

**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS and ECONOMIC DEVELOPMENT
COMMITTEE MEETING
AGENDA**

February 11, 2016

6:00 p.m.

**Loudoun County Government Center
1 Harrison Street, S.E., Leesburg, VA
Board Room**

Committee Members:

Matthew Letourneau, Chair

Phyllis Randall - Tony Buffington - Ralph Buona - Koran Saines

**Proposed for Consent*

- 1. Monthly Department of Economic Development Report (Information)**
Election District: Countywide
Staff Contact: Buddy Rizer, Economic Development

- 2. Economic Development Advisory Committee Report (Information)**
Election District: Countywide
Staff Contact: Buddy Rizer, Economic Development
Sharon Virts, Chairman, EDAC
Todd Pearson, Vice-Chairman, EDAC

- 3. Economic Development Advisory Committee Membership (Action)**
Election District: Countywide
Staff Contact: Jeanine Arnett, Chief of Staff, Chair At-Large

- 4. *AWARD AUTHORITY INCREASE/Modular Office Systems (Action)**
Election District: Countywide
Staff Contacts: Ernest Brown, General Services
Andy Bollinger, General Services
Philip Butterfass, Finance and Procurement

- 5. *CONTRACT RENEWAL/Personal Computer Workstations, Servers and Services (Action)**
Election District: Countywide
Staff Contacts: Wendy Wickens, Information Technology
Sandy Lineberry, Finance and Procurement

- 6. *AWARD AUTHORITY INCREASE/Food and Supplies (Action)**
Election District: Countywide
Staff Contacts: Steve Torpy, Parks, Recreation and Community Services
Karen Sheets, Parks, Recreation and Community Services
Diane Smith, Finance and Procurement

7. *CONTRACT AWARD/Xerox Multi-Functional Devices and Print Management

Services (Action)

Election District: Countywide

Staff Contacts: Wendy Wickens, Information Technology
 Tim Dudek, Information Technology
 Sandy Lineberry, Finance and Procurement

8. FY 2017 Community Development Block Grant Funding Recommendation(Information)

Election District: Countywide

Staff Contacts: Ellen Grunewald, Family Services
 Beth Rosenberg, Family Services

9. FY 2016 Capital Improvement Program Amendment/Tall Cedars Parkway (Action)

Election District: Dulles

Staff Contacts: Peter Malgieri, Transportation and Capital Infrastructure
 Daniel Csizmar, Transportation and Capital Infrastructure
 Joe Kroboth, Transportation and Capital Infrastructure

10. Willisville Community Wastewater System Supplemental Appropriation Request

(Action)

Election District: Blue Ridge

Staff Contacts: Ernest Brown, General Services
 Alan Brewer, General Services
 Dan Csizmar, Transportation and Capital Infrastructure

11. Monthly Report/Implementation of the Enterprise Resource Planning (ERP) Project

(Information)

Election District: Countywide

Staff Contacts: John Sandy, County Administration
 Robert Middaugh, County Administration
 Wendy Wickens, Information Technology
 Penny Newquist, Finance and Procurement
 Vince Marchesano, Vivad Technologies, LLC

12. FY 2017 - FY 2022 Proposed Capital Improvement Program Overview (Information)

Note: This item will be provided in a supplemental Committee packet after the County Administrator's FY 2017 Budget Presentation on February 10, 2016.

Election District: Countywide

Staff Contacts: Daniel Csizmar, Transportation and Capital Infrastructure
 Joe Kroboth, Transportation and Capital Infrastructure
 Julie Crim, Transportation and Capital Infrastructure
 Peter Malgieri, Transportation and Capital Infrastructure

Special Capital Improvement Project Meetings: February 23 and March 8, 2016

Next Regular Meeting: March 22, 2016

If you require a reasonable accommodation for any type of disability in order to participate in the Finance/Government Operations and Economic Development Committee Meeting, please contact the Office of the County Administrator at 703-777-0200/TTY-711. At least one business day of advance notice is requested; some accommodations may require more than one day of notice. FM Assistive Listening System is available at the meeting.

**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS and ECONOMIC DEVELOPMENT
COMMITTEE MEETING
AGENDA SUMMARY**

February 11, 2016

6:00 p.m.

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1 Harrison Street, S.E., Leesburg, VA
Board Room**

Committee Members:

Matthew Letourneau, Chair

Phyllis Randall - Tony Buffington - Ralph Buona - Koran Saines

**Proposed for Consent*

1. Monthly Department of Economic Development Report (Information)

The Department of Economic Development's monthly statistical report shows leading economic indicators for Loudoun County and key department performance indicators. The Director will also report on economic development activities that have occurred since the January 12, 2016 meeting.

Election District: Countywide

Staff Contact: Buddy Rizer, Economic Development

2. Economic Development Advisory Committee (EDAC) Report (Information)

The purpose of this item is to update the Committee on the work of the EDAC and its Ad-Hoc Committees.

Election District: Countywide

Staff Contact: Buddy Rizer, Economic Development

Sharon Virts, Chairman, EDAC

Todd Pearson, Vice-Chairman, EDAC

3. Economic Development Advisory Committee Membership (Action)

This purpose of this item is to consider the membership structure of the Economic Development Advisory Committee.

Election District: Countywide

Staff Contact: Jeanine Arnett, Chief of Staff, Chair At-Large

4. *AWARD AUTHORITY INCREASE/Modular Office Systems (Action)

On October 12, 2012, Fairfax County, on behalf of participants in the Metropolitan Washington Council of Governments and other state and local jurisdictions located throughout the United States, awarded contracts to multiple vendors for Office Furniture and related Services and Solutions as a result of a Request for Proposal. This contract allows for vendors to provide pricing based on national sales volume, not local sales volume. Staff originally awarded this contract under staff authority on January 3, 2013 in the amount of \$500,000. Staff brought forth an item to the September 18, 2013 Board of Supervisors meeting to increase the

award authority from \$500,000 to \$900,000 due to the requirements to relocate the Sheriff's office to 803 Sycolin, the relocation of the Young Adults Program, renovation of part of Family Services, relocation of a portion of the Department of Transportation, Construction and Infrastructure to 801 Sycolin Road and the consolidation of General Services from three floors to one floor at 801 Sycolin Road. To date approximately \$871,000 has been spent under the current contract period. The current contract expires December 31, 2016. Staff needs to increase the current award authority of \$900,000 by \$1,000,000, for a total award authority of \$1,900,000 to complete the following funded projects: the Department Economic Development relocation to Loudoun Station; the County Attorney's Office expansion; reconfiguration of various departments on the Government Center's 4th floor; the Department of Transportation and Capital Infrastructure's relocation to 101 Blue Seal Drive; reconfigurations in the vacated space at 801 Sycolin Road for Fire, Rescue and Emergency Management; changes to 906 Trailview Court; and other smaller renovations projects. Staff recommends the Finance/Government Operations and Economic Development Committee authorize the Purchasing Agent to increase the award authority of the contract for Modular Office Systems in the amount of \$1,000,000, for a new total of \$1,900,000. Sufficient funding is available in the County's adopted FY 2016 and proposed FY 2017 Department of General Services operating budget to cover the \$1,000,000 increase in the award authority. No additional funding is being requested with this item.

Election District: Countywide

Staff Contacts: Ernest Brown, General Services
Andy Bollinger, General Services
Philip Butterfass, Finance and Procurement

5. *CONTRACT RENEWAL/Personal Computer Workstations, Servers and Services (Action)

The intent of this item is to renew the contract for Personal Computer Workstations, Servers and Services with Dell Marketing, LP in the amount of \$1,375,000 for the anticipated purchase of personal computers, servers and services that are budgeted for FY 2017. The contract provides desktop and laptop computers (replacements, new employees, special projects, capital projects/CIP, etc.) for all County agencies. Staff recommends that the Finance/Government Operations and Economic Development Committee recommend to the Board of Supervisors that the Purchasing Agent be authorized to renew the contract for Personal Computer Workstations, Servers with Dell Marketing, LP in the amount of \$1,375,000. Funding is proposed in FY 2017 Enhancements from departmental budgets (approximately \$50,000), the FY 2017 budget that has been designated for computer replacements, servers, and services (\$1,225,000), and grants, CIP projects, and other special initiatives (estimated \$100,000).

Election District: Countywide

Staff Contacts: Wendy Wickens, Information Technology
Sandy Lineberry, Finance and Procurement

6. *AWARD AUTHORITY INCREASE/Food and Supplies (Action)

On August 18, 2015, the County awarded a one-year rideable contract for the Food and Supplies to Merchants Grocery Company, Incorporated, in the estimated amount of \$450,000

as a result of Loudoun County Public Schools Invitation for Bid I14054. The primary purpose of these contracts is to provide the Parks, Recreation, and Community Services with food for the Area Agency on Aging (AAA) and the County After School Activities (CASA) Programs. However, the contract is available to support any County food requirements. Historically, the Food and Supplies contract has been used to support the AAA's Home Delivered Meals and Congregate Meals Program that the Central Kitchen prepares. In addition the Central Kitchen prepares meals for the three (3) Adult Day Centers and all meals for the Juvenile Detention Center, seven (7) days per week. The Central Kitchen also caters special events for county-wide government functions, and as needed, provides meals to the Loudoun County Emergency Operations Center. The current contract period ends on August 15, 2016. Staff estimates spending an additional \$107,000 on food and supplies for a new estimated award authority of \$607,000. Staff recommends that the Finance/Government Operations and Economic Development Committee recommend to the Board of Supervisors that the Purchasing Agent be authorized to increase the award authority for the Food and Supplies contract with Merchants Grocery Company, Inc. by \$107,000 for a new estimated amount of \$607,000. Funding for this contract award authority increase would come from the Area AAA's Central Kitchen budget and two grant budgets, the Title 3C/Congregate Meals and Title 3C/Home Delivered Meals. No additional appropriations are being requested for this contract award authority increase. The estimated award authority is based upon the anticipated requirements during the remainder of the contract period.

Election District: Countywide

Staff Contacts: Steve Torpy, Parks, Recreation and Community Services
Karen Sheets, Parks, Recreation and Community Services
Diane Smith, Finance and Procurement

7. *CONTRACT AWARD/Xerox Multi-Functional Devices and Print Management Services (Action)

Loudoun County Government currently uses 340 Xerox brand multi-functional devices (MFDs), for copy, scan, print, and fax functionality. This equipment is used extensively to scan documents for email and electronic storage of images using the County's imaging system. The MFDs are located throughout most County facilities and departments. The contract for these MFDs is administered by the Department of Information Technology. The costs of these devices are charged to each County department and are on a five (5) year replacement cycle. This contract award encompasses the total annual operational costs of the Xerox equipment including lease, installation, removal, maintenance, supplies (excluding paper), managed print services and operational support. Staff recommends the Finance/Government Operations and Economic Development Committee recommend to the full Board of Supervisors that the Purchasing Agent be authorized to award a contract for Xerox Multi-Functional and Print Management Services to Xerox Corporation in the amount of \$1,069,643. The estimated remaining FY 2016 (March 1 through June 30, 2016) lease, maintenance, and operational costs for existing, replacement, and new equipment provided through these contracts are approximately \$271,441. Funding for these devices is allocated by the FY 2016 Central Services Fund which is provided through chargebacks to the appropriate County departments, grants and project funds. The estimated FY 2017 lease, maintenance, and operational costs for

existing, replacement, and new equipment provided through contract expiration of February 28, 2017, are approximately \$798,202. Funding for these devices is proposed in the FY 2017 Central Services Fund which is provided through chargebacks to the appropriate County departments, grants and project funds.

Election District: Countywide

Staff Contacts: Wendy Wickens, Information Technology
Tim Dudek, Information Technology
Sandra Lineberry, Finance and Procurement

8. FY 2017 Community Development Block Grant Funding Recommendation
(Information)

This information item provides the Family Services Advisory Board's funding recommendations for the Community Development Block Grant (CDBG) for County fiscal year 2017. The grants are used to implement a wide variety of community and economic development activities directed toward neighborhood revitalization and the provision of improved community facilities and services. CDBG funds are to be used primarily for the benefit of low and moderate income residents. In April 2013, the Board of Supervisors requested that an update on proposed CDBG funding be presented to the Finance/Government Operations and Economic Development Committee each year prior to the Board of Supervisors' deliberations on the budget and prior to the Public Hearing on the CDBG funding allocations.

Election District: Countywide

Staff Contacts: Beth Rosenberg, Family Services
Ellen Grunewald, Family Services

9. FY 2016 Capital Improvement Program Amendment/Tall Cedars Parkway (Action)

This item requests an amendment to the FY 2016 Capital Improvement Program and budget to appropriate and transfer \$915,918 in cash proffers from the Public Facilities Fund to the Capital Fund for the Tall Cedars Parkway between Pinebrook Road and Gum Spring Road. Due to delays in land acquisition for the project, higher than anticipated land acquisition costs, and the need to relocate a current tenant from one of the properties being acquired to accommodate the project, staff estimates a funding shortfall of approximately \$915,918. Having the requested funding available now would assist in delivering all of the required right-of-way in a timely manner for the Tall Cedars project. Staff recommends that the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors (Board) amend the FY 2016 CIP and budget to appropriate and transfer \$915,918.38 in cash proffers in the Public Facilities Fund to the Capital Fund for the Tall Cedars Parkway between Pinebrook Road and Gum Spring Road capital project in FY 2016. Zoning Administration staff issued cash proffer determinations (ZCOR-2013-0015; ZCOR-2013-0098; ZCOR-2015-0025; ZCOR-2015-0207) indicating the cash proffers requested are appropriate for the proposed use.

Election District: Dulles

Staff Contacts: Peter Malgieri, Transportation and Capital Infrastructure
Daniel Csizmar, Transportation and Capital Infrastructure

Joe Kroboth, Transportation and Capital Infrastructure

10. Willisville Community Wastewater System Supplemental Appropriation Request

(Action)

The Community of Willisville is located just east of the Welbourne Road (Route 743) / Willisville Road (Route 623) / Millville Road (Route 743) intersection in southwestern Loudoun County. Twelve parcels in the Willisville Community are currently served by a community wastewater treatment facility which is owned and operated by Loudoun Water. Subsequent to the construction of the community wastewater system, the Loudoun County Health Department identified three additional properties in the Willisville Community that have failing onsite septic systems. In July 2013, the Board of Supervisors (Board) allocated \$175,000 in Fiscal Year (FY) 2015 to extend the community wastewater system to these three properties as part of the Capital Improvement Program (CIP). The design of the project is complete; however costs exceeded original estimates by \$29,000. In addition, the lowest qualified and responsive bid for construction of the project exceeds original estimates by \$67,000. Current figures indicate that the project will exceed the project budget by \$96,000. Staff recommends that the Finance/Government Operations and Economic Development Committee recommend that the Board approve a supplemental appropriation of \$100,000 to fund the completion of the Willisville Community Wastewater System project. Staff further recommends that Capital Improvement Program Contingency be used to fund the supplemental appropriation. Adequate funds are available in both the CIP Contingency and the CIP Water/Wastewater Fund to cover the cost of the supplemental appropriation. The use of either of these funding sources will not negatively impact any other County projects.

Election District: Blue Ridge

Staff Contacts: Ernest Brown, General Services

Alan Brewer, General Services

Dan Csizmar, Transportation and Capital Infrastructure

11. Monthly Report/Implementation of the Enterprise Resource Planning (ERP) Project

(Information)

The Loudoun County Government and Loudoun County Public Schools began implementation of a new ERP System in January 2012. On December 4, 2013, the Board of Supervisors appropriated additional funds to complete implementation of all three phases of the System. In addition, the Board of Supervisors requested that staff provide monthly status reports based on cost, schedule, and technical milestones with associated variances. No additional funds are requested for the month of February.

Election District: Countywide

Staff Contacts: John Sandy, County Administration

Robert Middaugh, County Administration

Wendy Wickens, Information Technology

Penny Newquist, Finance and Procurement

Vince Marchesano, Vivad Technologies, LLC

12. FY 2017 - FY 2022 Proposed Capital Improvement Program Overview (Information)

Note: This item will be provided as part of a Supplemental Committee packet after the County Administrator's FY 2017 Budget presentation on February 10, 2016.

The Capital Improvement Program (CIP) is developed biennially, with the six-year period moving out two years every other fiscal year. The FY 2017 Proposed CIP timeframe spans the six year period from FY 2017 through FY 2022, with proposed appropriations in FY 2017 to develop public facilities. Planning figures are provided for capital projects from FY 2018 through FY 2022 for funding consideration in future CIP budgets. The Finance/Government Operations and Economic Development Committee (FGOEDC) will make recommendations to the Board of Supervisors (Board) regarding what projects and funding should be appropriated in FY 2017, and what projects and funding should be planned for in FY 2018 – FY 2022 timeframe. The FGOEDC is scheduled to review the FY 2017 Proposed CIP in detail at a special meeting on February 23, 2016. The goal will be to make recommendations to the Board regarding the Proposed CIP and what should be included for appropriations as part of the FY 2017 Fiscal Plan and appropriations resolution.

Election District: Countywide

Staff Contacts: Daniel Csizmar, Transportation and Capital Infrastructure
Joe Kroboth, Transportation and Capital Infrastructure
Julie Crim, Transportation and Capital Infrastructure
Peter Malgieri, Transportation and Capital Infrastructure

Special Capital Improvement Project Meetings: February 23 and March 8, 2016**Next Regular Meeting: March 22, 2016**

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Date of Meeting: February 11, 2016

1

**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS
AND ECONOMIC DEVELOPMENT
INFORMATION ITEM**

SUBJECT: Monthly Department of Economic Development Report

ELECTION DISTRICT: Countywide

STAFF CONTACT: Buddy Rizer, Executive Director, Economic Development

PURPOSE: The purpose of this item is for the Department of Economic Development (DED) to report on leading economic indicators, key performance indicators, and DED initiatives.

BACKGROUND: Each month, DED submits a report which shows leading economic indicators and key performance indicators. At the Finance/Government Operations and Economic Development Committee meeting, staff will also provide a verbal briefing to supplement this written information.

ISSUES: There are no issues associated with this Information Item.

FISCAL IMPACT: There is no fiscal impact associated with this Information Item.

ATTACHMENT:

1. December FY 2016 Monthly Statistical Report

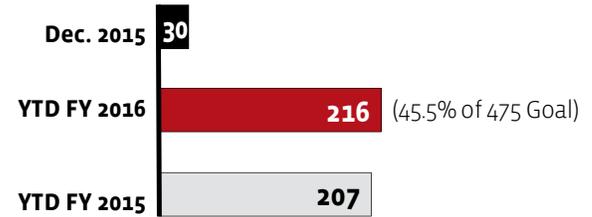


Investment

FY16 Wins	28
Estimated Investment by Wins	\$1.9 B
Jobs Created/Retained by Wins	1,304



Visits to Existing Businesses

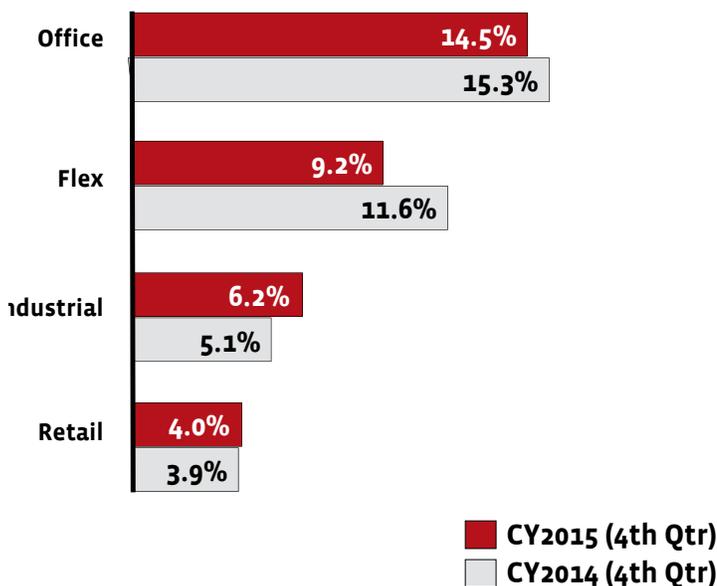


Internet Activity

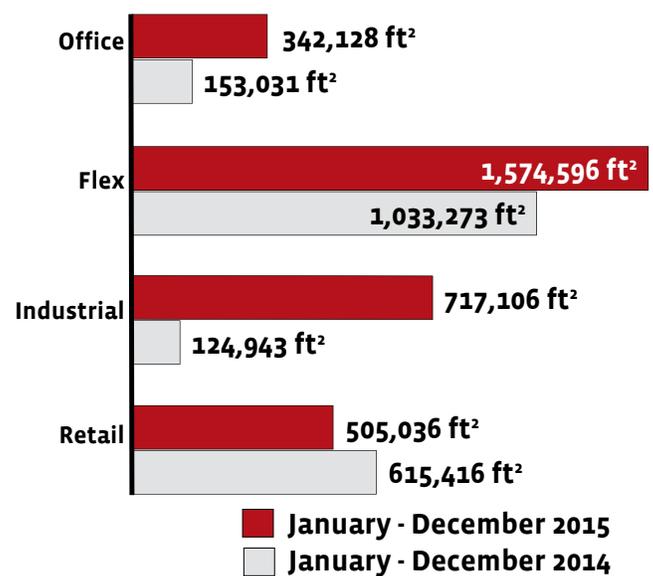
Website Visits FY16 (DED)	19,629	DED Facebook Subscribers	7,045
FY16 Goal	37,000	Loudoun Farms Facebook Subscribers	10,033
FY16 Goal Attainment	39.3%	DED Twitter Followers	4,552
Website Visits FY16 (Loudoun Farms)	32,217	Loudoun Farms Twitter Followers	2,878
FY16 Goal	50,000	Loudoun Small Biz Twitter Followers	2,547
FY16 Goal Attainment	64.4%	DED LinkedIn Subscribers	707



Commercial Vacancy Rates



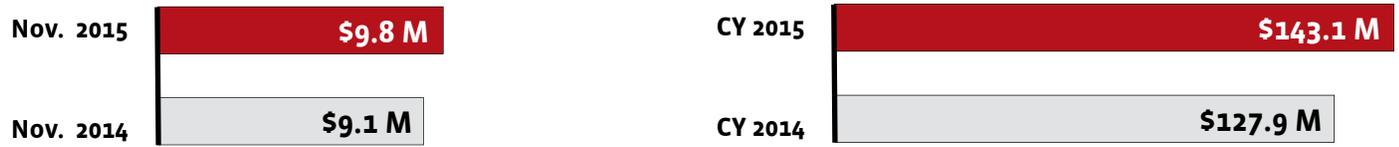
Commercial Building Permits



Source: Costar; Loudoun County Dept. Bldg. and Dev.



Hotel Revenue



Source: Visit Loudoun



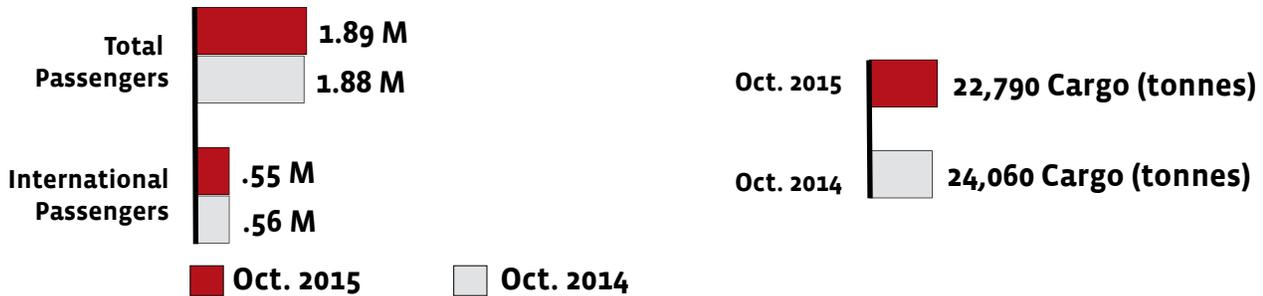
Retail Sales



Source: Virginia Dept. Taxation



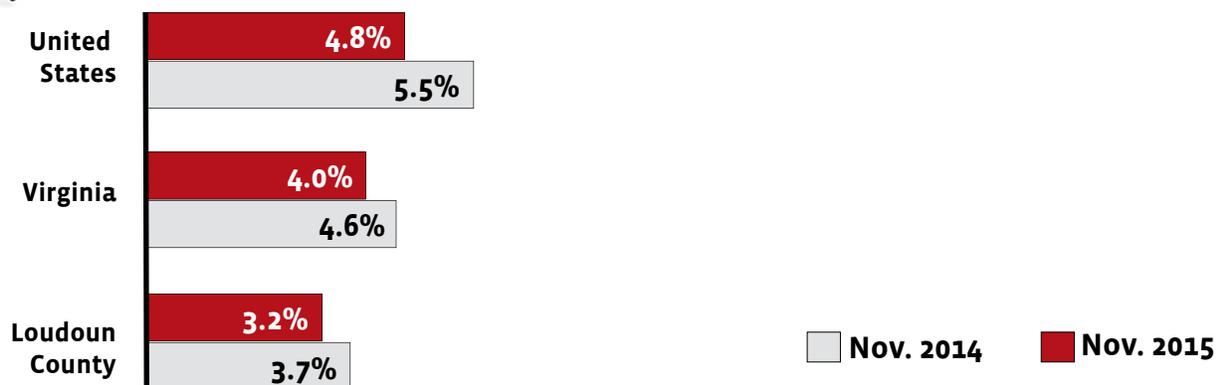
Dulles International Airport



Source: Metropolitan Washington Airports Authority



Unemployment Rates



Source: Virginia Employment Commission

Date of Meeting: February 11, 2016

2

**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS
AND ECONOMIC DEVELOPMENT COMMITTEE
INFORMATION ITEM**

SUBJECT: Economic Development Advisory Commission Update

ELECTION DISTRICT: Countywide

STAFF CONTACT: Buddy Rizer, Director, Department of Economic Development

EDAC CONTACTS: Sharon Virts, Chair, EDAC
Todd Pearson, Vice-Chair, EDAC

PURPOSE: Sharon Virts, Economic Development Advisory Commission (EDAC) Chair and Todd Pearson, EDAC Vice-Chair will update the Finance/Government Operations and Economic Development Committee on EDAC initiatives.

BACKGROUND: At the February 11, 2016 meeting, Sharon Virts and Todd Pearson will be present to report on the work of the EDAC and its Ad-Hoc Committees.

ISSUES: There are no issues associated with this Information Item.

FISCAL IMPACT: There is no fiscal impact associated with this Information Item.

ATTACHMENT:

1. Economic Development Advisory Committee Report

**LOUDOUN COUNTY
ECONOMIC DEVELOPMENT
ADVISORY COMMISSION**

MEMORANDUM

Date: February 4, 2016
To: Finance/Government Operations Committee, Loudoun County Board of Supervisors
From: Sharon Virts and Todd Pearson, EDAC
Subject: Report of Activities

This memorandum summarizes the EDAC activities and planned events in the coming months

Current Ad Hoc Committees

Night-time Economy (NEAC Co-Chairs – Todd Pearson and Tony Howard) - The Nighttime Economy Ad-Hoc Committee has spent much of the month promoting the Public Input meeting that was originally scheduled for January 26, 2016 but was postponed due to snow. Articles published include interviews of the Co-Chairs and promotional pieces in both the *Washington Post* and *Loudoun Now* that gave NEAC's work positive reviews. The Public Input meeting has been rescheduled for February 9, 2016 from 6-8 pm at the Blvd Apartments Leasing Office in Loudoun Station. EDAC members are asking the business community to attend the meeting and are encouraging their employees who live in Loudoun or who would like to live in Loudoun to participate. Part of our objective is to get some younger workers involved in this important committee.

Foreign Direct Investment (Chair – Keith Segerson) - The objective of the FDI Ad Hoc is to continue its work with DED in the establishment of the public-private partnership to promote the investment of foreign businesses in the Loudoun economy. The committee is meeting with the Loudoun DED International Business Manager, Bob McCollar; Business Manager, Rick Morris; and Director, Buddy Rizer on Friday February 5 to kick-off the follow-up activities of this committee. The expanded charter of the follow-up effort will be fully defined in this first meeting. Committee membership includes the FDI Ad Hoc Chair, Keith Segerson, and EDAC commissioners: Rick Pearson, Will Turner, Jennifer Faust and Omari Faulkner.

EDAC Strategic Direction for 2016 - EDAC is evaluating a number of initiatives to review this year. Some of those initiatives include providing input to the Comprehensive Plan effort this year as well as reviewing policies and barriers that may impact economic development initiatives around the Silver Line, Dulles Airport, and Loudoun's Data Centers. Workforce Housing and housing inventory will continue to be an issue that we will weigh in on. Outcomes of the NEAC will also impact our agenda for this year.

1 Harrison Street, S.E. • 5th Floor • PO Box 7000 • Leesburg, VA 20177
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biz.loudoun.gov/EDAC

LOUDOUN COUNTY
ECONOMIC DEVELOPMENT
ADVISORY COMMISSION

EDAC Bylaws and Membership - EDAC Bylaws must be modified to accommodate the change in the EDAC reporting from the Economic Development Committee to the Finance/Government Operations Committee. Additionally, EDAC Executive Committee requests that the Board of Supervisors consider modifying the by-laws to increase the membership of the EDAC from 18 voting members to 22 voting members and the non-voting advisory membership from 7 advisors to 9 advisors. Our concern is that the limitation of the 18 voting-member requirement may impact our effectiveness as an advisory body going forward. Our current membership does not provide adequate representation of all the clusters (e.g. Health) and we have cluster areas that need additional expertise. An example of this is in the Aviation/Transportation/ Logistics cluster. While we do have a member that represents the Aviation sector well, we do not have a member with expertise in the "Transportation" part of that cluster. With emphasis on the development of the silver line, concerns regarding ingress and egress to the stations, and the issues confronting Metro in general, we would like to search for a member who has expertise in mass transit. The second challenge is simply having enough members to get all the work done. Most of our commissioners are busy executives and, while eager to volunteer their time, there is more work than people for adequate support of the ad hoc committees we have planned. We are also proposing that the by-laws allow us to add two special non-voting advisory members. With the future of Dulles so tightly linked to the future of our county, we'd like to add a representative from the airport on the commission. We would also request that the EDAC include representation from our public schools and suggest that we include the Superintendent of Schools as a non-voting special advisor.

Date of Meeting: February 11, 2016

#3

**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS and ECONOMIC DEVELOPMENT
COMMITTEE
ACTION ITEM**

SUBJECT: Economic Development Advisory Commission (EDAC)
Membership/Revision to EDAC By-laws As Necessary

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the Board’s Pleasure

STAFF CONTACT: Jeanine Arnett, Chief of Staff to Chair
Randall

RECOMMENDATION:

Chair Randall recommends that the Finance/Government Operations and Economic Development Committee (FGOEDC) recommend to the Board of Supervisors the addition of five (5) membership slots to the Economic Development Advisory Commission (EDAC) which consists of four (4) voting members and one (1) non-voting standing advisory member who will represent the Washington Dulles International Airport and its economic interests; in addition to any necessary revisions to the EDAC by-laws to reflect these additional membership slots as recommended.

BACKGROUND:

On December 4, 2013, the Loudoun County Board of Supervisors took action on a wide-range of reforms recommended by the then Economic Development Committee (EDC) which became effective on January 1, 2014. These reform efforts included but were not limited to changing the name of the EDC to the now named, Economic Development Advisory Commission, or EDAC (see Attachment 1) and reducing membership from 47 members to 25 members (i.e., 18 voting and seven (7) non-voting members). When this membership reduction occurred, the Washington Dulles International Airport and others appeared to be underrepresented on the current EDAC.

As a result, Chair Randall recommends the restoration of four (4) additional voting members to the general membership of the Commission. In addition, Chair Randall recommends that that Article III, Section B, Subsection 2 titled “Non voting Standing Advisory Members” be amended to add an advisory member who will represent the Washington Dulles International Airport.

FISCAL IMPACT: The EDC's current budget is approximately \$6,500, which is primarily used for copying and refreshments. Staff estimates that preparations, attending and follow-up for EDC and EDC Committee meetings requires estimated 46 staff hours per month.

ALTERNATIVES: The Finance/Government Operations and Economic Development Committee may or may not recommend these proposed changes to the Board of Supervisors, or make modifications to these recommendations altogether.

DRAFT MOTIONS:

1. I move that the Finance/Government Operations and Economic Development Committee recommend to the Board of Supervisors a restructuring of the Economic Development Advisory Commission by adding four (4) voting members and one (1) non-voting standing advisory member to be filled by a person representing Washington Dulles International Airport.

AND

I further move the Finance/Government Operations and Economic Development Committee recommend to the Board of Supervisors' adopt the necessary changes to the Commission's by-laws as seen in Attachment 3 to reflect this change.

OR

2. I move an alternate motion.

ATTACHMENTS:

1. December 4, 2013 Board of Supervisors Economic Development Committee Report: Meeting Item *Role and Structure of the Economic Development Commission* and Copy Teste
2. Current EDC By-Laws (October 2015)
3. Red-line Version of EDC By-Laws with Chair Randall Recommendations (February 2016)



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Wednesday, December 4, 2013 at 4:00 p.m.

IN RE: ECONOMIC DEVELOPMENT COMMITTEE REPORT/ROLE AND STRUCTURE OF THE ECONOMIC DEVELOPMENT COMMISSION (EDC)/REVISION TO EDC BY-LAWS

Mr. Letourneau moved that the Board of Supervisors accept the recommendations of the Economic Development Committee, restructuring the Economic Development Commission and adopting the by-law revisions, as proposed to be effective January 1, 2014.

Seconded by Mr. Buona.

Mr. Letourneau accepted Mr. York's friendly amendment to change the name as adopted by the Economic Development Committee to Economic Development Advisory Commission (EDAC).

Mr. Letourneau accepted Mr. York's friendly amendment that the word be changed from "may" to "will" in Article III, A, 2 (PAGE 2) of the by-laws.

Mr. York moved an amendment to the motion which would revert to the current process that was currently being used to select the members of the Commission.

Seconded by (inaudible.)

Voting on Mr. York's FAILED Motion: Supervisors Reid, Williams and York – Yes; Supervisors Buona, Clarke, Higgins, Letourneau and Volpe – No; and Supervisor Delgaudio - Absent for the Vote.

Mr. Reid moved an amendment to include representatives of the Metropolitan Washington Airports Authority, Washington Airports Task Force, Loudoun County Public Schools and Small Business Development Center as members of the restructured EDAC (nonvoting).

(The motion died due to lack of a second.)

Voting on the Mr. Letourneau's Motion, As Amended: Supervisors Buona, Clarke, Higgins, Letourneau, Reid, Volpe, Williams, and York – Yes; None – No; Supervisor Delgaudio – Absent for the Vote.


 DEPUTY CLERK FOR THE LOUDOUN
 COUNTY BOARD OF SUPERVISORS

LOUDOUN COUNTY
ECONOMIC DEVELOPMENT ADVISORY COMMISSION
BYLAWS

(effective January 1, 2014)

ARTICLE I: Name

- A. The name of the organization shall be the Loudoun County Economic Development Advisory Commission (EDAC), hereafter referred to as the “Commission”

ARTICLE II: Mission

- A. The mission of the Commission is to promote the long-term economic growth and development of Loudoun County in a way that is economically sustainable and results in the expansion of its commercial and industrial tax base.

To support this mission, the Commission will:

1. work with key staff of the Department of Economic Development in reviewing and recommending changes to the Economic Development Strategic Plan to the Board of Supervisors in June of each year.
2. provide recommendations to the Board and the Board’s Economic Development Committee relative to its programs and policies as they relate to Loudoun’s Economic Development Strategic Plan;
3. review significant projects as determined by the Board and the Board’s Economic Development Committee;
4. provide a forum through which business, government, and education leaders meet to debate and exchange ideas;
5. provide support and advice to the Department of Economic Development relative to mission, budget, work plan, and items as directed by the Board;
6. monitor and evaluate year-over-year changes in employment, commercial and industrial square footage leased, and the commercial and industrial tax base as prepared by the DED.

ARTICLE III: Membership

A. Advertisement, Nomination and Confirmation Processes:

1. Vacancies will be advertised in accordance with the Board of Supervisors’ standard and accepted process for advertising vacancies to Board-appointed commissions, committees and boards.
2. Letters of interest and/or resumes will be submitted to and tracked by the Board’s Office.
3. Members of the Economic Development Advisory Commission are encouraged to foster interest among community members in applying for vacancies.
4. County staff will vet letters of interest/resumes to ensure they meet advertised vacancy qualifications.
5. Letters of interest/resumes will be sent to the Economic Development Advisory Commission for review (for up to a 30-day period) and recommendation to the Board.
6. Members of the Board of Supervisor will nominate individuals to the EDAC.
7. Confirmations will typically occur at the following Board meeting.
8. New members will receive an appointment letter from the Board’s Office, along with written information related to the Freedom of Information Act.

B. Membership Categories

There are two types of members – Voting Members that are appointed by the Board of Supervisors and Non-Voting Standing Advisory Members.

1. Voting Members (18):

Voting members shall be appointed through the process described above. The following industry clusters serve only as guidelines for member representation. Membership is not restricted to these clusters, however, and, at any given time, there can be more than one member from a cluster, no member from a cluster, and representatives from other sectors in the community among the voting membership:

- a. Aviation/Transportation/Logistics
- b. Financial/Banks
- c. Federal Government Contracting
- d. Security and Defense
- e. Healthcare/Bioscience/Life science/Pharmaceuticals/Healthcare
- f. Education and Workforce
- g. Commercial real estate broker
- h. Retail
- i. Information and Communications Technology (ICT)
- j. Data Centers
- k. Small Business and Entrepreneurship
- l. Developer
- m. Six At-Large Seats

The Board shall use its best efforts to ensure that there is appropriate small business representation.

Group C – see Transition Section

Voting Membership Terms

Members shall serve three-year terms commencing January 1st. Vacancies shall be filled in in the same manner as the original appointments. No voting member shall be eligible to serve more than two consecutive terms, with the exception of new members selected to fill the unexpired three-year terms of departing members. These members may follow these abbreviated sessions with two additional independent terms.

Attendance and Possible Removal of Voting Members

Regular attendance by all voting members is expected at Committee and full Commission meetings. Members who miss three or more full Commission meetings during a given year may be requested by the Board, upon recommendation of the EDAC, to resign from the EDAC.

2. Non-voting Standing Advisory Members (7)

The following shall serve on the Commission as Standing Advisory Members, however they serve with no term limitations and no voting rights,

- a. Loudoun County Administrator;
- b. Chairman of the Loudoun County Economic Development Authority;
- c. Chairman or designee of the Loudoun County Chamber of Commerce;
- d. Town of Leesburg Mayor or designee;
- e. Chairman or designee of the Loudoun County Rural Economic Development Council;
- f. Representative Mayor from the Coalition of Loudoun Towns (C.O.L.T.);
- g. Chairman or designee of Visit Loudoun

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A. Officers

The officers shall consist of a Chair and a Vice-Chair selected from among the voting members at the annual meeting of the Commission in January of each year. In nominating and electing Officers, the Commission shall receive nominations from the floor, and shall elect its officers.

B. Terms of Officers

Officers shall serve a term of one year from the January meeting at which they are elected until their successors are fully elected the following January. Officers may be elected for no more than two additional consecutive one-year terms. While not binding; it is a general guide that the Chair will serve a minimum of two consecutive one-year terms, with the possibility of a third.

C. Responsibilities of the Chair

The Chair shall preside at all meetings of the Commission, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Commission, serve as an ex-officio voting member of all committees, make committee assignments, set agendas for Commission meetings, and generally perform all duties associated with that office.

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The Vice-Chair, in the event of the absence or disability of the Chair or vacancy in that office, shall assume and perform the duties of the Chair. Additionally, the Vice-Chair shall serve as Chair of the Executive Committee.

E. Vacancies and Special Elections

In the event of a vacancy in either office, a special election may be held to fill the position for the remainder of the term.

ARTICLE V: Meetings

A. Regular Meetings

Regular meetings shall be held on a bi-monthly basis. The date, hour, and location of those meetings are to be set by the Chair. Proceedings of all meetings of the full Commission shall, to the greatest extent possible, be governed by Robert's Rules of Order.

B. Annual Meeting

The Annual Meeting, which shall be for the purpose of the election of officers, shall be held at the time of the Regular meeting in January of each year.

C. Special Meetings

Special meetings may be called by the Chair or at the request of three members, for the transaction of business as stated in the call for the special meeting.

D. Quorum/Voting

A quorum for the transaction of business at any Commission meeting shall consist of at least fifty-one percent of Voting membership exclusive of any vacant seats. There shall be a quorum requirement of at least three (3) Committee members for Committee meetings. Unless otherwise specified herein, all votes by the Commission shall be decided by the majority of those present at the time of the vote.

E. Proxy Votes

Members of the Commission may not use proxies for meeting attendance or for voting.

F. Minutes

Commission meetings will be taped in accordance with County policy. Summary minutes reflecting the actions and recommendations of the Commission shall be prepared by DED staff and shall be forwarded to all members within thirty days.

G. Director of Economic Development Participation

The Director of the Loudoun County Department of Economic Development is not a member of the Commission but he/she will serve as an ex-officio non-voting member. He/she may determine if a designee may attend on his/her behalf and if other departmental staff are needed on an occasional basis to provide technical assistance and professional expertise. Staff and officers of the EDAC must be familiar with the Virginia Freedom of Information Act (FOIA) and assure the Commission is in compliance with provisions of FOIA. It is up to staff to ensure compliance with any related Board policy.

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Executive Committee

1. The Executive Committee is composed of the Chair and Vice-Chair of the Commission and four Executive Officers who are nominated by the Chair and Vice-Chair and then voted on by the full voting membership of the EDAC. The two (2) ex-officio and non-voting members are the County Administrator and the Director of Economic Development. Responsibilities include:
 - a. Provide support and advice to the DED relative to mission, budget, work plan, and items directed by the Board;
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 - d. Report on the Commission's activities, furnish information and provide recommendations to the Board or the appropriate Committee relative to programs and policies affecting the economic growth and development of Loudoun County.

B. Ad Hoc Committees

Ad hoc committees may be created, but must be recommended to and approved by the Board of Supervisors' Economic Development Committee. At the time of recommendation, the EDAC must provide an overview of the purpose, the expected goal or result and the estimated term of each Ad Hoc Committee. The Chairman of the EDAC (or his/her designee) appoints members to each Ad Hoc Committee.

C. Past Chairs

Past Chairs of the EDAC continue to be engaged and can offer sound and valuable insight and perspective. In order to maintain involvement of past EDAC Chairs and to generate dialogue and discussion concerning economic development, the EDAC should host a meeting that includes past Chairs approximately every year.

ARTICLE VII: Amendments

Substantive changes to these bylaws require approval by the Board of Supervisors.

ARTICLE VIII: Transition

As of January 1, 2014, the Economic Development Advisory Commission is transitioning in membership and mission. As of that date, the only members that carry forward into the new structure are remaining B members. The memberships of all other members, unless specifically named in the new structure, will also automatically lapse as of January 1, 2014 since they are all ex-officio, and generally do not have time limited terms. Group "C" members will transition into the new structure for one year (through 12/31/14) at which time their membership will cease – they may apply for vacancies as they arise.

EDC Bylaws: Adopted January 4, 1995; Amended May 5, 1995; Amended January 19, 1996; Amended February 7, 1997; Amended November 7, 1997 (Corrected – December 10, 1997); Amended May 20, 1998; Amended April 21, 1999; Amended January 18, 2000; Amended November 6, 2000; Amended September 4, 2001; Amended September 3, 2002; Amended November 3, 2006; Amended February 2, 2010; Amended September 8, 2010; Amended November 3, 2010; Corrected January 3, 2012 (clerical error); Amended January 1, 2014.

LOUDOUN COUNTY
ECONOMIC DEVELOPMENT ADVISORY COMMISSION
BYLAWS

(Effective October 19, 2015)

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LOUDOUN COUNTY
ECONOMIC DEVELOPMENT ADVISORY COMMISSION
BYLAWS

(Effective October 19, 2015)

Chair Randall's Proposed Amendments (February 11, 2016)

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Date of Meeting: February 11, 2016

4

**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS and ECONOMIC DEVELOPMENT
COMMITTEE
ACTION ITEM**

SUBJECT: **AWARD AUTHORITY INCREASE/Modular Office Systems**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: February 11, 2016

STAFF CONTACTS: Ernie Brown, General Services
 Andy Bollinger, General Services
 Philip Butterfass, Finance and Procurement

PURPOSE: To increase the contract award authority of the current Modular Office System contract.

RECOMMENDATION: Staff recommends the Finance/Government Operations and Economic Development Committee (FGOEDC) authorize the Purchasing Agent to increase the award authority of the contract for Modular Office Systems in the amount of \$1,000,000, for a new total of \$1,900,000.

BACKGROUND: On October 12, 2012, Fairfax County, on behalf of participants in the Metropolitan Washington Council of Governments and other state and local jurisdictions located throughout the United States, awarded contracts to multiple vendors for Office Furniture and related Services and Solutions as a result of a Request for Proposal. This contract allows for vendors to provide pricing based on national sales volume, not local sales volume.

The County has been a participant with this contract since January 3, 2013. The current contract expires December 31, 2016 with four additional one-year renewal options available. Staff needs to increase the current award authority of \$900,000 by \$1,000,000, for a total award authority of \$1,900,000 to complete the following funded projects:

- the Department Economic Development relocation to Loudoun Station;
- the County Attorney’s Office expansion;
- reconfiguration of various departments on the Government Center’s 4th floor;
- the Department of Transportation and Capital Infrastructure’s relocation to 101 Blue Seal Drive;

- reconfigurations in the vacated space at 801 Sycolin Road for FREM; and
- changes to 906 Trailview Court; and other smaller renovations projects.

Staff originally awarded this contract under staff authority on January 3, 2013 in the amount of \$500,000. Staff brought forth an item to the September 18, 2013 Board of Supervisors meeting to increase the award authority from \$500,000 to \$900,000 due to the following requirements:

- relocate the Sheriff's office to 803 Sycolin;
- the relocation of the Young Adults Program;
- renovation of part of Family Services;
- relocation of a portion of the Department of Transportation, Construction and Infrastructure to 801 Sycolin Road; and
- the consolidation of General Services from three floors to one floor at 801 Sycolin Road.

To date approximately \$871,000 has been spent under the current contract period.

The contract provides for the purchase and installation of modular office systems for newly constructed buildings, renovated buildings, leased buildings, modifications and work station reconfiguration resulting from programmatic changes. It also provides for freestanding furniture, chairs, benches, desks, bookcases and other office furniture.

ISSUES: The County extensively uses modular office systems to satisfy programmatic needs by creating efficient, flexible office environments. A majority of County facilities use modular office systems in both owned and leased space. When new space is furnished or existing space remodeled, the primary means of outfitting is to use modular office systems because it is appropriate, functional and cost effective for the majority of staff positions. The increased contract award authority is essential to provide modular office systems when required due to relocations, programmatic changes or the addition of new staff.

This increase requires approval of the FGOEDC as the contract authority was previously authorized by the FGOEDC and the Board. Per the Procurement Resolution, if a contract was awarded, renewed, or amended by the Board, any increases above 25% of the original award require approval by the FGOEDC.

FISCAL IMPACT: Sufficient funding is available in the County's adopted FY 2016 and proposed FY 2017 Department of General Services operating budgets and Board adopted appropriations to the capital projects fund to cover the \$1,000,000 increase in the award authority. No additional funding is being requested with this item.

ALTERNATIVES:

1. Authorize the Purchasing Agent to increase the award authority of the contract for Modular Office Systems in the amount of \$1,000,000 for a new total of \$1,900,000.

OR

2. Do not authorize the contract award authority increase and direct staff how to proceed. However, this alternative is not recommended by staff since it could delay projects.

DRAFT MOTIONS:

1. I move that the Finance/Government Operations and Economic Development Committee authorize the Purchasing Agent to increase the award authority of the contract for Modular Office Systems in the amount of \$1,000,000 for a new total of \$1,900,000.

OR

2. I move an alternate motion.

Date of Meeting: February 11, 2016

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**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS AND ECONOMIC DEVELOPMENT
COMMITTEE
ACTION ITEM**

SUBJECT: **CONTRACT RENEWAL/Personal Computer Workstations, Servers and Services**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: February 11, 2016

STAFF CONTACTS: Wendy Wickens, Information Technology
Sandra Lineberry, Finance and Procurement

PURPOSE: To award a contract for Personal Computer Workstations, Servers and Services.

RECOMMENDATIONS: Staff recommends that the Finance/Government Operations and Economic Development Committee (FGOEDC) recommend to the Board of Supervisors (Board) that the Purchasing Agent be authorized to renew the contract for Personal Computer Workstations, Servers with Dell Marketing, LP in the amount of \$1,375,000.

BACKGROUND: In 2009, the County began utilizing a Fairfax County contract for its Personal Computer (PC) Workstations, Servers and Services requirements. The contract covered the period from August 1st through July 31st. Staff would request annual award at the beginning of each Fiscal Year (FY) once the new FY budget was adopted. The Fairfax County contract ended in February 28, 2015. The County then began using the Commonwealth of Virginia contract effective March 1, 2015. At that time, a contract was awarded to Dell Marketing, LP in the amount \$500,000 under staff authority. On September 16, 2015, the Board of Supervisors authorized a contract increase in the amount of \$1,400,000 utilizing the Commonwealth of Virginia contract for FY 2016 PC requirements.

The contract provides desktop and laptop computers (i.e. for computer replacements, and those for new employees, special projects, capital projects/CIP, etc.) for all County agencies. The contract also covers warranty and maintenance services and equipment upgrade components in addition to quarterly technology briefings for the Department of Information Technology (DIT) technical support staff; telephonic technical support for DIT technical support staff; and upgraded and new equipment as technology advances. Dell provides the County with an enhanced online PC ordering system, multiple options for maintenance and service of equipment, simplified software imaging, staff training and discounted pricing. The contract also provides central data center servers and server staff augmentation services.

The current contract is set to expire on March 30, 2016, however, the contract has three (3), one (1) year renewal options and staff wishes to utilize the first renewal option. The intent of this item

is to request contract award authority approval for the County's anticipated FY 2017 PC requirements. This request is for award authority purposes only and the actual number of PC's to be purchased is subject to the FY 2017 Board appropriations.

ISSUES: If the contract renewal is not approved, purchases for the servers, staff services, and FY 2017 replacement and new personal computers will not occur. DIT will focus on the replacement of the oldest computers and equipment that fail or no longer satisfy functional requirements. As a general rule, desktop computers are replaced after completing their sixth year of operation and laptop computers after four years of utilization.

FISCAL IMPACT: Funding is proposed in the FY 2017 budget as follows:

Computer Replacement Budget:	\$1,225,000
New FTE's equipment from Departmental Budgets: \$	50,000
Grants, CIP projects and other special initiatives	<u>\$ 100,000</u>
Total	\$1,375,000

ALTERNATIVES:

1. Recommend to the Board of Supervisors that the Purchasing Agent be authorized to renew the contract for Personal Computer Workstations, Servers and Services with Dell Marketing, LP in the amount of \$1,375,000.

OR

2. Do not recommend the contract renewal and direct staff to procure through open market bidding for the County's requirements. However, the County would not receive the benefits of the purchasing power of the Commonwealth of Virginia contract that was the result of a competitive bid for quantity requirements of the Commonwealth of Virginia.

DRAFT MOTIONS:

1. I move that the Finance/Government Operations and Economic Development Committee recommend to the Board of Supervisors that the Purchasing Agent be authorized to renew the contract for the purchase of Personal Computer Workstations, Servers and Services with Dell Marketing, LP in the amount of \$1,375,000.

OR

2. I move an alternate motion.

ATTACHMENT:

Anticipated Personal Computer/Server Equipment Purchases

ATTACHMENT

**Anticipated Personal Computer/Server Equipment Purchases
Proposed FY 2017**

Equipment Category	Cost
<u>Funded by the proposed FY 2017 Budget</u>	
Personal Computer Replacements	\$ 750,000
Servers and Services (estimated)	\$ 275,000
Server Maintenance	\$ 100,000
Contingency (Emergencies, Monitors, Disk Drives, etc.)	\$ 100,000
 Subtotal from FY 2017 Proposed Budget	 \$1,225,000
<u>Funded by other Sources</u>	
Equipment for proposed FY 2017 Enhancement Positions	\$ 50,000
Equipment for Grants, Special Projects, CIP Projects, etc. (estimated)*	<u>\$ 100,000</u>
 Subtotal from other Funding Sources	 \$ 150,000
TOTAL	\$1,375,000

The life cycle for office computers allows for replacement of desktop computers after six (6) years of useful life and four (4) years for laptop computers. The amount listed above for Personal Computer replacements will replace approximately 428 desktop and 334 laptop computers. DIT focuses replacement funds on the oldest equipment and equipment that fails or no longer satisfies functional requirements. Current replacement costs are approximately \$751 per desktop and \$1,059 per laptop.

*CIP projects that are anticipated to require computer purchases in FY 2017 include the new Public Safety Firing Range and Western Loudoun Sheriff’s Office. This number is an estimate of the new hardware that will be required as a result of the build out of these new facilities.

Date of Meeting: February 11, 2016

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**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS and ECONOMIC DEVELOPMENT
COMMITTEE
ACTION ITEM**

SUBJECT: **AWARD AUTHORITY INCREASE/Food and Supplies**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: February 11, 2016

STAFF CONTACTS: Steve Torpy, Parks, Recreation and Community Services
Karen Sheets, Parks, Recreation and Community Services
Diane C. Smith, Finance and Procurement

PURPOSE: To increase the award authority of the Food and Supplies contract.

RECOMMENDATIONS: Staff recommends that the Finance/Government Operations and Economic Development Committee (FGOEDC) recommend to the Board of Supervisors (Board) that the Purchasing Agent be authorized to increase the award authority for the Food and Supplies contract with Merchants Grocery Company, Inc. by \$107,000 for a new estimated amount of \$607,000.

BACKGROUND: On August 18, 2015, the County exercised a one-year contract renewal for Food and Supplies to Merchants Grocery Company, Inc. in the estimated amount of \$450,000 as a result of Loudoun County Public Schools (LCPS) contract number I14054. There are two additional one year renewal periods remaining on the LCPS contract.

The primary purpose of these contracts is to provide Parks, Recreation, and Community Services (PRCS) with food for the Area Agency on Aging (AAA) and the County After School Activities (CASA) Programs. However, the contract is available to support any County agency that has programs that require food. Items typically purchased under this contract include dry staples as well as chilled and frozen meats, dairy, fruits and vegetables, as well as paper products.

ISSUES: Historically, the Food and Supplies contract has been used to support AAA's Home Delivered Meals and Congregate Meals Program that the Central Kitchen prepares. In addition the Central Kitchen prepares meals for the three (3) Adult Day Centers and all meals for the Juvenile Detention Center (JDC), seven (7) days per week. The Central Kitchen also caters special events for county-wide government functions, and as needed, provides meals to the Loudoun County

Emergency Operations Center. The kitchen currently prepares an average of 680 meals per day; 625 of those meals are for the AAA Congregate Meal and Adult Day Center programs (325 daily meals) and the AAA Home Delivered Meal program (300 daily meals). Under a Memorandum of Understanding (MOU) with Department of Family Services, the kitchen provides three (3) meals per day and snacks to the juvenile detention residents for a total currently of fifty-five (55) daily meals. In FY 2014, the kitchen catered twenty (20) County events for which it prepared approximately 2,000 meals. The quality of food and cost per meal are very reasonable and offer a vitally needed service to seniors and juvenile detention residents. Frail homebound seniors are provided with one (1) hot nutritious meal five (5) days per week, and often the only daily human contact which provides an opportunity for a person to check on them. Seniors in the congregate meal program are provided with a nutritious meal and valuable socialization opportunities. The JDC meal program provides reliable, consistent and good quality food to detained youth seven (7) days per week. Staff is anticipating that the programs will provide at least 10% more meals in FY16 than in FY 14 based upon the continuous growth in seniors and youth participating in the County programs mentioned above. In addition, the cost of food has steadily increased since the inception of the contract in August 2013. The increase in participation as well as food costs are resulting in the need to increase the award authority of this contract.

This increase requires approval of the FGOEDC and the Board as the original contract was under staff authority in the amount of \$450,000. Due to increased needs, staff increased the contract under staff authority to \$500,000. However, the current contract period ends on August 15, 2016 and staff anticipates the need to spend an additional \$107,000 in order to provide food and related items through the remainder of the contract period. Per the Procurement Resolution, if a contract was awarded under staff authority and needs to be increased above \$500,000, approval is required by the FGOEDC and the Board.

FISCAL IMPACT: The County estimates spending an additional \$107,000 on food and supplies. Funding for this contract would come from the AAA's Central Kitchen budget and two grant budgets, the Title 3C/Congregate Meals and Title 3C/Home Delivered Meals. No additional appropriations are being requested for this contract award. The estimated award authority is based upon the anticipated requirements during the remainder of the contract period.

ALTERNATIVES:

1. Recommend to the Board of Supervisors that the Purchasing Agent be authorized to increase the award authority for the Food and Supplies contract with Merchants Grocery Company, Incorporated, by \$107,000 for a new estimated amount of \$607,000.

OR

2. Do not recommend award authority increase and direct staff on how to proceed.

DRAFT MOTIONS:

1. I move that the Finance/Government Operations and Economic Development Committee recommend to the Board of Supervisors that the Purchasing Agent be authorized to increase the award authority for the Food and Supplies contract with Merchants Grocery Company, Incorporated, by \$107,000 for a new estimated amount of \$607,000.

OR

2. I move an alternate motion.

Date of Meeting: February 11, 2016

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**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS AND ECONOMIC DEVELOPMENT
COMMITTEE
ACTION ITEM**

SUBJECT: **CONTRACT AWARD/Xerox Multi-Functional Devices and Print Management Services**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: February 11, 2016

STAFF CONTACTS: Wendy Wickens, Information Technology
Tim Dudek, Information Technology
Sandra Lineberry, Finance and Procurement

PURPOSE: To award a contract for lease, maintenance and print management services for Xerox Multi-Functional Devices.

RECOMMENDATION: Staff recommends the Finance/Government Operations and Economic Development Committee (FGOEDC) recommend to the full Board of Supervisors (Board) that the Purchasing Agent be authorized to award a contract for Xerox Multi-Functional Devices and Print Management Services to Xerox Corporation in the estimated amount of \$1,069,643.

BACKGROUND: Loudoun County Government currently uses 340 Xerox brand multi-functional devices (MFDs), for copy, scan, print, and fax functionality. This equipment is used extensively to scan documents for email and electronic storage of images using the County's imaging system. The MFDs are located throughout most County facilities and departments. The contract for these MFDs is administered by the Department of Information Technology. The costs of these devices are charged to each County department using a Central Services Fund and are on a five-year replacement cycle. This contract award encompasses the total annual operational costs of the Xerox equipment including lease, installation, removal, maintenance, supplies (excluding paper), managed print services and operational support.

The County began leasing copiers in FY 1991. This provides flexibility to meet customer needs; keeps the County's copier fleet current with technology and functionality, and eliminates large, one-time costs and depreciation losses. Since July 1, 2011, the County began using the The Cooperative Purchasing Network (TCPN) cooperative procurement contract, as it provides the best pricing to meet the County's needs. On June 17, 2015, the Board of Supervisors authorized the Purchasing Agent to award a contract for the lease and maintenance of Xerox Multi-

Functional Devices to Xerox Corporation in the estimated amount of \$1,027,496 utilizing TCPN contract. This contract provided for equipment leasing only.

Staff was made aware of and evaluated an additional TCPN contract vehicle for leased Xerox equipment, which included Managed Print Services (MPS).. It was determined that utilizing the MPS solution from Xerox would provide better cost control, asset management and continuous improvement to Loudoun County. This contract continues the lease of 340 Xerox MFDs while providing additional services. These services include the replacement of 150 older units, a monthly color pool allowance in addition to a black and white pool allowance, and Managed Print Services which provides for supplies/consumables ordering management, proactive monitoring & break/fix service and a dedicated Xerox Help Desk for Loudoun County. Xerox will also provide Loudoun County with one consolidated and customized invoice each month with itemized detail for each unit which will enable internal chargebacks. These services will decrease costs and response time and increase MFD availability and staff efficiency. This contract covers the period from March 1, 2016 through February 28, 2017 with a one year renewal option.

ISSUES: Staff has evaluated both leasing and ownership options for MFDs over the years. Leasing is an important option to consider. It relieves the County of the disposal responsibilities and allows for periodic equipment upgrades when new technology is introduced. Leasing eliminates the large, upfront costs when procuring devices. It also provides the flexibility to meet customer needs in a changing market. Owning creates large, one-time costs and depreciation losses. Useful life of equipment could be at risk of technological obsolescence in the near future. Failure to maintain the MFDs would have a very serious impact upon county-wide government operations.

FISCAL IMPACT: Since the new contract will cover the period from March 1, 2016 through February 28, 2017, it will include both FY 2016 and FY 2017 expenditures. The estimated remaining FY 2016 (March 1 through June 30, 2016) lease, maintenance, and operational costs for existing, replacement, and new equipment provided through this contract are approximately \$271,441. Funding for these devices is allocated by the FY 2016 Central Services Fund which is provided through chargebacks to the appropriate County departments, grants and project appropriated funds.

The estimated FY 2017 lease, maintenance, and operational costs for existing, replacement, and new equipment provided through contract expiration of February 28, 2017, are approximately \$798,202. Funding for these devices is proposed in the FY 2017 Central Services Fund which is provided through chargebacks to the appropriate County departments, grants and project appropriated funds.

ALTERNATIVES:

1. Recommend to the full Board of Supervisors that the Purchasing Agent be authorized to award a contract for Xerox Multi-Functional Devices and Print Management Services to Xerox Corporation in the estimated amount of \$1,069,643.

OR

2. Do not recommend the contract award, however, this alternative is not recommended for the reasons stated above.

DRAFT MOTIONS:

1. I move that the Finance/Government Operations and Economic Development Committee recommend to the full Board of Supervisors that the Purchasing Agent be authorized to award a contract for Xerox Multi-Functional Devices and Print Management Services to Xerox Corporation in the estimated amount of \$1,069,643.

OR

2. I move an alternate motion.

Date of Meeting: February 11, 2016

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**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS AND ECONOMIC DEVELOPMENT
COMMITTEE
INFORMATION ITEM**

SUBJECT: **FY 2017 Community Development Block Grant (CDBG)
Funding Recommendation**

ELECTION DISTRICT: Countywide

STAFF CONTACTS: Beth Rosenberg, CDBG/Housing Finance Programs Manager,
Family Services
Ellen Grunewald, Director, Family Services

PURPOSE: In April 2013, the Board of Supervisors requested that an update on proposed CDBG funding be presented to the Finance/Government Operations and Economic Development Committee (FGOEDC) each year and prior to the Board of Supervisors' proposed budget deliberations and prior to the Public Hearing on the CDBG funding allocations.

BACKGROUND: The Community Development Block Grant (CDBG) program is authorized by Title I of the Housing and Community Development Act of 1974, as amended. It provides annual grant allocations on a formula basis to entitled metropolitan cities and urban counties. The grants are used to implement a wide variety of community and economic development activities directed toward neighborhood revitalization and the provision of improved community facilities and services. CDBG funds are to be used primarily for the benefit of low and moderate income residents. In October 2003, Loudoun County achieved Urban County status with a population exceeding 200,000, and became eligible to receive an annual allocation of CDBG funds, as an Entitlement Program Grantee, from the U.S. Department of Housing and Urban Development (HUD).

The County solicits applications annually from non-profit organizations, County agencies, and Town governments in Loudoun for eligible public service and capital projects to be funded by CDBG. The applications are ranked by the CDBG Review Committee which makes funding recommendations to the Family Services Advisory Board (FSAB). The Review Committee is composed of two members of the FSAB and one member of the Housing Advisory Board.

The Review Committee members each independently review and score the applications on the following evaluation criteria:

- project description;
- project budget;
- benefits to low and moderate income population;
- relationship to federal CDBG program goals;
- organizational capacity; and
- affordable housing development experience (if applicable to the project).

The committee then meets as a group to discuss and rank the project applications. The committee makes funding recommendations based on the number ranking assigned to each project, and the other evaluation criteria. The Review Committee forwards its funding recommendations to the FSAB for review. The FSAB considers the committee's recommendations and then forwards its final recommendations to the Board of Supervisors for public hearing and approval. On January 14, 2016, the FSAB received a presentation on the CDBG Review Committee's funding recommendations. The FSAB discussed and approved the recommendations to be forwarded to the FGOEDC to inform the committee members of the proposed funding recommendations.

These funding recommendations will be included in the Annual Action Plan, a HUD-required annual plan that the County must prepare and submit to HUD each year to continue as an entitlement grantee to receive federal CDBG funds. The Annual Action Plan includes planned uses of CDBG funds, community needs, resources expected to be available, and proposed housing, homeless, and community development activities that will benefit low and moderate income residents. The draft Annual Action Plan will be made available for public comment for a 30 day time period beginning in early March, and provided for the Board of Supervisors' Public Hearing on April 13, 2016. The County's 2014-2018 Citizen Participation Plan, which was approved by the BOS on April 2, 2014, requires a Public Hearing on CDBG program Annual Action Plans. Board of Supervisors approval for the Annual Action Plan is required before submission of the plan to HUD by the May 13, 2016 due date. The Annual Action Plan will be forwarded to the April 21, 2016 BOS Business Meeting for approval.

ISSUES: On January 11, 2016, the CDBG Review Committee met to discuss and rank the FY 2017 CDBG competitive applications and formulate funding recommendations. Fourteen (14) applications were received that totaled \$1,162,374 in funding requests. The Committee also discussed reallocating \$565 in grant funding that was returned to the program by prior year grantees. The CDBG Review Committee recommended reallocating these unexpended funds to CDBG projects for FY 2017. It is important to note that the Loudoun County Citizen Participation Plan, adopted by the Board of Supervisors on April 2, 2014, provides authority to reallocate funds returned to the program to eligible projects.

Ten (10) project applications are recommended for funding for FY 2017 totaling \$800,565 in CDBG funds. Four (4) organizations that applied for funding for Public Service projects were

not recommended for funding due low overall scores based on the scoring criteria, and the HUD CDBG policy that limits the amount of funds that can be used annually for public service projects. The project funding recommendations are detailed in the funding matrix on Page 4 of this document. In prior years, the Board has received comments from grant applicants that were not recommended for funding or who disagreed with the funding recommendations. At this time, staff is not aware of pending comments or concerns from any of the applicants.

FISCAL IMPACT: The estimated total amount of CDBG funding available for projects (public service and capital projects) for FY 2017 is \$800,565 and includes the anticipated FY 2017 CDBG allocation of \$1,000,000 and \$565 in unexpended funds that were returned to the program in FY 2016, less \$200,000 in administrative and program costs. The breakdown of CDBG funds available to fund projects follows:

Source	Type of funding	Amount
Prior Year CDBG Funds	Unexpended Funds returned to program	\$ 565
HUD Grant	Estimated FY 2017 Grant Allocation	\$1,000,000
HUD Grant	Program Administrative Costs [not to exceed 20% of grant per 24 CFR 570.200 (g)]	- \$ 200,000
TOTAL Available for Projects		\$ 800,565

CDBG funds cover administrative and program costs; no local match funding is required.

Refer to Page 4 for a complete listing of projects and funding recommendations.

CDBG Program Year 13 (FY 2016-2017)
Family Services Advisory Board Funding Recommendation

PROJECT/ORGANIZATION	PROJECT DESCRIPTION	CDBG AMOUNT REQUESTED	RECOMMENDED FUNDING	NUMERICAL RANKING
Public Service Projects				
Healthy Families Loudoun (INMED)	Case Management for pregnant women, adolescents, families and children	\$51,119	\$46,007.10	1
Oral Health Program (Northern VA Dental Clinic)	Provides oral health care services to low-income and uninsured adult residents of Loudoun County	32,000	28,800.00	2
Dental Care for Adults (HealthWorks for Northern Virginia)	Dental care for adults aged 65 and older	36,499	21,899.40	3
Homeless Prevention Case Management (Good Shepherd Alliance)	Case management for homeless families; resources and referrals to stabilize families and prevent homelessness	35,270	21,162.00	4
Loudoun Accessible Medication Program (Northern Virginia Family Service)	Assist low income and elderly to access free prescription medications from pharmaceutical companies	38,954	12,932.73	5
Crossroads Jobs (Crossroads)	Provide job search training and services to unemployed and under-employed Loudoun residents	58,125	19,198.77	6
Liberty's Promise	After-school civic engagement program for low-income immigrant youth	30,000	0	7
Loudoun Dental Link Program (Northern VA Family Service)	Provides eligibility determination and links clients to affordable oral health care	25,894	0	8
NAMI Northern Virginia	Expand 3 peer support and education programs serving persons living with mental illness	9,179	0	9
Dept. of Mental Health, Substance Abuse and Developmental Services (MHSADS- Furniture)	Furniture replacement for residential group homes	72,000	0	10
Total CDBG Funds Recommended for Public Service Projects		\$389,040	\$150,000.00*	
Capital Projects				
		AMOUNT REQUESTED	AMOUNT RECOMMENDED	NUMERICAL RANKING
Family and Youth Opportunity Center (INMED)	Leasing and operating costs for community center serving at-risk families and youth	\$144,834	\$144,834.00	1
LAWS (Loudoun Citizens for Social Justice)	Roof replacement for LAWS community service center which serves persons experiencing and at risk for domestic violence	50,000	50,000.00	2
Dept. of Mental Health, Substance Abuse and Developmental Services (MHSADS- Security)	Increase security at residential group homes by installing key card access system at 17 homes in the County	78,500	78,500.00	3
Existing Properties Program (Habitat for Humanity)	Acquire and rehabilitate properties for resale to low-income Habitat partner families	500,000	377,231.00	4
Total CDBG Funds Recommended for Capital Projects		\$773,334	\$650,565.00	
TOTAL Funding Recommended for ALL Projects			\$800,565.00	

* Note: HUD CDBG Program Regulations limit CDBG funding for Public Service Projects to a maximum of 15% of the total anticipated FY 2017 (Program Year 13) allocation (15% of \$1,000,000 = \$150,000).

Date of Meeting: February 11, 2016

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**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS
AND ECONOMIC DEVELOPMENT COMMITTEE
ACTION ITEM**

SUBJECT: FY 2016 Capital Improvement Program Amendment/ Tall Cedars Parkway

ELECTION DISTRICT: Dulles

CRITICAL ACTION DATE: February 11, 2016

STAFF CONTACTS: Peter Malgieri, Transportation and Capital Infrastructure
Daniel Csizmar, Transportation and Capital Infrastructure
Joe Kroboth, Transportation and Capital Infrastructure

PURPOSE: To amend the FY 2016 Capital Improvement Program (CIP) and budget by approving a budget adjustment to appropriate and transfer \$915,918.38 in cash proffers in the Public Facilities Fund to the Capital Fund to fund the Tall Cedars Parkway capital project.

RECOMMENDATIONS: Staff recommends that the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors (Board) amend the FY 2016 CIP and budget to appropriate and transfer \$915,918.38 in cash proffers in the Public Facilities Fund to the Capital Fund for the Tall Cedars Parkway between Pinebrook Road and Gum Spring Road capital project in FY 2016.

BACKGROUND: On April 3, 2013, the Board adopted the FY 2013 – FY 2018 Capital Improvement Program (CIP) and Budget (5-3-1, Supervisors Delgaudio, Reid and Volpe voting “no”, Supervisor Clarke absent), including funding appropriations for capital projects in FY 2014. Funding appropriations in FY 2014 included \$7,635,000 in cash proffers to design and construct a four-lane section of Tall Cedars Parkway between Pinebrook Road and Gum Springs Road. On December 4, 2013 the Board approved (8-0-1, Delgaudio absent) an amendment to the Adopted FY 2014 CIP by appropriating \$2,502,188.35 in cash proffers in the Public Facilities Fund and transferring it to the Capital Fund to construct a half section of Tall Cedars Parkway from Riding Center Drive to Pinebrook Road.

Due to delays in land acquisition for the project, higher than anticipated land acquisition costs, and the need to relocate a current tenant from one of the properties being acquired to accommodate the project, staff estimates a funding shortfall of approximately \$915,918. Having the requested funding available now would assist in delivering all of the required right-of-way in a timely manner for the Tall Cedars project.

Staff has requested, and received, cash proffer determinations for the following proffers which can be used to close the deficit on the Tall Cedars Parkway capital project:

Table 1. Cash Proffers Available to Fund Improvements to Tall Cedars Parkway

Application Name	Application Number	Sequence Number	Total Funding
Blue Springs View	ZMAP-2000-0012	99063666	\$0.30
Braddock Corner	ZMAP-2002-0020	99065511	\$0.37
Frontier Spring	ZMAP-2004-0008	99066647	\$0.04
Greenfield Crossing	ZMAP-2003-0002	99066268	\$0.50
Kimmitt Property	ZMAP-2005-0016	99066983	\$49,739.74
Treburg	ZMAP-2004-0019	99067640	\$0.15
Stone Ridge	ZMAP-1994-0017	96075230	\$32,955.28
East Gate One	ZCPA-2011-0008	99072560	\$0.66
East Gate Three	ZCPA-2011-0009	99072602	\$0.34
Stone Ridge	ZMAP-1994-0017	96072359	\$155,854.00
Avonlea Reserve	ZMAP-2012-0009	99073650	\$677,367.00
Total			\$915,918.38

ISSUES: An amendment to the FY 2016 CIP is required in order to transfer additional funds from the Public Facilities Fund to the Capital Fund for the Tall Cedars Parkway project. If the Board chooses to not appropriate the use of proffer funding for the project, then the County will not have sufficient funding available to complete construction of the Tall Cedars Parkway project.

FISCAL IMPACT: Zoning Administration staff issued cash proffer determinations (ZCOR-2013-0015; ZCOR-2013-0098; ZCOR-2015-0025; ZCOR-2015-0207) indicating the cash proffers requested are appropriate for the proposed use. If approved by the Board, staff will prepare a budget adjustment to appropriate \$915,918.38 in cash proffers in the Public Facilities Fund, as shown in Table 1, and transfer that amount to the Capital Fund for the Tall Cedars Parkway project.

ALTERNATIVES: The Board may choose to recommend the transfer of some, none or all of the requested \$915,918.38 funding for the road capital project. If the Board does not fully fund the request, staff would have to identify other sources of proposed funding for the project.

DRAFT MOTIONS:

1. I move the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors amend the FY 2016 Capital Improvement Program and budget by appropriating \$915,918.38 in cash proffers in the Public Facilities Fund, as shown in Table 1, and transfer that amount to the Capital Fund to fully fund the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road.

OR

2. I move an alternate motion.

ATTACHMENTS:

1. ZCOR-2015-0207, Cash Proffer Determination – Request from DTCI to use Avonlea Research cash proffer funds for the design and construction of Tall Cedars Parkway.
2. ZCOR-2015-0025, Cash Proffer Determination – Use of Stone Ridge cash proffers to fund the design and installation of a traffic signal at Tall Cedars Parkway and Gum Spring Road.
3. ZCOR-2013-0015, Cash Proffer Determination – FY 2014 CIP Cash Proffer Request for Tall Cedars Parkway.
4. ZCOR-2013-0098, Cash Proffer Determination – FY 2014 Cash Proffer Request Use of Cash Proffers for Tall Cedars Parkway.

CORRESPONDENCE SUMMARY

DATE: December 23, 2015

CORRESPONDENCE NUMBER: ZCOR 2015-0207

SUBJECT: Request from DTCI to use Avonlea Reserve cash proffer funds for the design and construction of Tall Cedars Parkway

1993 Ordinance Reference Numbers: N/A

1972 Ordinance Reference Numbers: N/A

Other Applicable Reference Numbers: ZMAP 2012-0009*
(LSDO/FSM/ZMAP/SPEX)

Applicable Tax Map/PIN Numbers: N/A

Election District: Dulles

Correspondence Summary: It is appropriate to use the funds in LMIS Sequence Number 99073650 to fund the design and construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road.

PROPERTY OWNER:
AVONLEA HOMEOWNERS ASSOCIATION
c/o TODD SINKINS R/A
1900 GALLOWS RD STE 700
VIENNA, VA 22182-4098

Author: Kelly Griffin (DTCI) & Amy Kresge

*Indicates where to file

Is this a determination? Check one: Yes No

County of Loudoun

Department of Planning and Zoning

MEMORANDUM

DATE: December 23, 2015

TO: Susan Glass, Program Manager, Department of Transportation and Capital Infrastructure (DTCI)

FROM: Amy Kresge, Proffer Program Manager *AK*

SUBJECT: **ZCOR 2015-0207, Proffer Determination Regarding the Use of Avonlea Reserve Proffer Funds for the Design and Construction of Tall Cedars Parkway**

This correspondence is sent in response to your November 24, 2015, memorandum to Mark Stultz, Zoning Administrator, and myself, which requested a proffer determination concerning the use of specific cash proffer funds received from the developer of Avonlea Reserve to fund the design and construction of Tall Cedars Parkway. The Tall Cedars Parkway project will construct a four lane, median divided roadway between Gum Spring Road and Pinebrook Road.

The following table summarizes the appropriateness of the use of the requested funds. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

APPLICATION #	APPLICATION NAME	SEQ #	BALANCE	APPROPRIATE
ZMAP 2012-0009	Avonlea Reserve	99073650	\$677,367	Yes

Request: DTCI requests the use of \$677,367 of the Avonlea Reserve Proffer VII.20.a. account, LMIS Sequence #99073650/Oracle Award Y01180, to fund the design and construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. The Loudoun County Board of Supervisors approved ZMAP 2012-0009, Avonlea Reserve, on September 4, 2013, subject to the Proffer Statement dated August 29, 2013. As stated in the proffer text below, Proffer VII.20.a. provided for a lump sum cash contribution in the amount of \$657,000, to be paid prior to the approval of the first record plat for one or more residential lots on the Property. Said contribution shall be used for regional road or transportation improvements within the vicinity of the subject Property.

20. **Cash Contributions.**

a. **Regional Road Improvements.** The Applicant shall provide, prior to the approval of the first record plat for one or more residential lots on the Property, a lump sum cash contribution to the County in the amount of \$657,000, which amount is calculated based on an anticipated maximum of 103 lots at \$6,375 per lot. If the first record plat encompasses the entire Property, and in the event the total number of residential lots approved in that first record plat is greater than 103, this lump sum contribution shall be increased by an amount equal to the product of the number of additional residential lots above 103 multiplied by \$6,375. For example, if 109 residential lots are approved in the first record plat, the lump sum contribution shall be increased by \$38,250. The first preliminary subdivision plat or site plan approved for the Property shall encompass the entire Property, and the said lump sum cash contribution payable at first record plat shall, in any event, be an amount equal to the product of the number of residential lots or units shown on the approved preliminary plat or site plan multiplied by \$6,375. If the subdivision or other division of the Property is phased such that fewer than 103 lots or dwelling units are created on the first record plat, the said lump sum cash contribution payable at first record plat shall still be based upon the number of residential lots or units shown on the approved preliminary plat or site plan multiplied by \$6,375. This cash contribution shall be used for regional road or transportation improvements within the vicinity of the Property, as determined by the County. This cash contribution amount shall be adjusted on an annual basis from the base year of 2013 and change effective each January 1 thereafter, based on the CPI.

On August 28, 2015, Toll Brothers contributed \$677,367 pursuant to Avonlea Reserve Proffer VII.20.a.; the proffer is fulfilled. The account has earned \$0 in interest and \$0 has been dispersed from this proffer account (LMIS Sequence #99073650/Oracle Award Y01180). The current balance is \$677,367.

The Loudoun County FY 2016 Adopted Capital Improvement Program (CIP) includes a previously authorized project to construct a four lane section of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. The project also provides for the construction of a half section of Tall Cedars Parkway between Pinebrook Road and Riding Center Drive.

Determination: It is appropriate to use the current balance, plus any interest earned, in LMIS Sequence #99073650/Oracle Award Y01180 to fund the design and construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. The funds contributed pursuant to Proffer VII.20.a. of ZMAP 2012-0009 shall be used for regional road or transportation improvements within the vicinity of Avonlea Reserve. The phrase “within the vicinity” has been defined in previous proffer determinations to mean within the same Planning Subarea as the

Susan Glass
December 23, 2015
Page 3 of 3

development where the funds were contributed. Because the boundary of ZMAP 2012-0009, Avonlea Reserve, and the segment of Tall Cedars Parkway to be constructed are both located in the Dulles Planning Subarea, it is appropriate to use the funds contained in LMIS Sequence #99073650/Oracle Award # Y01180 to fund the design and construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road (See attached Vicinity Map).

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist as of the date of this letter and such proffers may be amended by a subsequent Zoning Concept Plan Amendment.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the proffer conditions attached to a rezoning or amendment to the zoning map, may appeal said decision within thirty (30) days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions concerning this correspondence, you may call me at 703-737-8890 or contact me via email: amy.kresge@loudoun.gov.

Attachment: Vicinity Map

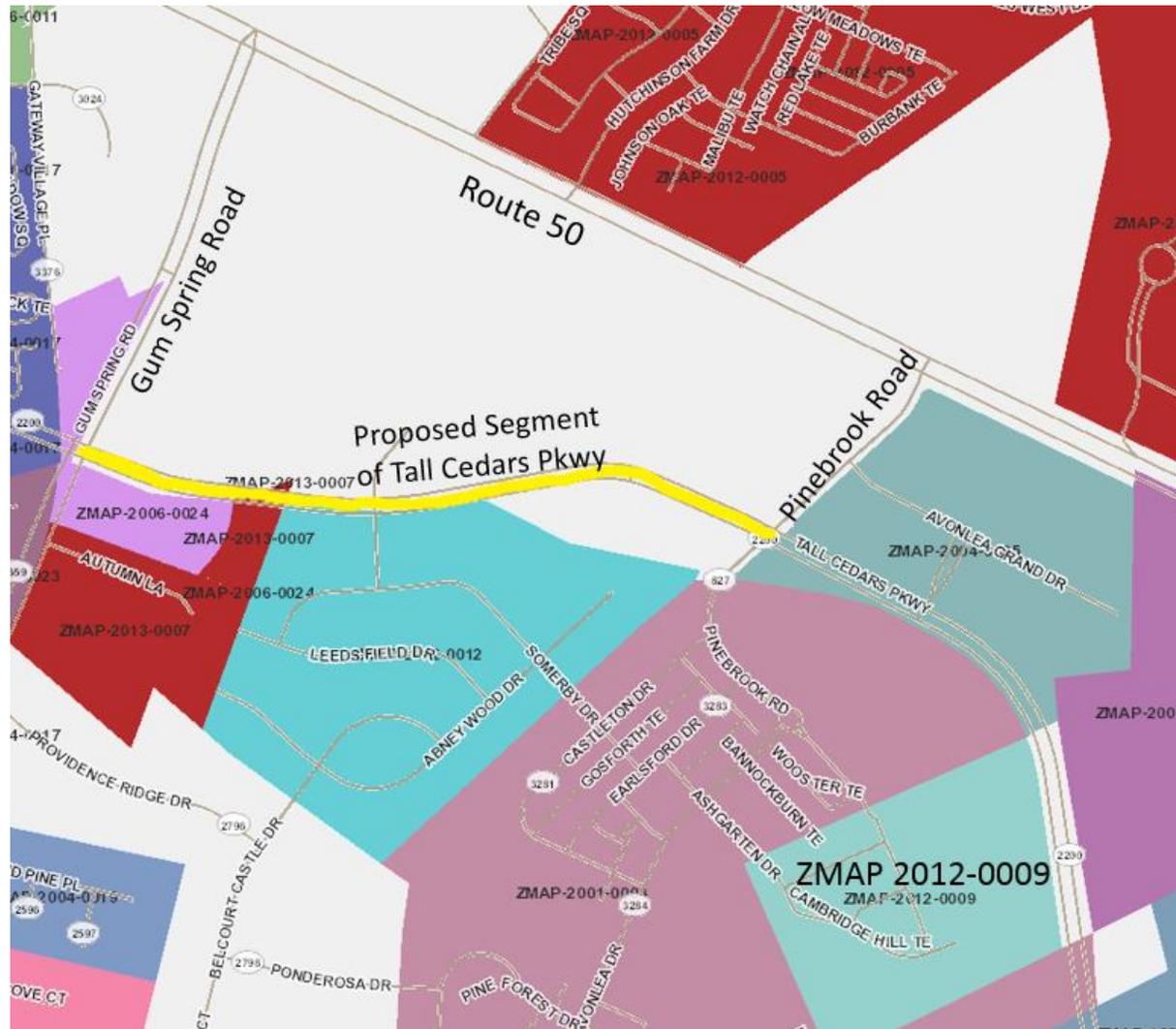
cc via email: Scott K. York, Chairman At-Large
Matthew F. Letourneau, Dulles District Supervisor
Robin Bartok, Staff Aide to Chairman York
Terrie Laycock, Special Projects Manager, DTCI
Dan Csizmar, Capital Budget Manager, DTCI
Peter Malgieri, Capital Budget Specialist, DTCI
Ricky W. Barker, AICP, Director, Planning and Zoning
Mark Stultz, Zoning Administrator

cc via U.S. Mail: Avonlea Homeowners Association
c/o Todd Sinkins R/A
1900 Gallows Road, Suite 700
Vienna, VA 22182-4098

ZCOR 2015-0207

VICINITY MAP

Cash Proffer Funds from ZMAP 2012-0009 for Tall Cedars Parkway



COUNTY OF LOUDOUN
DEPARTMENT OF PLANNING AND ZONING
MEMORANDUM

DATE: February 25, 2015

TO: Susan Glass, Program Manager, DTCI

FROM: Kelly Griffin, Proffer Auditor *KAG*

SUBJECT: Use of Stone Ridge Cash Proffers to Fund the design and installation of a traffic signal at Tall Cedars Parkway and Gum Spring Road (Route 659)

This correspondence is sent in response to your memorandum, dated February 13, 2015, in which you requested a determination regarding the use of the proffer funds listed in the table below for the design and installation of a traffic signal at Tall Cedars Parkway and Gum Spring Road (Route 659).

The following table summarizes the appropriateness of the use of the requested funds; a detailed analysis of each proffer fund is included in this cash proffer determination. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

APPLICATION #	APPLICATION NAME	SEQ #	BALANCE	APPROPRIATE ?
ZMAP-1994-0017	Stone Ridge	96072359	\$150,711.34	Y

Request: The Department of Transportation and Capital Infrastructure requests the use of \$150,711.34 of the Stone Ridge Proffer II.F.1.(3) account, LMIS Sequence #96072359 (Oracle Award #Y00989), to fund the design and installation of a traffic signal at the intersection of Tall Cedars Parkway and Gum Spring Road (Route 659) (see Attachment 1). The Loudoun County Board of Supervisors approved ZMAP-1994-0017 on December 20, 1995 subject to the proffer statement dated November 28, 1995 and the Letter of Clarification dated December 14, 1995. As stated in the proffer text below, Proffer II.F.1.(3) provides for the installation of a traffic signal at the intersection of Tall Cedars Parkway and Gum Spring Road (Route 659) when the signal is warranted by VDOT. The proffer also provides an alternative cash contribution of \$100,000 plus CPI escalation if the signal is not warranted prior to the issuance of the 2,200th residential zoning permit or prior to the issuance of zoning permits for 2,500,000 gross square feet of non-residential uses.

F. SIGNALIZATION

1. *Developer shall install signalization at such time as warranted by VDOT criteria (i.e., the Manual on Uniform Traffic Control Devices) at the intersections of:*

(1) Route 50 and Stone Ridge Parkway.

(2) Existing Route 659 and Route 50; provided that this signalization proffer shall become null and void if VDOT warrants for signalization at this location have not been issued at the time of the filing of the first record plat for right-of-way for the West Spine Road between Tall Cedars Parkway and Route 50, the Developer having committed to provide signalization as part of the intersection improvements at Route 50 and the West Spine Road.

(3) Tall Cedars Parkway and Route 659.

(4) West Spine Road (existing Route 659) and Boulder Drive.

(5) Future West Spine Road and Route 50.

The cost of the foregoing traffic signals will be bonded at the time of the filing of the record plat for each of such intersections. If the necessary warrants have not been met by the time that zoning permits are issued for the two thousand two hundredth (2,200th) residential unit or zoning permits are issued for two million five hundred thousand (2,500,000) gross square feet of nonresidential uses on the Property, the Developer shall make a cash contribution to the County of One Hundred Thousand Dollars (\$ 100,000), escalated in accordance with the Consumer Price Index ("CPI"), per signal not yet installed. Such contribution shall be held by the County to be used for the installation of such signal at such time as warrants are met.

Determination: The use of these funds as proposed is appropriate. Proffer II.F.1.(3) of ZMAP-1994-0017 states that the Developer shall install a traffic signal at the intersection of Tall Cedars Parkway and Gum Spring Road (Route 659) when warranted by VDOT. In the event that the necessary warrants for the signal have not been met by issuance of the 2,200th residential zoning permit or issuance of zoning permits for 2,500,000 gross square feet of non-residential uses, the Developer shall make a contribution of \$100,000, as escalated by the CPI. On December 31, 2013 Van Metre provided the proffered cash-in-lieu of construction payment of \$155,854.00 (\$100,000 + escalation) pursuant to Proffer II.F.1.(3) of ZMAP-1994-0017.

Loudoun County will be constructing the missing link of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. Funding for this project was approved in the FY 2013 Adopted Fiscal Plan. The County's project includes the design and installation of a traffic signal at the intersection of Gum Spring Road (Route 659)/Tall Cedars Parkway.

To date, the County has received \$155,854.00 pursuant to Proffer II.F.1.(3), of ZMAP-1994-0017; this proffer is fulfilled. This account has earned \$181.44 in interest and \$5,324.10 has been distributed, resulting in a current balance of \$150,711.34. The Department of Transportation and Capital Infrastructure is requesting the use of these funds specifically for the use of the proffered signal located at the intersection of Tall Cedars Parkway and Gum Spring Road (Route 659); therefore, it is appropriate to use the current remaining balance, \$150,711.34, plus any future accrued interest in LMIS Sequence #96072359 (Oracle Award #Y00989), for the traffic signal located at the intersection of Tall Cedars Parkway and Gum Spring Road (Route 659). Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, February 25, 2015 and such proffers may be amended by a subsequent Zoning Concept Plan Amendment. This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the proffer conditions attached to a rezoning or amendment to the zoning map, may appeal said decision within thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions concerning this correspondence, you may contact me via email (kelly.griffin@loudoun.gov) or call me at 703-771-5219.

Attachment: Attachment 1: Vicinity Map

Cc via email: Scott York, Chairman-At-Large
Robin Bartok, Staff aide to Chairman York
Matthew Letourneau, Dulles District Supervisor
Charles Yudd, Assistant County Administrator
Kenny Young, Assistant County Administrator
John Merrithew, Acting Director, Department of Planning & Zoning
Mark Stultz, Acting Zoning Administrator
Amy Kresge, Proffer Program Manager
Joe Kroboth, III, Director, DTCI
Chris Glassmoyer, Asst. Director, DTCI
Terrie Laycock, Special Projects Manager, DTCI
Dan Csizmar, Capital Budget Manager, DTCI

Cc via US Mail: Stone Ridge Association, Inc.

CORRESPONDENCE SUMMARY

DATE: April 23, 2013
CORRESPONDENCE NUMBER: ZCOR-2013-0015
SUBJECT: **FY 2014 CIP Cash Proffer Request for Tall Cedars Parkway**

Other Applicable Reference Numbers: SPEX-2006-0018*
ZCPA-2011-0008*
ZMAP-1994-0017*
ZMAP-2000-0008*
ZMAP-2000-0012*
ZMAP-2001-0010*
ZMAP-2002-0020*
ZMAP-2003-0002*
ZMAP-2004-0008*
ZMAP-2004-0019*
ZMAP-2005-0001*

Applicable Tax Map/PIN Numbers:

Correspondence Summary:

The current balances in the requested cash proffer accounts from ZCPA-2011-0008, ZMAP-1994-0017, ZMAP-2000-0012, ZMAP-2002-0020, ZMAP-2003-0002, ZMAP-2004-0008, ZMAP-2004-0019, and ZMAP-2005-0001 may be used for the development of Tall Cedars Parkway in FY 2014 of the FY 2013 - FY 2018 Capital Improvements Program (CIP) Budget.

PROPERTY OWNER:

RIDINGS AT BLUE SPRING HOA
10600 ARROWHEAD DR SUITE 225
FAIRFAX, VA 22030-7306

BRADDOCK CORNER HOMEOWNERS ASSOCIATION
6905 ROCKLEDGE DRIVE SUITE 800
BETHESDA, MD 20817-1873

LITTLE RIVER COMMONS COMMUNITY ASSOCIATION
3684 CENTERVIEW DRIVE SUITE 120
CHANTILLY, VA 20151-4301

7391 LEE HIGHWAY LLC
C/O DVS #1993-01/OCCUP EXP DEPT
1 CVS DRIVE
WOONSOCKET, RI 02895-6146

SOUTH RIDING PROPRIETARY
C/O TOLL BROTHERS INC
19775 BELMONT EXECUTIVE PLAZA
SUITE 250
ASHBURN, VA 20147

TREBURG HOMEOWNERS ASSOCIATION
9817 GODWIN DRIVE #201
MANASSAS, VA 20110-4156

STONE RIDGE VILLAGE CENTER LLC
C/O VAN METRE
9900 MAIN STREET SUITE 500
FAIRFAX, VA 22031-3907

GREENFIELD CROSSING HOA
4090 LAFAYETTE CENTER DRIVE SUITE A
CHANTILLY, VA 20151-1244

N V R MS CAVALIER LOUDOUN LLC
C/O COASTOAK GROUP
11700 PLAZA AMERICA DRIVE SUITE 310
RESTON, VA 20190-4752

M/I HOMES OF DC LLC & KB HOME VA INC
21355 RIDGETOP CIRCLE SUITE 220
STERLING, VA 20166-8503

Author: Susan Glass

*Indicates where to file

Is this a determination? Check one: Yes No

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: April 23, 2013

TO: Tim Hemstreet, County Administrator
Paul Brown, Assistant Director, Dept. of Transportation & Capital Infrastructure

FROM: Susan Glass, Proffer Manager *SBG*

SUBJECT: **FY 2014 CIP Cash Proffer Request for Tall Cedars Parkway**

This correspondence is sent in response to your memorandum, dated January 30, 2013, in which you requested a determination regarding the use of \$7,635,000 in cash proffers for the development of Tall Cedars Parkway in FY 2014 Capital Improvements Program (CIP) budget. The proposed Tall Cedars Parkway project is a regional road improvement that will construct a four lane median divided section of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road/Route 659. As shown on the attached vicinity map, this project is located in the current Dulles Planning subarea and it is within the bounds of the prior Dulles South Community Planning Area.

The following table summarizes the appropriateness of the use of the requested funds; a detailed analysis of each proffer fund is included in this cash proffer determination. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

Please note that the determinations related to the Subdivision Applications will be provided separately by Staff from Building & Development's Subdivision Group.

Application #	Application Name	SEQ#	INDEX	Appropriate?	Available Balance
ZMAP 2000-0012	Blue Springs View	99063666	911078	Yes	\$376,203
ZMAP 2002-0020	Braddock Corner	99065511	911242	Yes	\$1,199,747
ZMAP 2004-0008	Frontier Spring	99066647	911330	Yes	\$315,201
SPEX 2006-0018	Pinebrook Office West Pharmacy	99068548	911359	No	N/A
ZMAP 2001-0010	South Riding Station	99066364	911201	No	N/A
ZMAP 2004-0019	Treburg	99067640	911433	Yes	\$450,382
ZMAP 2000-0008	Dean Property	99065413	911194	No	N/A
ZMAP 1994-0017	Stone Ridge	96075230	911102	Yes	\$193,400
ZMAP 2003-0002	Greenfield Crossing	99066268	911507	Yes	\$390,750
ZMAP 2003-0002	Greenfield Crossing	99066269	911508	Yes	\$65,125

Application #	Application Name	SEQ#	INDEX	Appropriate?	Available Balance
ZMAP 2005-0001	Seven Hills	99066997	911574	Yes	\$2,022,742
ZCPA 2011-0008	East Gate One	99072560	911655	Yes	\$1,264,651
TOTAL					\$6,278,201

Request: The Department of Transportation and Capital Infrastructure requests the use of \$375,947 in cash proffers from ZMAP-2000-0012, Blue Springs View, sequence number 99063666, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2000-0012 at their November 19, 2001, Business Meeting, subject to the Proffer Statement dated October 25, 2001. As stated in the proffer text below, Proffer V. D provides for a contribution of \$2,400 per residential unit to be used at the County's discretion for regional road improvements in the Dulles Community Planning Area, with preferences stated for certain road improvements.

D. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS

In addition to the right-of-way dedications outlined above, the Applicant will provide, at the time of issuance of zoning permit for each residential unit, a one-time cash contribution in the amount of \$2,400.00 per residential unit, to be used at the County's discretion for regional road improvements within the Dulles Community Planning Area. First preference for the use of these funds will be for the funding of a traffic signal at the Rt. 50/Rt. 742 intersection. Second preference for the use of these funds will be for the upgrading of Rt. 609, pursuant to the County Wide Transportation Plan.

Determination: The use of these funds as proposed is appropriate; the proposed Tall Cedars Parkway project is a regional road in the Dulles Community Planning Area. The proffers specify a first preference for these funds to be used for a traffic signal at the intersections of Route 50 and Route 742/Poland Road. A traffic signal has already been installed at this intersection. Upgrading Route 609/Pleasant Valley Road is the second preference for the use of these funds. Improvements to Pleasant Valley Road in the vicinity of Blue Springs View have been constructed by the developers of East Gate One and Woodburn. Therefore, this proffer fund may be used to construct the proposed improvements to Tall Cedars Parkway.

The Applicant contributed \$320,345; this proffer is fulfilled. The proffer account has earned \$55,858 in interest; the current balance is \$376,203 (LMIS sequence #99063666). The current remaining balance, plus all additional interest earned in this account, may be used for the proposed Tall Cedars Parkway project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$1,198,928 in cash proffers from ZMAP-2002-0020, Braddock Corner, sequence number 99065511, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014

CIP. The Loudoun County Board of Supervisors approved ZMAP-2002-0020 at their April 6, 2004, Business Meeting, subject to the Proffer Statement dated February 25, 2004, as revised by the Letter of Clarification dated March 19, 2004. As stated in the proffer text below, Proffer 10 provides for a contribution of \$1,010,978 to be paid in two installments; each payment is subject to a CPI adjustment.

10. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS

The Applicant shall make a cash contribution to the County, in the amount of \$1,010,978.00 - - to be used at the County's discretion for regional road improvements within the Dulles South Community Planning Area, as defined by the Revised General Plan. This contribution will be paid in two payments as follows:

Payment 1: First \$505,489.00 (50 percent) paid at County approval of first Record Plat: and

Payment 2: Second \$505,489.00 (100 percent) paid at County approval of 81st Zoning Permit.

This contribution shall escalate beginning one year after zoning approval and be adjusted effective January 1st of each year thereafter, based on the CPI as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area

Determination: The use of these funds as proposed is appropriate. The proffer language provides that the funds may be used at the County's discretion for regional road improvements within the Dulles Community Planning Area, as defined by the Revised General Plan.

The Applicant contributed \$1,085,790; the proffer is fulfilled. The proffer account has earned \$113,807 of interest; the current balance is \$1,199,598 (LMIS sequence #99065511). The remaining cash balance and all future interest earned in this account may be used for the proposed Tall Cedars Parkway project.

Please be advised that a prior determination, ZCOR-2006-0303, authorized the use of all funds within the account to construct two lanes of Braddock Road between the eastern boundary of the Seven Hills development and Gum Spring Road. The County has not initiated a capital improvement project to upgrade that portion of Braddock Road; therefore, these funds have not been allocated to that project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$314,986 in cash proffers from ZMAP-2004-0008, Frontier Spring, sequence number 99066647, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2004-0008 at their July 12, 2005 Public Hearing, subject to the Proffer Statement dated July 8, 2005. As stated in the proffer text below, Proffer IV.11 provides a contribution of \$3,500 per residential dwelling unit to be used for regional road improvements within the Dulles South Community Planning Area.

11. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS.

The Applicant shall make a cash contribution to the County Board of Supervisors, prior to the issuance of the Zoning Permit for each residential dwelling unit, in the amount of \$3,500.00, to be used at the County's discretion for regional road improvements within the Dulles South Community Planning Area, as defined by the Revised General Plan. This contribution shall escalate beginning one year after zoning approval and be adjusted effective January 1st of each year thereafter, based on the CPI as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area.

Determination: The use of these funds as proposed is appropriate. The proffer language provides that the funds may be used at the County's discretion for regional road improvements within the Dulles South Community Planning Area; the proposed Tall Cedars Parkway project complies with Frontier Springs Proffer IV.11.

The Applicant contributed \$304,960. The account has earned \$10,202 of interest. The account has a current balance of \$315,162. (LMIS sequence #99066647). The proffer is fulfilled. The current balance, plus all additional interest and payments earned in this account, may be used for the proposed Tall Cedars Parkway project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$141,161 in cash proffers from SPEX-2006-0018, Pinebrook Office West Pharmacy, sequence number 99068548, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved SPEX-2006-0018 at their January 9, 2007, Public Hearing, subject to the Conditions of Approval dated November 6, 2006. Condition 10 provides for a donation of \$135,000 to be used by the County for the cost of design and/or construction of a grade separated interchange at Route 50 and Route 606 or for other road improvements on Route 50.

10. Regional Road Contributions.

The Applicant shall donate to the County the sum of One Hundred Thirty-Five Thousand Dollars (\$135,000.00), prior to issuance of the zoning permit, to be used toward the cost of the design and/or construction of a grade-separated interchange at Route 50 and Route 606 or for other road improvements on Route 50 at the discretion of the County. The sum shall escalate annually, from the time of County approval of the Special Exception Application, in accordance with the Consumer Price Index (CPI) published by the U.S. Bureau of Labor Statistics, U.S. Department of Labor.

Determination: The use of the funds as requested is not appropriate. Condition 10 provides that the funds may be used for the design and/or construction of a grade separated interchange at Route 50 and Route 606, or for road improvements to Route 50. The proposed construction of four lanes of Tall Cedars Parkway from Pinebrook Road to Gum Springs Road is not related to the development of the Route 50/606 interchange, and is not an improvement to Route 50. Therefore, the use of the funds as proposed is not appropriate.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$1,466,810 in cash proffers from ZMAP-2001-0010, South Riding Station, sequence number 99066364, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2001-0010 at their May 18, 2004 Business Meeting, subject to the Proffer Statement dated March 17, 2004, and as revised by the Memorandum of Clarification dated May 11, 2004. As stated in the proffer text below, Proffer D.8 provides for a contribution of \$2,213 per single family market rate unit; the funds are to be used for construction of the Street C/Route 50 interchange, with alternatives provided in the event that the interchange is not constructed.

8. **Street C/Route 50 Interchange.**

The Developer shall make a one-time cash contribution payable to the County of Loudoun in the amount of \$2,213.00 per single family market rate residential dwelling unit constructed on the Property. This contribution shall be paid prior to the issuance of a zoning permit for each market rate residential unit and shall be held by the County for construction of the Street C/Route 50 interchange. In the event an interchange is not to be constructed, as evidenced by the Board of Supervisors' adoption of a resolution or amending the Countywide Transportation Plan to remove the Street C/Route 50 interchange from the County's planned roadway improvements, these funds shall be used for road improvements in the Dulles South area, including but not limited to an interchange at Routes 50/606, widening of Route 50, the South Collector Road, Route 606 or Route 659. Notwithstanding the above, in the event the construction of the Street C/Route 50 interchange or the one-time cash contribution in lieu thereof is triggered under ZCPA 2001-0010, Proffer E. Transportation, 4.3.7. for South Riding, then the \$2,213.00 per single family market rate residential dwelling unit contribution to be made under this zoning, ZMAP 2001-0010, shall be accelerated to provide any remaining contributions within sixty (60) days of request by the County. (Also reference ZCPA 2001-0010, Proffer E. Transportation, 4.3.7. Street C/Route 50 Interchange).

Determination: The use of the funds as requested is not appropriate. The proffer language provides that the funds should be held by the County for the construction of the Street C/Route 50 Interchange. Street C is shown on the South Riding Concept Plan Sheet 2.1A, Linkages – Street Location and Design Guidelines as present day South Riding Boulevard. The Adopted 2010 Countywide Transportation Plan Road Map depicts a planned interchange at Route 50 and South Riding Boulevard. Therefore, at this time, the funds may not be used for the proposed Tall Cedars Parkway project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$450,075 in cash proffers from ZMAP-2004-0019, Treburg, sequence number 99067640, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2004-0019 at their October 17, 2006 Business Meeting,

subject to the Proffer Statement dated March 17, 2006, as revised through October 13, 2006. As stated in the proffer text below, Proffer IV.E provides for a \$10,000 per unit contribution to be used for regional transportation improvements within the immediate vicinity of the Property.

E. Regional Transportation Improvement Contribution

The Applicant shall contribute \$10,000 per unit to the County to be used for regional transportation improvements in the immediate vicinity of the Property, including the widening and construction of Route 659 (future West Spine Road) and the future Route 50/West Spine Road interchange. This contribution shall be made prior to the issuance of each residential zoning permit.

Determination: The use of these funds as proposed is appropriate. Constructing a four lane segment of Tall Cedars Parkway is a regional road improvement. The segment of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road is in the "immediate vicinity" of the Treburg development, which prior cash proffer determinations have defined as being within one mile of the development. Therefore, the use of the cash proffer accounts as proposed is appropriate.

The Applicant contributed \$447,323, the proffer is partially fulfilled. The account earned \$3002 of interest; the account current balance is \$450,326. (LMIS sequence #99067640). The current balance, plus future interest and contributions, may be used for the proposed Tall Cedars Parkway project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$118,221 in cash proffers from ZMAP-2000-0008, Dean Property, sequence number 99065413, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2000-0008 at their July 21, 2003 Business Meeting, subject to the Proffer Statement dated June 23, 2003, as revised by the Memorandum of Clarification dated July 11, 2003. As stated in the proffer text below, Proffer 9A provides for a contribution of \$2,000 per residential unit; the funds are to be used by the County and/or VDOT to improve Braddock Road between Routes 659 and 621, or if that roadway section has already been improved, the funds may be used for regional transportation improvements in the Dulles South Planning Area.

CASH CONTRIBUTION TOWARDS REGIONAL ROAD IMPROVEMENTS, TRANSIT, AND PEDESTRIAN/BICYCLE CORRIDOR IMPROVEMENTS

9. A. **Cash Contribution Toward Regional Roads.** The Applicant shall pay to the County on a per residential unit basis as provided for hereinafter up to the sum of Ninety-eight Thousand Dollars (\$98,000.00), as a contribution to the construction by the County and/or VDOT of regional transportation improvements in the Dulles South Planning area. The County shall use such funds for the improvement of the portion of Braddock Road between Routes 659 and 621, provided however, that in the event Braddock Road has been improved to its ultimate four lane section between Routes 621 and 659 prior to the Applicant fulfilling the regional road obligation of this paragraph, the County may, at its discretion, spend any sums remaining under this proffer on any other road improvements in the Dulles South Planning Area. Such contribution shall be paid to the County on a per residential unit basis at the rate of Two Thousand Dollars (\$2,000.00) per unit at the time of issuance of zoning permit for such residential unit. The per unit cash contributions proffered in this paragraph shall be adjusted annually in accordance with the CPI published by the Bureau of Labor Statistics, U.S. Department of Labor, beginning one year from the approval date of the rezoning of the Property.

Determination: The use of these funds as proposed is not appropriate. The proffer language provides that the funds shall be used for regional transportation improvements if Braddock Road has already been improved four lanes between Route 659 (Gum Spring Road) to Route 621 (Bull Run Post Office Road). Currently, this segment of Braddock Road is only two lanes and has not been improved to its ultimate four lanes, which this cash proffer is designated to be held for. Therefore, the use of the proffer as requested is not appropriate.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$193,268 in cash proffers from ZMAP-1994-0017, Stone Ridge, sequence number 96075230, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-1994-0017 at their December 20, 1995 Business Meeting, subject to the Proffer Statement dated November 28, 1995, as revised by the Letter of Clarification dated December 14, 1995. As stated in the proffer text below, Proffer II. I provides a contribution of \$.50 per gross square foot of industrial, office and retail uses that are developed within Stone Ridge; these funds are to be used for regional road improvements in the Dulles South Planning Area.

I. CASH CONTRIBUTION FOR REGIONAL ROAD IMPROVEMENTS

In addition to the foregoing proffers to construct certain regional road improvements, the Developer shall contribute to the County the sum of Fifty Cents (\$0.50) per gross square foot of the allowed 2,927,450 gross square feet of improvements in the areas zoned industrial (PD-IP and PD-GI), office (PD-OP), and retail commercial (PD-CC (SC)) within the Property. Such contributions, which shall be adjusted annually in accordance with increases in the Consumer Price Index, shall be made to the County at the time of issuance of each zoning permit for building improvements in these areas. The proceeds of these contributions shall be applied toward regional road improvements in the Dulles South Planning Area in the vicinity of the Property, including Route 659 Relocated but excluding the Western Bypass. Without limiting the foregoing sentence providing that the proceeds of these contributions shall be applied toward regional road improvements, if VDOT or the County require that an internal road contemplated by the Developer to be a two-lane road should be a four-lane road to serve a regional need, Developer may utilize these contributions to pay or obtain reimbursement for a portion of the cost of upgrading the two-lane road to a four-lane road.

Determination: The use of these funds as proposed is appropriate; the proposed Tall Cedars Parkway project is a regional road improvement within the former Dulles South Planning Area.

The Applicant contributed \$178,420; the proffer is partially fulfilled. The account earned \$14,956 of interest; the current balance is \$193,376. (LMIS sequence #96075230). The current balance, plus future contributions and interest, may be used for the proposed Tall Cedars Parkway project.

Please be advised that a prior determination, ZCOR-2006-0303, authorized the use of all funds within the account to construct two lanes of Braddock Road between the eastern boundary of the Seven Hills

development and Gum Spring Road. The County has not initiated a capital improvement project to upgrade that portion of Braddock Road; therefore, these funds have not been allocated to that project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$390,483 in cash proffers from ZMAP-2003-0002, Greenfield Crossing, sequence number 99066268, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2003-0002 at their June 1, 2004 Business Meeting, subject to the Proffer Statement dated March 29, 2004, as revised by the Letter of Clarification dated May 26, 2004. As stated in the proffer text below, Proffer III.C.1 provides for a contribution of \$3,000 per dwelling constructed on the Property; the funds shall be used for regional road improvements in the Dulles South Community Planning Area.

2. **Cash Contribution Towards Roads within the Dulles Community Planning Area.** Proffer III. C. 1. is hereby clarified and amended by deleting the existing language of Proffer III.C.1. and insertion of the following in its place:

1. **Cash Contribution Towards Roads within the Dulles Community Planning Area.** The Owner shall pay to the Board a cash contribution in the amount of Three Thousand Dollars (\$3,000.00) for each dwelling constructed on the Property, not to exceed a total of Three Hundred Twenty One Thousand and 00/100 Dollars (\$321,000.00). In order to expedite regional road funding, the Owner shall contribute 50% of the total cash contribution, One Hundred Sixty Thousand Five Hundred and 00/100 Dollars (\$160,500.00) prior to approval of the first record plat or first site plan for the Property, whichever occurs first in time. The Owner shall contribute the balance of the funds prior to the issuance of the 35th zoning permit on site. Such funds shall be used for the construction of regional road improvements in the Dulles South Community Planning Area. This cash contribution shall be adjusted annually in accordance with the CPI published by the Bureau of Labor Statistics, U.S. Department of Labor, beginning one year from the approval date of the rezoning of the Property, with 2004 as the base year.

Determination: The use of these funds as proposed is appropriate; the proposed Tall Cedars Parkway project is a regional road improvement within the former Dulles South Planning Area.

The Applicant contributed \$389,534; the proffer is fulfilled. The account earned \$1,167 of interest; the current balance is \$390,701. (LMIS sequence #99066268). The current balance, plus future interest earned in this account, may be used for the proposed Tall Cedars Parkway project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$65,080 in cash proffers from ZMAP-2003-0002, Greenfield Crossing, sequence number 99066269, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Springs Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2003-0002 at their June 1, 2004 Business Meeting, subject to the Proffer Statement dated March 29, 2004, as revised by the Letter of Clarification dated May 26, 2004. As stated in the proffer text below, Proffer III.C.2 provides for a contribution of \$53,500 to be used for the construction of regional road improvements, transit, park & ride facilities and/or ride-share programs in the Dulles South Community Planning Area.

3. **Cash Contribution Toward Regional Roads and/or Transit/Park & Ride-Share Programs.** Proffer III. C. 2. is hereby clarified and amended by deleting the existing language of Proffer III.C.2. and insertion of the following in its place:
 2. Cash Contribution Toward Regional Roads and/or Transit/Park & Ride-Share Programs. The Owner shall pay to the Board a cash contribution in the amount of Fifty Three Thousand Five Hundred and 00/100 Dollars (\$53,500.00). The Owner shall contribute 50% of the cash contribution, Twenty Six Thousand Seven Hundred Fifty and 00/100 Dollars (\$26,750.00) prior to approval of the first record plat or first site plan for the Property, whichever occurs first in time. The Owner shall contribute the balance of the funds prior to the issuance of the 35th zoning permit on site. Such funds shall be used for the construction of regional road improvements, transit, park & ride facilities, and/or ride-share programs in the Dulles South Community Planning Area at the discretion of the Board. This cash contribution shall be adjusted annually in accordance with the CPI published by the Bureau of Labor Statistics, U.S. Department of Labor, beginning one year from the approval date of the rezoning of the Property, with 2004 as the base year.

Determination: The use of these funds as proposed is appropriate; the proposed Tall Cedars Parkway project is a regional road improvement within the former Dulles South Planning Area.

The Applicant contributed \$64,922; the proffer is fulfilled. The account earned \$195 of interest; the current balance is \$65,117. (LMIS sequence #99066269). The current balance, plus future interest earned in this account, may be used for the proposed Tall Cedars Parkway project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$2,021,361 in cash proffers from ZMAP-2005-0001, Seven Hills, sequence number 99066997, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Springs Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2005-0001 at their March 21, 2006 Business Meeting, subject to the Proffer Statement dated February 14, 2006, as revised by the Letter of Clarification dated March 21, 2006. As stated in the proffer text below, Proffer XII.B.2 provides for the extension of utilities and street access to the school site. The proffer also contains a provision for the Owners to make a cash contribution to the county in the event that the County extends utilities and roads to the school.

2. Access and Extension of Utilities to School Site. The Owners shall (i) construct street access and sidewalks to the school site as shown on the Concept Plan, (ii) extend sewer, water, telephone, natural gas and electric service to the perimeter of the school site, and (iii) design and construct off-site from the school site such stormwater detention facilities as may be necessary to accommodate and detain stormwater runoff from the school site, including planned paved areas and buildings, all concurrent with the Owners' own development activities on the portion of the Property abutting the school site. In the event the Board of Supervisors requests the dedication of said site prior to the Owners being prepared to undertake development activities on any abutting development areas, the County shall be responsible for designing and obtaining all necessary approvals for the initial vehicular and pedestrian access from Route 659 and utilities and stormwater detention facilities necessary to serve the elementary school, and the Owners shall make a cash contribution to the County in the amount of the actual bid price for constructing such infrastructure pursuant to the actual contract awarded by the County for construction of such infrastructure; provided, however, that in the event, the County is required to utilize a pump and haul process to provide sanitary sewer service to the elementary school, the County shall pay all costs of designing, constructing and implementing such pump and haul facilities, and the Applicant shall only be responsible for constructing and installing the ultimate sanitary sewer mains and facilities necessary to serve the elementary school site, concurrent with the Owners' own development activities on the portion of the Property abutting the school site. If required to be made pursuant to this paragraph, the cash contribution referenced in the preceding sentence shall be paid to the County within thirty (30) days of the Owners' receipt of a written request for such payment by the County, which request shall include a copy of the actual contract awarded by the County.

Determination: The use of these funds as proposed is appropriate. Loudoun County Public Schools constructed Buffalo Trail Elementary School on the proffered school site at Seven Hills. On September 6, 2011, the County requested reimbursement of the costs for utility extensions and roadway construction (ZCOR 2011-0107). Woodlawn Development contributed \$2,017,440.23 as a reimbursement of the County's expense incurred during the construction of Buffalo Trail ES. This reimbursement can be used by the County for any project it chooses.

Proffer XII.B.2 is fulfilled. The funds have earned \$5,302 in interest; the current balance is \$2,027,742. The current balance, plus future interest earned in this account, may be used for the proposed Tall Cedars Parkway project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$641,525 in cash proffers from ZCPA-2011-0008, East Gate One, sequence number 99072560, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZCPA-2011-0008 at their November 9, 2011 Public Hearing, subject to the Proffer Statement dated October 21, 2011. As stated in the proffer text below, Proffer V.E.b provides for a contribution of \$1,198,290 for cash in lieu of construction of the third westbound lane on Route 50 and for the turn lanes at Route 50/Pleasant Valley Road. Proffer V.E.c stipulates that the contribution shall be used to either reimburse the party who constructed these improvements or for regional road or transportation improvements in the area bounded by Gum Spring Road, Route 50, Braddock Road and the Fairfax County line.

b. Notwithstanding anything in these Proffers to the contrary, VDOT has elected to construct certain improvements to Route 50, as identified below, in such a manner as to obviate any requirement the Owner may have had to construct certain regional road improvements heretofore proffered in ZMAP 2004-0020/ZCPA 2008-0010. The Owner shall not be responsible for the construction of the following specified improvements, but shall contribute to the County, or its designee, the sum of \$1,198,290.00 deemed equivalent to the cost of constructing the transportation improvements described below, in lieu of actual construction of these improvements. Such payment shall be made prior to the issuance of the first zoning permit in either East Gate One (ZCPA 2011-0008) OR East Gate Three (ZCPA 2011-0009):

1. **Third Lane, Route 50 Westbound:** A third westbound lane on Route 50 from the Loudoun/Fairfax County line west to the proposed intersection of Route 50 and Tall Cedars Parkway, being a distance of approximately 3,500 LF, such construction to tie into the construction proffered by ZCPA 2008-0011/ZCPA-2011-0009.
2. **Route 50/Pleasant Valley Road:** A second westbound Route 50 to southbound Pleasant Valley Road left turn lane, dedicated right turn lane and right turn acceleration lane; signal adjustments.

- c. Except for the contribution set forth in subsection (b), above, for the purposes of determining the in-lieu-of contributions as set forth in these Proffers, construction costs shall be deemed to include all engineering, surveying, bonding, permit fees, utility relocation, and other hard costs of construction based upon County bonding estimates for said construction per the County's Facilities Standards Manual. Such contribution in lieu of actual construction shall occur at the time the Applicants would otherwise have been required by these proffers to bond or construct such improvements. As determined by the County, any in-lieu contribution shall either be used to reimburse the party who constructed such improvements or for regional road or transportation improvements, transit and/or public recreational facilities in the portion of the Dulles Community as it is identified in the Revised General Plan and bounded by Route 50 to the north, Gum Spring Road (Route 659) to the west, Braddock Road to the south, and the Fairfax County line to the east.

Determination: The use of these funds for the proposed Tall Cedars Parkway project is appropriate. The segment of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road is located within the geographical area specified in Proffer V.E.c.

The Applicant fulfilled Proffer V.E.b by contributing \$1,262,998. The account earned \$1,495 of interest; the current balance is \$1,264,493. (LMIS sequence #99072560). The current balance, plus future interest earned in this account, may be used for the construction of Tall Cedars Parkway.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, April 23, 2013, and such proffers may be amended by a subsequent Zoning Concept Plan Amendment. This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government

Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

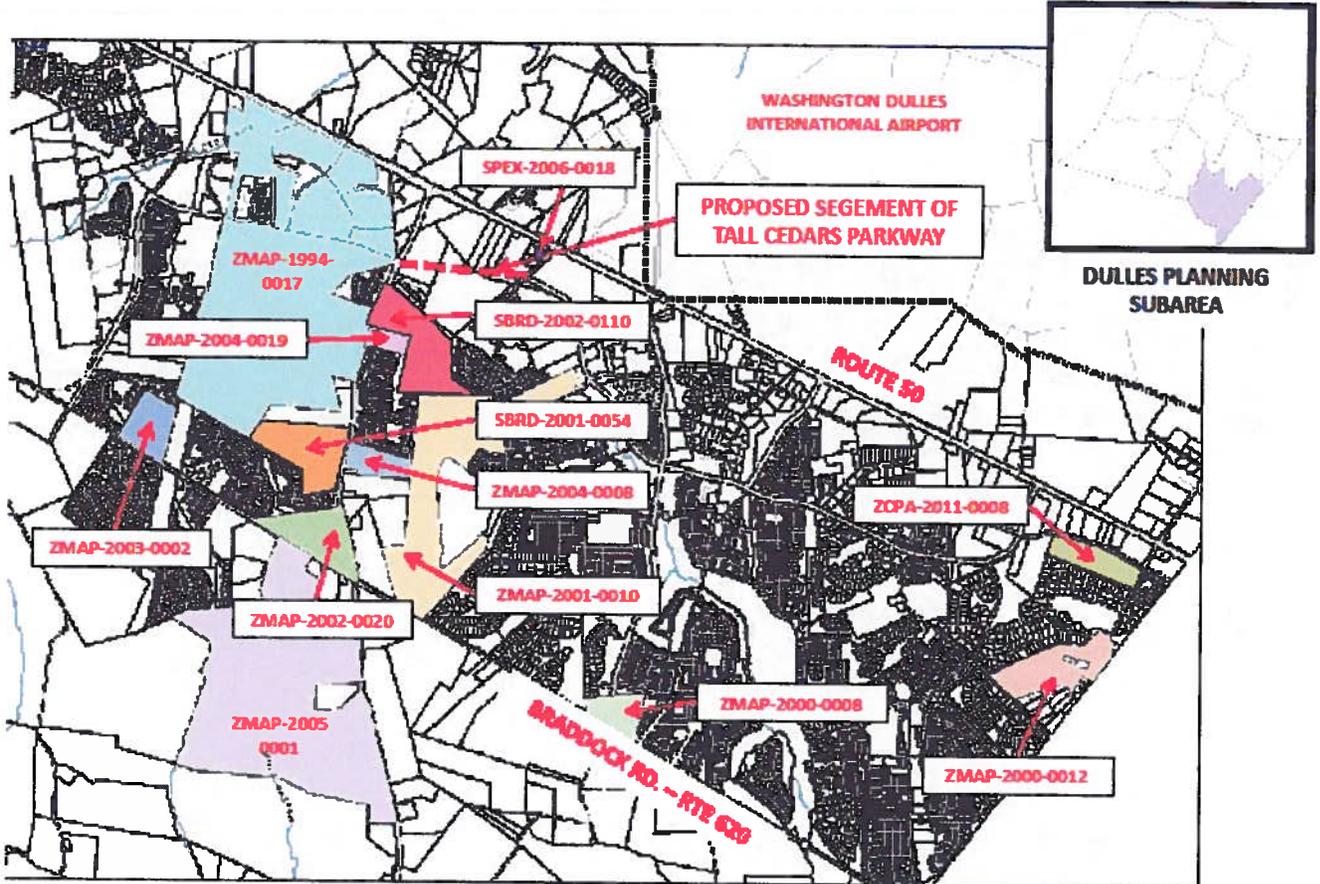
If you have any questions concerning this correspondence, please call me at (703) 777-0251 or you may contact me via email: susan.glass@loudoun.gov

Attachment: Vicinity Map
Dulles South Planning Area Map

Cc via email: Nicole Dozier, Zoning Administrator
Matt Letourneau, Dulles District Supervisor
Scott York, Chairman At Large
Charles Yudd, Assistant County Administrator
Joseph Kroboth, Director, Dept. of Transportation & Capital Infrastructure
Terry Wharton, Director, Building & Development
Mark Lauzier, Budget Officer
Dan Csizmar, Capital Budget Manager
Terrie Laycock, Senior Project Manager, Dept. of Transportation & Capital Infrastructure
Kelly Griffin, Proffer Auditor

Cc via U.S. Mail: Ridings at Blue Spring HOA, Property Owner
Braddock Corner Homeowners Association, Property Owner
Little River Commons Community Association, Property Owner
7391 Lee Highway LLC, Property Owner
South Riding Proprietary, Property Owner
Treborg Homeowners Association, Property Owner
Stone Ridge Village Center LLC, Property Owner
Greenfield Crossing HOA, Property Owner
N V R MS Cavalier Loudoun LLC, Property Owner
M/I Homes of DC LLC & KB Home VA Inc, Property Owner

VICINITY MAP CASH PROFFER FUNDS REQUESTED FOR TALL CEDARS PARKWAY



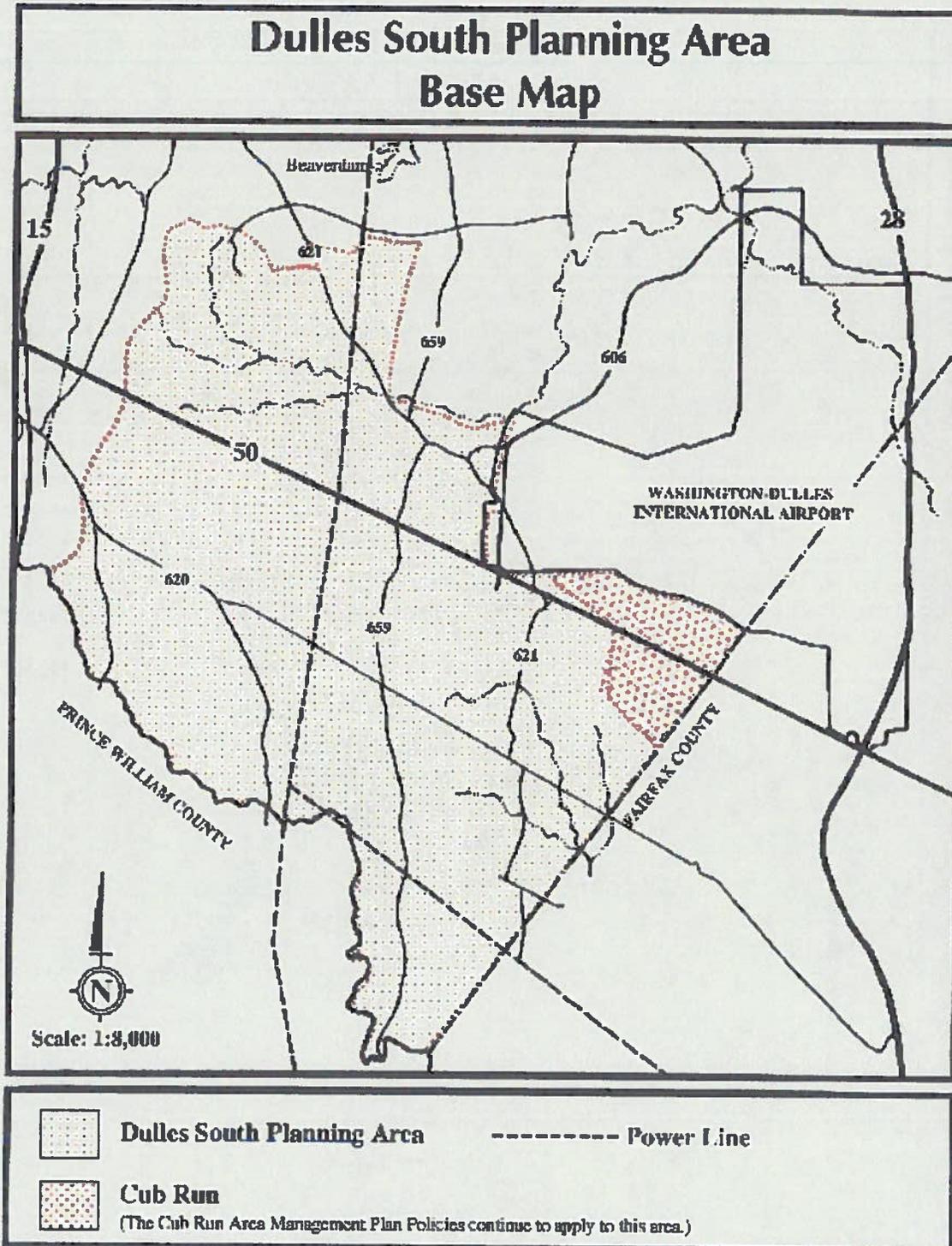


Figure 2.

CORRESPONDENCE SUMMARY

DATE: May 30, 2013
CORRESPONDENCE NUMBER: ZCOR-2013-0098
SUBJECT: **FY2014 Cash Proffer Request**
Use of Cash Proffers for Tall Cedars Parkway

1993 Ordinance Reference Numbers:

1972 Ordinance Reference Numbers:

Other Applicable Reference Numbers: ZMAP-2002-0022*
ZMAP-2005-0016*
ZCPA-2011-0009*

Applicable Tax Map/PIN Numbers:

Correspondence Summary:

It is appropriate to use the requested proffer funds to construct Tall Cedars Parkway as a four lane median divided section of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road/Route 659.

PROPERTY OWNERS:

EG Development LLC
930 W 1st Street
Suite 303
Fort Worth, TX 76102-2728

Little River Commons Community Association
3684 Centerview Drive
Suite 120
Chantilly, VA 20151-4301

East Gate Homeowners Association
10600 Arrowhead Drive
Suite 225
Fairfax, VA 22030-7306

Brookfield Kimmitt LLC
8500 Executive Park Avenue
Suite 300
Fairfax, VA 22031

Author: Kelly Griffin

*Indicates where to file

Is this a determination? Check one: Yes No

ATTACHMENT 4

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: June 7, 2013

TO: Dan Csizmar, Capital Budget Manager, Department of Transportation and Capital Infrastructure

FROM: Kelly Griffin, Proffer Auditor

SUBJECT: Use of Cash Proffers to Fund FY14 Tall Cedars Parkway

This correspondence is sent in response to your memorandum, dated May 16, 2013, in which you requested a determination regarding the use of \$1,181,461 in cash proffers for the development of Tall Cedars Parkway in the FY 2014 Capital Improvements program (CIP) budget. The proposed Tall Cedars Parkway project is a regional road improvement that will construct a four lane median divided section of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road/Route 659. As shown on the attached vicinity map, this project is located in the current Dulles Planning subarea and it is within the bounds of the Dulles Community Planning Area.

The following table summarizes the appropriateness of the use of the requested funds; a detailed analysis of each proffer fund is included in this cash proffer determination. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

Application #	Application Name	SEQ #	INDEX	Appropriate?	Available Balance
ZMAP-2002-0022	Townes at East Gate	99066575	911496	Yes	\$8,546
ZMAP-2005-0016	Kimmitt Property	99066983	911587	Yes	\$354,247
ZCPA-2011-0009	East Gate Three	99072602	911656	Yes	\$818,668

Request: The Department of Transportation and Capital Infrastructure requests the use of \$8,546 in cash proffers from ZMAP-2002-0022, Townes at East Gate, sequence number 99066575, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2002-0022 at their October 18, 2005 Business Meeting, subject to the Proffer Statement dated May 22, 2003 revised through September 28, 2005 and revised by the Letter of Clarification dated October 17, 2005. As stated in the proffer text below, Proffer V.D provides for a contribution of \$500 per residential unit to be used at the County's discretion for public transportation services or regional road improvements within the Dulles Community Planning Area.

V.D. CASH CONTRIBUTIONS FOR TRANSIT FUND OR REGIONAL ROAD IMPROVEMENTS

The Applicants shall provide, prior to the issuance of zoning permit for each residential unit, a one-time cash contribution in the amount of \$500 per residential unit, to be used at the County's discretion for public transportation services or regional road improvements within the Dulles Community Planning Area. The Applicants will cooperate with adjacent developments and attempt to provide and enhance a transit system in the area.

Determination: The use of these funds as proposed is appropriate. The proffer language stipulates that the funds shall be used at the County's discretion for regional transportation improvements within the Dulles Community Planning Area. Townes at East Gate, ZMAP-2002-0022, is located in the Dulles Community Planning Area; therefore, the proposed Tall Cedars Parkway project complies with Townes at East Gate Proffer V.D.

To date, the applicant contributed \$193,261; this proffer is partially fulfilled. The proffer account has earned \$459 in interest; \$0 has been disbursed resulting in a current balance of \$193,720. The current remaining balance, plus all additional contributions and interest earned in this account, may be used for the proposed Tall Cedars Parkway Project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$354,247 in cash proffers from ZMAP-2005-0016, Kimmitt Property, sequence number 99066983, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2005-0016 at their July 18, 2006 Business Meeting, subject to the Proffer Statement dated May 23, 2006 and revised by the Letter of Clarification dated June 26, 2006. As stated in the proffer text below, Proffer IV.10 provides for a contribution of \$3,500 per residential dwelling unit to be used at the County's discretion for regional road improvements within the Dulles Community Planning Area.

IV. 10. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS

The Applicant shall make a cash contribution to the County Board of Supervisors, prior to the issuance of the Zoning Permit for each residential dwelling

unit, in the amount of \$3,500.00, to be used at the County's discretion for regional road improvements within the Dulles Community Planning Area, as defined by the RGP. This contribution shall escalate on an annual basis, with a base year of 2006 beginning one year after zoning approval and be adjusted effective January 1st of each year thereafter, based on the CPI as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area.

Determination: The use of these funds as proposed is appropriate. The proffer language stipulates that the funds shall be used at the County's discretion for regional transportation improvements within the Dulles Community Planning Area. Kimmitt Property, ZMAP-2005-0016, is located in the Dulles Community Planning Area; therefore, the proposed Tall Cedars Parkway project complies with Kimmitt Property Proffer IV.10.

To date, the applicant contributed \$374,446; this proffer is partially fulfilled. The proffer account has earned \$527 in interest; \$0 has been disbursed resulting in a current balance of \$374,973. The current remaining balance, plus all additional contributions and interest earned in this account, may be used for the proposed Tall Cedars Parkway Project.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$818,668 in cash proffers from ZCPA-2011-0009, East Gate Three, sequence number 99072602, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZCPA-2011-0009 at their November 9, 2011 Business Meeting, subject to the Proffer Statement dated November 9, 2011. As stated in the proffer text below, Proffer V.F.b. provides for a cash in lieu of construction contribution of \$775,710 for a third westbound lane on Route 50 from the Poland Road intersection east to the proposed intersection of Route 50 and Tall Cedars Parkway. Proffer V.F.c stipulates that the cash in lieu of construction contribution shall either be used to reimburse the party who constructed such improvements or for regional road transportation improvements, transit and/or public recreation facilities in the Dulles Area Community.

F. CASH EQUIVALENT CONTRIBUTION

b. Notwithstanding anything in these Proffers to the contrary, VDOT has elected to construct certain improvements to Route 50, as identified below, in such a manner as to obviate any requirement the Owner may have had to construct certain regional road improvements heretofore proffered in ZMAP 2005-0003/ZCPA 2008-0011. The Owner shall not be responsible for the construction of the following specified improvements, but shall contribute to the County or its designee the sum of \$775,710.00 deemed equivalent to the cost of constructing the transportation improvements described below in lieu of actual construction of these improvements. Such payment shall be made prior to the issuance of the first zoning permit in either East Gate One (ZCPA 2011-0008) or East Gate Three (ZCPA 2010-0009);

1. *Construct a third westbound lane on Route 50 from the Poland Road intersection east to the proposed intersection of Route 50 and Tall Cedars Parkway and being a distance of approximately 3,700 ft. Such construction to tie into the construction proffered by ZCPA 2008-0010/ZCPA 2011-0008.*

c. Except for the contribution set forth in Proffer V.F.b., above, for the purposes of determining the in-lieu-of contributions as set forth in these Proffers, construction costs shall be deemed to include all engineering, surveying, bonding, permit fees, utility relocation, and other hard costs of construction based upon County bonding estimates for said construction per the FSM. Such contribution in lieu of actual construction shall occur at the time the Owner would otherwise have been required by these Proffers to bond or construct such improvements. As determined by the County, any in-lieu contribution shall either be used to reimburse the party who constructed such improvements or for regional road or transportation improvements, transit and/or public recreation facilities in the Dulles Area Community as it is identified in the Revised General Plan and bounded by Route 50 to the north, Gum Spring Road (Route 659) to the west, Braddock Road to the south, and the Fairfax County line to the east.

Determination: The use of these funds as proposed is appropriate. The proffer language stipulates that the funds shall either be used to reimburse the party who constructed such improvements or for regional road transportation improvements, transit and/or public recreation facilities in the Dulles Area Community, as determined by the County. East Gate Three, ZCPA-2011-0009, is located in the Dulles Community Planning Area; therefore, the proposed Tall Cedars Parkway project complies with East Gate Three Proffer V.F.b.

The third westbound lane on Route 50 from the Poland Road intersection east to the proposed intersection of Route 50 and Tall Cedars Parkway is currently under construction by VDOT as part of its Route 50 Widening Project. Construction is estimated to be complete in Late 2014.

On July 11, 2012, the Owner made a contribution of \$817,598; this proffer is fulfilled. The proffer account has earned \$1,173 in interest; \$0 has been disbursed resulting in a current balance of \$818,771. The current remaining balance, plus all additional contributions and interest earned in this account, may be used for the proposed Tall Cedars Parkway Project.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, May 30, 2013, and such proffers may be amended by a subsequent Zoning Concept Plan Amendment. This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

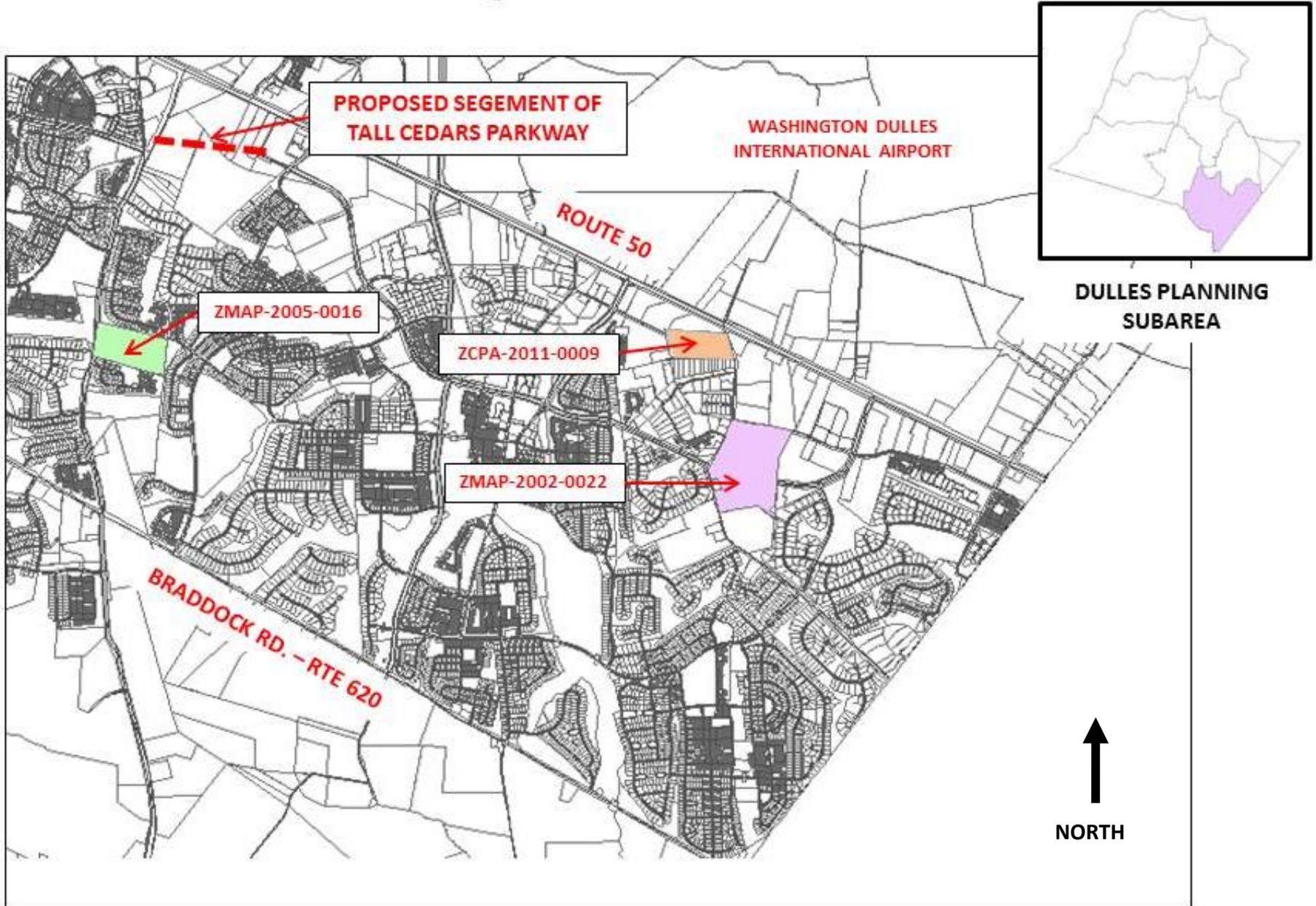
If you have any questions concerning this correspondence, you may contact me via email (kelly.griffin@loudoun.gov) or call me at 703-771-5219.

Attachments: Attachment #1: Vicinity Map
Attachment #2: Loudoun County Community Planning Areas

Cc via email: Nicole Dozier, Zoning Administrator
Scott York, Chairman At-Large
Matt Letourneau, Dulles District Supervisor
Charles Yudd, Assistant County Administrator
Joe Kroboth, Director, Department of Transportation and Capital Infrastructure
Terrie Laycock, Senior Project Manager, Dept. of Transportation and Capital Infrastructure
Paul Brown, Asst. Director, Dept. of Transportation and Capital Infrastructure
Terry Wharton, Director, Building and Development

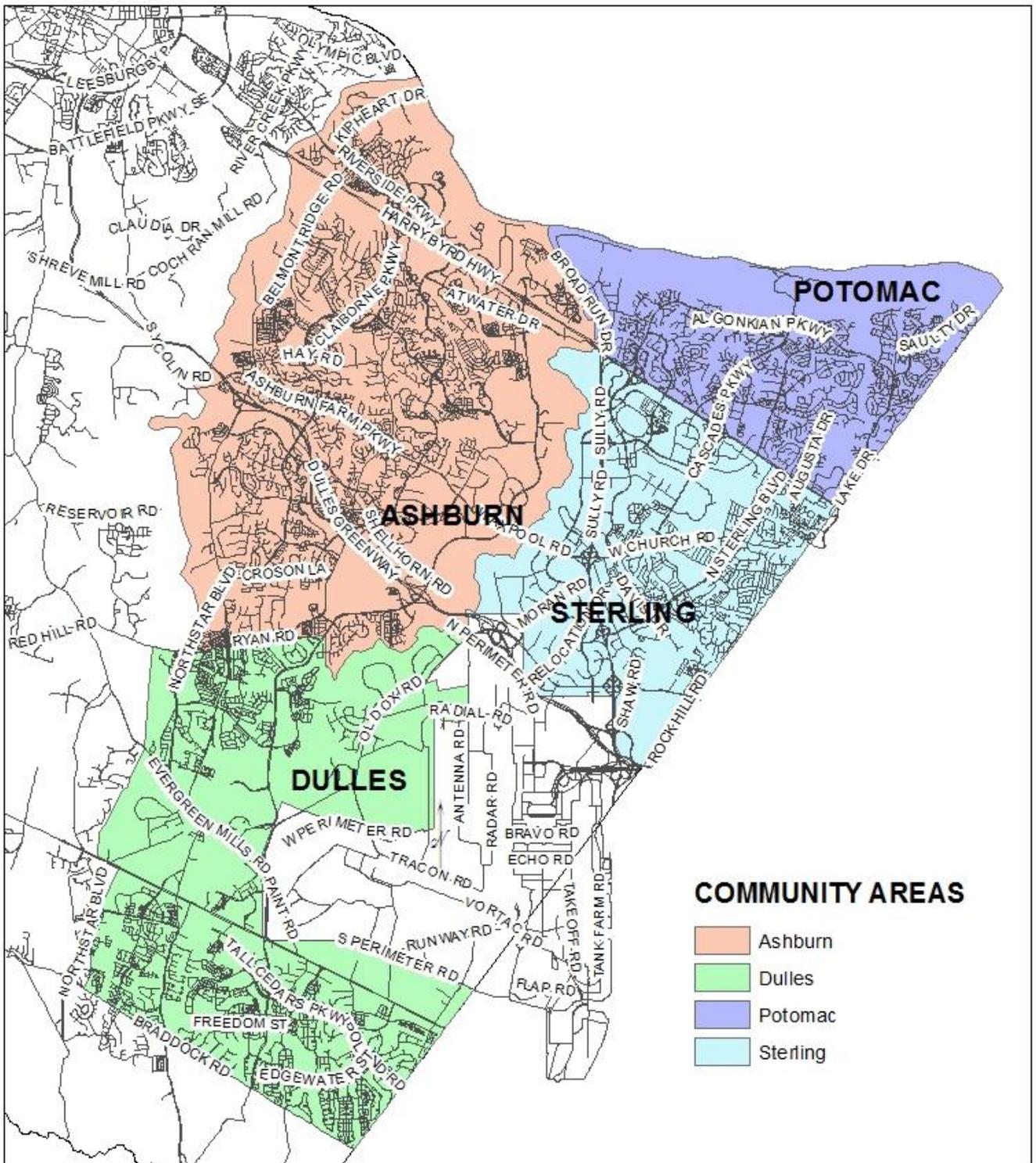
Cc via US Mail: EG Development LLC, Property Owner
East Gate Homeowners Association, Property Owner
Brookfield Kimmitt, Property Owner
Little River Commons Community Association, Property Owner

VICINITY MAP CASH PROFFER FUNDS REQUESTED FOR TALL CEDARS PARKWAY



Attachment 2

LOUDOUN COUNTY COMMUNITY PLANNING AREAS AS OF 5/14/13



Date of Meeting: February 11, 2016

10

**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS
AND ECONOMIC DEVELOPMENT COMMITTEE
ACTION ITEM**

SUBJECT: Willisville Community Wastewater System Supplemental Appropriation Request

ELECTION DISTRICT: Blue Ridge

CRITICAL ACTION DATE: March 7, 2016

STAFF CONTACTS: Ernest N. Brown, Department of General Services
Alan Brewer, Department of General Services
Dan Csizmar, Transportation and Capital Infrastructure

PURPOSE: To request additional funding to complete the Willisville Community Wastewater System Project.

RECOMMENDATIONS: Staff recommends that the Finance/Government Operations and Economic Development Committee (FGOEDC) recommend that the Board of Supervisors (Board) approve a supplemental appropriation of \$100,000 to fund the completion of the Willisville Community Wastewater System project. Staff further recommends that Capital Improvement Program Contingency be used to fund the supplemental appropriation.

BACKGROUND: The Community of Willisville is located just east of the Welbourne Road (Route 743)/Willisville Road (Route 623)/Millville Road (Route 743) intersection in southwestern Loudoun County. Twelve parcels in the Willisville Community are currently served by a community wastewater treatment facility which is owned and operated by Loudoun Water. The community wastewater system was placed in service in 2007 to eliminate public health risks associated with inadequate onsite wastewater disposal systems in the community.

Subsequent to the construction of the community wastewater system, the Loudoun County Health Department identified three additional properties in the Willisville Community that have failing onsite septic systems. In July 2013, the Board voted (8-0-1, Delgaudio absent) to add those three parcels to the Willisville Sewer Service Area (CMPT-2013-0001). The Board allocated \$175,000 in Fiscal Year (FY) 2015 for that wastewater system extension as part of the Capital Improvement Program (CIP).

ISSUES: In accordance with the Willisville Sewer Service Agreement dated January 5, 2015 (Attachment 1), Loudoun Water is responsible for constructing the community wastewater system extension and the County is responsible for paying for the costs. In addition to the design

and construction costs, other project components include: additional site work related to the existing wastewater systems, replacement grinder pumps, and Loudoun Water project management. The design of the project is complete and those costs exceeded the original estimate of \$20,000 by \$29,000. In addition, the lowest qualified and responsive bid for construction of the project (including a 10 percent contingency) exceeds the original estimate of \$108,000 by \$67,000. Therefore, current figures indicate that the project will exceed the project budget of \$175,000 by \$96,000.

Table 1. Comparison: Estimated vs. Actual Costs

	Estimate	Actual / Bid	Delta
Design & engineering	\$20,000	\$ 49,000	\$29,000
Construction	\$108,000	\$175,000	\$67,000
Other Costs	\$47,000	\$47,000	\$ 0
Total	\$175,000	\$271,000	\$96,000

Staff identified two potential funding sources to cover the unexpected shortfall; CIP Contingency and the CIP Water/Wastewater Fund.

The CIP Contingency is intended to be used to cover unanticipated costs such as the overages described in this item.

The CIP Water/Wastewater Fund was created by the Board in 2015. This fund was established to assist communities with solving community water and/or wastewater problems and involves an application process, prioritization process, and potential funding based on a community's ability to pay.

Staff recommends that CIP Contingency be used for this supplemental appropriation. The CIP Water/Wastewater Fund could be used; however, the Willisville wastewater system extension project has not been through the Community Water and Wastewater Program application process. As a result, staff believes the use of CIP Contingency is a better fit for this purpose.

Loudoun Water indicates that the contract award for construction must be completed by March 7, 2016 otherwise the project may need to be re-bid. Re-bidding the project will delay the project and may result in increased project costs. Additionally, Loudoun Water will not award the contract until the supplemental appropriation is approved.

FISCAL IMPACT: Adequate funds are available in both CIP Contingency and the CIP Water/Wastewater Fund to cover the cost of the supplemental appropriation. The use of either of these funding sources will not negatively impact any other County projects.

ALTERNATIVES:

1. Recommend that the Board use CIP Contingency to cover the cost of the supplemental appropriation.

2. Recommend that the Board use the CIP Water/Wastewater Fund to cover the cost of the supplemental appropriation.
3. Recommend that the Board not approve staff's supplemental appropriation request. If this alternative is approved, the Willisville wastewater extension project will not be completed.

DRAFT MOTIONS:

1. I move that the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors approve a supplemental appropriation of \$100,000 for the completion of the Willisville Community Wastewater System and direct staff to execute a budget adjustment to transfer \$100,000 from Capital Improvement Program Contingency to the Willisville Community Wastewater System capital project account.

OR

2. I move that the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors approve a supplemental appropriation of \$100,000 for the completion of the Willisville Community Wastewater System and direct staff to execute a budget adjustment to transfer \$100,000 from the Water/Wastewater Fund to the Willisville Community Wastewater System capital project account.

OR

3. I move that the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors not approve staff's request for a supplemental appropriation for completion of the Willisville Community Wastewater System.

OR

4. I move an alternate motion.

ATTACHMENT:

1. Willisville Sewer Service Agreement



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

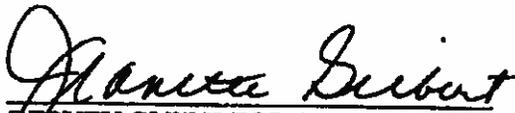
At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Wednesday, December 3, 2014 at 4:00 p.m.

IN RE: WILLISVILLE SEWER SERVICE AGREEMENT

Mr. Buona moved that the Board of Supervisors approve the Willisville Sewer Service Agreement and authorize the Chairman to sign on behalf of Loudoun County.

Seconded by Mrs. Volpe.

Voting on the Motion: Supervisors Buona, Clarke, Delgaudio, Letourneau, Reid, Volpe, Williams and York- Yes; None - No; Supervisor Higgins - Absent for the Vote.


**DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS**

(2E- WILLISVILLE SEWER SERVICE AGREEMENT)

SERVICE AGREEMENT

This Service Agreement is made and entered as of the 5th day of January, ~~2014~~ ²⁰¹⁵, by and between the County of Loudoun, Virginia (the "County"); and the Loudoun County Sanitation Authority (the "Authority") and amends and supplements the Service Agreement between the County and the Authority dated September 5, 2006 (the "2006 Agreement").

RECITALS

- R-1. The Authority was created by the County for the purposes set out in its Charter, including the purpose to provide the water and sewer facilities within the unincorporated areas of the County in accordance with the provisions of Va. Code Ann. 15.2-5100, et seq., the Virginia Water and Waste Authorities Act (the "Act") and the County's comprehensive plan.
- R-2. The Willisville Community consists of approximately 20 lots, located at the intersection of Routes 623 and 743 in western Loudoun County, as particularly described in Exhibit A (the "Community"). In 2004, the Loudoun County Planning Commission approved, and the Board of Supervisors ratified, Commission Permit CMPT-2004-0001 to establish and approve the Willisville Sewer Service Area ("Service Area") and related communal wastewater treatment facilities. Eleven of the lots in the Community are located within the Service Area and are served by a community wastewater treatment and disposal system (referred to herein as the "Willisville Wastewater Treatment and Disposal System" or the "Facilities") that was installed in 2007, pursuant to the 2006 Agreement, and is currently owned, operated and maintained by the Authority.
- R-3. Of the lots in the Community not served by the Facilities, two lots have alternative onsite disposal systems in need of major repair or replacement and a third lot has been abandoned due the lack of an adequate onsite sewage disposal system. In an effort to eliminate the public health risks associated with said lack of suitable wastewater disposal systems, the County has taken action to expand the Service Area to include the aforesaid three lots through a Commission Permit CMPT-2013-0001, approved by the Planning Commission June 18, 2013, and ratified by the Board of Supervisors on July 17, 2013, extending the boundaries of the Service Area to include parcel PIN#'s 642-35-4345, 658-30-8643, and 642-35-3622 (the "Additional Lots") as more particularly shown on Exhibit A and designated as "PARCELS ADDED TO SEWER SERVICE AREA (APPROVED UNDER CMPT-2013-001)".
- R-4. The County has requested the assistance of the Authority in extending the Willisville Wastewater Treatment and Disposal System to the Additional Lots (the "Project"). In particular the Project includes, and the County has requested that the Authority perform, the design and construction and extension of the necessary wastewater infrastructure from the Facilities to the Additional Lots. The Project would include:
- a. Designing and constructing the extension of the wastewater infrastructure to the Additional Lots; and
 - b. Securing the required easements from the affected property owners; and

- c. Connecting the Additional Lots to the Facilities and including the Additional Lots in the service and operation of the Willisville Wastewater Treatment and Disposal System; and
- d. Properly abandoning existing onsite sewage disposal systems serving the Additional Lots; and
- e. Notifying the affected property owners of the Additional Lots in writing of the monthly charges for sewer service.

R-5. In exchange for the undertaking of the Authority to perform the foregoing actions described in paragraph R-4 to provide sewage service to the Additional Lots, the County will pay for the Authority's costs incurred thereby up to a maximum of \$175,000.00. Payment for such costs shall be triggered by invoice requests from the Authority as work is completed during the design and construction phases of the Project.

NOW, THEREFORE, the parties agree as follows:

OBLIGATIONS OF THE AUTHORITY

1. Design and Construct the wastewater infrastructure. The Authority will design, obtain all necessary rights-of-way, easements, permits, and approvals from government authorities and shall enter into and administer a contract or contracts to construct the wastewater infrastructure necessary to add and connect the Additional Lots to the Facilities provided that the total cost does not exceed that appropriated by the County. The point of connection shall be from a point external to the home.
2. Septic Tank Abandonment. The Authority will be responsible for ensuring all of the existing Alternative Onsite Sewage Systems serving the Additional Lots are abandoned according the Virginia Department of Health rules and regulations.
3. Rates. The Authority shall fix, charge and collect from all customers who connect to the Facilities a continuing monthly service charge for monthly service and maintenance of the Facilities. The customers are to be provided the rates in writing prior to connection and notified prior to any rate change during the continued operations of the Facilities by the Authority. The Authority shall not charge a sewer availability fee to owners of property for connections to the Facilities.
4. Accounting. Upon completion of the wastewater infrastructure, the Authority will provide a final accounting of its costs incurred and shall present the same to the County.

OBLIGATIONS OF THE COUNTY

5. Payments to Authority. .
 - a. The County will make payment to the Authority triggered by invoice requests from the Authority as work is completed during the design and construction of the Project up to a maximum of \$175,000.00. Such funds have been appropriated by the Board of Supervisors and are available to reimburse the Authority for Project costs as described herein.

- b. Included in the estimated total cost are estimated reimbursable expenses of the Authority as follows:
 - i. Direct labor costs for services for contract engineering, surveying, and plats; and
 - ii. Direct labor costs for internal project/contract management; and
 - iii. Direct labor costs for easement acquisition, permit/regulatory approvals and utility service acquisition; and
 - iv. Other direct Authority costs such as legal costs, vehicle mileage, and other minor project expenses as approved by the County; and
 - v. First cycle grinder pump replacement.
 - c. In the event it is determined that the anticipated total costs to be incurred by the Authority for the Project shall exceed the aforesaid appropriation amount, the Authority shall notify the County before any design or construction contract award is executed. A supplemental appropriation shall be required for any expenditure in excess of \$175,000.00.
6. Assistance with Approvals. In recognition of the fact that design and construction of the wastewater infrastructure is intended to address public health and safety of the Willisville Community, the County will assist the Authority to obtain all necessary governmental consents, permits, and approvals associated with construction, ownership and operation of the wastewater infrastructure.

MISCELLANEOUS PROVISIONS

7. Termination of Agreement by the Authority. While the County, with the assistance of the Authority, has provided an estimated maximum cost of the Project resulting in the establishment of the maximum reimbursement specified in R-5, the Authority reserves the right to terminate this Agreement in the event that it determines the anticipated actual cost will exceed the said maximum reimbursement and the County determines not to approve a supplemental appropriation to cover such anticipated excess cost. The Authority shall provide prompt written notice to the County that it is terminating this Agreement. If the Authority terminates this Agreement, the Authority shall have no obligations to construct the Project, and the County shall have no obligation to make payment to the Authority. Notwithstanding the foregoing, the Authority may not terminate this Agreement after the County has made any payments pursuant to the terms of this Agreement.
8. Suspension of Agreement by the County. In the event a legal challenge is made to the boundaries of the expanded Service Area or this Agreement, the County may suspend performance of this Agreement. The County will promptly inform the Authority of any legal challenge and the suspension of this Agreement. During the period of the suspension, the Authority will not be required to incur any cost, enter into any contract or otherwise undertake construction of the Project, and the County will be under no obligation to make payments pursuant to this Agreement. The County will notify the Authority when the suspension of this Agreement is lifted, and the parties shall thereafter resume their respective obligations and undertakings under this Agreement.
9. Notices. Any notice required or permitted hereunder shall be valid when delivered or mailed, postage prepaid,

If to the County:

Loudoun County Administrator
1 Harrison Street S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

With a copy to:

Loudoun County Attorney
County of Loudoun
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

If to the Authority:

Chief Executive
Loudoun County Sanitation Authority
PO Box 4000
44865 Loudoun Water Way
Ashburn, Virginia 20146

With a copy to:

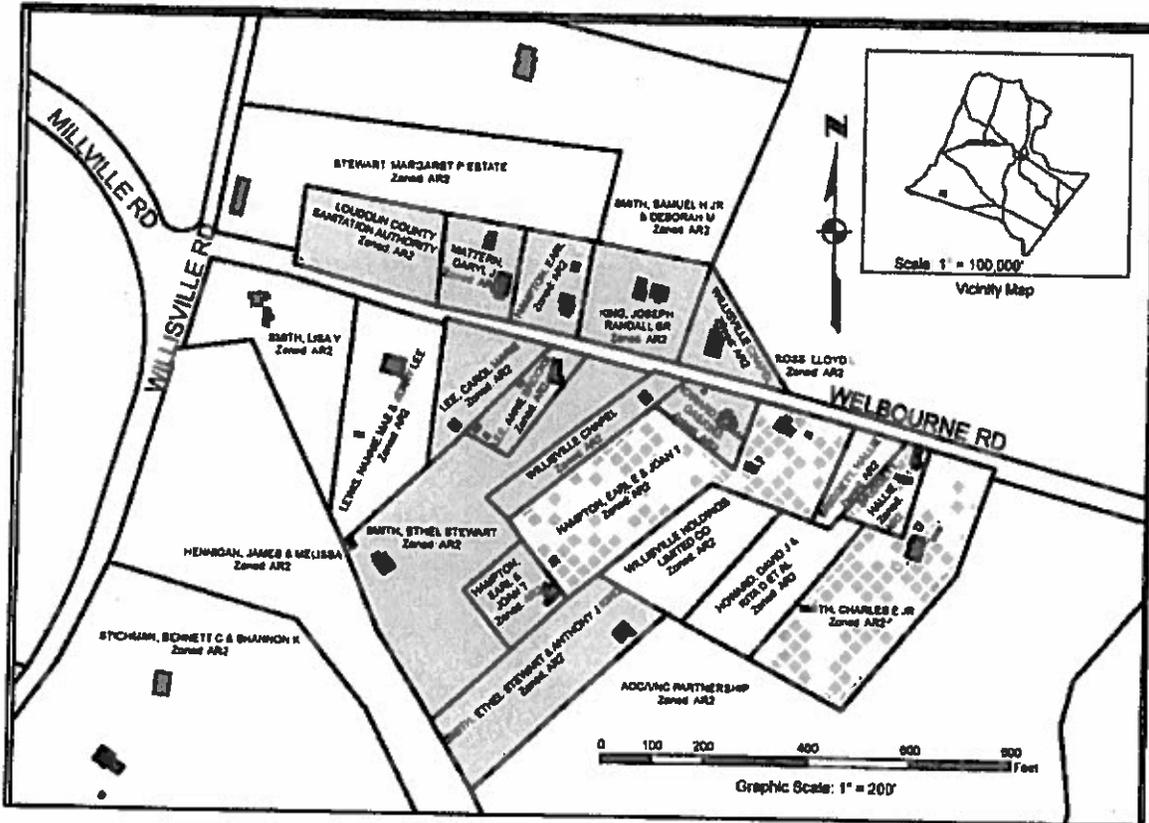
Jonathan Rak, Esq.
McGuire Woods LLP
1750 Tysons Boulevard, #1800
Tysons Corner, VA 22102

10. **Entire Agreement.** This Agreement together with the 2006 Agreement states the entire and only agreement between the parties. No oral statements or representations or prior written matter not contained or referred to in this Agreement or the 2006 Agreement shall be deemed to have been made, unless it be in writing and signed by both parties hereto.
11. **Amendment of Agreement.** This Agreement may be amended at any time by mutual agreement of the parties hereto.
12. **Counterpart Documents.** This Agreement may be executed in several counterparts, any of which shall be regarded for all purposes as an original and all of which shall constitute but one and the same instrument.
13. **Successors and Assigns.** This Agreement shall inure to the benefit of and be binding upon the successors and assigns of each of the parties hereto, but it is not otherwise intended to be for the benefit of any party not a signatory hereto.
14. **Miscellaneous.** The captions inserted in this Agreement are for convenience only and in no way define, limit or otherwise describe the scope or intent of any provision hereof.
15. **Survivability.** If any clause or provision of this Agreement is found by a court of competent jurisdiction to be illegal, invalid or unenforceable under the present or future laws in effect during the term of this Agreement, it is the intention of the parties that the remainder of this Agreement shall not be affected thereby.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed the day and year first above written.

[SIGNATURES ON FOLLOWING PAGE]

EXHIBIT A



Legend

-  BUILDINGS
-  PARCELS CURRENTLY WITHIN SEWER SERVICE AREA (APPROVED UNDER CMPT-2004-0001)
-  PARCELS ADDED TO SEWER SERVICE AREA (APPROVED UNDER CMPT-2013-001)

Date of Meeting: February 11, 2016

11

**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS and ECONOMIC DEVELOPMENT
COMMITTEE
INFORMATION ITEM**

SUBJECT: Monthly Report/Implementation of the Enterprise Resource Planning (ERP) Project

ELECTION DISTRICT: Countywide

STAFF CONTACTS: John Sandy, County Administration
Robert Middaugh, County Administration
Wendy Wickens, Information Technology
Penny Newquist, Finance and Procurement
Vince Marchesano, Vivad Technologies, LLC

PURPOSE: To provide an update on the status of the County's Enterprise Resource Planning (ERP) system implementation.

BACKGROUND: The Loudoun County Government and Loudoun County Public Schools (LCPS) began implementation of a new Enterprise Resource Planning (ERP) commercial off-the-shelf (COTS) system in January 2012 as part of a larger program to replace three core financial systems [i.e., ERP, Computer Aided Mass Appraisal (CAMA), and Integrated Tax Revenue (ITR)]. This action was based on an independent assessment of the County's legacy financial, human resources and taxation systems, as well as the future replacement of those systems.

In November 2008, Digicon Corporation completed the assessment and concluded that when the County acquired its current systems, more than 20 years ago, the functions and features provided, and the architecture upon which they were built (IBM), met the County's business and budgetary requirements. However, over the years, the technology exceeded its useful lifecycle, and operations and support was proving to be increasingly complex and difficult to maintain. Digicon recommended the County consider implementing a state-of-the-art ERP system to improve business and operational efficiency, which also would meet the demands for information in a more reliable and timely manner, with requisite quality and accuracy.

On November 2, 2011, the Board authorized the negotiation of a contract, not to exceed \$21,050,064, to implement ORACLE EBS (eBusiness Suite) as the ERP System for Loudoun County Government and LCPS. The contract was awarded to Applications Software Technology Corporation (AST), a Platinum Oracle partner, which included the Oracle EBS licensed software and implementation services for the ERP system.

On December 4, 2013, the Board appropriated an additional \$9,160,925 to the capital project budget (ERP Implementation Contingency), which was used to complete outstanding items for Phase 1, and to provide additional resources to complete Phase 2. Not all funds have been expended to date. An additional 7.00 FTEs were added to the Department of Information Technology (DIT) and the former Department of Management and Financial Services' Finance and Budget Divisions, to provide needed system support. In December 2015, the Board appropriated an additional \$1,500,000 from the FY 2015 fund balance to complete the Phase 2 implementation, bringing the ERP capital budget to \$32,228,494. It should be noted that this amount does not include budgeted contracted project management services, which totals \$3,465,848. Expenses for consulting and other technical support through Fiscal Year 2016 not in the project budget are \$1,595,771.

ISSUES: This item provides a monthly update from the Department of Finance and Procurement (DFP) and DIT on the implementation of the ERP system.

The Program Manager, Vince Marchesano, and County staff will be present to discuss details and answer questions.

AST Contract Information

Loudoun County entered into a firm fixed price contract with AST to implement an ERP solution. It was determined during contract negotiations that payment would be deliverable-based, and County interests protected, as they relate to AST's contract, per a performance bond in the amount of \$11,290,720, which represented the value of the AST contract at that time. Unlike construction initiatives, for which completion of work is solely managed and executed per the discretion of the contractor, software implementations such as this require a collaborative partnership between customer and vendor—that is, both parties manage and execute significant and interconnected portions of the project. Due to the inter-dependent nature of the work, liquidated damages were not included in the contract terms. However, either party may seek remedy for actual damages, if incurred.

In addition, Loudoun withholds a 20 percent retainage (\$995,401 has been withheld to date) from each deliverable payment, of which, 15 percent is released to AST upon Loudoun's final acceptance of each project phase. The remaining 5 percent will be released upon Loudoun's final acceptance of the overall system, which includes settlement of all outstanding change orders and/or claims.

Phase 2 - Human Resources and Payroll

The Phase 2 implementation began in January 2014, however, after failing to meet three different planned go-live dates (i.e. March 2015, June 2015, and September 2015), AST was notified in August 2015 that they were in material breach of the contract. To move the project forward, AST and Loudoun collaboratively defined a different approach to successfully implement a fully functioning system. However, due to continued issues and missed critical path and milestone

dates, Loudoun notified AST on November 6, 2015 that the project is being placed on hold until an acceptable cure plan is in place to address all outstanding issues.

AST and County executives met on November 13, 2015, and again on December 15, 2015, to discuss the path moving forward, and both parties are actively working towards a solution to successfully complete the project. The County also engaged Oracle Consulting and Sales in October 2015 to assess the overall “health” of the project, from which it was determined that the solution built to date has overly complex and unnecessary configurations. The County has further retained Oracle Consulting to conduct a comprehensive assessment of the Phase 2 solution using the standard Oracle Unified Method (Oracle’s methodology for deploying Oracle-based business solutions) to determine if AST’s designs were optimal for Loudoun’s requirements (leveraging out-of-the-box functionality where possible), as well as to define what it will take to implement a fully functional system that meets Loudoun’s requirements.

This five week effort was initiated on January 11, 2016 at the Ridgetop Circle ERP project office. The first three weeks were comprised of review and discovery tasks, during which Oracle Consulting reviewed process, procedures, and requirements documents with Loudoun functional and technical resources. The fourth week was spent assessing the referenced documentation and discovery findings against the current system build (as built by AST), which will result in a findings deliverable and “roadmap” of Oracle’s recommendation to best move the project forward, including any technical upgrades and/or enhancements. This effort is on schedule to complete on Friday, February 12, 2016, and findings will be shared with the FGOEDC at the March 2016 meeting.

FISCAL IMPACT: All ERP Implementation Funds have been released, however, the remaining balance of funds has not been fully expended. An estimated \$6.8 million of funding remains available in the budget. It also should be noted that the ERP Implementation includes \$3.5 million for Post Go Live Support. Further, the cost to complete the implementation will be determined pending completion of the Oracle assessment, and payment terms are being addressed per the ongoing contractual discussions between AST and the County.