

## County Business

### VIRGINIA:

At a regular meeting of the King George County Board of Supervisors, held on Monday, the 3<sup>rd</sup> day of March, 2020 at 6:30 p.m. in the Board Room of the Revercomb Building at 10459 Courthouse Drive, King George, Virginia:

**PRESENT:** Cathy Binder, Chairman  
Annie Cupka, Vice-Chairman  
Jeff Bueche, Member  
Richard Granger, Member  
Jeff Stonehill, Member  
Neiman C. Young, County Administrator  
Eric A. Gregory, County Attorney

**Madam Chair:** Regular meeting of the board of supervisors. Do we have any amendments to the agenda?

**Dr. Young:** Yes madam chair.

**Mrs. Cupka:** I move to add a closed session to tonight's agenda.

**Mr. Granger:** Second.

**Madam Chair:** Do we have any discussion? All in favor?

**All:** Aye.

**Madam Chair:** Any opposed? No. Chair votes aye. Motion carries. Now we have public comment. Comments will be limited to three minutes per person in order to afford everyone an opportunity to speak. If comments relate to a specific public hearing item, we ask that you offer those comments at the time of the public hearing. Would anybody like to come and talk?

**Mr. Moldonado:** Okay. Good evening. Thank you for the time. My name is Mike Maldonado. I'm a resident with King George out of the Dahlgren district and I'm here tonight for two reasons. Number one me and my daughter Maxie. We'd like to thank the County recreation parks for the annual princess that ball that they do every

year. This was our third year in attendance and they do a fantastic job for the community in terms of their organization and bringing dads and daughters together. The second reason I'm here is because my daughter Maxie at Potomac elementary school asked me last week who is the mayor of King George. I figured that will be, this is the perfect place to ask that question. If anybody would like to take bleed on that, I say we have five mayors. If anybody can please very briefly explain how the board of supervisors work and that will be highly appreciated.

**Madam Chair:** I'll take that one on since I'm the chairman, hello. There are five of us, four of us represent districts, which is a voting district and there is one at-large supervisor. Which means she represents everybody in the community and all of us work as one. There's no one head but once a year there is a chair once a year. Every year we rotate a chairman, which is me this year. We, each district is represented and we make decisions to run the County. I would love to come to Potomac elementary sometime to talk to classes because my daughter goes to Potomac. What grade are you in young lady?

**Maxie:** My grade is kindergarten.

**Madam Chair:** Kindergarten, who do you have?

**Maxie:** Miss Breckman.

**Madam Chair:** Cool. I don't know her. My daughter had Miss. Shaw. She loved Miss. Shaw. Well thank you for talking and don't ever be afraid to talk. You have a very pretty smile.

**Mr. Moldonado:** Thank you so much for your time. Plan is to go see Miss Margaret in Richmond and probably Congressman Whitman at spring break too. Take amount of... I showed the initiative. Thank you so much.

**Madam Chair:** Thank you. Would anybody else like to come up and give...you've got to top the little girl. All right, is there anybody online? Any correspondence? All right, I'll close public comment and we will move to the reports from members of the board. Mr. Bueche.

**Mr. Bueche:** Good evening and thank you everybody for coming out. Happy National Anthem day. Star Spangled banner was codified on this day in 1931 so I thought that was pretty unique to point out. On the 19th of February I, along with Miss. Bender and Dr. Young attended the organizational meeting of the infrastructure advisory committee. Thank you to all those who have agreed to volunteer their

time in service to our county. From the charter. The purpose. The infrastructure advisory committee is established by the authority of the board and serves at the pleasure of the board. The committees' duties and responsibilities shall include advising the board on specific strategies and matters related to addressing deteriorating infrastructure in the County. Basically, the committee will take an inventory of County assets, properties, which had been left vacant, deteriorating, etcetera and make a projection of viability and utility within the next five years. By years in, their ultimate recommendation will be to improve rehab property or a future use or liquidate through private sale, etcetera.

The thought behind this is to either have the asset serve the citizens through appropriate uses or have the property placed back on the tax rolls bringing in much needed revenue through private sale. I look forward to their eventual report and presentation of recommendations. On the 20th of February I attended the budget work session of Fire Rescue Company One. As a reminder, public comment is afforded at the beginning of all our work sessions as well as our meetings, should you wish to address the board. Should your schedule permit, I encourage you to engage in the process of how your tax dollars are being spent. On the 24th of February I always enjoy stopping in from time to time at the Monthly Chamber of commerce meetings. To engage with our business community to hear of their successes, challenges and thoughts on the future of King George County and our business community. I appreciate Mr. Don Smith chamber president affording me the opportunity to address the chamber and to take questions from the audience. Thank you Madam Chair. That concludes my report.

**Madam Chair:** Thank you Mrs. Cupka.

**Mrs. Cupka:** Thank you. Mr. Maldonado, thank you very much for coming out this evening and sharing with us your experience at the princess ball with your daughter Moxie. I too, although I am the at-large supervisor, I too live in the Dahlgren district. I want to thank you for what you shared with us and Potomac elementary school. I have a son now in ninth grade and guess who his kindergarten teacher was? Mrs. Brinkman tell her Mrs. Cupka says hello. All right then let me move on to my formal report. Thank you. On February 20th I attended the County budget work session. Thank you to all of our department directors who attended and provided a line by line detail of their budget requests. Thank you to Dr. Young and director of finance Wilma Ward for your guidance through the budget process. On February 24th I attended with Miss. Bender, the GWRC and FAMPO meetings.

As a reminder, we currently have a vacancy on the FAMPO C-TAC that's Citizens' Transportation Advisory Committee. Please contact your supervisor if you'd like to participate. On February 27th I attended along with Dr. Young and sheriff Giles, the Rappahannock regional jail board of directors meeting. Retired sheriff Steve Dempsey was presented a plaque and honored for his contributions to that board. Thank you to our own County administrator, Dr. Young for serving on the finance committee and your work in crafting the budget which we adopted that afternoon. On February 29th I attended an evening in the stacks and was honored to present the library with the King George County commemorative coin and a King George County three anniversary commemorative coin and speak about what Smoot library means to me. It was a great event, jointly hosted by Smoot library's board of trustees, the friends of Smoot library, library staff, our economic development and tourism staff. Thank you, Mr. Miner and our 300th anniversary celebration planner. On March 4th I attended the Memorial service for Mr. Richard Snow, founder of exit Realty expertise together with his wife Julia. The snows, gave back to our community in so many ways and we're advocates for outdoor activities and great supporters of our King George County schools. He will be sorely missed.

At this time. I would like to make appointments to two vacancies if I may. Madam chair, I wish to appoint Mr. Bob Baird to the citizen's infrastructure advisory committee.

**Mr. Bueche:** Second.

**Madam Chair:** All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. Motion carries.

**Mrs. Cupka:** I wish to appoint Ms. Julie Boucher to the social services board.

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nays? Chair votes aye motion carries. Thank you guys for serving.

**Mrs. Cupka:** Thank you. At this time, I would like to read aloud if it pleases the board for adoption by this board or resolution, declaring March, 16 2020 President James

Madison's 269th birthday. Once adopted, this resolution will be read aloud at our 300th anniversary event on March 14th at Belle Grove plantation. Thank you

King George County resolution in observance of James Madison's birthday. Whereas James Madison junior was born on March, 16 1751 at port Conway in King George County, Virginia to James Madison senior and Eleanor Conway at the Conway home on the Rappahannock River. And, whereas he participated in drafting Virginia statute of religious freedom, the Virginia constitution in 1776 and was a leader in the Virginia general assembly. And, whereas the constitution of the United States adopted in 1787 was largely designed under his guidance on the Virginia plan. For this, he is widely regarded as the father of the constitution. Whereas he coauthored the Federalist papers with Alexander Hamilton and John Jay and whereas as a member of United States Congress, he helped frame the bill of rights in 1789 and whereas he served as secretary of state in President Thomas Jefferson's cabinet and whereas he was twice elected to serve as president of the United States. Therefore, the board of supervisors of King George Virginia does hereby recognize March, 16 2020 as the 269th birthday of King George County's native son President James Madison adopted this day.

**Madam Chair:** Thank you. Mr. Granger.

**Mr. Bueche:** We have to adopt resolution.

**Madam Chair:** Yes we do, don't we? Sorry about that.

**Mr. Bueche:** I move to adopt the resolution as presented.

**Mr. Granger:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nays? Chair votes aye. Motion carries.

**Mrs. Cupka:** I just have two more things to finish my report. I had a lot of stuff to do. People to a point. Got to recognize our host of our event later this month. All right. Community cleanup day will occur on Saturday, March 28th from 9:00 AM to noon. Cleanups will be conducted at the following parks and or facilities; Cedell Brooks Park, Sealston Sports Complex, King George citizen's center, Wilmont landing and Barnes Field Park. I will be splitting my time that day between

Wilmington landing and Barnes Field Park. We are working on securing a donation from a local restaurant to support lunch back at the citizen center for all those who volunteer that morning. Please visit my Facebook page or King George Parks and recreations Facebook page for the signup genius link to sign up to volunteer. I wonder is there any way we can possibly get that link on the County website somehow? Is that something we could have IT

**Dr. Young:** No problem ma'am.

**Mrs. Cupka:** Thank you. A side note, I was pleased to see my copy of the County credit card use agreement for my signature in my mailbox this afternoon. Thank you again to Dr. Young and Ms. Ward for implementing those changes to tighten our credit card policies. Finally, thank you again to all of you in our community for the opportunity to serve you. Please don't hesitate to contact me via email or visit me during office hours. My next office hours will occur on Saturday, March 14 from 10:00 AM to noon at Smoot library. I also plan to attend the home show at King George high school on Sunday March eight and the James Madison birthday celebration on Saturday, March 14th. Feel free to stop me and chat with me about your cares and concerns for our community.

**Madam Chair:** Thank you. Mr. Granger.

**Mr. Granger:** Yes, ma'am. First of all, just thank you for coming out and bringing your daughter. It's always great to see families being involved in, in helping their kids understand the representation and how it all works. Thank you for being involved and I'm glad to hear that the parks and recreations princess ball was a hit, so thanks for sharing that as well. Thursday, February 20th, I attended the third budget work session. Felt like we had really good discussion about the line by lines and, got through a lot of departments fairly quickly considering the number of departments that'll look through. I think we did a good job of actually stepping through each item. Thank you to my colleagues and the advisory committee for their dedication on that.

Wednesday the 26th, I attended the COMREL meeting. There was a brief about the nice bridge build, the building of the nice bridge. They had a nice five minute video which was condensed down. They have a 21 minute video online that anyone can go to and check out. It's at [www.newnicebridge.com](http://www.newnicebridge.com). It's for anyone to see. It kind of gives you a whole overlay of what the process is going to be and how they're going to be doing it. They're going to be starting to do some exploratory drilling in the next couple of weeks. There could be divers out there. It's not that they're actually starting the construction necessarily. It's really just the exploratory drilling. If you see people out there, that's probably what it has

to deal with. Solid curtain Sealston Shield completed on the 17th of February. You command scored 88, which apparently was a very solid score they passed.

It's always good to hear that the base is successful in those regards. We had a brief about the Mallows Bay and just the value it provides to the region. Saturday February 29th. I also attended the evening in the stacks. I appreciate Miss. Cupka coming to present. It was really nice evening and thank you to all the staff. I think I saw representation from every department. It was really nice to see the whole staff come out and supported. It was a big deal. A lot of people from the community, 300 anniversary, 50<sup>th</sup> anniversary for the library, a nice event and well attended. Thank you all for helping to make that a success. The last thing I have is I met Mr. Stroud at the... I ran into him at the COMREL meeting and so we were discussing the infrastructure advisory committee and so I'm glad that Mr. Bueche kind of ran through that, the official responsibilities of the committee because he had shown some interest and I'm assuming he's still amenable to serving because I was intending to appoint them. I hope I didn't misrepresent anything. Hopefully didn't hear anything new from Mr. Bueche. In that case I would like to make a motion to appoint Mr. Ken Stroud to the infrastructure advisory committee.

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any opposed? Chair votes aye. Motion carries.

**Mr. Granger:** Sir. Thank you for your service. Appreciate it. That's all I have. Thank you.

**Madam Chair:** Thank you. I have a repaired board report because I have been at the 2020 at NACo legislative conference in DC and I literally just got back from there, but I will want to give a highlights. I'll try to prepare stuff to give a little bit more. There was a lot of information to absorb on every day, but one of the most important things I want to say is; I told people there how we're starting a new thing where we're going to have each of the chairman's each year, whoever's the chairman gets to go to this conference and I think it's really important that we have each one of our members get a chance to go to it because you learn so much, especially what our legislators in the federal government have prepared for us and what is on the radar. It's really important because Dr. Young was also there and we learned some things that we know were on the radar and it's really important for localities and we made a lot of connections with people so

that we can ask more questions and get detailed answers because they can't always give you the answers there. No matter what your political choice of the aisle is, it was incredible to be able to see the president of the United States speak.

I think that's a big honor to actually be able to see your president speak in a close setting and that was an amazing experience and I want to give the County and my colleagues a thank you to letting me have that opportunity to see that. I think it's a great honor to see whoever your president is because he is the leader of your country. I want to thank everyone for the evening and the stacks. I was obviously not able to go, but I know I've heard that it was a great event. Being on the Smoot library board of trustees, I thank everyone who came and supported the Smoot library. It's an amazing thing in our community. Some people in DC knew who Mr. Smoot was especially since his... I guess it would be called gravel pit or mining operation helped build the Pentagon and the very nice bridge and several embassies in DC.

I was a cool event. One other thing, I'm going to talk to Ms. Harrison, Miss. Eli at Potomac elementary and see if they would invite some of the supervisors over to talk. Because that was one thing we discussed about at the legislative conference is that I was looking in the rooms at all the committee meetings and there are, most of the people were 40 years and older and there wasn't a lot of young people. Most of the young people were staff members. They were there with their job and we talked a lot about why is that? I think sometimes the younger generation looks up to celebrities and sports figures too much and how do we get them to look up may be to people in their own community and see them as mentors. I think it's more important that we go into the schools and talk to kids and tell them that there's other things than being a celebrity or a sports figure. That's one thing I would like to do be I took a lot of other people agreed that they were looking around the room and said where's all the young people? It would be really great to have those young people there at the conference representing their communities. That is the end of my board report. Thank you. All right. Next up consent agenda.

**Mr. Granger:** Move to accept as presented.

**Ms. Cupka** Second.

**Madam Chair:** Any discussion. All those in favor?

**All:** Aye.

**Madam Chair:** Any nays? Chair votes aye. Motion carries. Constitutional officers? Report of the County attorney?

**Mr. Gregory:** No report at this time Madam Chair thank you.

**Madam Chair:** Thank you. Agency reports and public hearings no presentation and reports. Regional industrial facilities authority RIFA presentation by Mr. Curry Roberts. Fredericksburg regional Alliance Europe.

**Mr. Roberts:** Thank you Madam Chairman. Let me quickly say though, that 40 year olds on a crowd look pretty young to me these days. Don't be bashing 40 year olds. It's getting younger all the time.

**Dr. Young:** Thank you Curry.

**Madam Chair:** Hey, I'm right there with you.

**Mr. Roberts:** As a matter of fact. Fifties looking pretty good right now. I've done this presentation a couple of times and I will only use this if you ask a question where I need a visual aid because I've found sometimes it's easier to draw something up than to try to explain it. This is going to be a little different because I'm going to start with what RIFA does not do, just get that out of the way before we get into the rest of it. RIFA Regional Industrial Facilities Authority does not require a locality to invest or participate in a project.

It does not tax or regulate land or projects. It does not create local lab ability or exposure unless you're a participant in a project and it does not replace the work of a local EDA, it would typically augment that work. With that as background let me sort of share a little bit of what RIFA does. RIFA Regional Industrial Facilities Authority is graded by two or more localities at least two of which need to be counties or cities to collaborate on regional development of industrial properties. The locality share the costs and the tax revenue using the RIFA as an administrator of that agreement that is entered into between two or more jurisdictions. This was created by the general assembly in 1997. It originally had three or more localities working through the Virginia economic developers association.

A couple of years ago we got that reduced to because there've been two jurisdictions in this region actually discussing this for about two and a half years on a specific property. Each locality that would want to participate in the RIFA would do so by concurrent ordinance, I'm not asking today for you to join or RIFA. I will get to what we have been discussing with your staff and with the

economic development staffs around the region. Each jurisdiction, if there are two or more jurisdictions in RIFA each jurisdiction gets two members and they typically serve four year terms. The only requirement on those members is they have to be citizens of the Commonwealth. What, I'm starting to see in a lot of other regions they're typically putting people on there that would be similar to what you would appoint to an EDA.

You would look for people with some business expertise, finance expertise, development expertise, to place on RIFA. Preliminary documentation. When you're crafting up the ordinance for RIFA and its establishment and its bylaws, you establish the rights and the obligations of the members. It may describe a general agreements on sharing costs and all that needs to be as a general statement. I'll come to why that only needs to be a general statement in a minute. It may describe if desired by the participants how revenues would be shared. Again, that can be a very general statement. Cost sharing and revenue sharing arrangements need not be the same across all the facilities or properties managed by the RIFA. As particular projects are developed and financed, there will be other documentations unique to that transaction. The RIFA is the administrator. I'm going to give you an example in Roanoke, which is the best example for our, region. The RIFA is a tool. It's a tool you may never use, but you're also not obligated to spend any money. It cannot obligate you to anything unless you yourself choose to be a participant in a transaction.

This is a map of the other regional industrial facilities. The authorities across Virginia, they're actually 10. I know of one other that's in discussions now that would make it 11. 47 total localities are participating in regional industrial facilities authorities. The newest one is the shaded purple in the Eastern part of the state. That basically runs from York County to Chesapeake. There are 11 participants in that RIFA. They originally came together. They are supporting an unmanned vehicle training and testing facility in your County. Those jurisdictions wanted to participate in the development of that site. Chesapeake recently participated or joined. You can leave these open to add other members as you go because they're in a completely different PDC from the jurisdictions north of the James River. Chesapeake actually has a 5,000 acre mega site and they are trying to see if they can reduce some of their neighboring jurisdictions to participate in development of that site.

The one I want to talk the most about as a good example of where we are as a region is the Western Virginia Regional Industrial Facility Authority. That's in Roanoke. It's actually administered by our sister organization down there. The Randwick Valley partnership actually helped to pull that together. It was created in 2013 with no sites under consideration. Those are jurisdictions, six

jurisdictions roughly in the Roanoke Valley. We came together to do this and they went through an exhaustive process of looking at a hundred sites across all their jurisdictions looking to stand up, one is a technology part. They then created the Woodhaven technology park. They have acquired a hundred acres in Roanoke County. If you're familiar with the geography out there, it's roughly at the intersection of 581 and 81. Three localities out of the six have decided that they want to participate in that project.

They entered into a participation agreement. The participation agreement spells out what they are investing to battle in and to help develop the land. It then also spells out how the tax revenue will be split among those participants. You only have three of the six participating. They're the only ones obligated to that project. The RIFA is being administered by our counterparts and the planning district commission down there as the fiscal agent. What they hope to do, what they see as an opportunity there is to attract high tech projects. Some of them being spun off by the teaching and research hospital in Roanoke. That's built around Carillion healthcare or and the Virginia tech a research park is actually at the moment full. They're looking to capture projects that might have traditionally gone there or are there in need to expand and can. Virginia tech is only 35 miles from this facility.

What this makes you eligible for. This site has been eligible. They got a million dollar grant from go Virginia for site development funds. They were eligible for that because it's interjurisdictional. It's also eligible and would score very high being interjurisdictional to seek funds from the business ready sites program at VDP. One other piece about this, a few years ago the Commonwealth set up an annual \$20 million fund called the Virginia collaborative jobs act for qualifying projects. That can be a sliding and negotiated scale of jobs, and capital investment. The Commonwealth will rebate up to 45% of the personal income taxes paid by those who are employed in a company that locates in an operation and interjurisdictional site like this for up to six years. It's an additional incentive to collaborate on the site that would come back to the local governments to use either in further development of the site or to incentive the prospective company to locate there.

Next steps. What we are pursuing is a go Virginia Grant. It will cost between 25 and \$30,000 to develop the documentation to establish RIFA. We have shared examples both of the RIFA but also the partnership agreement that exists in Roanoke, I'd be happy to send that, both of those to you if you'd like to see them. If all five of our jurisdictions were to participate, as you know, it's a 50, 50 match for funds for go Virginia. We'd be looking for 2,500 to \$3,000 from each locality to proceed in order to make a grant application. What we'd like to do in

order to save money I know Roanoke spent about \$55,000. Actually sitting there's up. What we're wanting to do is retain the same law firm that recently did Hampton roads. In order to make it as cost efficient as possible.

Details of particular cost sharing and revenue sharing do not need to be worked out in order to establish the RIFA. It again is simply a tool that if our jurisdictions want to come to an arrangement around a property, you use the RIFA to administer whatever partnership agreement or participation agreement that you come up with. Again, different projects, different participants can have different costs and different revenue sharing arrangements. It is good to keep the local EDAs involved as you proceed. However, all decisions are ultimately up to the governing body of each jurisdiction. What would be the next step if you help to fund us to get the go Virginia Grant, we'd go through and set up with the attorney's legal documentation, including an ordinance that would come back to you for you to make a decision as to whether you want to adopt an ordinance and join the RIFA. Then if a project should come up that's a separate participation agreement that would still have to come back to you for approval. With that I'd be happy to answer any questions.

**Madam Chair:** Any questions? Go ahead.

**Mr. Bueche:** Thank you for coming out tonight, Curry.

**Mr. Roberts:** Thank you.

**Mr. Bueche:** Just so I have a general understanding with the RIFA. King George obviously has limited funds. For example, if let's say Fredericksburg or Spotsylvania was looking to bring in a facility that's physically located in Fredericksburg or Spotsylvania. We would be, and we agreed... Hey, this is a good project for the region. Would we be under an obligation at that point to participate with them? Or if we said, that's a great project. It could probably help our citizens, but we have limited funding, we can't contribute towards the infrastructure build out and we don't participate in it. Would that hurt let's say our future business recruiting efforts that the RIFA is doing?

**Mr. Roberts:** No.

**Mr. Bueche:** It wouldn't.

**Mr. Roberts:** That's why I use the Roanoke example. My counterparts are still marketing in the other jurisdictions who did not participate in that. It does not change your

relationship with us. It does not change what you're trying to do within your own jurisdiction.

**Mr. Bueche:** This is a total pick and choose if this is a project that would benefit the County of King George, we could opt to participate. If there's no return on investment, we could say, sorry, we're not interested.

**Mr. Roberts:** That's correct. Can I add one thing to that? I might suggest you could also flip around and look at it the other way. I have no idea before I say this what and I would like to tell Kathy to put her pen down, but I don't have any control over that. Assume for a moment that the city of Fredericksburg, which has limited and industrial properties but who do understand that a city surrounded by vibrant counties makes that city a lot more attractive and vibrant from a revenue standpoint. You may have a prospect who's looking at a large site and your industrial center, and you don't have the infrastructure resources to meet the requirements of the speed of that project. You could then look at, well we can do this, but we're happy to share the revenue on such and such a percentage if other jurisdictions would want to invest and you could offer that to the other jurisdictions, the city or the others. It becomes... it's a land deal and it's a function of the return on investment at that point. How much are you looking for, but how much of the tax revenue are you willing to share based on the project that is its own separate agreement. Nobody is forced to do it. Frankly is a business decision as to whether you want to proceed

**Mr. Bueche:** That leads into my second question. Obviously we have the industrial park. We're recruiting very heavily to bring in businesses industry to that area. If we were in a relationship with a RIFA and Mr. Miner was very successful and bring in somebody that wanted to locate and our industrial park, that's totally separate. Correct? That's a County initiative, not RIFA initiative?

**Mr. Roberts:** That is correct. You do not give up any control of your own industrial properties unless you choose to do so by seeking partners. It doesn't— the RIFA doesn't do anything except help foster these developments and then manage whatever agreements are created. It doesn't force any agreements. It doesn't require any agreements. It doesn't change how the County is marketed by us or by you all. You're still in control of that.

**Mr. Bueche:** Last question, hypothetical again. Let's say that we do locate a business in our industrial park and it was done through RIFA partnership. Is there a term of how long those tax revenues or divvied up between everybody that participated? If so, at what point would the revenues strictly become the property of King George County? That's my last question. I promise.

**Mr. Roberts:** No, it's okay. Keep asking. I'm enjoying the discussion because again, not being an expert; as to exactly everyone. I know in the Roanoke case there is no limit that I can see in their partnership agreement, but they also jointly acquired the property. Those jurisdictions all own that property. If you partnered with a private landowner, it again, it becomes a function of payback. If someone invests a million dollars in localities looking for a, you know, 20 or 30% return over some period of time and you can negotiate, it's just subject to whatever you can negotiate with your neighboring jurisdictions. You're welcome. I don't know. I thought it was doing okay, Nick.

**Mr. Minor:** No, I think I just want to, I just want to give an example of how I see this benefiting the County. Let's say that there is a project that needs to be specifically located somewhere and King George has that geography that can work to that. Well we don't have the funds to develop that property. In this case, we would look to the RIFA to help us develop that and then negotiate how that would work out. The reason why I give that example is because, you know, we're surrounded around a lot of water. We have rivers, we have access to that barge or something like that until, if so... if a project needed to be located off of that water, there are not a lot of counties in the region that can offer that access. We do have that access.

This is where RIFA would come in to help us develop that site to make that a much more attractive to it for a business opportunity for the County. That's why I would say this is probably, one of those cases where we'd look to try to use something, try to use RIFA to develop that property. I'm not aware of any projects that would, that's looking for something like that or know of any land or does that be willing to sell to us? I just know that, you know, in this particular case, given our geography and given where we are, this is where RIFA could be definitely beneficial. Also consider it for something like trying to get a gas line to the industrial park or trying to get a gas onto the Taylor property. This is also one of those things. Just consider those things as well as you look at over.

**Mr. Bueche:** Nick, stay up there. You would basically consider this a tool in your toolbox to make you successful for King George economic development, correct?

**Mr. Minor:** I would say yes to make County successful in winning a project? Yes.

**Mr. Bueche:** Okay. Thank you. Yeah, thank you.

**Madam Chair:** I do have just one question. I wonder, do you, if we did participate, what is the timetable that you need by?

**Mr. Roberts:** For the go Virginia? We have to make application by March 27, we need to know before that.

**Madam Chair:** Okay. Thank you.

**Mr. Roberts:** Sometime in the next-.

**Madam Chair:** What do you guys-.

**Mr. Granger:** The upfront cost would be somewhere in the range of 2,500 to \$3,000 and that would be the total cost per jurisdiction. That'd be the total costs. That's just for doing the setup of the organization to create the RIFA?

**Mr. Roberts:** It's to retain an attorney to draft documents to come back and present an opportunity for your County attorney to review those. In that would be the ordinance to establish the RIFA.

**Mr. Granger:** What were you going to say? Tracking thank you.

**Dr. Young:** Board. I think that this is a great opportunity. I think that it's low risk. That's what I really want to stress. \$2,500 we have it in the contingency and can afford it. I would highly recommend that we pursue it and see where it leads us. I mean it's a low risk investment in something that can bring us a great return on investment.

**Mr. Granger:** Yeah, I agree. Go ahead.

**Madam Chair:** Where are the other partners just so far? Is there any been partnering so far?

**Mr. Roberts:** I have three other meetings this week.

**Madam Chair:** Gotcha.

**Mr. Bueche:** We would be the first?

**Madam Chair:** We would be the first it's always good to be the first.

**Mr. Bueche:** Madam Chair, if I may, I'd like to make a motion to participate in this program and allocate an amount of not to exceed \$3,000 from contingency fund.

**Mr. Granger:** Second.

**Madam Chair:** Any discussion? All those in favor?

**Dr. Young:** I have a question. Wait, I have a question ma'am because I wasn't aware of that. If there's right now we will be the first, will we still be on the hook for the \$2,500 if say only one additional, say if only one additional jurisdiction joins and there's a cost of \$30,000, does that mean that our costs increase or what happens if only two jurisdiction do join in with 30,000.

**Mr. Roberts:** I think we need to have a discussion about that- it's highly unlikely you'll be the only one. He said, and I understand not to exceed \$3,000. I do understand what that means.

**Mr. Bueche:** I was very clear about that.

**Dr. Young:** My apologies board. I just want to make sure that's clear.

**Madam Chair:** Any discussion? We had a discussion. All those in favor?

**All:** Aye.

**Madam Chair:** Any nays? Chair votes aye. Motion carries. Thank you.

**Mr. Granger:** Thank you Curry.

**Madam Chair:** All right. Department of parks, recreation update to parks and recreation advisory committee by laws.

**Dr. Young:** Thank you Madam Chair. The bylaws, the parks and recreation advisory committee specify a meeting date which is the major changes that's in the bylaws. In addition to includes an appointee of a student to the parks and recreation advisory council by the board of supervisors, which I assume will be recommended by the parks and recreation director. However, he's pursuing these by law specifically to change the meeting date of the parks and recreation advisory committee number one to accommodate one member of the committee who can't meet on the currently established Wednesday of the month and number two if he's able to shift those dates, he can actually accommodate the infrastructure advisory committee meeting on the third Wednesday and the parks and recreation advisory committee meeting on the second Wednesday. That way he can attend both of those two committees.

**Mr. Granger:** I move to approve as presented.

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion?

**Mrs. Cupka:** I do have one minor change since we are amending them tonight. If we can include this on page three, section five. The committee shall advise the director in preparing and recommending to the county administrator. Can we please change country to County because he is our County administrator? That is all.

**Dr. Young:** Roger ma'am we could do that.

**Mr. Granger:** I move to make the correction that Mrs. Cupka had recommended to the bylaws.

**Ms. Cupka:** Second.

**Madam Chair:** Any more discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any Nay? Chair votes aye motion carries. Next up. Discussion items. Courthouse. County attorney execution of County attorney contract.

**Mr. Gregory:** Yes ma'am. I believe per your amendment to the agenda to add the closed session regarding that matter. You're going to do it for action until after the closed session.

**Madam Chair:** Move to discussion item courthouse construction options. Dr. Young.

**Dr. Young:** Thank you Madam Chair. The County courthouse RFP committee has completed reviewing bids for architectural firms who have submitted proposals to execute the design of the new courthouse after designing the facility, local governments to include King George County have traditionally used the conventional design bid build process to construct large capital projects. However, the recent middle school expansion project has demonstrated a need for the administration to consider different approaches to delivering the project to the community. After researching different construction meant methods. The staff has come to the belief that the construction manager at risk or CMR approach is a more advantageous construction approach to build a new courthouse than conventional methods. If I could please refer you to the screen.

The design bid build process is also known as the traditional lowest bidder process. The construction manager at risk or CMR alternative differs because it allows you to select the architect and then what you call a contract manager. The contract manager is brought in when the design of the project is at 60% completion. He is then allowed to provide input into the plans for from a underground construction point of view. This helps to cut down on errors and

allows for a second set of eyes to be placed on the plans. More importantly, the construction manager can then assign costs to each component of the plans and provide the County a guaranteed maximum price. Virtually any changes to the plans an example, change orders then become the responsibility of the construction manager and not the County hence that's why this process is called the construction manager at risk.

Again as annotated on the box on the right hand side, this point, it never works for me. If you'll see, if you notice in that box on the right hand side, in between the box labeled construction manager, contractor, architect, you see that the biggest difference between both boxes is that dotted line and a dotted line is very important. What it alludes to is that in the CMR process, it allows for there to be a collaborative relationship between the architect and the construction manager. What does that mean? That means that unlike the traditional bid process, I mean the traditional design bid process, there's no longer surprises during the project. There's no more change orders and there's no more people coming to the podium and pointing fingers saying, well it's the architect's fault. Or it's the construction manager fault. Well, in this process, both the construction manager and architect actually speaking, you know, at 60% completion. Then throughout the completion of the project, they're basically on the same team and basically have what you call a unity of command. Now we have one team that's held responsible for the project and for any surprises that arise during the project that we can hold their feet to the fire and make sure that the project is completed on time.

CMR has a few advantages over design bid build. Number one, CMRs faster as the procurement process is shortened as a result of the construction manager being identified nearly simultaneously with the conclusion of the design process. To quantify the statement on average the CMR process shave six months off of the project. Again, in addition to a faster delivery, you have more predictability as the construction company is brought on board than the design of the project versus arriving to the field, cold with plans that they never had any input on. Number three, the CMR process allows for us to free ourselves from the lowest bidder. This may seem counterintuitive, but you know when you have the lowest bidder construction company, you may run the risk. I'm not saying this is for the middle school expansion project, but this is for any development project.

When you have a construction company serving as low as bidder they may underbid the project and make up their losses through the means of change orders to make sure that the project is profitable for the company. There is one major concern with the CMR persist, that's its disadvantage; that's money. Since

we won't be obtaining the lowest bidder we run the risk of never knowing if we got the most cost effective project possible to quantify this, CMRs are estimated to add about 5% to the construction cost of a company. This may be off putting initially, but the costs between design, bid, build and CMR are nearly equalized when you take into consideration the elimination of change orders and surprise costs. Since you had that guarantee and maximize price, there's not going to be some more cost on the back end and it actually increases the cost. It looks like a project may be initially cheaper through the lowest bidder process since those, there's those costs on the backend, it actually equalizes to what you'd be paying upfront with the CMR process. With that understanding of the CMR process and doing our due diligence and research on the project and having a good understanding of the design bid build process that we experienced with the middle school expansion project, the staff would highly recommend that the board authorizes via consensus to pursued a CMR relationship with the architect, and going to retain them via the CMR process and move forward with seeking a construction manager.

**Madam Chair:** Do you guys have any questions? I have several, but I'll let you guys go first.

**Mrs. Cupka:** Yes, I do have one. Can you go back to the slide right before this please? Dr. Young?

**Dr. Young:** Yes ma'am.

**Mrs. Cupka:** Under CMAR contractor may provide less building then a bid approach to protect margin of profit.

**Dr. Young:** Yes ma'am.

**Mrs. Cupka:** Do you, when is that upfront?

**Dr. Young:** That is upfront and that's something that-.

**Mrs. Cupka:** Deliverable and we have a big surprise at the end that we didn't really get what we thought we were going to get.

**Dr. Young:** Yeah, there's there, there is no midway through the process of when they say, well, you know what, we understood it was 50,000 square feet, but when I had to make it 42,000 square feet, that's not the surprise. It actually would be a discussion that's held up front and we'd explain to the construction company, look, there's the square footage is not a negotiable. We definitely understand the guidance of both the board and the needs of our community and that's

something that we'd make sure wouldn't be negotiated even if that's reflected in honestly the guarantee maximize price.

**Mr. Gregory:** If I might, the, contract manager is incentivized to save money on the project, right? Because if there are change orders, they have to eat them essentially in theory. You will still see change orders in the project, but it's the contract manager who's responsible for them. Now if there is money saved at the end of the day, that's where the real incentive for the contract manager as well. Any savings that are observed in the project would be split, would be shared at the end of the project between the public body and the contract managers. They're incentivized to save money and to work hard to do that. That's one of the added benefits as well.

**Mr. Bueche:** Did you have examples? You said something about that the overall build out you probably could save up to six months. Obviously labor cost over a six month period is substantial savings. Did you have specific examples of this model being used where that was the case? Like, well case studies?

**Dr. Young:** There's not a lot of locality that tentative Virginia, but one that specifically that we referenced is the schools that they've built in Chesterfield. That was the, basically the fruit proofing example for Virginia. They've actually was able to build the schools, get the projects done, completed, and it was a, a faster process. It wasn't a bad example that where it was actually more of a political posture and taking place in Richmond where they built two schools and there was some political opportunities for some of the opponents of the mayor say, hey, well this project was so expensive that you could actually build three schools. If you were working with the lowest bidder.

After reviewing the analysis of the case study, it was found that there was no way that there could have been \$20 million more added to the projects just because it was a CMAR process versus a design bid build. That's where the estimate came in that an additional cost of the CMAR process will probably be 5% more versus, you know, the lowest bidder.

**Mr. Bueche:** With this process you're saying wouldn't be in an elimination of change orders, but the additional costs of those change orders would be eaten up by the case manager.

**Dr. Young:** That's true. There's one thing that needs to be stated. Again when we had the discussions about a change orders and we did that detailed presentation, there's two types of change orders. There's change orders that are made by the construction manager, the change orders that's made by the owner. Now if it's

the owner initiated change order, then that cost us on us. You know, but if it's a, change order identified by the construction company or the architectural design, then that change orders on them.

**Madam Chair:** I have several questions. Are these the only two construction methods or is there other ones out there?

**Dr. Young:** There's one more called design build. It's an older model is actually with superseded by design bid build. Design bid build is the conventional most popular way of pursuing construction projects design. That's because they wanted to encourage the lowest bidding process for local government and CMR is now becoming a new fashionable way to approach construction for large capital projects.

**Mr. Gregory:** The construction manager at risk model is fairly recent in Virginia. It was approved by the general assembly in 2017 so there hasn't been that many too much time where you could see many many projects. But there are a few that have been accomplished throughout Virginia and we would look to those as models. There is the design build option as well. As part of this process if the board decides to move forward with looking harder at this and I would encourage you to do so. It's not a silver bullet by any means, but it's an option that can be more beneficial. You would need to adopt procedures for the consideration of these kinds of projects and we would prepare those for you. Once you adopt those, then you can consider proposals along the lines of a construction manager at risk for projects like, the courthouse. Then you'd be in a position to move forward with that if you want it to.

**Dr. Young:** In addition to my research. Because of course I was weighing out the pros and the cons. Through my research I found that there has also been criticism by some that CMAR process really takes out the competitive nature out of the bidding process simply because the community directly hires a construction company and before other construction companies aren't afforded the opportunity to be in the competitive bidding process. However, the competition is found at the subcontractor level of construction managers retained by the County. Then the construction managers responsible for negotiating and bidding with subcontractors to reign the services to the field with which accounts for 60 to 70% of the project. The competitive nature is there. Another good thing about the CMAR process is that if you bring the construction manager in early during the process and he's actually able to get subcontractors negotiating early, locking them into prices, we can get them into prices for 2020 prices versus what those escalated costs may be in 2021. You get to lock those subcontractor prices in earlier.

**Madam Chair:** Now, another question I have is, you know, I'm very big on making sure the end users are part of the game to make sure you construct the building right then. Does the construction manager model work with the end users more than the traditional way?

**Dr. Young:** Either way. As you can see, this is where the end user is. The owner owners defined as basically Vic Mason, myself, the engineers and inspector. Regardless if they're participating in design, bid build or if they're participating in the CMR process, we own the project and we're the owners of the facility. There's continuous engagement regardless if it's taking place in or regardless of the process is DDB or if a CMAR.

**Madam Chair:** Well, you know what I mean end users more than just Vic Mason is a little lower to get everybody involved so we build the right building for our staff and for the County needs.

**Dr. Young:** Yes ma'am. When I say end user, when I say Vic Mason, of course, I mean, you know, the whole courthouse staff.

**Madam Chair:** Then my other question is the bids that we have already had, how does that effect with this model? Because they bid for different?

**Dr. Young:** What happens is and the reason why this is time sensitive because we have received the bids back from the architectural firms and if we're going to pursue a CMR process, then they'd had to go back and rebid because their services is basically changed slightly. Participating in a CMR process versus a design bid build. However, we already received those proposals back from architecture firms and just in case that the board wanted to move forward with that and the cost was for the leading bidder right now it's like \$22,000, \$2,000 more. There's really nominal cost for the architecture firm. Then for the, if we retained the construction manager, ballpark figure estimates getting back that construction manager could be retained or brought on board onto the team for 24, \$25,000. The costs are quite minimal you know, for the process. It's just that the devil's in the details for the construction cost and the guarantee maximum price.

**Madam Chair:** Now with the construction manager, is that person going to be on site?

**Dr. Young:** Yes ma'am.

**Madam Chair:** Okay. Regularly, very regularly.

**Dr. Young:** Yeah.

**Madam Chair:** What do you guys think?

**Dr. Young:** It comes down to, is the board valuing predictability or money. That's what it all comes down to because this does come at a cost. This is a little bit more expensive, but then we had the predictability of no surprises. We'll change orders and surprise costs, you know, throughout the process of building the courthouse.

**Mr. Bueche:** You looked at both these options. Who else looked at these with you to come up with the, you said you had a staff consensus, correct?

**Dr. Young:** Yes, it was myself, Travis Quesenberry, which is our engineer. We had Vic Mason who obviously also said it in the discussions we had a conversation with Hefty, Wiley and Gore we had conversations with a couple of architectural firms in the Commonwealth.

**Mr. Bueche:** You, and those involved have looked at this pretty thoroughly. The conclusion you all came up with is this CMAR correct? Is that the conclusion?

**Dr. Young:** We highly recommend this process over the design bid bill.

**Madam Chair:** That's for this project only?

**Dr. Young:** Yes ma'am.

**Mr. Gregory:** You're not just, if you direct staff to look into it further and prepare the documents, you're not bound to follow this process, but it gives you the option and once you adopt the procedures, which is a prerequisite before you can even consider a CMR projects you still have the option to move forward with it or not. You're not beholden to anything, any path forward until you actually sign on the dotted line and take public action on it. This is just an initial briefing and initial step.

**Madam Chair:** That's why I asked about the courthouse because I think we'd have to have a little more detailed approach for any buildings we renovate if we renovate them.

**Mr. Gregory:** Absolutely if you want to go forward with this kind of thing, you would do it on a project by project basis. Just because- CMAR on this project doesn't mean have to go through CMAR on every project.

**Madam Chair:** What do you guys want to do? Do we have to make a motion or consensus?

**Mr. Gregory:** Consensus is adequate to, for the staff to prepare the necessary documents.

**Mr. Bueche:** I'm good to go along with staff's recommendation.

**Madam Chair:** I think you have a consensus on it. Thank you.

**Dr. Young:** Thank you.

**Madam Chair:** County administrators report.

**Dr. Young:** Yes, ma'am. Actually asked some outstanding news. I'm sorry Mrs. Cupka referred to us completing the jail budget. It was actually my first time serving as the chairman of the jail finances committee and actually being a hands on actively involved with the creation of the budget. While working on that budget for the jail, I came across the CFR or the audit and then the audit I came across page eight, which was the discussion regarding community service and made road crew services. As you all know, the jail actually provides prisoners to our surrounding localities to clean up litter along the roads and along the write ways, medians and everything in the community.

King George County has been a member of the Rappahannock regional jail since 2000, but we've never been able to get access to the program. After a little bit more study and looking into the audit, I found that 54 hours of the work that's being of the prisoner of work time that is being provided is actually going to VDOT I called the interim superintendent for the jails and asked him why in the world is VDOT getting 54 hours. I've been told for two years that you all don't have the capacity to take on another community, but to provide 54 hours to someone who's not even a member of the Rappahannock regional jail. I said, certainly we can get a little access. Maybe VDOT could shave off a couple of hours or maybe you could save off a couple of hours here or there.

I think that if King George County is going to be a member of the Rappahannock regional jail and we should be afforded all the services that the jail affords versus a nonmember. He tended to agree and he was able to find or make us a proposal for 192 hours of roadwork service by the prisoners this would come in at a rate of \$6,336. For that \$6,336 in one year, we're actually getting 192 hours of teams of four to six inmates. Now we can utilize that labor to clean up along Birchwood clean them up along Bloomsbury clean up along Camborne. As the board is aware of we've received a lot of concern from the community that those roads are littered specifically by outside traffic that's coming into our landfill. Basically we just don't have the manpower and the staff to address that with this \$6,336 that allows to get basically an extension to the staff up to six

people where it will be dedicated to cleaning up those major thoroughfares and making our community more presentable to the region and to people that are visiting King George County.

What I would like to ask is that the board would consider authorizing or I'm sorry, appropriating \$6,336 from the contingency fund to the general fund and appropriating those funds to be dedicated to the Rappahannock regional jail, road service program, and then authorizing the County administrator and the County attorney to execute a memorandum of understanding with the Rappahannock region to jail continued to pull into County attorneys for approval.

**Madam Chair:** How much does VDOT pay to utilize the inmates?

**Dr. Young:** I don't know. I did ask why has VDOT been afforded, this access and I was told that a long time ago, King George County was afforded an opportunity and the County declined. That capacity that was given to other entities, either Stafford has a large share of the hours. VDOT has offered a shared our share of the hours and it was via an agreement now established decades ago.

**Mr. Bueche:** I only ask because if VDOT is not a participant in Rappahannock regional and they're not paying a portion, King George County is a participant and we pay a portion. We just saw that, in our budget work session last week. If we're already paying in the Rappahannock regional, if VDOT is not paying into rap and agreed and they weren't paying for inmates or if they were paying the same rate, I would be curious how that math comes. Overall for the hours being provided to be able to provide those services to King George, I see that as a benefit. I'm just curious about VDOT's utilization of something that they're not paying for it. We already are.

**Dr. Young:** VDOT does pay for the services they pay for the program. It's established via contract because I was told by the interim superintendent; well you know this program costs money. I'm like, okay, well how much does it cost? I'm aware to that VDOT is paying you know King George County; we have a little money that we could spend as well. I think that this is a great return on an investment; especially for \$6,000 it's not free. VDOT is not getting services for free to pay him for it, it was made to be understood by the jail to King George County has money, we can pay for the service. Just provide us a proposal and they provided us the proposal.

**Mr. Granger:** I move to approve as presented.

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye, motion carries.

**Dr. Young:** Madam Chair that's concludes my report.

**Madam Chair:** Thank you Dr. Young.

**Mrs. Cupka:** I move that the King George County board of supervisors convene enclosed meeting pursuant to Virginia code sections 2.2-3711A1 and A8, for purposes of discussion and consideration of prospective candidates for employment or appointment and discussion and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. Invited to attend the close meeting as necessary are the County administrator and County attorney because they are deemed necessary and their presence will reasonably aid the board in its consideration of the topics to be discussed pursuant to Virginia FOIA section 2.2-3712F.

**Mr. Granger:** Second.

**Madam Chair:** Any discussion all those in favor?

**All:** Aye.

**Madam Chair:** Chair votes aye we are in closed session.

**Mrs. Cupka:** I move that the King George County board of supervisors returned to public meeting and certified by roll call vote that only public business matters lawfully exempted from open meeting requirements by Virginia law and only such public business matters as were identified in the motion convening, the closed meeting were heard, discussed or considered during the closed meeting.

**Mr. Granger:** Second.

**Madam Chair:** All those in favor or sorry, told you I'm tired. Mr. Bueche, do you certify?

**Mr. Bueche:** I so certify.

**Madam Chair:** Mrs. Cupka?

**Mrs. Cupka:** I so certify.

**Madam Chair:** Mr. Granger?

**Mr. Granger:** I so certify.

**Madam Chair:** I so certify. Meeting is back in session. Do I have a motion?

**Mr. Granger:** I move to adjourn until March 17th at 6:30 in the boardroom.

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. We are adjourned. Goodnight everyone.

**[END OF TRANSCRIPT]**