



CITY OF POQUOSON

Office of the City Manager
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September 12, 2016

TO: City Council

FROM: City Manager

**SUBJECT: Resolution Amending the 1994 Service Agreement of the Middle Peninsula
Juvenile Detention Commission**

Presented for your consideration is a resolution approving amendments to the Middle Peninsula Juvenile Detention Commission Service Agreement adopted by the member jurisdictions in 1994.

RESOLUTION NO. _____

**RESOLUTION OF THE MEMBER JURISDICTIONS OF THE
MIDDLE PENINSULA JUVENILE DETENTION COMMISSION
AMENDING SECTIONS 3.7 AND 4.1 OF THE 1994 SERVICE
AGREEMENT AND ADDING A SECTION NUMBERED 4.1:1**

BE IT CONCURRENTLY RESOLVED by the Middle Peninsula Juvenile Detention Commission, the Boards of Supervisors of the Counties of Caroline, Charles city, Essex, Gloucester, Hanover, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Richmond and Westmoreland and the Councils of the Cities of Poquoson and Williamsburg, that Sections 3.7 and 4.1 of the Service Agreement adopted by all of them effective December 12, 1994 are amended and readopted and a new Section to be numbered 4.1:1 is hereby added to read as follows:

Section 3.7 Annual Budget

The Commission shall provide to each Member Jurisdiction on or before each January 1 the Commission's Annual Budget for the next Fiscal Year including any proposed capital projects. Beginning with the budget for Fiscal Year 2018, and in each Fiscal Year thereafter, the Commission shall establish each Member Jurisdiction's annual charge for the Fiscal Year based on the ratio of such Member Jurisdiction's usage of space in the Detention Center during the preceding five Fiscal Years to the aggregate usage of space by all member Jurisdictions during the same five Fiscal Years.

Section 4.1 Payments from member Jurisdictions

- (a) Each Member Jurisdiction agrees to pay the Commission its annual charge for each Fiscal Year based on usage as determined by the method prescribed in Section 3.7.
- (b) One fourth of the annual charges due from Member Jurisdictions shall be invoiced quarterly by the Commission not later than the first day of the quarter. Such charges shall be due and payable to the Commission no later than 30 days from the date of the invoice, and if not paid when due shall bear interest at the rate set forth in Section 2.2-4352 of the Code of Virginia unless otherwise provided by law.
- (c) If the amount owed by any Member Jurisdiction based on the usage calculation in Section 3.7 is below \$2,500, for any Fiscal Year, such Member Jurisdictions shall pay the commission a minimum charge for such Fiscal Year of \$2,500 to cover general and administrative expenses.

Section 4.1:1 Maintenance and Replacement Reserve

Notwithstanding any other provision of this Agreement, the Commission may, as part of any annual budget, set an amount to be held in a Maintenance and Replacement Fund, which will be in addition to any usage charges and will be divided equally among all member Jurisdictions and invoiced with the first billing to them in each fiscal year.

This resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____
City Clerk