CITY OF POQUOSON
Office of the City Manager
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July 25, 2016

To: City Council

From: City Manager

Subject: **Resolution Approving The First Amendment To The Restated Cooperative Service Agreement With The Virginia Peninsula Regional Jail Authority**

Presented for consideration is a resolution approving the First Amendment To The Restated Cooperative Service Agreement by and between the Virginia Peninsula Regional Jail Authority and the counties of York and James City and the cities of Poquoson and Williamsburg. This proposed amendment sets forth the payment requirements for each locality.

The Agreement has been read and approved by the City Attorney.

JRW/ei

RESOLUTION NO. _____

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE RESTATED COOPERATIVE SERVICE AGREEMENT WITH THE VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY

WHEREAS, pursuant to Article 3.1, Title 53.1 of the Code of Virginia (1950), as amended the City of Poquoson, City of Williamsburg, York County and James City County each adopted resolutions creating the Virginia Peninsula Regional Jail Authority for the purpose of financing, acquiring, constructing and equipping a regional jail facility, and providing for its ongoing operation and maintenance for the benefit of the Member Jurisdictions; and

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

WHEREAS, the parties have determined that it is desirable to amend the Service Agreement as stated in the First Amendment to Restated Cooperative Service Agreement as attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Poquoson, Virginia:

Section 1: That the First Amendment to the Restated Cooperative Service Agreement by and among the Virginia Peninsula Regional Jail Authority and the County of James City, the County of York, the City of Poquoson and the City of Williamsburg is hereby approved and the City Manager is authorized to sign said Agreement on behalf of the City.

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____
City Clerk

FIRST AMENDMENT TO RESTATED COOPERATIVE SERVICE AGREEMENT

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

RECITALS

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

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

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

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

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

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

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

[signatures appear on the following page]

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

VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY

BY: _____
CHAIRMAN

COUNTY OF JAMES CITY

BY: _____
COUNTY ADMINISTRATOR

COUNTY OF YORK

BY: _____
COUNTY ADMINISTRATOR

CITY OF POQUOSON

BY: _____
CITY MANAGER

CITY OF WILLIAMSBURG

BY: _____
CITY MANAGER