

RESOLUTION NO. 11943-09

A RESOLUTION AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN STATEMENT OF AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF HEALTH.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

1. That it hereby authorizes and directs the Acting City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Statement of Agreement by and between the City of Newport News, Virginia and the Commonwealth of Virginia, Department of Health.

2. That a copy of the said Statement of Agreement is attached hereto and made a part hereof.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON NOVEMBER 24, 2009

Mabel Washington Jenkins, CMC
City Clerk

Joe S. Frank
Mayor

A true copy, teste:

City Clerk

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH**

STATEMENT OF AGREEMENT WITH the Newport News City Council.

Under this agreement, which is created in satisfaction of the requirements of 32-1-31 of the *Code of Virginia* (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$2,889,859.00 from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the City Council will provide by appropriation and in equal quarterly payments a sum of \$2,047,539.00. These joint funds will be distributed in timely installments, as services are rendered in the operation of the Peninsula Health District, Newport News Health Department which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2009. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.
 - A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under 2.2-1839 of the Code or under a policy procured by the locality.
 - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city attorney, and the City Council hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.
2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.
3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

 State Health Commissioner
 Virginia Department of Health

 Local authorizing officer signature

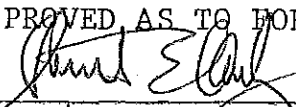
Neil A. Morgan

 Authorizing officer printed name

Acting City Manager

 Authorizing officer title

 Date
 APPROVED AS TO FORM:


 City Attorney

Approved as to form by the Office of Attorney General on April 26, 2002

 Date
 ATTEST:

 City Clerk

Attachments Local Government Agreement, Attachment A(1)
 Local Government Agreement, Attachment A(2)
 Local Government Agreement Amendment 1

LOCAL GOVERNMENT AGREEMENT, AMENDMENT 1

As the Health Department for the City of Newport News, the District can receive services and support from the local government. When appropriate, the Health District can reimburse the local government for any provided services and support. Upon receipt of proper documentation, the Health District will expeditiously process vouchers for payment

City vehicles that are assigned to the Health District will only be used for Health District functions. The Health District will reimburse the City using documented vehicle and mileage rates that shall not exceed those charged other departments. Reimbursement will be based upon monthly utilization as reported to the City by the Health District

City employees who work for the Health District will not work for any other City department. Their attendance and payroll verification will be controlled by the Health District's Human Resources section. City personnel policies will be followed. All payroll costs will be reimbursed by the Health District.

Cellular telephones and pagers covered under the City contract can be used by the Health District at the same rate as other departments.

Charges for information systems and support contracted or owned by the City will be reimbursed base upon utilization.

Supplies and/or equipment purchased by the City for the Health District's use will be charged at actual cost

Special work performed by the City Buildings and Services Department that is not covered under the Local Lease Agreement will be reimbursed. Supply and labor costs should be properly documented.

If unexpected requirements arise during the fiscal year, the need for any services and related reimbursements will be properly authorized and documented. This Amendment is not intended to restrict the appropriate use of City resources by the Health District

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Childhood Immunizations As provided for in 32.1-46			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57			X
Surveillance and investigation of disease 32.1-35 and 32.1-39			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49 and 32.1-54			X
CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services, diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements 32.1-65 and 32.1-69			X
Well child care up to age n/a (enter year) Board of Health	X		
WIC Federal grant requirement		X	
EPSDT DMAS MOA			X
Blood lead level testing CDC			X
Outreach			X
Community Education 32.1-11.3 and 32.1-23			X
Pre-school Physicals for school entry 22.1-270			X
Disabled disability Waiver Screenings DMAS MOA			X
Services for Children with Special health care needs Title V, Social Security Act			X
Child restraints in motor vehicles 46.2-1095, 46.2-1097			X
Babycare DMAS MOA			X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided. Check Block for Highest Income Level Served			
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women 32.1-77, Title V, Social Security Act		X	
Babycare Services DMAS MOA		X	
WIC Federal grant requirement		X	
FAMILY PLANING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X		X	

Revised 10/1/00

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies.	
Ice cream/frozen desserts MOA Agriculture	X
Investigation of communicable diseases 32.1-35 and 32.1-39	X
Marinas 32.1-246	X
Migrant labor camps 32.1-203	X
Milk 3.1-530.4	X
Alternative discharging sewage systems 32.1-163	X
On-site sewage disposal 32.1-163	X
Rabies control 3.1-796.97-98	X
Restaurants/eating establishments 35.1.14	X
Sanitary surveys	X
Single home sewage discharge 32.1-164	X
Hotels/Motels 35.1.13	X
Water supply sanitation	X
Wells 32.1-176.2	X
Homes for adults DSS MOA	X
Juvenile Justice Institutions 35.1-23	X
Jail Inspections DOC MOA	X
Daycare centers DSS MOA	X
Radon 32.1-229	X
Summer camps/ Campgrounds 35.1.16.17	X

Revised 10/1/00

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health</p>	
<p>Medicaid Nursing Home Screening DMAS MOA</p>	<p>X</p>
<p>Comprehensive Services Act 2.1-746, 2.1-751, 2.1-752, 2.1-753, 2.1-754, 2.1-747</p>	<p>X</p>
<p>Vital Records (Death Certificates) 32.1-254-255, 272</p>	<p>X</p>
<p>Early Intervention Services</p>	<p>X</p>

Revised 10/1/00

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All
Foreign Travel Immunizations			X
CHILD HEALTH SERVICES			
School health services			
Sick child care			
Other			
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Funds for deliveries			
Funds for special tests and drugs			
Diagnosis, treatment, and referral for gynecological problems			
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Other			

Revised 10/1/00

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
GENERAL MEDICAL SERVICES	Income A-C only	Defined by Federal Regulations	All
Activities of Daily Living			
Community Education			X
General Clinic Services/Chronic Disease	X		
Home Health Services (skilled nursing and therapy)			
Outreach			X
Occupational health services			
Personal care			
Pharmacy services	X		
Hypertension screening, referral, and counseling			X
Respite care services			
Other			
SPECIALTY CLINIC SERVICES (List)	Income A only	Defined by Federal Regulations	All
DENTAL HEALTH SERVICES	Income A-C only	Defined by Federal Regulations	All
Restorative Clinic Services – Children/Medicaid			X
Preventive Clinic Services - Adults			
Restorative Clinic Services	X		
Community Education			X
Other School Dental Program			X

Revised 10/1/00

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH SERVICES PROVIDED
UNDER LOCAL ORDINANCE

Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department	
Accident Prevention	
Air Pollution	
Bird Control	
Employee Physicals	
General Environmental	X
Housing - BOCA & local building codes	
Insect control (advise and consult)	X
Noise	
Plumbing	
Radiological Health	
Rodent Control (advise and consult)	X
Solid Waste (advise and consult)	X
Swimming facilities	X
Weeds	
Smoking Ordinances	X
Other environmental services (Identify)	
Body Art (tattoo) Regulation	X
Chesapeake Bay Septic Tank Pump Out Program	X
Food Handler Classes	X
Indoor Air Quality/Mold (advise and consult)	X

Revised 10/1/00

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH SERVICES PROVIDED UNDER
LOCAL ORDINANCES OR CONTRACT WITH LOCAL GOVERNMENTS

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
Employee physicals			
Primary care for inmates in local jails or correctional institutions			
Other medical services (List)			
Other (please list)			

Revised 10/1/00