with intellectual disability or substance use disorder to the greatest extent possible within the resources available to it for this purpose. In accordance with § 37.2-508 or § 37.2-608 of the Code of Virginia, the Board shall report the unduplicated numbers of adults with serious mental illnesses, children with or at risk of serious emotional disturbance, and individuals with intellectual disability or substance use disorder that it serves during the term of this contract. These populations are defined in the Core Services Taxonomy, available on the Department's web site at www.dbhds.virginia.gov/OCC-default.htm.

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- 5. Resources:** Exhibit A of this contract includes the following resources: state general funds and federal funds appropriated by the General Assembly and allocated by the Department to the Board; balances of unexpended or unencumbered state general and federal funds retained by the Board and used in this contract to support services; local matching funds required by § 37.2-509 or § 37.2-611 of the Code of Virginia to receive allocations of state general funds; Medicaid Targeted Case Management, Rehabilitative Services (State Plan Option), and Intellectual Disability Home and Community-Based Waiver fees and any other fees, as required by § 37.2-504 or § 37.2-605 of the Code of Virginia; and any other revenues associated with or generated by the services shown in Exhibit A.
- a. Allocations of State General and Federal Funds:** The Department shall inform the Board of its state general and federal fund allocations in a letter of notification. The Department may adjust allocation amounts during the term of this contract. The Commissioner or his designee shall communicate all adjustments to the Board in writing. Allocations of state general and federal funds shall be based on state and federal statutory and regulatory requirements, provisions of the Appropriation Act, State Board policies, and previous allocation amounts.
 - b. Allocations of New Appropriations of Additional State General Funds:** The Department shall work with representatives of the Board to develop a conceptual framework for allocating new appropriations of additional state general funds. This framework shall include a methodology for identifying the minimum amount of the appropriation needed by the smallest Boards to implement the intent of the new appropriation and criteria for allocating the remainder of the appropriation using population as a significant factor.
 - c. Conditions on the Use of Resources:** The Department can attach service requirements or specific conditions that it establishes for use of funds, separate from those established by other authorities, for example, applicable statutory or regulatory requirements such as licensing or human rights regulations or federal anti-discrimination requirements, only to the state general and federal funds that it allocates to the Board and to the 10 percent local matching funds that are required to obtain the Board's state general fund allocations.

6. Board Responsibilities

- a. State Hospital Bed Utilization:** In accordance with § 37.2-508 or § 37.2-608 of the Code of Virginia, the Board shall identify or develop jointly with the Department and with input from private providers involved with the public mental health, developmental, and substance abuse services system mechanisms, such as the Discharge Protocols, Extraordinary Barriers to Discharge lists, and reinvestment or system transformation projects and activities, and employ these mechanisms collaboratively with state hospitals that serve it to manage the utilization of state hospital beds. Utilization will be measured by bed days received by individuals for whom the Board is the case management board.
- b. Quality of Care**
 - 1.) Clinical Consultation:** The Board may request the Department to provide professional consultations for clinically complex or difficult or medically complicated cases within the resources available for this purpose in the Department or its facilities and as permitted under 45 CFR § 164.506 (c) (1) when individuals or their authorized representatives have requested second opinions and with valid authorizations that comply with the Human Rights Regulations and the HIPAA Privacy Rule or when staff of the Board request such consultations for individuals it serves in the community, if the Board is not able to provide those second opinions or obtain this consultation within its resources.
 - 2.) Quality Improvement and Risk Management:** The Board shall, to the extent possible, develop and implement quality improvement processes that utilize individual outcome

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measures, provider performance measures, and other data or participate in its local government's quality improvement processes to improve services, ensure that services are provided in accordance with current acceptable professional practice, and enable the ongoing review of all major areas of the Board's responsibilities under this contract.

The Board shall, to the extent practicable, develop, implement, and maintain, itself or in affiliation with other Boards, a quality improvement plan incorporating Board provider performance measures, individual outcome measures, and human rights information. The Board shall, to the extent practicable, develop, implement, and maintain, itself or in affiliation with other Boards, a risk management plan or the Board shall participate in a local government's risk management plan. The Board shall work with the Department through the System Leadership Council to identify how the Board will address quality improvement activities.

The Board shall implement, in collaboration with other Boards in its region, the state hospitals and training centers serving its region, and private providers involved with the public mental health, developmental, and substance abuse services system, regional utilization management procedures and practices that reflect the Regional Utilization Management Guidance document adopted by the System Leadership Council on January 10, 2007 that by agreement of the parties is hereby incorporated into and made a part of this contract by reference. This document is available on the Department's web site at www.dbhds.virginia.gov/OCC-default.htm.

- 3.) Continuous Quality Improvement Process:** The Board shall address and report on the performance expectations and goals in Exhibit B of this contract as part of the Continuous Quality Improvement Process supported by the Department and the Board.

4.) Individual Outcome and Board Provider Performance Measures

- a.) Measures:** Pursuant to § 37.2-508 or § 37.2-608 of the Code of Virginia, the Board shall report the individual outcome, Board provider performance, individual satisfaction, and individual and family member participation and involvement measures in Exhibit C of this contract to the Department. These reporting requirements are contingent on the Department supplying any necessary specifications and software to the Board in time for the Board to make needed changes in its information system.
- b.) Board Performance Measures:** The Department may negotiate specific, time-limited measures with the Board to address identified performance concerns or issues. When negotiated, such measures shall be included as Exhibit D of this contract.
- c.) Individual Satisfaction Survey:** Pursuant to § 37.2-508 or § 37.2-608 of the Code of Virginia, the Board shall participate in an assessment of the satisfaction of individuals receiving services in accordance with Exhibit C of this contract.
- d.) Substance Abuse Youth Surveys:** The Board shall work closely with community-based prevention planning groups, schools, and local governments to support and enable the administration of the Virginia Community Youth Survey and the Virginia Youth Tobacco Survey, which are mandated by federal funding sources and are necessary for continuation of federal block grant funding.
- e.) Prevention Services Participants and Program Evaluations:** The Board shall evaluate a minimum of 20 percent of participants in evidence-based prevention programs using program-specific instruments, which are evaluation instruments and processes developed by the program developer for that program. The Board shall conduct program-specific evaluations of all federal Substance Abuse Prevention and Treatment grant-supported prevention programs as agreed in the grant contract.

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with the Department. The Board shall use community-level abstinence data from regional community youth survey data for alcohol, tobacco, and other drug use, perceptions of harm and disapproval, and other indicator data, including archival data listed in the National Outcome Measures, for outcome evaluation of environmental strategies and community-based processes.

- f.) **Recovery Orientation:** The Board shall implement a plan for assessing and increasing its recovery orientation over time, initially for adults with serious mental illnesses, in accordance with Exhibit C and Section 5, Advancing the Vision, of the Partnership Agreement and shall report on its recovery orientation to the Department by March 31, 2012.

- 5.) **Program and Service Reviews:** The Department may conduct or contract for reviews of programs or services provided or contracted by the Board under this contract to examine their quality or performance at any time as part of its monitoring and review responsibilities or in response to concerns or issues that come to its attention, as permitted under 45 CFR § 164.512 (a), (d), and (k) (6) (ii) and as part of its health oversight functions under § 32.1-127.1:03 (D) (6) and § 37.2-508 or § 37.2-608 of the Code of Virginia or with a valid authorization by the individual receiving services or his authorized representative that complies with the Human Rights Regulations and the HIPAA Privacy Rule.

- 6.) **Response to Complaints:** The Board shall implement procedures to respond to complaints from individuals receiving services, family members, advocates, or other stakeholders as expeditiously as possible in a manner that seeks to achieve a satisfactory resolution and advises the complainant of any decision and the reason for it. The Board shall acknowledge complaints that the Department refers to it within five days of receipt and provide follow up commentary on them to the Department within 10 days of receipt.

c. Reporting Requirements

- 1.) **Board Responsibilities:** For purposes of reporting to the Department, the Board shall comply with State Board Policy 1037 and:
 - a.) provide monthly Community Consumer Submission (CCS) extracts that report individual characteristic and service data to the Department, as required by § 37.2-508 or § 37.2-608 of the Code of Virginia, the federal Substance Abuse and Mental Health Services Administration, and Part C of Title XIX of the Public Health Services Act - Block Grants, § 1943 (a) (3) and § 1971 and § 1949, as amended by Public Law 106-310, and as permitted under 45 CFR §§ 164.506 (c) (1) and (3) and 164.512 (a) (1) and (d) and under §32.1-127.1:03.D (6) of the Code of Virginia, and as defined in the current CCS Extract Specifications and Design Specifications (including the current Business Rules), which are available on the Department's web site at www.dbhds.virginia.gov/OCC-default.htm and are hereby incorporated into and made a part of this contract by reference and by agreement of the parties;
 - b.) follow the current Core Services Taxonomy and CCS Extract Specifications and Design Specifications (including the current Business Rules) when responding to reporting requirements established by the Department;
 - c.) complete the National Survey of Substance Abuse Treatment Services (N-SSATS), formerly the Uniform Facility Data Set (UFDS), annually that is used to compile and update the National Directory of Drug and Alcohol Abuse Treatment Programs and the on-line Substance Abuse Treatment Facility Locator;
 - d.) report Inventory of Mental Health Organizations information and data in accordance with federal requests to the greatest extent possible;

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- e.) report KIT Prevention System data on all substance abuse prevention services provided by the Board, including services that are supported wholly or in part by the Substance Abuse Prevention and Treatment (SAPT) Block Grant allocation for prevention services, LINK prevention, and substance abuse prevention services funded by other grants and reported under substance abuse in the Community Automated Reporting System (CARS), and enter KIT Prevention System data by June 15 on goals, objectives, and programs approved by the community prevention planning coalition;
- f.) supply information to the Department's Forensics Information Management System for individuals adjudicated not guilty by reason of insanity (NGRI), as required under § 37.2-508 or § 37.2-608 of the Code of Virginia and as permitted under 45 CFR §§ 164.506 (c) (1) and (3), 164.512 (d), and 164.512 (k) (6) (ii);
- g.) report individual, service, financial, and other information on Part C services that it provides, previously reported through the CARS and CCS, to the Department through a separate reporting system maintained by the Department;
- h.) report individual, service, financial, and other information on jail diversion and juvenile detention center services, previously reported through separate manual reports, only through the CARS and CCS; and
- i.) report data and information required by the current Appropriation Act.

2.) Routine Reporting Requirements: The Board shall account for all services, revenues, expenses, and costs accurately and submit reports to the Department in a timely manner using current CARS, CCS, or other software provided by the Department. All reports shall be provided in the form and format prescribed by the Department. The Board shall provide the following information and meet the following reporting requirements:

- a.) types and service capacities of services provided, costs for services provided, and revenues received by source and amount and expenses paid by program area and for services available outside of a program area, reported mid-year and at the end of the fiscal year through CARS, and types and amounts of services provided to each individual, monthly through the current CCS;
- b.) demographic characteristics of individuals receiving services, monthly through the current CCS;
- c.) numbers of adults with serious mental illnesses, children with serious emotional disturbance, children at risk of serious emotional disturbance, and individuals with intellectual disability, or substance use disorder, monthly through the current CCS;
- d.) performance expectations and goals and individual outcome and Board provider performance measures in Exhibits B and C;
- e.) community waiting list information for the Comprehensive State Plan that is required by § 37.2-315 of the Code of Virginia, as permitted under § 32.1-127.1:03 (D) (6) of the Code of Virginia and 45 CFR § 164.512 (d) and (k) (6) (ii) (when required);
- f.) State Facility Discharge Waiting List Data Base reports using ACCESS software supplied by the Department;
- g.) Federal Balance Report (October 31);
- h.) Total numbers of individuals served for the Mandatory Outpatient Treatment, Discharge Assistance Project, Mental Health Child and Adolescent Services Initiative, ID Waiver Services, and other Consumer Designation (900) Codes, monthly through the current CCS;
- i.) PATH reports (mid-year and at the end of the fiscal year);

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- j.) Uniform Cost Report information through CARS (annually) and
- k.) other reporting requirements in the current CCS Extract or Design Specifications.
- 3.) **Subsequent Reporting Requirements:** In accordance with State Board Policy 1037, the Board shall work with the Department through the Virginia Association of Community Services Boards (VACSB) Data Management Committee (DMC) to ensure that current data and reporting requirements are consistent with each other and the current Core Services Taxonomy, the current CCS, and the Treatment Episode Data Set (TEDS) and other federal reporting requirements. The Board also shall work with the Department through the DMC in planning and developing any additional reporting or documentation requirements beyond those identified in this contract, such as the federal mental health and substance abuse National Outcomes Measures (NOMS) when they become effective, to ensure that such requirements are consistent with the current Core Services Taxonomy, the current CCS, and TEDS and other federal reporting requirements.
- 4.) **Streamlining Reporting Requirements:** The Board shall work with the Department through the VACSB DMC to review existing reporting requirements outside of the current CCS to determine if they are still necessary and, if they are, to streamline those reporting requirements as much as possible and to ensure they are consistent with the current CCS Extract Specifications and Core Services Taxonomy.
- d. **Discharge Assistance Project (DAP)**
 - 1.) **Board Responsibilities:** If it participates in any DAP funded by the Department, the Board shall be responsible for ensuring the effective utilization of those funds, without submitting individualized services plans (ISPs) to the Department for approval or preauthorization.
 - 2.) **Department Review:** The Board agrees to participate in any utilization review or utilization management activities conducted by the Department involving services provided under the DAP. Protected health information may be disclosed as permitted under 45 CFR §§ 164.506 (c) (1), (3), and (4) and 164.512 (k) (6) (ii).
- e. **Compliance Requirements:** The Board shall comply with all applicable federal, state, and local laws and regulations, including those contained or referenced in the Community Services Board Administrative Requirements and in Exhibits F and K of this contract, as they affect the operation of this contract. Any substantive change in the CSB Administrative Requirements, except changes in statutory, regulatory, policy, or other requirements or in other documents incorporated by reference in it, which changes are made in accordance with processes or procedures associated with those statutes, regulations, policies, or other requirements or documents, shall constitute an amendment of this contract, made in accordance with applicable provisions of the Partnership Agreement, that requires a new contract signature page, signed by both parties.

If any laws or regulations that become effective after the execution date of this contract substantially change the nature and conditions of this contract, they shall be binding upon the parties, but the parties retain the right to exercise any remedies available to them by law or other provisions of this contract. The Board shall comply with the Health Insurance Portability and Accountability Act of 1996 and the regulations promulgated thereunder by their compliance dates, except where the HIPAA requirements and applicable state law or regulations are contrary, and state statutes or regulations are more stringent, as defined in 45 CFR § 160.202, than the related HIPAA requirements. The Board shall ensure sensitive data, including HIPAA-protected health information and other confidential data, exchanged electronically with the Department meets the requirements in the FIPS 140-2 standard. The Department will accept 128 bit encryption methods that are FIPS 140-2 compliant.

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The Board shall follow the procedures and satisfy the requirements in the Performance Contract Process and the Administrative Performance Standards, contained in Exhibits E and I respectively of this contract. The Board shall document its compliance with §§ 37.2-501, 37.2-504, and 37.2-508 or §§ 37.2-602, 37.2-605, and 37.2-608 of the Code of Virginia in Exhibits G and H of this contract.

- f. Regional Programs:** The Board shall manage or participate in the management of, account for, and report on regional programs in accordance with the Regional Program Operating Principles and the Regional Program Procedures in Appendices E and F of the current Core Services Taxonomy. The Board agrees to participate in any utilization review or utilization management activities conducted by the Department involving services provided through a regional program. Protected health information may be disclosed as permitted under 45 CFR §§ 164.506 (c) (1) and (3) and 164.512 (k) (6) (ii).
- g. Joint Agreements:** If the Board enters into a joint agreement pursuant to § 37.2-512 or § 37.2-615 of the Code of Virginia, the Board shall describe the agreement in Exhibit J of this contract and shall attach a copy of the joint agreement to that Exhibit.
- h. Intensive Care Coordination for the Comprehensive Services Act**
 - 1.)** As the single point of entry into publicly funded mental health, developmental, and substance abuse services pursuant to § 37.2-500 of the Code of Virginia and as the exclusive provider of Medicaid targeted mental health and developmental case management services, the Board is the most appropriate provider of intensive care coordination (ICC) services through the Comprehensive Services Act for At-Risk Youth and Families (CSA). The Board and the local Community Policy and Management Team (CPMT) in its service area shall determine collaboratively the most appropriate and cost-effective provider of ICC services for children who are placed in or are at risk of being placed in residential care through the CSA program in accordance with guidelines developed by the State Executive Council and shall develop a local plan for ICC services that best meets the needs of those children and their families. If there is more than one CPMT in the Board's service area, the CPMTs and the Board may work together as a region to develop a plan for ICC services.
 - 2.)** If the Board is identified as the provider of ICC services, it shall work in close collaboration with its CPMT(s) and Family Assessment and Planning Team(s) to implement ICC services, to assure adequate support for these services through local CSA funds, and to assure that all children receive appropriate assessment and care planning services. Examples of ICC activities include: efforts at diversion from more restrictive levels of care, discharge planning to expedite return from residential or facility care, and community placement monitoring and care coordination work with family members and other significant stakeholders. If the Board contracts with another entity to provide ICC services, the Board shall remain fully responsible for ICC services, including monitoring the services provided under the contract. Subject to the approval of the local CPMT(s), the Board may phase in ICC services as a way to facilitate meaningful integration of ICC services with existing services and supports or as a means of maximizing the limited resources available within the community.

7. Department Responsibilities

- a. Funding:** The Department shall disburse the state general funds displayed in Exhibit A, subject to the Board's compliance with the provisions of this contract, prospectively on a semi-monthly basis to the Board. Payments may be revised to reflect funding adjustments. The Department shall disburse federal grant funds that it receives to the Board in accordance with the requirements of the applicable federal grant and, wherever possible, prospectively on a semi-monthly basis. The Department shall make these payments in accordance with Exhibit E of this contract.

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b. State Facility Services

- 1.) The Department shall make state facility services available, if appropriate, through its state hospitals and training centers, when individuals located in the Board's service area meet the admission criteria for these services.
- 2.) The Department shall track, monitor, and report on the Board's utilization of state hospital and training center beds and provide data to the Board about individuals receiving services from its service area who are served in state hospitals and training centers as permitted under 45 CFR §§ 164.506 (c) (1), (2), and (4) and 164.512 (k) (6) (ii). The Department shall post state hospital and training center bed utilization by the Board for all types of beds (adult, geriatric, child and adolescent, and forensic) on its Internet web site.
- 3.) The Department shall manage its state hospitals and training centers in accordance with State Board Policy 1035 to support service linkages with the Board, including adherence to the applicable provisions of the Continuity of Care Procedures, attached to the Community Services Board Administrative Requirements as Appendix A, and the *Discharge Protocols for Community Services Boards and State Hospitals* issued by the Department on 12-01-2010 or the *Admission and Discharge Protocols for Individuals with Intellectual Disabilities* issued by the Department and effective on 03-01-2011. The Department shall assure its state hospitals and training centers use teleconferencing technology to the extent practicable and whenever possible to facilitate the Board's participation in treatment planning activities and the Board's fulfillment of its discharge planning responsibilities for individuals in state hospitals and training centers for whom it is the case management Board.
- 4.) The Department shall involve the Board, as applicable and to the greatest extent possible, in collaborative planning activities regarding the future role and structure of state hospitals and training centers.
- 5.) **Recovery Orientation:** The Department shall ensure that each state hospital shall implement a plan for assessing and increasing its recovery orientation over time, initially for adults with serious mental illnesses, in accordance with Section 5, Advancing the Vision, of the Partnership Agreement, and each state hospital shall report on its recovery orientation to the Department by March 31, 2012.

c. Quality of Care

- 1.) The Department with participation from the Board shall identify individual outcome, Board provider performance, individual satisfaction, and individual and family member participation and involvement measures and emergency services and case management services performance expectations and goals for inclusion in this contract, pursuant to § 37.2-508 or § 37.2-608 of the Code of Virginia, and shall collect information about these measures and performance expectations and goals and work with the Board to use them as part of the Continuous Quality Improvement Process described in Exhibit B to improve services.
- 2.) The Department may provide professional consultations to the Board upon request for clinically complex or difficult or medically complicated cases within resources available for this purpose in the Department or its facilities and as permitted under 45 CFR § 164.506 (c) (1) when individuals receiving services or their authorized representatives have requested second opinions and with valid authorizations that comply with the Human Rights Regulations and the HIPAA Privacy Rule or when staff of the Board request such consultations for individuals it serves in the community, if the Board is not able to provide those second opinions or obtain this consultation within its resources.

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- 3.) The Department shall work with the Board, state hospitals and training centers serving it, and private providers involved with the public mental health, developmental, and substance abuse services system, to implement regional utilization management procedures and practices reflected in the Regional Utilization Management Guidance document, adopted by the System Leadership Council on January 10, 2007, which, by agreement of the parties, is hereby incorporated into and made a part of this contract by reference.
 - 4.) **Recovery Orientation:** The Department shall implement a plan for assessing and increasing its recovery orientation over time, initially for adults with serious mental illnesses, in accordance with Exhibit C and Section 5, Advancing the Vision, of the Partnership Agreement and shall report on its recovery orientation on its web site by March 31, 2012. It shall work with the Board within the resources available to support the Board's efforts to assess and increase its recovery orientation over time and review and provide feedback to the Board on its efforts in this area.
 - 5.) **Continuity of Care:** In order to fulfill its responsibilities related to discharge planning, the Department shall comply with § 37.2-837 of the Code of Virginia, State Board Policy 1036, the *Discharge Protocols for Community Services Boards and State Hospitals* issued by the Department on 12-01-2010 or the *Admission and Discharge Protocols for Individuals with Intellectual Disabilities* issued by the Department and effective on 03-01-2011, and the Continuity of Care Procedures, included in the Community Services Board Administrative Requirements as Appendix A.
- d. **Reporting Requirements**
- 1.) In accordance with State Board Policy 1037, the Department shall work with Boards through the Virginia Association of Community Services Boards Data Management Committee (DMC) to ensure that current data and reporting requirements are consistent with each other and with the current Core Services Taxonomy, the current Community Consumer Submission (CCS), and TEDS and other federal reporting requirements. The Department also shall work with Boards through the DMC in planning and developing any additional reporting or documentation requirements beyond those identified in this contract, such as the federal mental health and substance abuse National Outcomes Measures (NOMS) when they become effective, to ensure that such requirements are consistent with the current Core Services Taxonomy, the current CCS, and TEDS and other federal reporting requirements.
 - 2.) The Department shall collaborate with Boards through the DMC in the implementation and modification of the current Community Consumer Submission (CCS), which reports individual characteristic and service data that is required under § 37.2-508 or § 37.2-608 of the Code of Virginia, the federal Substance Abuse and Mental Health Services Administration, and Part C of Title XIX of the Public Health Services Act – Block Grants, §1943 (a) (3) and § 1971 and § 1949, as amended by Public Law 106-310, to the Department and is defined in the current CCS Extract Specifications and Design Specifications (including the current Business Rules). The Department will receive and use individual characteristic and service data disclosed by the Board through the CCS as permitted under 45 CFR §§ 164.506 (c) (1) and (3) and 164.512 (a) (1) and under § 32.1-127.1:03.D (6) of the Code of Virginia and shall implement procedures to protect the confidentiality of this information pursuant to § 37.2-504 or § 37.2-605 of the Code of Virginia and HIPAA.
 - 3.) The Department shall work with Boards through the DMC to reduce the number of data elements required whenever this is possible.
 - 4.) The Department shall ensure that all surveys and requests for data have been reviewed for cost effectiveness and developed through a joint Department and Board process.

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The Department shall comply with the Procedures for Approving CSB Surveys, Questionnaires, and Data Collection Instruments and Establishing Reporting Requirements, reissued by Commissioner James Stewart on March 4, 2011.

- 5.) The Department shall work with Boards through the DMC to review existing reporting requirements outside of the current CCS to determine if they are still necessary and, if they are, to streamline those reporting requirements as much as possible and to ensure they are consistent with the current CCS Extract Specifications and Core Services Taxonomy.

e. Discharge Assistance Project (DAP)

- 1.) **Department Responsibilities:** If the Board participates in any DAP funded by the Department, the Department agrees that the Board shall be responsible for ensuring the effective utilization of those funds, without submitting individualized services plans to the Department for preauthorization or approval.
- 2.) **Department Review:** The Department may conduct utilization review or utilization management activities involving services provided by the Board under the DAP. If such activities involve the disclosure of protected health information, the information may be used and disclosed as permitted under 45 CFR §§ 164.506 (c) (1), (3), and (4) and 164.512 (k) (6) (ii).

- f. **Compliance Requirements:** The Department shall comply with all applicable state and federal statutes and regulations, including those contained or referenced in the Community Services Board Administrative Requirements and Exhibits F and K of this contract, as they affect the operation of this contract. Any substantive change in the Community Services Board Administrative Requirements, except changes in statutory, regulatory, policy, or other requirements or in other documents incorporated by reference in it, which changes are made in accordance with processes or procedures associated with those statutes, regulations, policies, or other requirements or documents, shall constitute an amendment of this contract, made in accordance with applicable provisions of the Partnership Agreement, that requires a new contract signature page, signed by both parties.

If any laws or regulations that become effective after the execution date of this contract substantially change the nature and conditions of this contract, they shall be binding upon the parties, but the parties retain the right to exercise any remedies available to them by law or other provisions of this contract. The Department and its state hospitals and training centers shall comply with the Health Insurance Portability and Accountability Act of 1996 and the regulations promulgated thereunder by their compliance dates, except where the HIPAA requirements and applicable state law or regulations are contrary, and state statutes or regulations are more stringent, as defined in 45 CFR § 160.202, than the related HIPAA requirements. The Department shall ensure that any sensitive data, including HIPAA-protected health information and other confidential data, exchanged electronically with the Board meets the requirements in the FIPS 140-2 standard. The Department will use 128 bit encryption methods that are FIPS 140-2 compliant.

If the Board's receipt of DAP or state facility reinvestment project funds causes it to be out of compliance with the 10 percent local matching funds requirement in § 37.2-509 of the Code of Virginia, the Department shall grant an automatic waiver of that requirement, related to the DAP or state facility reinvestment project funds, as authorized by that Code section and State Board Policy 4010.

- g. **Communication:** The Department shall provide technical assistance and written notification regarding changes in funding source requirements, such as regulations, policies, procedures, and interpretations, to the extent that those changes are known to the Department. The Department shall resolve, to the extent practicable, inconsistencies in state agency requirements that affect requirements in this contract.

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- i.**
 - ii.**
 - h. Regional Programs:** The Department may conduct utilization review or utilization management activities involving services provided by the Board through a regional program. If such activities involve the disclosure of protected health information, the information may be used and disclosed as permitted under 45 CFR §§ 164.506 (c) (1) and (3) and 164.512 (k) (6) (ii). If the Board's participation in a regional program, as defined in the Regional Program Principles and the Regional Program Procedures in Appendices E and F of the current Core Services Taxonomy, causes it to be out of compliance with the 10 percent local matching funds requirement in § 37.2-509 of the Code of Virginia, the Department shall grant an automatic waiver of that requirement, related to the funds for that regional program, as authorized by that Code section and State Board Policy 4010.
 - i. Peer Review Process:** The Department shall implement a process in collaboration with volunteer Boards to ensure that at least five percent of community mental health and substance abuse programs receive independent peer reviews annually, per federal requirements and guidelines, to review the quality and appropriateness of services. The Department shall manage this process to ensure that peer reviewers do not monitor their own programs.
- 8. Subcontracting:** The Board may subcontract any of the requirements in this contract. The Board shall remain fully and solely responsible and accountable for meeting all of its obligations and duties under this contract, including all services, terms, and conditions, without regard to its subcontracting arrangements. Subcontracting must comply with applicable statutes, regulations, and guidelines, including the Virginia Public Procurement Act. All subcontracted activities shall be formalized in written contracts between the Board and subcontractors. The Board agrees to provide copies of such contracts or other documents to the Department upon request.

A subcontract means a written agreement between the Board and another party under which the other party performs any of the Board's obligations. Subcontracts, unless the context or situation supports a different interpretation or meaning, also may include agreements, memoranda of understanding, purchase orders, contracts, or other similar documents for the purchase of services or goods by the Board from another organization or agency or a person on behalf of an individual. If the Board hires an individual not as an employee but as a contractor (e.g., a part-time psychiatrist) to work within its programs, this does not constitute subcontracting under this section. Board payments for rent or room and board in a non-licensed facility (e.g., rent subsidies or a hotel room) do not constitute subcontracting under this section, and the provisions of this section, except for compliance with the Human Rights regulations, do not apply to the purchase of a service for one individual.

- a. **Subcontracts:** The written subcontract must, as applicable and at a minimum, state the activities to be performed, the time schedule and duration, the policies and requirements, including data reporting, that are applicable to the subcontractor, the maximum amount of money for which the Board may become obligated, and the manner in which the subcontractor will be compensated, including payment time frames. Subcontracts shall not contain provisions that require a subcontractor to make payments or contributions to the Board as a condition of doing business with the Board.
- b. **Subcontractor Compliance:** The Board shall require that its subcontractors comply with the requirements of all applicable federal and state statutes, regulations, policies, and reporting requirements that affect or are applicable to the services included in this contract. The Board shall require that any agency, organization, or person with which it intends to subcontract services that are included in this contract is fully qualified and possesses and maintains current all necessary licenses or certifications from the Department and other applicable regulatory entities before it enters into the subcontract and places individuals in the subcontracted service. The Board shall require all subcontractors that provide services to individuals and are licensed by the Department to maintain compliance with the Human

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Rights Regulations adopted by the State Board. The Board shall, to the greatest extent practicable, require all other subcontractors that provide services purchased by the Board for individuals and are not licensed by the Department to develop and implement policies and procedures that comply with the Board's human rights policies and procedures or to allow the Board to handle allegations of human rights violations on behalf of individuals served by the Board who are receiving services from such subcontractors. When it funds providers such as family members, neighbors, individuals receiving services, or others to serve individuals, the Board may comply with these requirements on behalf of those providers, if both parties agree.

- c. **Subcontractor Dispute Resolution:** The Board shall include contract dispute resolution procedures in its contracts with subcontractors.
- d. **Quality Improvement Activities:** The Board shall, to the extent practicable, incorporate specific language in its subcontracts regarding their quality improvement activities. Each vendor that subcontracts with the Board should have its own quality improvement system in place or should participate in the Board's quality improvement program.

9. Terms and Conditions

- a. **Availability of Funds:** The Department and the Board shall be bound by the provisions of this contract only to the extent of the funds available or that may hereafter become available for the purposes of the contract.
- b. **Compliance:** The Department may utilize a variety of remedies, including requiring a corrective action plan, delaying payments, and terminating the contract, to assure Board compliance with this contract. Specific remedies, described in Exhibit I of this contract, may be taken if the Board fails to satisfy the reporting requirements in this contract.
- c. **Disputes:** Resolution of disputes arising from Department contract compliance review and performance management efforts or from actions by the Board related to this contract may be pursued through the dispute resolution process in section 9.f, which may be used to appeal only the following conditions:
 - 1.) reduction or withdrawal of state general or federal funds, unless funds for this activity are withdrawn by action of the General Assembly or federal government, or adjustment of allocations or payments pursuant to section 5 of this contract;
 - 2.) termination or suspension of the performance contract, unless funding is no longer available;
 - 3.) refusal to negotiate or execute a contract modification;
 - 4.) disputes arising over interpretation or precedence of terms, conditions, or scope of the performance contract;
 - 5.) determination that an expenditure is not allowable under this contract; and
 - 6.) determination that the performance contract is void.
- d. **Termination**
 - 1.) The Department may terminate this contract immediately, in whole or in part, at any time during the contract period if funds for this activity are withdrawn or not appropriated by the General Assembly or are not provided by the federal government. In this situation, the obligations of the Department and the Board under this contract shall cease immediately. The Board and the Department shall make all reasonable efforts to ameliorate any negative consequences or effects of contract termination on individuals receiving services and Board staff.

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- 2.) The Board may terminate this contract immediately, in whole or in part, at any time during the contract period if funds for this activity are withdrawn or not appropriated by its local government(s) or other funding sources. In this situation, the obligations of the Board and the Department under this contract shall cease immediately. The Board and the Department shall make all reasonable efforts to ameliorate any negative consequences or effects of contract termination on individuals receiving services and Board staff.
 - 3.) In accordance with § 37.2-508 or § 37.2-608 of the Code of Virginia, the Department may terminate all or a portion of this contract, after unsuccessful use of the remediation process described in section 9.e and after affording the Board an adequate opportunity to use the dispute resolution process described in section 9.f of this contract. A written notice specifying the cause must be delivered to the Board's board chairman and executive director at least 75 days prior to the date of actual termination of the contract. In the event of contract termination under these circumstances, only payment for allowable services rendered by the Board shall be made by the Department.
- e. Remediation Process:** The remediation process mentioned in § 37.2-508 or § 37.2-608 of the Code of Virginia is an informal procedure that shall be used by the Department and the Board to address a particular situation or condition identified by the Department or the Board that may, if unresolved, result in termination of the contract, in accordance with the provisions of section 9.d of this contract. The details of this remediation process shall be developed by the parties and added as an exhibit of this contract. This exhibit shall describe the situation or condition and include the performance measures that shall document a satisfactory resolution of the situation or condition.
- f. Dispute Resolution Process:** Disputes arising from any of the conditions in section 9.c of this contract shall be resolved using the following process.
- 1.) Within 15 days of the Board's identification or receipt of a disputable action taken by the Department or of the Department's identification or receipt of a disputable action taken by the Board, the party seeking resolution of the dispute shall submit a written notice to the Department's Director of Community Contracting, stating its desire to use the dispute resolution process. The written notice must describe the condition, nature, and details of the dispute and the relief sought by the party.
 - 2.) The Director of Community Contracting shall review the written notice and determine if the dispute falls within the conditions listed in section 9.c. If it does not, the Director of Community Contracting shall notify the party in writing within seven days of receipt of the written notice that the dispute is not subject to this dispute resolution process. The party may appeal this determination to the Commissioner in writing within seven days of its receipt of the Director's written notification.
 - 3.) If the dispute falls within the conditions listed in section 9.c, the Director of Community Contracting shall notify the party within seven days of receipt of the written notice that a panel will be appointed within 15 days to conduct an administrative hearing.
 - 4.) Within 15 days of notification to the party, a panel of three or five disinterested persons shall be appointed to hear the dispute. The Board shall appoint one or two members; the Commissioner shall appoint one or two members; and the appointed members shall appoint the third or fifth member. Each panel member will be informed of the nature of the dispute and be required to sign a statement indicating that he has no interest in the dispute. Any person with an interest in the dispute shall be relieved of panel responsibilities and another person shall be selected as a panel member.
 - 5.) The Director of Community Contracting will contact the parties by telephone and arrange for a panel hearing at a mutually convenient time, date, and place. The panel hearing shall be scheduled not more than 15 days after the appointment of panel

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members. Confirmation of the time, date, and place of the hearing will be communicated to all parties at least seven days in advance of the hearing.

- 6.) The panel members shall elect a chairman and the chairman shall convene the panel. The party requesting the panel hearing shall present evidence first, followed by the presentation of the other party. The burden shall be on the party requesting the panel hearing to establish that the disputed decision or action was incorrect and to present the basis in law, regulation, or policy for its assertion. The panel may hear rebuttal evidence after the initial presentations by the Board and the Department. The panel may question either party in order to obtain a clear understanding of the facts.
 - 7.) Subject to provisions of the Freedom of Information Act, the panel shall convene in closed session at the end of the hearing and shall issue written recommended findings of fact within seven days of the hearing. The recommended findings of fact shall be submitted to the Commissioner for a final decision.
 - 8.) The findings of fact shall be final and conclusive and shall not be set aside by the Commissioner unless they are (1) fraudulent, arbitrary, or capricious; (2) so grossly erroneous as to imply bad faith; (3) in the case of termination of the contract due to failure to perform, the criteria for performance measurement are found to be erroneous, arbitrary, or capricious; or (4) not within the Board's purview.
 - 9.) The final decision shall be sent by certified mail to both parties no later than 60 days after receipt of the written notice from the party invoking the dispute resolution process.
 - 10.) Multiple appeal notices shall be handled independently and sequentially so that an initial appeal will not be delayed by a second appeal.
 - 11.) The Board or the Department may seek judicial review of the final decision as provided in § 2.2-4365 of the Code of Virginia in the Circuit Court for the City of Richmond within 30 days of receipt of the final decision.
- g. Contract Amendment:** This contract, including all exhibits and incorporated documents, constitutes the entire agreement between the Department and the Board. The services identified in Exhibit A of this contract may be revised in accordance with the performance contract revision instructions contained in Exhibit E of this contract. Other provisions of this contract may be amended only by mutual agreement of the parties, in writing and signed by the parties hereto.
- h. Liability:** The Board shall defend or compromise, as appropriate, all claims, suits, actions, or proceedings arising from its performance of this contract. The Board shall obtain and maintain sufficient liability insurance to cover claims for bodily injury and property damage and suitable administrative or directors and officers liability insurance. These responsibilities may be discharged by means of a proper and sufficient self-insurance program operated by the state or a city or county government. The Board shall provide a copy of any such policy or program to the Department upon request. This contract is not intended to, and does not, create by implication or otherwise any basis for any claim or cause of action by a person or entity not a party to this contract, arising out of any claimed violation of any provision of this contract, nor does it create any claim or right on behalf of any person to services or benefits from the Board or the Department.
- i. Severability:** Each paragraph and provision of this contract is severable from the entire contract, and the remaining provisions shall nevertheless remain in full force and effect if any provision is declared invalid or unenforceable.

10. Areas for Future Resolution: On an ongoing basis, the Board and the Department agree to work together to identify and resolve barriers and policy and procedural issues that interfere with the most effective and efficient delivery of public services. This section identifies issues

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and topics that the Board and the Department agree to work on collaboratively during the term of this contract in order to resolve them during that period or later, if necessary. Issues and topics may be added at any time by mutual agreement through amendment of this contract. The Board or representatives of the Board and the Department will establish work groups where appropriate to address these issues and topics. The Department and the Board also may address issues and topics through the System Leadership Council, which is described in the Partnership Agreement.

- a. **Evidence-Based or Best Clinical Practices:** Identify evidence-based practices or best clinical practices that will improve the quality of mental health, developmental, or substance abuse services and address the service needs of individuals with co-occurring disorders and develop strategies for the implementation of these practices to the extent practicable.
- b. **Mental Health and Substance Abuse Services Performance Expectations and Goals:** Review the results of the previous year's implementation and consider revisions of the performance expectations and goals that address emergency services and case management services and expand this continuous quality improvement approach to other services provided by the Board, including preadmission screening and discharge planning and local, regional, and statewide utilization management, and to state facility operations.
- c. **Data Quality and Use:** Through the VACSB Data Management Committee, work collaboratively to (i) monitor and increase the timeliness and quality of data submitted through the current Community Consumer Submission in accordance with the current CCS Extract Specifications and Design Specifications (including the current Business Rules); (ii) address current and future data and information needs, including communicating more effectively about the volume of services provided and how these services affect the lives of individuals; (iii) achieve the values and benefits of interoperability or the ability to reliably exchange information without error, in a secure fashion, with different information technology systems, software applications, and networks in various settings; to exchange this information with its clinical or operational meaning preserved and unaltered; and to do so in the course of the process of service delivery to promote the continuity of that process and (iv) plan for the implementation of electronic Health Information Exchange and Electronic Health Records by July 1, 2014 to improve the quality and accessibility of services and streamline and reduce reporting and documentation requirements.
- d. **Quality Improvement Measures:** Work collaboratively to develop and implement small numbers of quality improvement measures for behavioral health services and for developmental services that (1) use existing data to the greatest extent possible, (2) reflect and support the Vision Statement in State Board Policy 1036 and initiatives in *Creating Opportunities: A Plan for Advancing Community-Focused Services in Virginia*, (3) provide regular quarterly feedback directly to individual Boards and state facilities for their use in improving services, and (4) are posted on the Department's web site for public accessibility.

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11. Signatures: In witness thereof, the Department and the Board have caused this performance contract to be executed by the following duly authorized officials.

Virginia Department of Behavioral Health
And Developmental Services

District 19 Community Services Board

Board

By: _____

By: James Forsythe

Name: James W. Stewart, III
Title: Commissioner

Name: Lance Forsythe
Title: Board Chairperson

Date: _____

Date: 6/14/11

By: [Signature]

Name: Joseph E. Hubbard
Title: Board Executive Director

Date: 6/14/11

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Exhibit B: Continuous Quality Improvement Process

Introduction: The Department shall continue to work with Boards to achieve a welcoming, recovery-oriented, integrated services system, a transformed system for individuals receiving services and their families in which Boards, state facilities, programs, and services staff, in collaboration with individuals and their families, are becoming more welcoming, recovery-oriented, and co-occurring disorder capable. The process for achieving this goal within limited resources is to build a system wide continuous quality improvement process, in a partnership among Boards, the Department, and other stakeholders, in which there is a consistent shared vision combined with a measurable and achievable implementation process for each Board to make progress toward this vision. This contract provides further clarification for those implementation activities, so that each Board can be successful in designing a performance improvement process at the local level.

Meaningful performance expectations are part of a continuous quality improvement (CQI) process being developed and supported by the Department and the Board that will monitor the Board's progress in achieving those expectations to improve the quality, accessibility, integration and welcoming, person-centeredness, and responsiveness of services locally and to provide a platform for system wide improvement efforts. Generally, performance expectations reflect established requirements based in statute, regulation, or policy. Performance goals are developmental; once baseline measures are established and implemented, they will become expectations. The initial performance expectations and goals focus on the areas of the public mental health, developmental, and substance abuse services system that have the primary interactions with individuals who are at risk of involvement in the civil admissions process established in Chapter 8 of Title 37.2 of the Code of Virginia, are directly involved in that process, are receiving case management services from the Board, or require service linkages between state facility or local inpatient services and other community services. This emphasis is consistent with the Department's and the Board's interest in assuring that individuals receive the services and supports necessary to link them with the most appropriate resources needed to support their recovery, empowerment, and self-determination. It also is consistent with the recognition that many of these individuals will have co-occurring mental health and substance use disorders or intellectual disability and will need services that are designed to welcome and engage them in co-occurring capable services. The capacity to measure progress in achieving performance expectations and goals, provide feedback, and plan and implement CQI strategies shall exist at local, regional, and state levels.

Implementing the CQI process will be a multi-year, iterative, and collaborative effort to assess and enhance Board and system wide performance over time through a partnership among Boards and the Department in which they are working to achieve a shared vision of a transformed services system. In this process, Boards and the Department engage with stakeholders to perform meaningful self-assessments of current operations, determine relevant CQI performance expectations and goals, and establish benchmarks for goals, determined by baseline performance, to convert those goals to expectations. Then, each Board assesses and reports to the Department on its progress toward achieving these expectations and goals and develops and implements a CQI plan to meet them. As benchmarks are attained and expectations and goals are achieved, Boards and the Department review and revise the performance expectations, goals, and benchmarks or establish new ones. Because this CQI process focuses on improving services and to strengthen the engagement of Boards in this process and preserve essential services for individuals, funding will not be based on or associated with Board performance in achieving these expectations and goals. The Department and the Board may negotiate Board performance measures in Exhibit D reflecting actions or requirements to meet expectations and goals in the Board's CQI plan. As this joint CQI process evolves and expands, the Department and the VACSB will utilize data and reports submitted by Boards to conduct a broader scale evaluation of service system performance and to identify opportunities for CQI activities across all program areas.

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Pursuant to Section 7: Accountability in the Community Services Performance Contract Central Office, State Facility, and Community Services Board Partnership Agreement, the Board provides the following affirmations of its compliance with the listed Performance Expectations and Goals. If the Board cannot provide a particular affirmation, the Board shall attach an explanation to this exhibit with a plan for complying with the identified expectation or goal, including specific actions and target dates. The Department will review this plan and negotiate any changes with the Board, whereupon, the plan will become part of this exhibit.

I. CQI Performance Expectations and Goals for Emergency Services and Mental Health and Substance Abuse Case Management Services

A. General Performance Goal and Expectation Affirmations

1. For individuals currently receiving services, the Board has a protocol in effect 24 hours per day, seven days per week (a) for service providers to alert emergency services staff about individuals deemed to be at risk of needing an emergency intervention, (b) for service providers to provide essential clinical information, which should include advance directives, wellness recovery action plans, or safety and support plans to the extent they are available, that would assist in facilitating the disposition of the emergency intervention, and (c) for emergency services staff to inform the case manager of the disposition of the emergency intervention. Individuals with co-occurring mental health and substance use disorders are welcomed and engaged promptly in an integrated screening and assessment process to determine the best response or disposition for continuing care. The Board shall provide this protocol to the Department upon request. During its inspections, the Department's Licensing Office may examine this protocol to verify this affirmation as it reviews the Board's policies and procedures.
2. For individuals hospitalized through the civil involuntary admission process in a state hospital, a private psychiatric hospital, or a psychiatric unit in a public or private hospital, including those who were under a temporary detention order or an involuntary commitment order or were admitted voluntarily from a commitment hearing, and referred to the Board, the Board that will provide services upon the individual's discharge has in place a protocol to engage those individuals in appropriate Board services and supports upon their return to the community. The Board monitors and strives to increase the rate at which these individuals keep scheduled face-to-face (non-emergency) service visits within seven business days after discharge from the hospital or unit. Since these individuals frequently experience co-occurring mental health and substance use disorders, Board services are planned as co-occurring capable and promote successful engagement of these individuals in continuing integrated care. The Board shall provide this protocol to the Department upon request. During its inspections, the Department's Licensing Office may examine this protocol to verify this affirmation as it reviews the Board's policies and procedures.

B. Emergency Services Performance Expectation Affirmations

1. Every preadmission screening evaluator hired after July 1, 2008 meets the educational qualifications endorsed in October 2007 by the Department and the Virginia Association of Community Services Boards. During its inspections, the Department's Licensing Office may verify this affirmation as it reviews personnel records.
2. Every preadmission screening evaluator employed by the Board has completed the certification program approved by the Department before performing preadmission screenings, and documentation of satisfactory completion is available for review. During its inspections, the Department's Licensing Office may verify this affirmation as it reviews personnel or training records or documentation.

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3. Every preadmission screening evaluator is hired with the goal of welcoming individuals with co-occurring disorders and performing hopeful engagement and integrated screening and assessment.
4. Pursuant to subsection B of § 37.2-815 of the Code of Virginia, a preadmission screening evaluator, or through a mutual arrangement an evaluator from another Board, attends each commitment hearing, original (up to 30 days) or recommitment (up to 180 days), for an adult held in the Board's service area or for an adult receiving services from the Board held outside of its service area in person, or, if that is not possible, the preadmission screening evaluator participates in the hearing through two-way electronic video and audio or telephonic communication systems, as authorized by subsection B of § 37.2-804.1 of the Code of Virginia, for the purposes of presenting preadmission screening reports and recommended treatment plans and facilitating least restrictive dispositions.
5. In preparing preadmission screening reports, the preadmission screening evaluator considers all available relevant clinical information, including a review of clinical records, wellness recovery action plans, advance directives, and information or recommendations provided by other current service providers or appropriate significant other persons (e.g., family members or partners). Reports reference the relevant clinical information used by the preadmission screening evaluator. During its inspections, the Department's Licensing Office may verify this affirmation as it reviews services records, including records selected from a sample identified by the Board for individuals who received preadmission screening evaluations.
6. If the emergency services intervention occurs in a hospital or clinic setting, the preadmission screening evaluator informs the charge nurse or requesting medical doctor of the disposition, including leaving a written clinical note describing the assessment and recommended disposition or a copy of the preadmission screening form containing this information, and this action is documented in the individual's service record at the Board with a progress note or with a notation on the preadmission screening form that is included in the individual's service record. During its inspections, the Department's Licensing Office may verify this affirmation as it reviews services records, including records selected from a sample identified by the Board for individuals who received preadmission screening evaluations, for a progress note or a copy of the preadmission screening form.

C. Emergency Services Performance Goal and Expectation Affirmations

1. Telephone access to clinicians employed or contracted by the Board to provide emergency services is available 24 hours per day, seven days per week. Initial telephone responders in emergency services triage calls and, for callers with emergency needs, are able to link the caller with a preadmission screening evaluator within 15 minutes of his or her initial call.
2. When an immediate face-to-face intervention by a certified preadmission screening evaluator is appropriate to determine the possible need for involuntary hospitalization, the intervention is completed by a certified preadmission screening evaluator who is available within one hour of initial contact for urban Boards and within two hours of initial contact for rural Boards. Urban and rural Boards are defined and listed in the current Overview of Community Services in Virginia on the Department's web site at www.dbhds.virginia.gov/OCC-default.htm.

D. Mental Health and Substance Abuse Case Management Services Performance Expectation Affirmations

1. Case managers employed or contracted by the Board meet the knowledge, skills, and abilities qualifications in the Case Management Licensing Regulations, 12 VAC 35-105-

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1250. During its inspections, the Department's Licensing Office may verify this affirmation as it reviews personnel records.
2. Individuals receiving case management services are offered a choice of case managers to the extent possible, and this is documented by a procedure to address requests for changing a case manager. The Board shall provide a copy this procedure to the Department upon request. During its inspections, the Department's Licensing Office may verify this affirmation as it reviews services records and by examining the procedure.
 3. Case managers are hired with the goal of becoming welcoming, recovery-oriented, and co-occurring competent to engage all individuals receiving services in empathetic, hopeful, integrated relationships to help them address multiple issues successfully.
 4. Reviews of the individualized services plan (ISP), including necessary assessment updates, are conducted face-to-face with the individual every 90 days and include significant changes in the individual's status, engagement, participation in recovery planning, and preferences for services; and the ISP is revised accordingly to include an individual-directed wellness plan that addresses crisis self-management strategies and implements advance directives, as desired by the individual. For those individuals who express a choice to discontinue case management services because of their dissatisfaction with care, the provider reviews the ISP to consider reasonable solutions to address the individual's concerns. During its inspections, the Department's Licensing Office may verify this affirmation as it reviews services records, including records from a sample identified by the Board for individuals who discontinued case management services.
 5. The Board has policies and procedures in effect to ensure that, during normal business hours, case management services are available to respond in person, electronically, or by telephone to preadmission screening evaluators of individuals with open cases at the Board to provide relevant clinical information in order to help facilitate appropriate dispositions related to the civil involuntary admissions process established in Chapter 8 of Title 37.2 of the Code of Virginia. During its inspections, the Department's Licensing Office may verify this affirmation as it examines the Board's policies and procedures.
 6. For an individual who has been discharged from a state hospital, a private psychiatric hospital, or a psychiatric unit in a public or private hospital or released from a commitment hearing and has been referred to the Board and determined by it to be appropriate for its case management services program, a preliminary assessment is initiated at first contact and completed, within 14 but in no case more than 30 calendar days of referral, and an individualized services plan (ISP) is initiated within 24 hours of the individual's admission to a program area for services in its case management services program and updated when required by the Department's licensing regulations. A copy of an advance directive, a wellness recovery action plan, or a similar expression of an individual's treatment preferences, if available, is included in the clinical record. During its inspections, the Department's Licensing Office may verify these affirmations as it reviews services records.
 7. For individuals for whom case management services will be discontinued due to failure to keep scheduled appointments, outreach attempts, including home visits, telephone calls, letters, and contacts with others as appropriate, to reengage the individual are documented. The Board has a procedure in place to routinely review the rate of and reasons for refused or discontinued case management services and takes appropriate actions when possible to reduce that rate and address those reasons. The Board shall provide a copy of this procedure to the Department upon request. During its inspections, the Department's Licensing Office may examine this procedure to verify this affirmation.

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II. Co-Occurring Mental Health and Substance Use Disorders Performance Expectation Affirmations

- A. The Board ensures that, as part of its regular intake processes, every adolescent (ages 12 to 18) and adult presenting for mental health or substance abuse services is screened, based on clear clinical indications noted in the services record or use of a validated brief screening instrument, for co-occurring mental health and substance use disorders. If screening indicates a need, the Board assesses the individual for co-occurring mental health and substance use disorders. During its on-site reviews, staff from the Department's Office of Substance Abuse Services may examine a sample of service records to verify this affirmation.
- B. If the Board has not conducted an organizational self-assessment of service integration in the last three years using the COMPASS, COMPASSEZ, or DDCAT/DDMHT tool as part of the Virginia System Integration Project (VASIP) process, the Board conducts an organizational self-assessment during the term of this contract of service integration using one of these tools and uses the results of this self-assessment as part of its continuous quality improvement plan and process. The Board shall provide the results of its continuous quality improvement activities for service integration to the Department's Office of Substance Abuse Services during its on-site review of the Board.
- C. In the Board's information system, individuals are identified as having co-occurring mental health and substance use disorders if there is (1) an Axis I or Axis II mental health diagnosis and (a) an Axis I substance use disorder diagnosis or (b) admission to the substance abuse program area (denoted in a type of care record) or (2) an Axis I substance use disorder diagnosis and (a) an Axis I or Axis II mental health diagnosis or (b) admission to the mental health program area (denoted in a type of care record). The Department will monitor this affirmation by analyzing the Board's CCS 3 submissions and reviewing any continuous quality improvement plan submitted by the Board.

III. Data Quality Performance Expectation Affirmations

- A. The Board submits 100 percent of its monthly Community Consumer Submission (CCS) consumer, type of care, and services file extracts to the Department in accordance with the schedule in Exhibit E of this contract, the CCS 3 Extract Specifications - Version 7, and the current CCS 3 Business Rules, a submission for each month by the end of the following month for which the extracts are due. The Department will monitor this measure quarterly by analyzing the Board's CCS submissions and may negotiate an Exhibit D with the Board if it fails to meet this goal for more than two months in a quarter.
- B. The Board monitors the total number of consumer records rejected due to fatal errors divided by the total consumer records in the Board's monthly CCS consumer extract file. If the Board experiences a fatal error rate of more than five percent of its CCS consumer records in more than one monthly submission, the Board develops and implements a data quality improvement plan to achieve the goal of no more than five percent of its CCS consumer records containing fatal errors within a timeframe negotiated with the Department. The Department will monitor this affirmation by analyzing the Board's CCS submissions.
- C. The Board ensures that all required CCS data is collected and entered into its information system when a case is opened or an individual is admitted to a program area, updated at least annually when an individual remains in service that long, and updated when an individual is discharged from a program area or his case is closed. The Board identifies situations where data is missing or incomplete and implements a data quality improvement plan to increase the completeness, accuracy, and quality of CCS data that it collects and

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reports. The Board monitors the total number of individuals without service records submitted showing receipt of any substance abuse service within the prior 90 days divided by the total number of individuals with a TypeOfCare record showing a substance abuse discharge in those 90 days. If more than 10 percent of the individuals it serves have not received any substance abuse service within the prior 90 days and have not been discharged from the substance abuse program area, the Board develops and implements a data quality improvement plan to reduce that percentage to no more than 10 percent. The Department will monitor this affirmation by analyzing the Board's CCS submissions.

IV. Employment and Housing Opportunities Expectation Affirmations

- A. The Board reviews and revises, if necessary, its joint written agreement, required by subdivision A.12 of § 37.2-504 or subsection 14 of § 37.2-605 of the Code of Virginia, with the Department of Rehabilitative Services (DRS) regional office to ensure the availability of employment services and specify DRS services to be provided to individuals receiving services from the Board. The Board works with employment service organizations (ESOs) where they exist to support the availability of employment services and identify ESO services available to individuals receiving services from the Board.
- B. The Board ensures that its staff asks individuals currently receiving services from the Board if they want to work and when appropriate and as practicable engages them in seeking employment services in a timely manner.
- C. The Board reviews and revises, if necessary, its joint written agreements, required by subdivision 12 of subsection A of § 37.2-504 or subsection 14 of § 37.2-605 of the Code of Virginia, with public housing agencies, where they exist, and works with planning district commissions, local governments, private developers, and other stakeholders to maximize federal, state, and local resources for the development of and access to affordable housing and appropriate supports for individuals receiving services from the Board.
- D. The Board works with the Department through the VACSB Data Management Committee, at the direction of the VACSB Executive Directors Forum, to collaboratively establish clear employment and stable housing policy and outcome goals and develop and monitor key housing and employment indicators.

V. Continuous Quality Improvement Process Measures

The Board agrees to monitor and collect data and report on the following measures, using the attached Exhibit B Required Measures Report, and to use data from the Department or other sources to monitor its accomplishment of the performance expectations and goals in this exhibit.

Expectation or Goal

Measure

- I.A.2. The Board agrees to monitor and report quarterly to the Department on the percentage of individuals referred to the Board who keep a face-to-face (non-emergency) service visit within seven business days after having been discharged from a state hospital, a private psychiatric hospital, or a psychiatric unit in a public or private hospital following involvement in the civil involuntary admission process. This includes all individuals referred to the Board upon discharge from a state hospital, a private psychiatric hospital, or a psychiatric unit in a public or private hospital who were under a temporary detention order or an involuntary commitment order or who were admitted voluntarily from a commitment hearing. The Department agrees to monitor part of this measure through comparing AVATAR data on individuals discharged from state hospitals to the Board with

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CCS data about their admission to the mental health program area and dates of service after discharge from the hospital or unit.

- I.C.2. The Board agrees to collect in its two week sample of its emergency services each quarter, the time within which the preadmission screening evaluator is available when an immediate face-to-face intervention by a certified preadmission screening evaluator is appropriate to determine the need for involuntary hospitalization and to monitor achievement of the goal that the evaluator be available within one hour of initial contact for an urban board or within two hours for a rural board. The Board agrees to maintain documentation of these samples, including information about circumstances in which this goal is not met, locally for three years and to report a summary and analysis of the information quarterly to the Department.

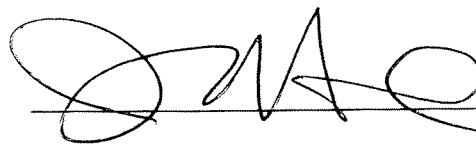
VI. Continuous Quality Improvement Data Feedback

- A. For purposes of improving data quality and integrity, the Department shall provide regular reports to the Board on the completeness and validity of the individual and service data that it submits through CCS 3. When requested by the Department, the executive director of the Board shall develop and submit a plan of correction to the Department to remedy persistent deficiencies in the Board's CCS 3 submissions (e.g., a persistent fatal error rate of more than 10 percent of its CCS consumer records) and, upon approval of the Department, shall implement the plan of correction. Persistent deficiencies that are not resolved through this process shall be addressed with a Board Performance Measure in Exhibit D.
- B. For purposes of furthering transparent accountability, the Department shall develop summary and comparative reports using CCS 3 and other data submitted by Boards and place these reports on its web site. Reports shall include information about numbers of individuals served, their characteristics, services availability, services provided, state hospital utilization rates, continuity of care between inpatient facilities and community services, emergency services responsiveness, community tenure, retention of individuals in services, Medicaid utilization, and penetration rates and the timeliness and completeness of CCS submissions. Before developing reports, the Department shall consult with the Executive Directors Forum and the Data Management Committee of the Virginia Association of Community Services Boards about the types and formats of these reports and shall work through the Performance Expectations Steering Committee to develop formats and explanations for agreed-upon reports.

Signature: In witness thereof, the Board provides the affirmations in this Exhibit and agrees to monitor and collect data and report on the measures in section V of this Exhibit and to use data from the Department or other sources to monitor the accomplishment of the performance expectations and goals in this Exhibit, as denoted by the signature of the Board's Executive Director.

District 19 Community Services Board

By: _____



Board

Name: Joseph E. Hubbard
Title: Executive Director

Date: _____

6/14/11

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Exhibit B Required Measures Report			
Date of Report:		Quarter: <input type="checkbox"/> First <input type="checkbox"/> Second <input type="checkbox"/> Third <input type="checkbox"/> Fourth Quarter	
CSB Name:		Contact Name:	
Contact Telephone Number:		E-Mail Address:	
Exh. B	Expectation or Goal Measure	Data	Data Reported
I.A.2	Percentage of individuals referred to the Board who keep a face-to-face (non-emergency) service visit within seven business days after having been discharged from a state hospital, a private psychiatric hospital, or a psychiatric unit in a public or private hospital following involvement in the civil involuntary admission process. This includes all individuals referred to the Board upon discharge from a state hospital, a private psychiatric hospital, or a psychiatric unit in a public or private hospital who were under a temporary detention order or an involuntary commitment order or who were admitted voluntarily from a commitment hearing.		Number of individuals who kept scheduled face-to-face (non-emergency) service visits within seven business days of discharge from the hospital or unit in this quarter.
I.C.2	When an immediate face-to-face intervention by a certified preadmission screening evaluator is appropriate to determine the need for involuntary hospitalization, the intervention shall be completed by a certified preadmission screening evaluator who shall be available within one hour of initial contact for urban Boards and within two hours of initial contact for rural Boards.	%	Enter 1 st number ÷ by 2 nd number x 100.
			Number of individuals who required a face-to-face evaluation for possible involuntary hospitalization who saw a certified preadmission screening evaluator face-to-face within one or two hours of initial contact during the two-week sample of emergency services each quarter.
			The total number of individuals who saw a certified preadmission screening evaluator for evaluation of possible involuntary hospitalization during quarterly two week sample of emergency services.
		%	Enter 1 st number ÷ by 2 nd number x 100.

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Exhibit C: Statewide Individual Outcome and Board Performance Measures

Measure	Access for Pregnant Women
Program Area	Substance Abuse Services Only
Source of Requirement	SAPT Block Grant
Type of Measure	Aggregate
Data Needed For Measure	Number of Pregnant Women Requesting Service
	Number of Pregnant Women Receiving Services Within 48 Hours
Reporting Frequency	Annually
Reporting Mechanism	Performance Contract Reports

Other Board Provider Performance and Individual Outcome Measures will be collected through the current CCS, which CSBs submit to provide TEDS data and to satisfy federal Mental Health and SAPT Block Grant requirements. These measures include changes in employment status and type of residence, number of arrests, and type and frequency of alcohol or other drug use.

The Board also agrees to participate in the conduct of the following surveys:

1. Annual Survey of Individuals Receiving MH and SA Outpatient Services,
2. Annual Youth Services Survey for Families (i.e., Child MH survey), and
3. ID Family Survey (done at the time of the individual's annual planning meeting).

As part of its continuous quality improvement process and in accordance with Section 5, Advancing the Vision, of the Partnership Agreement and recommendations in the *Services System Transformation Initiative Data/Outcomes Measures Workgroup Report* (September 1, 2006), the Board shall administer the Recovery Oriented Systems Indicators (ROSI) Consumer Survey (42 items) with a statistically valid sample of five percent or a minimum of 70, whichever is larger, of individuals with serious mental illness receiving mental health services from the Board and the ROSI Provider Survey (23 item Administrative Profile) annually. The Board shall administer both ROSI surveys and report the results to the Department by March 31, 2012. The Board may submit the results of both ROSI surveys through the Department's Internet web portal. In administering the ROSI, the Board shall involve individuals receiving services, for instance by training and hiring individuals receiving services to administer the ROSI and to compile and analyze the results.

The Board and the Department agree to use the Web Site CSB and State Facility Accountability Measures, available on the Department's web site at www.dbhds.virginia.gov/WAM.htm, to monitor outcome and performance measures for CSBs and state facilities.

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Exhibit D: Board Performance Measures

Signatures: In witness thereof, the Department and the Board have caused this performance contract amendment to be executed by the following duly authorized officials.

**Virginia Department of Behavioral Health
and Developmental Services**

Board

By: _____

Name: James W. Stewart, III

Title: Commissioner

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____

By: _____

Name: _____

Title: Board Executive Director

Date: _____

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Exhibit E: Performance Contract Process and Contract Revision Instructions

05-06-11: The Department distributes the FY 2012 Performance Contract to Boards electronically. The Department distributes the FY 2012 Letters of Notification to Boards with enclosures that show tentative allocations of state and federal block grant funds. Another enclosure may list performance measures that have been negotiated with a Board to be included in Exhibit D of the contract. The Office of Information Technology Services (OITS) completes distribution of the FY 2012 Community Services Performance Contract package software in the Community Automated Reporting System (CARS) to CSBs.

06-17-11: Exhibit A and other parts of the FY 2012 Community Services Performance Contract, submitted electronically in CARS, are due in the OITS in time to be received by this date. Tables 1 and 2 of the Performance Contract Supplement (also in CARS) must be submitted with the contract. While a paper copy of the complete contract is not submitted, paper copies of the following completed pages with signatures where required are due in the Office of Community Contracting (OCC) by this date: the signature page of the contract body; the Board's current organization chart (page 3 of Exhibit H); the signature page in Exhibit B; Exhibit D, if applicable; Exhibit F (two pages); page 1 of Exhibit G; Exhibit J (if applicable); and the signature page of the Partnership Agreement. Page 2 of Exhibit G must be submitted as soon as possible and no later than **September 30**.

Contracts must conform to Letter of Notification allocations of state and federal funds, or amounts subsequently revised by or negotiated with the OCC and confirmed in writing, and must contain actual appropriated amounts of local matching funds. If the Board cannot include the minimum 10 percent local matching funds in the contract, it must submit a written request for a waiver of the matching funds requirement, pursuant to § 37.2-509 of the Code of Virginia and State Board Policy 4010, to the OCC with its contract. This requirement also applies to mid-year and end of the fiscal year performance contract reports, submitted after the ends of the 2nd and 4th quarters, and contract revisions, if either report or the contract revision reflects less than the minimum 10 percent local matching funds.

06-30-11: CSB Financial Analysts in the Department's Office of Fiscal and Grants Management prepare Electronic Data Interchange (EDI) transfers for the *first two semi-monthly payments* (both July payments) of state and federal funds for all Boards and send the requests to the Department of Accounts.

07-15-11: CSB Financial Analysts receive authorizations to prepare EDI transfers for *payments 3 through 6* (both August and September) of state and federal funds for Boards whose contracts were received and determined to be complete by this date and, after the OCC Administrator authorizes their release, prepare and send the transfers to the Department of Accounts. Payments will not be released without complete contracts, as defined in item 1 of Exhibit I. For a Board whose contract is received after this date, EDI transfers for these four semi-monthly payments will be processed within two weeks of receipt of the contract, if the contract is complete.

07-22-11: Department staff complete reviews by this date of FY 2012 contracts received by the due date that are complete and acceptable. Contracts received after that date will be processed in the order in which they are received.

1. The **Office of Fiscal and Grants Management** (OFGM) analyzes the revenue information in the contract for conformity to Letter of Notification allocations and makes corrections and changes on the financial forms in Exhibit A of the contract.

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2. The **Offices of Mental Health, Child and Family, Developmental, and Substance Abuse Services** review and approve new service proposals and consider program issues related to existing services based on Exhibit A.
3. The **Office of Community Contracting** (OCC) assesses contract completeness, examines maintenance of local matching funds, integrates new service information, makes corrections and changes on the service forms in Exhibit A, negotiates changes in Exhibit A, and finalizes the contract for signature by the Commissioner. The OCC Administrator notifies the Board when its contract is not complete or has not been approved and advises the Board to revise and resubmit its contract.
4. The **Office of Information Technology Services** (OITS) receives CARS and Community Consumer Submission (CCS) submissions from the Boards, maintains the community database, and processes signed contracts into that database as they are received from the OCC.

07-29-11: Boards submit their final FY 2010 CCS consumer, type of care, and service extract files for June to the OITS in time to be received by the end of July.

08-05-11: The OITS distributes the FY 2011 end of the fiscal year performance contract report software (CARS).

08-26-11: Boards submit their complete CCS reports for total (annual) FY 2011 CCS service unit data to the OITS in time to be received by this date. This later date for final FY 2011 CCS service unit data allows for the inclusion of all units of services delivered in FY 2011, which might not be in local information systems in July.

08-31-11: Boards submit their CCS FY 2012 monthly consumer, type of care, and service extract files for July to the OITS in time to be received by the end of August.

09-16-11: CSB Financial Analysts receive authorization to prepare EDI transfers for *payments 7 and 8* (October) and, after the OCC Administrator authorizes their release, prepare and send the transfers to the Department of Accounts for payment 7 for Boards with signed contracts and that submitted their final FY 2011 CCS consumer, type of care, and service extract files by August 26. Payments 7 and 8 will not be released without a contract signed by the Commissioner and receipt of those CCS extract files.

After the Commissioner signs it, the OCC sends a copy of the approved contract Exhibit A to the Board, with the signature page containing only the Commissioner's signature. The Board must review this contract, which reflects all of the changes negotiated by Department staff; complete the signature page, which documents its acceptance of these changes; and return the completed signature page to the OCC Administrator.

09-16-11: Boards send complete FY 2011 end of the fiscal year performance contract reports that include Uniform Cost Report information electronically in CARS to the OITS in time to be received by this date.

OITS staff places the reports in a temporary data base for OCC and OFGM staff to access them and print paper copies of the reports. The OCC Administrator reviews services sections of reports for correctness, completeness, consistency, and acceptability; resolves discrepancies with Boards; communicates necessary changes to Boards; and makes the changes on the paper copies of the reports. CSB Financial Analysts review the financial portions of reports for arithmetic accuracy, completeness, consistency, and conformity with state funding actions; resolve discrepancies with Boards; communicate necessary changes to Boards; and make the changes on the paper copies of reports.

Once OCC and OFGM staffs complete their reviews and corrections of a Board's reports, the OCC administrator notifies the Board to submit new reports, reflecting only those approved changes, to OITS. Upon receipt, the process described above is

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repeated to ensure the new reports contain only those changes identified by OFGM and OCC staff. If the reviews document this, OCC and OFGM staffs approve the reports, and OITS staff processes final report data into the Department's community database.

Late report submission, if an extension of the due date has not been obtained through the process in Exhibit I of this contract, or submitting a report without correcting errors identified by the CARS error checking program may result in a letter from the Commissioner to the Board Chairman and local government officials. See Exhibit I for additional information.

09-30-11: Boards submit their CCS FY 2012 monthly consumer, type of care, and service extract files for August to the OITS in time to be received by the end of September.

10-03-11: Boards that are not local government departments or included in local government audits send one copy of the audit report for the preceding fiscal year on all board operated programs to the Department's Office of Budget and Financial Reporting by this date. A management letter and plan of correction for deficiencies must be sent with this report. Boards submit a copy of C.P.A. audit reports for all contract programs for their last full fiscal year, ending on June 30, to the Office of Budget and Financial Reporting by this date. For programs with different fiscal years, reports are due three months after the end of the year. Management letters and plans of correction for deficiencies must be included with these reports.

10-03-11: Audit reports for Boards that are local government departments or are included in local government audits are submitted to the Auditor of Public Accounts by the local government. Under a separate cover, the Board must forward a plan of correction for any audit deficiencies that are related to or affect the Board to the Office of Budget and Financial Reporting by this date. Also, in order to satisfy federal block grant sub-recipient monitoring requirements imposed on the Department under the Single Audit Act, a Board that is a local government department or is included in its local government audit shall contract with the same CPA audit firm that audits its locality to perform testing related to the federal Mental Health Services and Substance Abuse Prevention and Treatment Block Grants. Alternatively, the local government's internal audit department can work with the Board and the Department to provide the necessary sub-recipient monitoring information.

If the Board receives an audit identifying material deficiencies or containing a disclaimer or prepares the plan of correction referenced in the preceding paragraph, the Board and the Department shall negotiate an Exhibit D that addresses the deficiencies or disclaimer and includes a proposed plan with specific timeframes to address them, and this Exhibit D and the proposed plan shall become part of this contract.

10-03-11: If necessary, Boards submit new FY 2011 end of the fiscal year performance contract reports not later than this date that correct errors or inaccuracies. The Department will not accept CARS report revisions after this date.

10-13-11: CSB Financial Analysts receive authorization to prepare EDI transfers for *payments 9 and 10* (November), and, after the OCC Administrator authorizes their release, prepare and send these transfers to the Department of Accounts for Boards whose complete FY 2011 end of the fiscal year performance contract reports were received by the due date. Payments will not be released without (1) complete reports, as defined in item 2.a. of Exhibit I of this contract, (2) complete CCS submissions for FY 2011 and for the first two months of FY 2012, and (3) the completed signature page received from the Board.

10-31-11: Boards submit CCS FY 2012 monthly consumer, type of care, and service extract files for September to the OITS in time to be received by the end of October.

FY 2012 Community Services Performance Contract

- 11-10-11:** CSB Financial Analysts receive authorization to prepare EDI transfers for *payments 11 and 12* (December), and, after the OCC Administrator authorizes their release, prepare and send these transfers to the Department of Accounts. Payments will not be released without receipt of September CCS submissions.
- 11-30-11:** Boards submit their CCS FY 2012 monthly consumer, type of care, and service extract files for October to the OITS in time to be received by the end of November.
- 12-15-11:** CSB Financial Analysts receive authorization to prepare EDI transfers for *payment 13* (first January), and, after the OCC Administrator authorizes their release, prepare and send these transfers to the Department of Accounts for Boards whose FY 2011 end of the fiscal year performance contract reports have been verified as accurate and internally consistent, per items 2.b. through d. of Exhibit I, and whose CCS monthly extracts for October have been received. Payments will not be released without verified reports and CCS submissions for October.
- 12-30-11:** Boards submit their CCS FY 2012 monthly consumer, type of care, and service extract files for November to the OITS in time to be received by the end of December.
- 01-02-12:** The Department distributes the exposure draft of the FY 2013 performance contract for a 60-day public comment period pursuant to § 37.2-508 of the Code of Virginia.
- CSB Financial Analysts receive authorization to prepare EDI transfers for *payments 14 through 16* (second January, February), and, after the OCC Administrator authorizes their release, prepare and send these transfers to the Department of Accounts for Boards whose monthly CCS consumer, type of care, and service extract files for November were received by the end of December. Payments will not be released without receipt of these monthly CCS submissions.
- 01-13-12:** The OITS distributes FY 2012 mid-year performance contract report software.
- 01-31-12:** Boards submit their CCS FY 2012 monthly consumer, type of care, and service extract files for December to the OITS in time to be received by the end of January.
- 02-16-12:** Boards send complete mid-year performance contract reports and a revised Table 1 in Exhibit H to the OITS electronically in CARS within 45 calendar days after the end of the second quarter, in time to be received by this date. OITS staff places the reports on a shared drive for OCC and OFGM staff to access them. The offices review and act on the reports using the process described for the end of the fiscal year reports. When reports are acceptable, OITS staff processes the data into the Department's community data base.
- CSB Financial Analysts receive authorization to prepare EDI transfers for *payment 17* (first March), and, after the OCC Administrator authorizes their release, prepare and send these transfers to the Department of Accounts for Boards whose monthly CCS consumer, type of care, and service extract files for December were received by the end of January. Payments will not be released without these monthly CCS submissions.
- 02-24-12:** CSB Financial Analysts receive authorization to prepare EDI transfers for *payments 18 and 19* (2nd March, 1st April) and, after the OCC Administrator authorizes their release, prepare and send these transfers to the Department of Accounts for Boards whose complete FY 2012 mid-year performance contract reports were received by the due date. Payments will not be released without complete reports, as defined in item 2.a. of Exhibit I. Boards submit their CCS FY 2012 monthly consumer, type of care, and service extract files for January to the OITS in time to be received by the end of February.
- 03-30-12:** Boards submit their CCS FY 2012 monthly consumer, type of care, and service extract files for February to the OITS in time to be received by the end of March.

FY 2012 Community Services Performance Contract

- 04-02-12:** CSB Financial Analysts receive authorization to prepare EDI transfers for *payments 20 through 22* (2nd April, May) and, after the OCC Administrator authorizes their release, prepare and send these transfers to the Department of Accounts for Boards whose FY 2011 mid-year performance contract reports have been **verified** as accurate and internally consistent, per items 2.b. through d. of Exhibit I, and whose monthly CCS consumer, type of care, and service extract files for January and February were received by the end of the month following the month of the extract. Payments will not be released without verified reports and without these monthly CCS submissions.
- 04-16-12:** The Department distributes final revised FY 2012 Letters of Notification to Boards with enclosures reflecting any changes in allocations of state and federal block grant funds since the original Letters of Notification for Boards to use in preparing their final FY 2012 contract revisions.
- 04-30-12:** Boards submit their CCS FY 2012 monthly consumer, type of care, and service extract files for March to the OITS in time to be received by the end of April.
- 05-04-12:** The Department distributes the FY 2013 Community Services Performance Contract and Letters of Notification to Boards with enclosures showing tentative allocations of state and federal funds, and the OITS completes distribution of the FY 2013 Community Services Performance Contract package software (CARS) to CSBs.
- 05-04-12:** The final revised FY 2012 Performance Contract Exhibit A, prepared in accordance with instructions in this Exhibit, is due in the OITS by this date. Final contract revisions must conform to final revised Letter of Notification allocations, or amounts subsequently revised by or negotiated with the Department and confirmed in writing, and must contain actual amounts of local matching funds. Revised contracts are reviewed and acted on using the process for the original contract. If the Board cannot include the minimum 10 percent local matching funds in its revised contract, it must submit a written request for a waiver of the matching funds requirement, pursuant to § 37.2-509 of the Code of Virginia and State Board Policy 4010, to the OCC with its revised contract.
- 05-14-12:** CSB Financial Analysts receive authorization to prepare EDI transfers for *payment 23* (first June), and, after the OCC Administrator authorizes their release, prepare and send these transfers to the Department of Accounts for Boards whose monthly CCS consumer, type of care, and service extract files for March were received by the end of April. Payments will not be released without these monthly CCS submissions.
- 05-28-12:** Boards submit their CCS FY 2012 monthly consumer, type of care, and service extract files for April to the OITS in time to be received by the end of May.
- 06-01-12:** CSB Financial Analysts receive authorization to prepare EDI transfers for *payment 24* and, after the OCC Administrator authorizes their release, prepare and send these transfers to the Department of Accounts, after the Department has made any final adjustments in the Board's state and federal funds allocations, for Boards whose monthly CCS consumer, type of care, and service extract files for April were received by the end of May. Payments will not be released without these monthly CCS submissions.
- 06-18-12:** The FY 2013 Community Services Performance Contract, submitted electronically in CARS, is due in the OITS and the paper copies of the applicable parts of the contract are due in the OCC by this date.
- 06-29-12:** Boards submit their CCS FY 2012 monthly consumer, type of care, and service extract files for May to the OITS by the end of June.
- 07-31-12:** Boards submit their final CCS FY 2012 consumer, type of care, and service extract files for June to the OITS in time to be received by the end of July.
- 08-10-12:** The OITS distributes FY 2012 end of the fiscal year performance contract report software (CARS) to Boards.

FY 2012 Community Services Performance Contract

08-24-12: Boards submit their complete Community Consumer Submission (CCS) reports for total (annual) FY 2012 service units to the OITS in time to be received by this date. This later date for final FY 2012 CCS service unit data, allows for the inclusion of all units of services delivered in FY 2012, which might not be in local information systems in July.

09-14-12: Boards send complete FY 2012 end of the fiscal year performance contract reports electronically in CARS to the OITS in time to be received by this date.

Performance Contract Process and Contract Revision Instructions

The Board may revise Exhibit A of its signed performance contract only in the following circumstances:

1. a new, previously unavailable category or subcategory of core services is implemented;
2. an existing category or subcategory of core services is totally eliminated;
3. a new program offering an existing category or subcategory of core services is implemented;
4. a program offering an existing category or subcategory of core services is eliminated;
5. new earmarked state general or federal funds are received to expand an existing service or establish a new one;
6. state general or federal block grant funds are moved between program (MH, DV, SA, or SAOPA) areas (an exceptional situation);
7. allocations of state general, federal, or local funds change; or
8. a major error is discovered in the original contract.

A final revision must be submitted before the end of the term of this contract, as specified in this Exhibit, so that any discrepancies in state general or federal fund disbursements can be resolved, any of the preceding circumstances can be addressed, and any other changes can be reflected in the final revision.

Revisions of Exhibit A must be submitted using the CARS software and the same procedures used for the original performance contract.

FY 2012 Community Services Performance Contract

Exhibit F: Federal Compliances

Certification Regarding Salary: Federal Mental Health and Substance Abuse Prevention and Treatment Block Grants

Check One

- X 1. The Board has no employees being paid totally with Federal Mental Health Block Grant funds or Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant funds at a direct annual salary (not including fringe benefits and operating costs) in excess of Level 1 of the federal Executive Schedule.
2. The following employees are being paid totally with Federal Mental Health or SAPT Block Grant funds at a direct annual salary (not including fringe benefits and operating costs) in excess of Level 1 of the federal Executive Schedule.

	<i>Name</i>	<i>Title</i>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

Assurances Regarding Equal Treatment for Faith-Based Organizations

The Board assures that it is and will continue to be in full compliance with the applicable provisions of 45 CFR Part 54, Charitable Choice Regulations, and 45 CFR Part 87, Equal Treatment for Faith-Based Organizations Regulations, in its receipt and use of federal Mental Health Services and Substance Abuse Prevention and Treatment Block Grants and federal funds for Projects for Assistance in Transitions from Homelessness programs. Both sets of regulations prohibit discrimination against religious organizations, provide for the ability of religious organizations to maintain their religious character, and prohibit religious organizations from using federal funds to finance inherently religious activities.

FY 2012 Community Services Performance Contract

Exhibit F: Federal Compliances

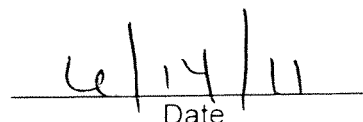
Assurances Regarding Restrictions on the Use of Federal Block Grant Funds

The Board assures that it is and will continue to be in full compliance with the applicable provisions of the federal Mental Health Services Block Grant (CFDA 93.958) and the federal Substance Abuse Prevention and Treatment Block Grant (CFDA 93.959), including those contained in the Community Services Board Administrative Requirements and the following requirements. Under no circumstances shall Federal Mental Health Services and Substance Abuse Prevention and Treatment Block Grant funds be used to:

1. provide mental health or substance abuse inpatient services¹;
2. make cash payments to intended or actual recipients of services;
3. purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;
4. satisfy any requirement for the expenditure of non-federal funds as a condition for the receipt of federal funds;
5. provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs;
6. provide financial assistance to any entity other than a public or nonprofit private entity; or
7. provide treatment services in penal or correctional institutions of the state.

[Source: 45 CFR § 96.135]


Signature of Board Executive Director


Date

¹ However, the Board may expend SAPT Block Grant funds for inpatient hospital substance abuse services only when all of the following conditions are met:

- a. the individual cannot be effectively treated in a community-based, non-hospital residential program;
- b. the daily rate of payment provided to the hospital for providing services does not exceed the comparable daily rate provided by a community-based, non-hospital residential program;
- c. a physician determines that the following conditions have been met: (1) the physician certifies that the person's primary diagnosis is substance abuse, (2) the person cannot be treated safely in a community-based, non-hospital residential program, (3) the service can reasonably be expected to improve the person's condition or level of functioning, and (4) the hospital-based substance abuse program follows national standards of substance abuse professional practice; and
- d. the service is provided only to the extent that it is medically necessary (e.g., only for those days that the person cannot be safely treated in a community-based residential program).

[Source: 45 CFR § 96.135]

FY 2012 Community Services Performance Contract

Exhibit G: Local Government Approval of the Community Services Performance Contract – Page 1

1. Name of the Board: District 19 Community Services Board
2. City or County designated as the Board's Fiscal Agent: Prince George County
3. Name of the Fiscal Agent's City Manager or County Administrator or Executive:
Name: Percy C. Ashcraft Title: County Administrator
4. Name of the Fiscal Agent's County or City Treasurer or Director of Finance:
Name: Jean N. Barker Title: County Treasurer
5. Name, title, and address of the Fiscal Agent official or the name and address of the Board if it acts as its own fiscal agent to whom checks should be electronically transmitted:

Name: Jean N. Barker Title: County Treasurer

Address: P.O. Box 156
Prince George, VA 23875

This information should agree with information at the top of the payment document emailed to the Board. Examples: Mr. Joe Doe, Treasurer, P.O. Box 200, Winchester, VA 22501 or Valley CSB, 85 Sanger Lane, Staunton, VA 24401.

Note: Subsection A.18 of § 37.2-504 of the Code of Virginia authorizes an operating community services board to receive state and federal funds directly from the Department and act as its own fiscal agent when authorized to do so by the governing body of each city or county that established it.

FY 2012 Community Services Performance Contract

Exhibit G: Local Government Approval of the Community Services Performance Contract – Page 2

Name of City or County ¹	Date Contract Submitted to Local Government ²	Date and Type of Approval ³

1. Enter the name of each city or county that established the Board in the left column.
2. Enter the date on which the Board submitted its contract to each local government.
3. Enter the date on which that city or county approved the Board's performance contract by formal vote and the type of action taken (e.g., passage of an ordinance or resolution or a motion and voice vote).

The first page of Exhibit G must be submitted with the performance contract. The second page must be submitted to the Office of Community Contracting in the Department as soon as possible and no later than the last business day in September. By that date, if a local government has not acted upon the Board's contract, enter No Action Taken in this column.

FY 2012 Community Services Performance Contract

Exhibit H: Board Membership

Table 1: Board Membership Characteristics			
Name of Board			
Total Appointments:	Vacancies:	Filled Appointments:	
Number of Consumers and Family Members (Ref. § 37.2-100 for Definitions)			
Number of Consumers or Former Consumers		Number of Family Members of Consumers or Former Consumers	
Number of Consumers Receiving Services			
§ 37.2-501 and § 37.2-602 of the Code of Virginia require appointments to the Board to be broadly representative of the community. One-third of the appointments to the Board shall be identified consumers or former consumers or family members of consumers or former consumers, at least one of whom shall be a consumer receiving services.			

Use Table 1 in the Performance Contract Supplement (CARS) to complete this table.

Exhibit H: Board Organization Chart

Attach the Board's organization chart here.

FY 2012 Community Services Performance Contract

Exhibit H: Board Membership

Board Membership List				
Name: (List Officers After Names)	Address: (With zip code)	Phone Number	Start Date of Term	End Date of Term
			Term No. (1st, 2 nd , 3 rd)	

Use Board of Directors Membership List in the CARS/ACCESS software to complete this table.

FY 2012 Community Services Performance Contract

Exhibit I: Administrative Performance Standards

Standards

The Board shall meet these administrative performance standards in submitting its performance contract, contract revisions, mid-year and end of fiscal year performance contract reports in the Community Automated Reporting System (CARS) and monthly Community Consumer Submission (CCS) extracts to the Department.

1. The performance contract and any revisions submitted by the Board shall be:
 - a. complete, that is all required information is displayed in the correct places and all required Exhibits and Forms, including applicable signature pages, are included;
 - b. consistent with Letter of Notification allocations or figures subsequently revised by or negotiated with the Department;
 - c. prepared in accordance with instructions in the Department-provided CARS software and any subsequent instructional memoranda; and
 - d. received by the due dates listed in Exhibit E of this contract.

If these performance contract standards are not met, the Department may delay future semi-monthly payments until satisfactory performance is achieved.

2. The current contract term mid-year and the previous contract term end of fiscal year performance contract reports submitted by the Board shall be:
 - a. complete, that is all required information is displayed in the correct places, all required data are included in the electronic CARS application reports, and any required paper forms that gather information not included in CARS are submitted;
 - b. consistent with the state general and federal block grant funds allocations in the most recent Letter of Notification or figures subsequently revised by or negotiated with the Department;
 - c. prepared in accordance with instructions;
 - d. (i) internally consistent and arithmetically accurate: all related expense, revenue, and cost data are consistent, congruent, and correct within a report, and (ii) submitted only after errors identified by the CARS error checking programs are corrected; and
 - e. received by the due dates listed in Exhibit E of this contract, unless, pursuant to the process on the next page, an extension of the due date for the end of the fiscal year report has been obtained from the Department.

If these standards are not met for mid-year reports, the Department may delay future semi-monthly payments until satisfactory performance is achieved. If the Board does not meet these standards for its end of the fiscal year reports, the Department may delay future semi-monthly payments until satisfactory performance is achieved, and the Commissioner may contact the Board and local government officials about failure to comply with both aspects of standard 2.d or to satisfy standard 2.e.

3. Monthly consumer, type of care, and service extract files must be submitted by the end of the month following the month of the extract in accordance with the CCS Extract and Design Specifications (including the current Business Rules). If the Board fails to meet the extract submission requirements in Exhibit E of this contract, the Department may delay future semi-monthly payments until satisfactory performance is achieved.
4. Substance abuse prevention units of service data must be submitted to the Department through the KIT Prevention System.

FY 2012 Community Services Performance Contract

Exhibit I: Administrative Performance Standards

Process for Obtaining an Extension of the End of the Fiscal Year Report Due Date

Extensions will be granted only in very exceptional situations, for example, unanticipated staff, hardware, or software problems such as an ITS failure, a key staff person's illness or accident, or an emergency that makes it impossible to meet the due date.

1. It is the responsibility of the Board to seek, negotiate, obtain, and confirm the Department's approval of an extension of the due date within the time frames specified below.
2. As soon as the Board becomes aware that its end of the fiscal year report cannot be submitted in time to be received in the Department by 5:00 p.m. on the due date in Exhibit E in the current contract term, its executive director must inform the Office of Community Contracting Director or Community Contracting Administrator that it is requesting an extension of this due date. This request should be submitted as soon as possible and it must be in writing, describe completely the reason(s) and need for the extension, and state the date on which the Department will receive the report.
3. The written request for an extension must be received in the Office of Community Contracting no later than 5:00 p.m. on the fourth business day before the date in the second step. A facsimile transmission of the request to the number used by the Office of Community Contracting (804-371-0092), received by that time and date, is acceptable if receipt of the transmission is confirmed with a return facsimile memo from the Office no later than 5:00 p.m. on the third business day before the date in the second step. Telephone extension requests are not acceptable and will not be processed.
4. The Office of Community Contracting will act on all requests for due date extensions that are received in accordance with this process and will notify the requesting Boards by facsimile transmission of the status of their requests by 5:00 p.m. on the second business day before the date in the second step.
5. If an extension of the end of the fiscal year report due date is granted, this will not result in automatic continuation of semi-monthly payments. All of the requirements for these payments, contained in Exhibit E, must be satisfied for semi-monthly payments to continue.

FY 2012 Community Services Performance Contract

Exhibit J: Joint Agreements

If the Board enters into a joint agreement pursuant to § 37.2-512 or § 37.2-615 of the Code of Virginia, the Board shall describe the agreement in this exhibit and attach a copy of the joint agreement to this Exhibit.

FY 2012 Community Services Performance Contract

Exhibit K: General Requirements

These general requirements apply to the Board and the Department and the services included in this contract. Any substantive change in these requirements, except changes in statutory, regulatory, policy, or other requirements which are made in accordance with processes or procedures associated with those statutes, regulations, policies, or other requirements, shall be made in accordance with applicable provisions of the Partnership Agreement and shall be considered to be a performance contract amendment that requires a new contract signature page, signed by both parties.

I. Board Requirements

A. Compliance with State Requirements

1. **General State Requirements:** The Board shall comply with applicable state statutes and regulations, State Board of Behavioral Health and Developmental Services (State Board) regulations and policies, and Department procedures including:
 - a. Community Services Boards, § 37.2-500 through § 37.2-512 or Behavioral Health Authorities, § 37.2-600 through § 37.2-615 of the Code of Virginia;
 - b. State and Local Government Conflict of Interests Act, § 2.2-3100 through § 2.2-3127 of the Code of Virginia;
 - c. Virginia Freedom of Information Act, § 2.2-3700 through § 2.2 -3714 of the Code of Virginia, including its notice of meeting and public meeting provisions;
 - d. Government Data Collection and Dissemination Practices Act, § 2.2-3800 through § 2.2-3809 of the Code of Virginia;
 - e. Virginia Public Procurement Act, § 2.2-4300 through § 2.2-4377 of the Code of Virginia;
 - f. Chapter 8 (Admissions and Dispositions) and other applicable provisions of Title 37.2 and other titles of the Code of Virginia; and
 - g. Applicable provisions of the current Appropriation Act.

2. Protection of Individuals Receiving Services

- a. **Human Rights:** The Board shall comply with the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services*. In the event of a conflict between any of the provisions of this contract and provisions in these regulations, the applicable provisions in the regulations shall apply. The Board shall cooperate with any Department investigation of allegations or complaints of human rights violations, including providing any information needed for the investigation as required under state law and as permitted under 45 CFR § 164.512 (d) in as expeditious a manner as possible.
- b. **Disputes:** The filing of a complaint or the use of the informal dispute resolution mechanism in the Human Rights Regulations by an individual or his family member or authorized representative shall not adversely affect the quantity, quality, or timeliness of services provided to that individual unless an action that produces such an effect is based on clinical or safety considerations and is documented in the individual's individualized services plan (ISP).

FY 2012 Community Services Performance Contract

- c. Dispute Resolution Mechanism:** The Board shall develop its own procedures for satisfying requirements in § 37.2-504 or § 37.2-605 of the Code of Virginia for a local dispute resolution mechanism for individuals receiving services.
- d. Licensing:** The Board shall comply with the *Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services*. The Board shall establish a system to ensure ongoing compliance with applicable licensing regulations. Results of licensing reviews, including scheduled reviews, unannounced visits, and complaint investigations, shall be provided to all members of the Board in a timely manner.

3. Planning

- a. General Planning:** The Board shall participate in collaborative local and regional service and management information systems planning with state facilities, other Boards, other public and private human services agencies, and the Department, as appropriate. In accordance with § 37.2-504 or § 37.2-605 of the Code of Virginia, the Board shall provide input into long-range planning activities that are conducted by the Department, including the Comprehensive State Plan required by § 37.2-315 of the Code of Virginia. The Board shall report unduplicated community waiting list information to the Department when required for the Comprehensive State Plan update. The Board shall work with local prevention planning bodies composed of representatives of multiple systems and groups to develop community-based prevention plans based on assessed needs and resources and submit annual Community Prevention Plan reports to the Department.
- b. Participation in State Facility Planning Activities:** The Board shall participate in collaborative planning activities with the Department to the greatest extent possible regarding the future role and structure of the state facilities.

4. Interagency Relationships

- a.** Pursuant to the case management requirements of § 37.2-500 or § 37.2-601 of the Code of Virginia, the Board shall, to the extent practicable, develop and maintain linkages with other community and state agencies and facilities that are needed to assure that individuals it serves are able to access treatment, training, rehabilitative, and habilitative mental health, developmental, or substance abuse services and supports identified in their individualized services plans. The Board shall comply with § 37.2-504 or § 37.2-605 of the Code of Virginia regarding interagency agreements.
- b.** The Board also shall develop and maintain, in conjunction with the courts having jurisdiction in the cities or counties served by the Board, cooperative linkages that are needed to carry out the provisions of § 37.2-805 through § 37.2-821 and related sections of the Code of Virginia pertaining to the involuntary admission process.
- c.** The Board shall develop and maintain the necessary linkages, protocols, and interagency agreements to effect the provisions of the Comprehensive Services Act for At-Risk Youth and Families (§ 2.2-5200 through § 2.2-5214 of the Code of Virginia) that relate to services that it provides. Nothing in this provision shall be construed as requiring the Board to provide services related to this act in the absence of sufficient funds and interagency agreements.

5. Forensic Services

- a.** Upon receipt of a court order pursuant to § 19.2-169.2 of the Code of Virginia, the Board shall provide or arrange for the provision of services to restore the individual to competency to stand trial. These services shall be provided in the local or regional

FY 2012 Community Services Performance Contract

jail, juvenile detention center (when a juvenile is being tried as an adult), or other location in the community where the individual is currently located. These services shall include treatment and restoration services, emergency services, assessment services, the provision of medications and medication management services, and other services that may be needed by the individual in order to restore him to competency and to prevent his admission to a state hospital for these services.

- b. Upon written notification from a state facility that an individual hospitalized for restoration to competency pursuant to § 19.2-169.2 of the Code of Virginia has been restored to competency and is being discharged back to the community, the Board shall to the greatest extent possible provide or arrange for the provision of services in the local or regional jail, juvenile detention center (when a juvenile is being tried as an adult), or other location in the community where the individual is located to that individual to ensure the maintenance of his psychiatric stability and competency to stand trial. Services shall include treatment and restoration services, emergency services, assessment services, the provision of medications and medication management services, and other services which may be needed by the individual in order prevent his readmission to a state hospital for these services.
- c. Upon receipt of a court order pursuant to § 16.1-356 of the Code of Virginia, the Board shall perform a juvenile competency evaluation. Upon receipt of a court order pursuant to § 16.1-357, the Board shall provide services to restore a juvenile to competency to stand trial through the Department's statewide contract.
- d. Upon receipt of a court order, the Board shall provide or arrange for the provision of forensic evaluations required by local courts in the community in accordance with State Board Policy 1041.
- e. Forensic evaluations and treatment shall be performed on an outpatient basis unless the results of an outpatient evaluation indicate that hospitalization is necessary. The Board shall consult with local courts in placement decisions for hospitalization of individuals with a forensic status based upon evaluation of the individual's clinical condition, need for a secure environment, and other relevant factors. The Board's staff shall conduct an assessment of risk to provide information to the Commissioner for the determination of whether an individual with a forensic status in need of hospitalization requires placement in a civil facility or a secure facility. The Board's staff will contact and collaborate with the Forensic Coordinator of the state hospital that serves the Board in making this determination. The Board's assessment shall include those items required prior to admission to a state hospital, per the Continuity of Care Procedures in Appendix A of the Community Services Board Administrative Requirements.
- f. The Board shall designate a Forensic Admissions Coordinator, a Forensic Evaluation Coordinator, and an NGRI Coordinator to collaborate with the local courts, the forensic staff of state facilities, and the Department. The Board shall notify the Department's Director of Forensic Services of the name, title, and contact information of these designees and shall inform the Director of any changes in these designations. The Board shall ensure that designated staff complete the forensic training necessary to maintain forensic certification.
- g. The Board shall provide discharge planning for persons found not guilty by reason of insanity. Pursuant to § 19.2-182.2 through § 19.2 -182.7, and § 19.2-182.11 of the Code of Virginia, the Board shall provide discharge planning, collaborate with the state facility staff in preparing conditional release plans, implement the court's conditional release orders, and submit written reports to the court on the person's progress and adjustment in the community no less frequently than every six months for acquittees who have been conditionally released to a locality served by the Board.

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The Board should provide to the Department's Director of Forensic Services written monthly reports on the person's progress and adjustment in the community for their first 12 continuous months in the community for acquittees who have been conditionally released to a locality served by the Board and copies of court orders regarding acquittees on conditional release.

- h. If an individual with a forensic status does not meet the criteria for admission to a state hospital, his psychiatric needs should be addressed in the local jail, prison, detention center, or other correctional facility in collaboration with local treatment providers.
- 6. Access to Services for Individuals who are Deaf, Hard of Hearing, Late Deafened, or Deafblind:** The Board should identify and develop a working relationship with the Regional Deaf Services Program and the Regional Deaf Services Coordinator that serve the Board's service area and collaborate with them on the provision of appropriate and linguistically and culturally competent services, consultation, and referral for individuals who are deaf, hard of hearing, late deafened, or deafblind.
- 7. Providing Information:** The Board shall provide any information requested by the Department that is related to performance of or compliance with this contract in a timely manner, considering the type, amount, and availability of the information requested. The provision of information shall comply with applicable laws and regulations governing the confidentiality, privacy, and security of information regarding individuals receiving services from the Board.
- 8. Reporting Fraud:** Fraud is an intentional wrongful act committed with the purpose of deceiving or causing harm to another party. Upon discovery of circumstances suggesting a reasonable possibility that a fraudulent transaction has occurred, the Board's executive director shall report this information immediately to any applicable local law enforcement authorities and the Department's Internal Audit Director.
- 9. Financial Management:** The Board shall comply with following requirements, as applicable.
 - a. To avoid any appearance of conflict or impropriety, the Board shall provide complete annual financial statements to its Certified Public Accountant for audit.
 - b. All financial reports prepared by the Board for the reliance of third parties shall be reviewed by a designated staff person before the reports are presented or submitted and the reviews shall be documented.
 - c. All checks issued by the Board that remain outstanding after one year shall be voided.
 - d. All Board bank accounts shall be reconciled regularly, and the reconciliations shall be approved by a designated staff person not involved in preparing the reconciliation.
 - e. A contract administrator shall be identified for each contract for the purchase of services entered into by the Board, and every contract shall be signed by a designated staff person and each other party to the contract, where applicable.
 - f. Each write-off of account receivables for services to individuals shall be approved and documented by a designated staff person. The Board shall maintain an accounts receivable aging schedule, and debt that is deemed to be uncollectable shall be written off periodically. The Board shall maintain a system of internal controls including separation of duties to safeguard account receivable assets.

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- g. Each payroll shall be certified by a designated staff person who does not enter or process the Board's payroll.
- h. The Board shall maintain documentation and reports for all expenditures related to the federal Mental Health Block Grant and federal Substance Abuse Prevention and Treatment Block Grant funds contained in Exhibit A sufficient to substantiate compliance with the restrictions, conditions, and prohibitions related to those funds.
- i. The Board shall maintain an accurate list of fixed assets as defined by the Board. Assets that are no longer working or repairable or are not retained shall be excluded from the list of assets and written off against accumulated depreciation, and their disposition shall be documented by a designated staff person who does not have physical control over the assets. The current location of or responsibility for each asset shall be indicated on the list of fixed assets.
- j. Access to the Board's information system shall be controlled and properly documented. Access shall be terminated in a timely manner when a staff member is no longer employed by the Board to ensure security of confidential information about individuals receiving services and compliance with the Health Insurance Portability and Accountability Act of 1996 and associated federal or state regulations.

B. Compliance with Federal Requirements

- 1. General Federal Compliance Requirements:** The Board shall comply with all applicable federal statutes, regulations, policies, and other requirements; including applicable provisions of the federal Mental Health Services Block Grant (CFDA 93.958) and the federal Substance Abuse Prevention and Treatment Block Grant (CFDA 93.959) Requirements contained in Appendix C of the Community Services Board Administrative Requirements, and:

- a. the Federal Immigration Reform and Control Act of 1986; and
- b. Confidentiality of Alcohol and Substance Abuse Records, 42 C.F.R. Part 2.

Non-federal entities, including Boards, expending \$500,000 or more in a year in federal awards shall have a single or program-specific audit conducted for that year in accordance with Office of Management and Budget Circular A-133.

Boards shall prohibit the following acts by themselves, their employees, and agents performing services for them:

- a. the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs; and
- b. any impairment or incapacitation from the use of alcohol or other drugs (except the use of drugs for legitimate medical purposes).

- 2. Disaster Response and Emergency Service Preparedness Requirements:** The Board agrees to comply with section 416 of Public Law 93-288 and § 44-146.13 through § 44-146.28 of the Code of Virginia regarding disaster response and emergency service preparedness. Section 416 of P.L. 93-288 authorizes the State Office of Emergency Services to require the Department to comply with the *Commonwealth of Virginia Emergency Operations Plan, Volume 2, Emergency Support Function No. 8: Health and Medical Services, Section 4: Emergency Mental Health Services*. Section 4 requires the Board to comply with Department directives coordinating disaster planning, preparedness, and response to emergencies and to develop procedures for responding to major disasters. These procedures must address:

- a. conducting preparedness training activities;

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- b. designating staff to provide counseling;
 - c. coordinating with state facilities and local health departments or other responsible local agencies, departments, or units in preparing Board all hazards disaster plans;
 - d. providing crisis counseling and support to local agencies, including volunteer agencies;
 - e. negotiating disaster response agreements with local governments and state facilities; and
 - f. identifying community resources.
3. **Federal Certification Regarding Lobbying for the Mental Health and Substance Abuse Prevention and Treatment Block Grants:** The Board certifies, to the best of its knowledge and belief, that:
- a. No federal appropriated funds have been paid or will be paid, by or on behalf of the Board, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the Board shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
 - c. The Board shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, or cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 or more than \$100,000 for each failure.

C. Compliance with State and Federal Requirements

1. **Employment Anti-Discrimination:** The Board shall conform to the applicable provisions of Title VII of the Civil Rights Act of 1964 as amended, the Equal Pay Act of 1963, Sections 503 and 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Act of 1974, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, the Virginians With Disabilities Act, the Virginia Fair Employment Contracting Act, the Civil Rights Act of 1991, regulations issued by Federal Granting Agencies, and other applicable statutes and regulations, including § 2.2-4310 of the Code of Virginia. The Board agrees as follows.
- a. The Board will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is

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a bona fide occupational qualification reasonably necessary to the normal operation of the Board. The Board agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

- b. The Board, in all solicitations or advertisements for employees placed by or on behalf of the Board, will state that it 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 these requirements.
2. **Service Delivery Anti-Discrimination:** The Board shall conform to the applicable provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, the Virginians With Disabilities Act, the Civil Rights Act of 1991, regulations issued by the U.S. Department of Health and Human Services pursuant thereto, other applicable statutes and regulations, and paragraphs a and b below.
- a. Services operated or funded by the Board have been and will continue to be operated in such a manner that no person will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under such services on the grounds of race, religion, color, national origin, age, gender, or disability.
 - b. The Board and its direct and contractual services will include these assurances in their services policies and practices and will post suitable notices of these assurances at each of their facilities in areas accessible to individuals receiving services.
 - c. The Board will periodically review its operating procedures and practices to insure continued conformance with applicable statutes, regulations, and orders related to non-discrimination in service delivery.

II. Department Requirements

A. Compliance with State Requirements

- 1. **Human Rights:** The Department shall operate the statewide human rights system described in the *Human Rights Regulations*, monitor compliance with the human rights requirements in those regulations, and conduct reviews and investigations referenced in those regulations. The Department's human rights staff shall be available on a daily basis, including weekends and holidays, to receive reports of allegations of violations of the human rights of individuals receiving services from the Board.
- 2. **Licensing:** The Department shall license programs and services that meet the requirements of the *Licensing Regulations* and conduct licensing reviews in accordance with the provisions of those regulations. The Department shall respond in a timely manner to issues raised by the Board regarding its efforts to coordinate and monitor services provided by independent providers licensed by the Department. Pursuant to the Licensing Review Protocol for CARF-Accredited Board Outpatient and Day Support Services, contained in the Community Services Board Administrative Requirements, the Department's Office of Licensing shall accept CARF surveys as a review of regulation compliance for those licensing regulations or standards that are the same for outpatient and day support services at Boards that have triennial licenses for these services. These regulations or standards are identified in the crosswalk between the licensing regulations and CARF standards in the CSB Administrative Requirements.

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- 3. Reviews:** The Department shall review and take appropriate action on audits submitted by the Board in accordance with the provisions of this contract and the Community Services Board Administrative Requirements. The Department may conduct procurement, financial management, reimbursement, and human resource management reviews of a Board's operations, in accordance with provisions in the Community Services Board Administrative Requirements.
- 4. Planning:** The Department shall conduct long-range planning activities related to state facility and community services, including the preparation and dissemination of the Comprehensive State Plan required by § 37.2-315 of the Code of Virginia.
- 5. Information Technology:** The Department shall operate and provide technical assistance and support, to the extent practicable, to the Board about the CARS and the Community Consumer Submission (CCS) software referenced in this contract and comply with State Board Policies 1030 and 1037. The Department shall operate the FIMS and the KIT Prevention System referenced in this contract. Pursuant to § 37.2-504 and § 37.2-605 of the Code of Virginia, the Department shall implement procedures to protect the confidentiality of data accessed or received in accordance with this contract. The Department shall ensure that any software application that it issues to the Board for reporting purposes associated with this contract has been field tested by a reasonable number of Boards to assure compatibility and functionality with the major IT systems used by Boards, is operational, and is provided to the Board sufficiently in advance of reporting deadlines to allow the Board to install and run the software application.
- 6. Providing Information:** The Department shall provide any information requested by the Board that is related to performance of or compliance with this contract in a timely manner, considering the type, amount, and availability of the information requested.

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Section 1: Purpose

Collaboration through partnerships is the foundation of Virginia's public system of mental health and substance abuse (behavioral health) and developmental services. The Central Office of the Department of Behavioral Health and Developmental Services, State Hospitals and Training Centers (State Facilities) operated by the Department, and Community Services Boards (CSBs), which are entities of local governments, are the operational partners in Virginia's public system for providing these services. CSBs include operating CSBs, administrative policy CSBs, and local government departments with policy-advisory CSBs and behavioral health authorities that are established pursuant to Chapters 5 and 6, respectively, of Title 37.2 of the Code of Virginia.

Pursuant to State Board Policy 1034, the partners enter into this agreement to implement the vision statement articulated in State Board Policy 1036 and to improve the quality of care provided to individuals receiving services (individuals) and enhance the quality of their lives. The goal of this agreement is to establish a fully collaborative partnership process through which CSBs, the Central Office, and State Facilities can reach agreements on operational and policy matters and issues. In areas where it has specific statutory accountability, responsibility, or authority, the Central Office will make decisions or determinations with the fullest possible participation and involvement by the other partners. In all other areas, the partners will make decisions or determinations jointly. The partners also agree to make decisions and resolve problems at the level closest to the issue or situation, whenever possible. Nothing in this partnership agreement nullifies, abridges, or otherwise limits or affects the legal responsibilities or authorities of each partner, nor does this agreement create any new rights or benefits on behalf of any third parties.

The partners share a common desire for the system of care to excel in the delivery and seamless continuity of services for individuals and their families and seek similar collaborations or opportunities for partnerships with advocacy groups for individuals and their families and other system stakeholders. We believe that a collaborative strategic planning process helps to identify the needs of individuals and ensures effective resource allocation and operational decisions that contribute to the continuity and effectiveness of care provided across the public mental health, developmental, and substance abuse services system. We agree to engage in such a collaborative planning process.

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The Central Office, State Facility, and CSB partnership reflects a common purpose derived from:

1. Codified roles defined in Chapters 3, 4, 5, 6, 7, and 8 of Title 37.2 of the Code of Virginia, as delineated in the Community Services Performance Contract;
2. Philosophical agreement on the importance of services and supports that are person-centered and individual-driven and other core goals and values contained in this partnership agreement;
3. Operational linkages associated with funding, program planning and assessment, and joint efforts to address challenges to the public system of services; and
4. Quality improvement-focused accountability to individuals receiving services and family members, local and state governments, and the public at large, as described in the accountability section of this partnership agreement.

This partnership agreement also establishes a framework for covering other relationships that may exist among the partners. Examples of these relationships include regional initiatives such as the Region IV Acute Care Pilot Project, regional utilization management teams, the planning partnership regions, and the initiative to promote integrated services for individuals with co-occurring mental health and substance use disorders.

Section 2: Roles and Responsibilities

Although this partnership philosophy helps to ensure positive working relationships, each partner has a unique role in providing public mental health, developmental, and substance abuse services. These distinct roles promote varying levels of expertise and create opportunities for identifying the most effective mechanisms for planning, delivering, and evaluating services.

Central Office

1. Ensures through distribution of available state and federal funding that an individual-driven and community-based system of care, supported by community and state facility resources, exists for the delivery of publicly funded services and supports to individuals with mental health or substance use disorders or intellectual disability.
2. Promotes at all locations of the public mental health, developmental, and substance abuse service delivery system (including the Central Office) quality improvement efforts that focus on individual outcome and provider performance measures designed to enhance service quality, accessibility, and availability, and provides assistance to the greatest extent practicable with Department-initiated surveys and data requests.
3. Supports and encourages the maximum involvement and participation of individuals receiving services and family members of individuals receiving services in policy formulation and services planning, delivery, monitoring, and evaluation.
4. Ensures fiscal accountability that is required in applicable provisions of the Code of Virginia, relevant state and federal regulations, and policies of the State Board of Behavioral Health and Developmental Services.
5. Promotes identification of state-of-the-art, best or promising practice, or evidence-based programming and resources that exist as models for consideration by other partners.
6. Seeks opportunities to affect regulatory, policy, funding, and other decisions made by the Governor, the Secretary of Health and Human Resources, the General Assembly, the Department of Medical Assistance Services and other state agencies, and federal agencies that interact with or affect the other partners.

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7. Encourages and facilitates state interagency collaboration and cooperation to meet the service needs of individuals and to identify and address statewide interagency issues that affect or support an effective system of care.
8. Serves as the single point of accountability to the Governor and the General Assembly for the public system of mental health, developmental, and substance abuse services.
9. Problem solves and collaborates with a CSB and State Facility together on a complex or difficult situation involving an individual who is receiving services when the CSB and State Facility have not been able to resolve the situation successfully at their level.

Community Services Boards

1. Pursuant to § 37.2-500 of the Code of Virginia and State Board Policy 1035, serve as the single points of entry into the publicly funded system of individual-driven and community-based services and supports for individuals with mental health or substance use disorders or intellectual disability, including individuals with co-occurring disorders in accordance with State Board Policy 1015.
2. Serve as the local points of accountability for the public mental health, developmental, and substance abuse service delivery system.
3. To the fullest extent that resources allow, promote the delivery of community-based services that address the specific needs of individuals, particularly those with complex needs, with a focus on service quality, accessibility, integration, and availability and on self-determination, empowerment, and recovery.
4. Support and encourage the maximum involvement and participation of individuals receiving services and family members of individuals receiving services in policy formulation and services planning, delivery, monitoring, and evaluation.
5. Establish services and linkages that promote seamless and efficient transitions of individuals between state facility and local community services.
6. Promote sharing of program knowledge and skills with other partners to identify models of service delivery that have demonstrated positive outcomes for individuals receiving services.
7. Problem-solve and collaborate with State Facilities on complex or difficult situations involving individuals receiving services.
8. Encourage and facilitate local interagency collaboration and cooperation to meet the other services and supports needs of individuals receiving services.

State Facilities

1. Provide psychiatric hospitalization and other services to individuals identified by CSBs as meeting statutory requirements for admission in § 37.2-817 of the Code of Virginia and criteria in the Continuity of Care Procedures in the Community Services Boards Administrative Requirements, including the development of specific capabilities to meet the needs of individuals with co-occurring mental health and substance use disorders in accordance with State Board Policy 1015.

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2. Within the resources available, provide residential, training, or habilitation services to individuals with intellectual disability identified by CSBs as needing those services and who are certified for admission pursuant to § 37.2-806 of the Code of Virginia.
3. To the fullest extent that resources allow, provide services that address the specific needs of individuals with a focus on service quality, accessibility, and availability and on self-determination, empowerment, and recovery.
4. Support and encourage the involvement and participation of individuals receiving services and family members of individuals receiving services in policy formulation and services planning, delivery, monitoring, and evaluation.
5. Establish services and linkages that promote seamless and efficient transitions of individuals between state facility and local community services.
6. Promote sharing of program knowledge and skills with other partners to identify models of service delivery that have demonstrated positive outcomes for individuals.
7. Problem-solve and collaborate with CSBs on complex or difficult situations involving individuals receiving services.

Recognizing that these unique roles create distinct visions and perceptions of individual and service needs at each point (statewide, communities, and state facilities) of services planning, management, delivery, and evaluation, the partners are committed to maintaining effective lines of communication with each other and with other providers involved in the services system through their participation in regional partnerships generally and for addressing particular challenges or concerns. Mechanisms for communication include the System Leadership Council; representation on work groups, task forces, and committees; use of websites and electronic communication; consultation activities; and circulation of drafts for soliciting input from other partners. When the need for a requirement is identified, the partners agree to use a participatory process, similar to the process used by the Central Office to develop Departmental Instructions for State Facilities, to establish the requirement.

These efforts by the partners will help to ensure that individuals have access to a public, individual-driven, person-centered, community-based, and integrated system of mental health, developmental, and substance abuse services that maximizes available resources, adheres to the most effective, evidence-based, best, or promising service delivery practices, utilizes the extensive expertise that is available within the public system of care, and encourages and supports the self-determination, empowerment, and recovery of individuals receiving services, including the provision of services by them.

Section 3: Core Values

The Central Office, State Facilities, and CSBs, the partners to this agreement, share a common desire for the public system of care to excel in the delivery and seamless continuity of services to individuals receiving services and their families. While they are interdependent, each partner works independently with both shared and distinct points of accountability, such as state, local or federal governments, other funding sources, individuals receiving services, and families. The partners embrace common core values that guide the Central Office, State Facilities, and CSBs in developing and implementing policies, planning services, making decisions, providing services, and measuring the effectiveness of service delivery.

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Vision Statement

Our core values are based on our vision, articulated in State Board Policy 1036, for the public mental health, developmental, and substance abuse services system. Our vision is of a individual-driven and community-based system of services and supports that promotes self-determination, empowerment, recovery, resilience, health, and the highest possible level of participation by individuals receiving services in all aspects of community life, including work, school, family, and other meaningful relationships. This vision also incorporates the principles of inclusion, participation, and partnership.

Core Values

1. The Central Office, State Facilities, and CSBs are working in partnership; we hold each other accountable for adhering to our core values.
2. As partners, we will focus on fostering a culture of responsiveness instead of regulation, finding solutions rather than assigning responsibility, emphasizing flexibility over rigidity, and striving for continuous quality improvement, not just process streamlining.
3. As partners, we will make decisions and resolve problems at the level closest to the issue or situation whenever possible.
4. Services should be provided in the least restrictive and most integrated environment possible. Most integrated environment means a setting that enables individuals with disabilities to interact with persons without disabilities to the fullest extent possible.
5. All services should be designed to be welcoming, accessible, and capable of providing interventions properly matched to the needs of individuals with co-occurring disorders.
6. Community and state facility services are integral components of a seamless public, individual-driven, and community-based system of care.
7. The goal of all components of our public system of care is that the individuals we serve recover, realize their fullest potential, or move to independence from our care.
8. The participation of the individual and, when one is appointed or designated, the individual's authorized representative in treatment planning and service evaluation is necessary and valuable and has a positive effect on service quality and outcomes.
9. The individual's responsibility for and active participation in his or her care and treatment are very important and should be supported and encouraged whenever possible.
10. Individuals receiving services have a right to be free from abuse, neglect, or exploitation and to have their human rights assured and protected.
11. Choice is a critically important aspect of participation and dignity for individuals receiving services, and it contributes to their satisfaction and desirable outcomes. Individuals should be provided as much as possible with responsible and realistic opportunities to choose.
12. Family awareness and education about a person's disability or illness and services are valuable whenever the individual with the disability supports these activities.

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13. Whenever it is clinically appropriate, children and adolescents should receive services provided in a manner that supports maintenance of their home and family environment. Family includes single parents, grandparents, older siblings, aunts or uncles, and other persons who have accepted the child or adolescent as part of their family.
14. Children and adolescents should be in school and functioning adequately enough that the school can maintain them and provide an education for them.
15. Living in safe and affordable housing in the community with the highest level of independence possible is a desired outcome for adults receiving services.
16. Gaining or maintaining meaningful employment improves the quality of life for adults with mental health or substance use disorders or intellectual disability and is a desired outcome for adults receiving services.
17. Lack of involvement or a reduced level of involvement with the criminal justice system, including court-ordered criminal justice services, improves the quality of life of all individuals.
18. Pursuant to State Board Policy 1038, the public, individual-driven, and community-based mental health, developmental, and substance abuse services system serves as a safety net for individuals, particularly people who are uninsured or under-insured, who do not have access to other service providers or alternatives.

Section 4: Indicators Reflecting Core Values

Nationwide, service providers, funding sources, and regulators have sought instruments and methods to measure system effectiveness. No one system of evaluation is accepted as the method, as perspectives about the system and desired outcomes vary, depending on the unique role (e.g., as an individual receiving services, family member, payer, provider, advocate, or member of the community) that one has within the system.

Simple, cost-effective measures reflecting a limited number of core values or expectations identified by the Central Office, State Facilities, and CSBs guide the public system of care in Virginia. Any indicators or measures should reflect the core values listed in the preceding section. The partners agree to identify, prioritize, collect, and utilize these measures as part of the quality assurance systems mentioned in section 6 of this agreement and in the quality improvement plan described in section 6.b of the Community Services Performance Contract.

Section 5: Advancing the Vision

The partners agree to engage in activities to advance the achievement of the Vision Statement contained in State Board Policy 1036 and section 3 of this agreement, including these activities.

1. **Recovery:** The partners agree, to the greatest extent possible, to:
 - a. provide more opportunities for individuals receiving services to be involved in decision-making,
 - b. increase recovery-oriented, peer-provided, and consumer-run services,
 - c. educate staff and individuals receiving services about recovery, and
 - d. assess and increase the recovery orientation of CSBs, the Central Office, and state hospitals.

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2. **Integrated Services:** The partners agree to advance the values and principles in the Charter Agreement signed by the Board and the Central Office and to increase effective screening and assessment of individuals for co-occurring disorders to the greatest extent possible.
3. **Person-Centered Planning:** The partners agree to promote awareness of the principles of person-centered planning, disseminate and share information about person-centered planning, and participate on work groups focused on implementing person-centered planning.

Section 6: Critical Success Factors

The partners agree to engage in activities that will address the seven critical success factors identified in *Envision the Possibilities: An Integrated Strategic Plan for Virginia's Mental Health, Mental Retardation and Substance Abuse Services System*, January 2006. These critical success factors, listed below and described more fully in the *Integrated Strategic Plan*, are required to transform the current service system's crisis response orientation to one that provides incentives and rewards for implementing the vision of a recovery and resilience-oriented and person-centered system of services and supports. Successful achievement of these critical success factors will require the support and collective ownership of all system stakeholders.

1. Virginia successfully implements a recovery and resilience-oriented and person-centered system of services and supports.
2. Publicly funded services and supports that meet growing mental health, developmental, and substance abuse services needs are available and accessible across the Commonwealth.
3. Funding incentives and practices support and sustain quality care focused on individuals receiving services and supports, promote innovation, and assure efficiency and cost-effectiveness.
4. State facility and community infrastructure and technology efficiently and appropriately meet the needs of individuals receiving services and supports.
5. A competent and well-trained mental health, developmental, and substance abuse services system workforce provides needed services and supports.
6. Effective service delivery and utilization management assures that individuals and their families receive services and supports that are appropriate to their needs.
7. Mental health, developmental, and substance abuse services and supports meet the highest standards of quality and accountability.

Section 7: Accountability

The Central Office, State Facilities, and CSBs agree that it is necessary and important to have a system of accountability. The partners also agree that any successful accountability system requires early detection with faithful, accurate, and complete reporting and review of agreed-upon accountability indicators. The partners further agree that early detection of problems and collaborative efforts to seek resolutions improve accountability. To that end, the partners commit themselves to a problem identification process defined by open sharing of performance concerns and a mutually supportive effort toward problem resolution. Technical assistance, provided in a non-punitive manner designed not to "catch" problems but to resolve them, is a key component in an effective system of accountability.

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Where possible, joint work groups, representing CSBs, the Central Office, and State Facilities, shall review all surveys, measures, or other requirements for relevance, cost benefit, validity, efficiency, and consistency with this statement prior to implementation and on an ongoing basis as requirements change. In areas where it has specific statutory accountability, responsibility, or authority, the Central Office will make decisions or determinations with the fullest possible participation and involvement by the other partners. In all other areas, the partners will make decisions or determinations jointly.

The partners agree that when accreditation or another publicly recognized independent review addresses an accountability issue or requirement, where possible, compliance with this outside review will constitute adherence to the accountability measure or reporting requirement. Where accountability and compliance rely on affirmations, the partners agree to make due diligence efforts to comply fully. The Central Office reserves the powers given to the Department to review and audit operations for compliance and veracity and upon cause to take actions necessary to ensure accountability and compliance.

Desirable and Necessary Accountability Areas

1. **Mission of the System.** As part of a mutual process, the partners, with maximum input from stakeholders and individuals receiving services, will define a small number of key missions for the public community and state facility services system and a small number of measures for these missions. State Facilities and CSBs will report on these measures at a minimum frequency necessary to determine the level and pattern of performance over several years.
2. **Central Office Accountability.** In addition to internal governmental accountability, the Central Office agrees to support the mission of the public services system by carrying out its functions in accordance with the vision and values articulated in section 3. Accountability for the Central Office will be defined by the fewest necessary measures of key activities that will be reported at a minimum frequency necessary to determine the level and pattern of performance over several years.
3. **State Facility Accountability.** In addition to internal governmental accountability, State Facilities agree to support the mission of the public services system by carrying out their functions in accordance with the vision and values articulated in section 3. Accountability for State Facilities will be defined by the fewest necessary measures of key activities that will be reported at a minimum frequency necessary to determine the level and pattern of performance over several years.
4. **CSB Accountability.** In addition to internal governmental accountability, CSBs agree to support the mission of the public services system by carrying out their functions in accordance with the vision and values articulated in section 3. Accountability for CSBs will be defined by the fewest necessary measures of key activities that will be reported at a minimum frequency necessary to determine the level and pattern of performance over several years.
5. **Legislative Accountability.** Additional reporting or responses may be required of CSBs, the Central Office, or State Facilities by the General Assembly or for a legislative request or study.
6. **Quality Improvement.** CSBs, State Facilities, and the Central Office will manage internal quality improvement, quality assurance, and corporate compliance systems to monitor activities, detect and address problems, and minimize risk. These activities require no standardized reporting outside of that contained in law, regulation, or policy. The partners agree to identify and, wherever possible, implement evidence-based best practices and

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programs to improve the quality of care that they provide. In the critically important area of service integration for individuals with co-occurring disorders, the partners agree to

- a. engage in periodic organizational self-assessment using identified tools,
- b. develop a work plan that prioritizes quality improvement opportunities in this area,
- c. monitor progress in these areas on a regular basis, and
- d. adjust the work plan as appropriate.

7. **Fiscal.** Funds awarded or transferred by one partner to another for a specific identified purpose should have sufficient means of accountability to ensure that expenditures of funds were for the purposes identified. The main indicators for this accountability include an annual CPA audit by an independent auditing firm or an audit by the Auditor of Public Accounts and reports from the recipient of the funds that display the amounts of expenditures and revenues, the purposes for which the expenditures were made and, where necessary, the types and amounts of services provided. The frequency and detail of this reporting shall reflect the minimum necessary.
8. **Compliance with Departmental Regulatory Requirements for Service Delivery.** In general, regulations ensure that entities operate within the scope of acceptable practice. The system of Department licensing, in which a licensed entity demonstrates compliance by policy, procedure, or practice with regulatory requirements for service delivery, is a key accountability mechanism. Where a service is not subject to state licensing, the partners may define minimum standards of acceptable practice. Where CSBs obtain nationally recognized accreditation covering services for which the Department requires a license, the Department, to the degree practical and with the fullest possible participation and involvement by the other partners, will consider substituting the accreditation in whole or in part for the application of specific licensing standards.
9. **Compliance with Federal and Non-Department Standards and Requirements.** In areas where it has specific statutory accountability, responsibility, or authority, the Central Office will make decisions or determinations with the fullest possible participation and involvement by the other partners. In all other areas, the partners will make decisions or determinations jointly. The Central Office agrees to identify the minimum documentation needed from the other partners to indicate their compliance with applicable Federal and non-Departmental standards and requirements. Where possible, this documentation shall include affirmations by CSBs or State Facilities in lieu of direct documentation. The partners shall define jointly the least intrusive and least costly compliance strategies, as necessary.
10. **Compliance with Department-Determined Requirements.** In areas where it has specific statutory accountability, responsibility, or authority, the Central Office will make decisions or determinations with the fullest possible participation and involvement by the other partners. In all other areas, the partners will make decisions or determinations jointly. The Central Office agrees to define the minimum compliance system necessary to ensure that CSBs and State Facilities perform due diligence in regard to requirements established by the Central Office and that this definition will include only the minimum necessary to meet the intent of the State law or State Board policy for which the requirement is created. Where equivalent local government standards are in place, compliance with the local standards shall be acceptable.
11. **Medicaid Requirements.** The Central Office agrees to work proactively with the Department of Medical Assistance Services (DMAS) to create an effective system of accountability that will ensure services paid for by the DMAS meet minimum standards for quality care and for the

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defined benefit. The Central Office, and CSBs to the fullest extent possible, will endeavor to assist the DMAS in regulatory and compliance simplification in order to focus accountability on the key and most important elements.

- 12. Maximizing State and Federal Funding Resources.** The partners agree to collect and utilize available revenues from all appropriate sources to pay for services in order to extend the use of state and federal funds as much as possible to serve the greatest number of individuals in need of services. Sources include Medicaid cost-based, fee-for service, Targeted Case Management, Rehabilitation (State Plan Option), and ID Waiver payments; other third party payers; auxiliary grants; food stamps; SSI, SSDI, and direct payments from individuals; payments or contributions of other resources from other agencies, such as local social services or health departments; and other state or local funding sources.
- 13. Information for Decision-Making.** The partners agree to work collaboratively to
 - a. improve the accuracy, timeliness, and usefulness of data provided to funding sources and stakeholders;
 - b. enhance infrastructure and support for information technology systems and staffing; and
 - c. use this information in their decision-making about resources, services, policies, and procedures and to communicate more effectively with funding sources and stakeholders about the activities of the public services system and its impact on individuals receiving services and their families.

Section 8: Involvement and Participation of Individuals Receiving Services and Their Family Members

- 1. Involvement and Participation of Individuals Receiving Services and Their Family Members:** CSBs, State Facilities, and the Central Office agree to take all necessary and appropriate actions in accordance with State Board Policy 1040 to actively involve and support the maximum participation of individuals receiving services and their family members in policy formulation and services planning, delivery, monitoring, and evaluation.
- 2. Involvement in Individualized Services Planning and Delivery by Individuals Receiving Services and Their Family Members:** CSBs and State Facilities agree to involve individuals receiving services and, with the consent of individuals where applicable, family members, authorized representatives, and significant others in their care, including the maximum degree of participation in individualized services planning and treatment decisions and activities, unless their involvement is not clinically appropriate.
- 3. Language:** CSBs and State Facilities agree that they will endeavor to deliver services in a manner that is understood by individuals receiving services. This involves communicating orally and in writing in the preferred languages of individuals, including Braille and American Sign Language when applicable, and at appropriate reading comprehension levels.
- 4. Culturally Competent Services:** CSBs and State Facilities agree that in delivering services they will endeavor to address to a reasonable extent the cultural and linguistic characteristics of the geographic areas and populations that they serve.

Section 9: System Leadership Council. The System Leadership Council, established by the partners through this agreement, includes representatives of the Central Office, State Facilities, the State Board of Behavioral Health and Developmental Services, CSBs, individuals receiving

FY 2012 Community Services Performance Contract: Central Office, State Facility, and Community Services Board Partnership Agreement

services and their families, local governments, the criminal justice system, private providers, and other stakeholders. The Council will meet at least quarterly to, among other responsibilities:

1. identify, discuss, and resolve issues and problems;
2. examine current system functioning and identify ways to improve or enhance the operations of the public mental health, developmental, and substance abuse services system; and
3. identify, develop, propose, and monitor the implementation of new service modalities, systemic innovations, and other approaches for improving the accessibility, responsiveness, and cost effectiveness of publicly funded mental health, developmental, and substance abuse services.

Section 10: Communication. CSBs, State Facilities, and the Central Office agree to communicate fully with each other to the greatest extent possible. Each partner agrees to respond in a timely manner to requests for information from other partners, considering the type, amount, and availability of the information requested.

Section 11: Quality Improvement. On an ongoing basis, the partners agree to work together to identify and resolve barriers and policy and procedural issues that interfere with the most effective and efficient delivery of public mental health, developmental, and substance abuse services.

Section 12: Reviews, Consultation, and Technical Assistance. CSBs, State Facilities, and the Central Office agree, within the constraints of available resources, to participate in review, consultation, and technical assistance activities to improve the quality of services provided to individuals and to enhance the effectiveness and efficiency of their operations.

Section 13: Revision. This is a long-term agreement that should not need to be revised or amended annually. However, the partners agree that this agreement may be revised at any time with the mutual consent of the parties. When revisions become necessary, they will be developed and coordinated through the System Leadership Council. Finally, either party may terminate this agreement with six months written notice to the other party and to the System Leadership Council.

Section 14: Relationship to the Community Services Performance Contract. This partnership agreement, by agreement of the parties, is hereby incorporated into and made a part of the current Community Services Performance Contract.

Section 15: Implementation of *Creating Opportunities* Initiatives: The partners agree to work collaboratively to implement initiatives developed jointly in response to *Creating Opportunities: A Plan for Advancing Community-Focused Services in Virginia*.

**FY 2012 Community Services Performance Contract: Central Office,
State Facility, and Community Services Board Partnership Agreement**

Section 16: Signatures. In witness thereof, the CSB and the Department, acting on behalf of the Central Office and the State Facilities that it operates, have caused this partnership agreement to be executed by the following duly authorized officials.

**Virginia Department of Behavioral Health and
Developmental Services**

District 19 Community Services Board

Community Services Board

By: _____

By: James Forsythe

Name: James W. Stewart, III
Title: Commissioner

Name: Lance Forsythe
Title: Board Chairperson

Date: _____

Date: 6/14/11

By: [Signature]

Name: Joseph E. Hubbard
Title: Executive Director

Date: 6/14/11

A RESOLUTION NO. 11-32

Relating to the performance contract for the District 19 Community Services Board for FY 2012.

WHEREAS, § 37.2-508 of the Code of Virginia, 1950, as amended, requires a community services board to submit annually to the State Department of Mental Health, Mental Retardation and Substance Abuse Services its proposed performance contract for the next fiscal year, including the approval by formal vote of the governing body of each member locality; and

WHEREAS, the Board of Directors of the District 19 Community Services Board has requested that the member localities formally approve the FY 2012 contract, a copy of which is attached hereto and made a part hereof, including Exhibit A containing budgetary information; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That Council hereby approves the FY 2012 Community Services Board Performance Contract for the District 19 Community Services Board.

2. That this resolution shall be in full force and effect upon its passage.

Approved:

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

DISTRICT 19 COMMUNITY SERVICES BOARD
MENTAL HEALTH, MENTAL RETARDATION and SUBSTANCE ABUSE SERVICES

20 W. Bank Street - Suite 7 • Petersburg, Virginia 23803

(804) 862-8054 • Fax: (804) 863-1665

jhubbard@d19csb.com

gtravis@d19csb.com

RECEIVED

Joseph E. Hubbard, C.P.A.

Executive Director

JUL 27 2011

Virginia P. Travis

Director, Quality Improvement

City Manager's Office
July 21, 2011

Mr. Thomas L. Mattis
Colonial Heights City Manager
PO Box 3401
Colonial Heights, VA 23834

Dear Mr. Mattis:

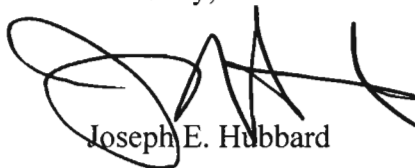
In accordance with 37.2-5508 of the Code of Virginia, please submit the enclosed State Fiscal Year (SFY) 2012 Performance Contract to your board/council for approval on or before September 15, 2011.

The District 19 Board of Directors approved this proposed contract on May 26, 2011. The contract has not changed in any material way from previous year's contract. Local approval is required by state code, but does not create a liability for your locality.

Please send me a copy of the minutes indicating approval as soon as possible in order for me to forward a copy to the Department of Behavioral Health and Developmental Services.

If you have any questions, please give me a call.

Sincerely,



Joseph E. Hubbard

Enclosures

pc: Raenord Walker
Carolyn Thompson

- PARTICIPATING MEMBERS -

Colonial Heights
(804) 520-7210

Dinwiddie
(804) 469-3746

Emporia/Greenville
(434) 634-5181

Hopewell/Prince George
(804) 541-8660

Petersburg
(804) 862-8002

Surry
(757) 294-0037

Sussex
(804) 834-2205

AN ORDINANCE NO. 11-19

To approve a General Pay Plan Class and Salary Range, effective October 1, 2011.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That pursuant to City Charter §§ 9.7 and 9.8, "Classification Plan" and "Pay Plan" respectively, the General Pay Plan Class and Salary Range attached as Exhibit A is hereby approved and incorporated as part of this ordinance.
2. That this ordinance shall be in full force and effect on October 1, 2011.

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

EXHIBIT A**CITY OF COLONIAL HEIGHTS, VIRGINIA
October 1, 2011****GRADE GENERAL PAY PLAN CLASS AND SALARY RANGE**

11 ~~\$23,566.00 - \$37,349.00~~
 \$24,273.00 - \$38,470.00

Deputy I
Facilities/Groundskeeper I
Landfill Attendant
Legal Secretary
Meter Reader
Public Works Technician
Staff Aide
Staff Assistant
Utility Technician
Van Driver

12 ~~\$25,863.00 - \$42,677.00~~
 \$26,639.00 - \$ 43,958.00

Concrete Technician
Customer Service Representative
Deputy II
Deputy Registrar
Facilities/Groundskeeper II
Office Assistant
Records Technician
Senior Meter Reader
Streets Heavy Equipment Operator
Transportation Coordinator
Utility Heavy Equipment Operator

13 ~~\$29,548.00 - \$48,764.00~~
 \$30,435.00 - \$50,217.00

Administrative Assistant
Administrative Services Deputy
Animal Control Officer
Deputy III
Deputy Sheriff
Facilities/Groundskeeper III
EMS Firefighter Recruit* (Starting salary: ~~\$33,578~~ \$34,585)
Police Officer Recruit* (Starting salary: ~~\$33,578~~ \$34,585)
Recreation Specialist I
Traffic Technician
Utility Maintenance Specialist
Waterworks Distribution Technician

*Starting for non-certified EMS Firefighter & Police Officer candidates that are required to attend an academy.

GENERAL PAY PLAN CLASS AND SALARY RANGE

Page 2

October 1, 2011

GRADE GENERAL PAY PLAN CLASS AND SALARY RANGE

14

~~\$33,762.00 - \$55,700.00~~

\$34,775.00 - \$57,380.00

Assessor's Office Technician
Assistant Treasurer
Building Inspector
Building Maintenance Supervisor
Chief Deputy/Bookkeeper
Concrete Foreman
Construction Inspector
Cross-Connection Control Technician
Emergency Equipment Technician
Engineering Technician
Executive Assistant
Financial Specialist
EMS Firefighter* (Starting salary: ~~\$37,080~~ \$38,192)
Horticulturist
Information Systems Technician
Legal Assistant
Library Assistant
Lieutenant Deputy Sheriff
Master Deputy Sheriff
Museum Curator
Police Detective* (Starting salary: ~~\$37,080~~ \$38,192))
Police Officer* (Starting salary: ~~\$37,080~~ \$38,192)
Procurement Specialist
Recreation Specialist II
Senior Automotive Mechanic
Senior Traffic Technician
Storm Water Foreman
Streets Foreman
Telecommunicator
Utility Foreman

*Starting salary for certified EMS Firefighter & Police Officer candidates with 5 or less years of experience.

*Salary range spans Grades 14-15; therefore, maximum salary for Police Detective, EMS Firefighter, and Police Officer is ~~\$63,643~~ \$65,552.

15

~~\$38,560.00 - \$63,643.00~~

\$39,726.00 - \$65,552.00

Chief Deputy Sheriff
Financial Analyst
Library Associate
Recreation Specialist III Senior Center
Senior Building Inspector

GENERAL PAY PLAN CLASS AND SALARY RANGE

Page 3

October 1, 2011

	Senior Engineering Technician Communications Supervisor
16	\$44,067.00 - \$72,712.00 \$45,389.00 - \$74,893.00
	Deputy Fire Marshal Fire Lieutenant Information Systems Coordinator Police Sergeant Neighborhood Revitalization Planner Purchasing Agent Web Administrator
17	\$50,348.00 - \$83,076.00 \$51,858.00 - \$85,568.00
	Assistant Commonwealth's Attorney Automotive Maintenance Superintendent Battalion Chief City Assessor Communications Coordinator Facilities Superintendent Police Lieutenant Project Coordinator Project Engineer Public Works Superintendent Recreation Superintendent Streets Superintendent Utilities Superintendent
18	\$57,523.00 - \$94,915.00 \$59,249.00 - \$97,762.00
	Assistant Director of Public Works – Engineering Building Official Deputy Chief of Fire & EMS Deputy Director of Finance Information Technology Administrator Police Captain
EXEC	\$57,394.00 - \$114,790.00 \$59,116.00 - \$118,234.00
	Chief of Fire & EMS Chief of Police City Engineer Director of Finance

GENERAL PAY PLAN CLASS AND SALARY RANGE

Page 4

October 1, 2011

Director of Human Resources
Director of Office on Youth & Human Services
Director of Parks & Recreation
Director of Planning & Community Development
Director of Public Works
Library Director

UNCLASSIFIED

City Attorney
City Clerk
City Manager
Clerk of Circuit Court
Commonwealth's Attorney
Commissioner of Revenue
Sheriff
Treasurer
Registrar

Memorandum

Date: September, 2011

To: Mayor and City Council

Subject: Possible Architectural Review Process for
Boulevard Commercial Development



Recently, a commercial building on the northern end of the Boulevard was converted to a new use in compliance with applicable city rules and regulations. However, some confusion and frustration arose the exterior improvements to the building (particularly the fact that the building was painted pink) was not universally recognized as an overall aesthetic upgrade for the City.

One of the expressed concerns was the expectation on the part of some that the city had controls in place that would restrict or prevent undesirable commercial building improvements from taking place along the Boulevard (or maybe just pink buildings in general).

While I am confident that this particular project has been developed in compliance with the *current* rules, the staff is certainly prepared to research the possibilities, if it is Council's desire, for the city to exercise greater control over architectural aesthetics for future commercial projects within the Boulevard corridor.

In the prior two cities I have served as City Manager, I have had extensive experience in implementing just such measures within those city's commercial districts. This experience has taught me that it is a fairly simple proposition: Such increased controls can be achieved, but it requires a much greater effort on the part of the city – and an increased investment of time and energy on the part of the property owner.

Attached to this memorandum you will find a modified version of the basic legislation I have utilized in the past that spells out an effective process for architectural review and control.

As you know, this draft of possible legislation does not come from a Virginia locality; so it is important to note that this scenario has not been reviewed or approved by the City Attorney. It should also be acknowledged that the City Attorney, in preliminary discussions, has already expressed some legal concerns about this concept.

It is simply my goal at this time, however, to raise the issue for discussion by the Council in response to concerns raised by some Councilmembers and others in this regard. If the Council as a whole expresses a desire to move forward in considering such new regulations, the staff will proceed accordingly. If there is no such desire, we have fulfilled our obligation to raise the question.

Please let me know if you have any questions or comments; or would like additional information.

Thomas L. Mattis
City Manager

BOULEVARD COMMERCIAL OVERLAY DISTRICT

Section 1. Purpose

(a) The purpose of this chapter is to maintain a high character of community development, to promote stability of property and property values, to provide for orderly development, to provide for proper movement of traffic, and to secure the general safety of citizens by regulating the exterior architectural characteristics of structures and the characteristics of the property as a whole throughout the hereinafter defined Boulevard Commercial Overlay District.

(b) It is the further purpose of this chapter to recognize and preserve the distinctive architectural character of this community which has been greatly influenced by the architecture of an earlier period in this community's history. This purpose shall be served by the regulation of exterior design, use of materials, the finish grade line, ingress and egress, and landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled, removed or demolished in the hereinafter defined Boulevard Commercial Overlay District

(c) The City Planning Commission shall serve as the Review Board to review applications for zoning permits filed under this chapter and approve or disapprove the issuance of said permits within the district boundaries as delineated .

Section 2. Application and Notice

(a) Whenever a structure being used or to be used for commercial purposes, whether public or private, within the district is proposed to be constructed or erected and whenever an existing structure is proposed to be altered, reconstructed, enlarged or remodeled, if such alteration, additional curb cuts, reconstruction, enlargement remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure, an application for a zoning permit shall be filed with the City Manager together with a fee as determined from time to time by Council.

(b) Upon receipt of an application for a zoning permit, the City Manager shall place the application on the agenda for the appropriate Review Board to review at its next regular meeting following fourteen days from the date the application is filed. The City Manager shall notify the applicant and the contiguous property owners at least ten days in advance of the date the Review Board is to convene to review the application.

(c) The application shall be accompanied by such plans, specifications and other material as the Review Board may prescribe.

(d) Notwithstanding any other provisions to the contrary, applications for sign permits shall not be subject to the provisions of this chapter.

Section 3. Architectural and Aesthetic Plan Review

(a) Architectural Plan. The exterior architectural characteristics of structures and the characteristics of the property must be provided to allow and enable the community to recognize and preserve the distinctive architectural character of this community, which has been greatly influenced by the architecture of an earlier period in this community's history.

(b) The Review Board will determine if the proposed structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety and welfare. In

conducting its review, the Review Board shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application including, but not limited to;

- (1) Height, which shall conform to the requirements of City Ordinances;
- (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
- (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (4) Roof shape, which shall include type, form, and materials;
- (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
- (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
- (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
- (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
- (9) Signage, which shall include, in addition to the requirements of Ordinance No. 356, as amended, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;
- (10) Exterior lighting, which shall included location, type, and/or design of lighting and/or lighting fixtures to be used.

(c) In conducting its inquiry and review, the Review Board may request from the applicant such additional information, sketches and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding matters under examination. It may recommend to the applicant changes in the plans it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The Review Board shall keep a record of its proceedings and shall attach to the application copies of information, sketches and data needed to clearly describe any amendment to it.

(d) When its review is concluded, the Review Board will determine by a vote of its members, whether the zoning permit shall be approved. If approved, the Review Board shall return the application and all pertinent information to the City Manager with the instruction that the zoning permit be issued, provided all other requirements for a zoning permit are met. The zoning permit shall be valid for one year from the date of approval. The Review Board may grant an extension of the one-year limitation if sufficient documentation can be provided to warrant such an extension. If not approved, the Review Board shall return a copy of the application for the zoning permit along with the attached information to the applicant with a

notice that the zoning permit shall not be issued because the application did not meet the criteria and standards set forth herein.

(e) This Section shall not be construed to prevent any ordinary repair or maintenance of an exterior architectural feature or any ordinary planting or landscaping.

Section 4. Appeals

(a) The Review Board shall decide all applications for review no later than forty-five days after the last hearing thereon, unless extended at the request of the applicant.

(b) Any applicant may appeal such decision to the City Council by filing notice of intent to appeal with the City Manager within fourteen days of the date of the decision, setting forth the facts of the case.

(c) The City Council may then elect to hold a public hearing on the appeal by the affirmative vote of a majority of its members, or failing to so elect, shall reject the application for appeal. In the event Council elects to hold a public hearing on the request for appeal, the hearing shall be held not later than sixty days after a final decision has been rendered by the Review Board. Council, by a majority vote of its members, shall decide the matter and its decision shall be final.

(d) If no notice of the intent to appeal is filed with the City Manager within the period specified in subsection (b) hereof, Council may at the option of a majority of its members and not later than fourteen days following the expiration of the appeal period, elect to review any architectural review decision of the Review Board. Council shall schedule a public hearing on the matter, which shall not be held more than sixty days after a final decision was rendered by the Review Board. At a public hearing, Council by a majority vote of its members, shall decide the matter and its decision shall be final

Section 5. Public Notice Consistent with Zoning Procedures

(a) Notification and Public Notice shall be the same procedures and requirements as any zoning change and as determined by the Zoning Ordinance.