

COUNTY OF YORK

MEMORANDUM

DATE: July 19, 2016 (BOS Mtg. 8/2/16)

TO: York County Board of Supervisors

FROM: Neil A. Morgan, County Administrator 

SUBJECT: Amendment to Cooperative Service Agreement with the Virginia Peninsula Regional Jail

The Regional Jail is proposing to change the payment terms of the current Cooperative Service Agreement. Payments for member contributions would change from monthly payments to bimonthly payments in advance, and payments for the per diem amounts collected by the County would be paid annually in arrears instead of monthly. These changes will not only improve efficiencies in the billing and remittance process, but will also alleviate the cash flow problems experienced by the Jail in recent months. The members of Board of Directors for the Jail have discussed and approved the proposed changes.

If adopted, proposed Resolution R16-91 will authorize the County Administrator to execute an amendment to the agreement that reflects these changes. A copy of the proposed amendment and a copy of the paragraph that it is replacing are attached.

Morris/3612

Attachments

- First Amendment to Restated Cooperative Service Agreement
- Second paragraph of Section 4.1 (a) of current Cooperative Service Agreement
- Proposed Resolution R16-91

**FIRST AMENDMENT TO RESTATED COOPERATIVE SERVICE
AGREEMENT**

THIS FIRST AMENDMENT TO RESTATED COOPERATIVE SERVICE AGREEMENT is made as of _____, 2016, by and among the VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY (the "AUTHORITY"), the COUNTY OF JAMES CITY, the COUNTY OF YORK, the CITY OF POQUOSON and the CITY OF WILLIAMSBURG; each of which is a political subdivision of the Commonwealth of Virginia.

RECITALS

A. The parties hereto entered into a Cooperative Service Agreement dated as of November 14, 1994, a First Amendment to Cooperative Service Agreement dated as of March 1, 1995, an Amended and Restated Cooperative Service Agreement dated as of August 1, 1995, a First Amendment to Amended and Restated Cooperative Service Agreement dated as of September 15, 2005, a Second Amendment to Amended and Restated Cooperative Service Agreement dated as of June 1, 2006 and a Restatement of the Amended and Restated Cooperative Service Agreement dated September 17, 2009 (together, the "Service Agreement") providing for the financing, construction and operation of the Virginia Peninsula Regional Jail.

B. The parties have determined that it is desirable to amend the Service Agreement as set forth below.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. The second paragraph of Section 4.1 (a) of the Service Agreement is hereby amended to read as follows:

Each Member Jurisdiction shall pay to the Authority the applicable Member Jurisdiction

Charge in equal bi-monthly installments paid in advance. The Authority shall invoice the Member Jurisdiction Charge due from each Member Jurisdiction on a bi-monthly basis. The invoice for July and August of each Fiscal Year shall be issued no earlier than July 1 of the Fiscal Year and thereafter during the balance of the Fiscal Year invoices shall be issued during the month immediately preceding the two month billing period. For example, the invoice for September and October will be issued in August. Per Diem Charges shall be invoiced on an annual basis in arrears. The Member Jurisdiction Charge and any Per Diem Charge shall be due and payable to the Authority no later than the fifteenth day of the month following the month in which the invoice was issued and if not paid when due shall bear interest at the rate of 3/4% per month until paid; provided, however, that this provision shall not apply in instances where state law prescribes some other due date or late payment charge.

6. Except as amended hereby, the Service Agreement shall remain unchanged and in full force and effect.

[signatures appear on the following page]

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed as of the date above written.

**VIRGINIA PENINSULA REGIONAL JAIL
AUTHORITY**

BY: _____
CHAIRMAN

COUNTY OF JAMES CITY

BY: _____
COUNTY ADMINISTRATOR

COUNTY OF YORK

BY: _____
COUNTY ADMINISTRATOR

CITY OF POQUOSON

BY: _____
CITY MANAGER

CITY OF WILLIAMSBURG

BY: _____
CITY MANAGER

Second Paragraph of Section 4.1 (a)

Each Member Jurisdiction shall pay to the Authority the applicable Member Jurisdiction Charge in equal monthly installments. The Authority shall invoice the Member Jurisdiction Charge and Per Diem Charge due from each Member Jurisdiction on a monthly basis. Such charges shall be due and payable to the Authority no later than the fifteenth day of the month following the month in which the invoice was issued and if not paid when due shall bear interest at the rate of 3/4% per month until paid; provided, however, that this provision shall not apply in instances where state law prescribes some other due date or late payment charge.

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2016:

Present

Vote

Jeffrey D. Wassmer, Chairman
Sheila S. Noll, Vice Chairman
Walter C. Zarembo
W. Chad Green
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT RELATING TO A CHANGE IN PAYMENT TERMS TO THE CURRENT COOPERATIVE SERVICES AGREEMENT WITH THE VIRGINIA PENINSULA REGIONAL JAIL

WHEREAS, the Virginia Peninsula Regional Jail (VPRJ) has proposed a change in payment terms for member contributions to bimonthly in advance from monthly, and a change for per diem payments from monthly to annually in arrears; and

WHEREAS, this change has been discussed and approved by the Board of Directors of the VPRJ; and

WHEREAS, the governing bodies of the four member jurisdictions must approve the amendment before the change in terms can take effect;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this ____ day of _____, 2016, that the County Administrator be, and hereby is, authorized to execute the First Amendment to Restated Cooperative Service Agreement which changes the terms as described herein of payments to the Virginia Peninsula Regional Jail.