

ORDINANCE NO. 3624

AN ORDINANCE authorizing an amendment to the charter of the Northern Virginia Criminal Justice Academy ("Academy") and the acquisition, financing and relocation of the Academy's facilities to the University Center in Loudoun County, Virginia.

WHEREAS, the Academy was created by joint agreement of the Counties of Arlington, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park for the purpose of providing training for sworn law enforcement and correctional officers, and for other personnel who assist and support such officers; and

WHEREAS, Arlington County has requested that the Academy vacate its present training facilities, which are housed in an unused Arlington County public school building, so that Arlington can resume use of the building for school purposes; and

WHEREAS, the Academy has undertaken an extensive competitive regional search for a property that would meet the Academy's need for a permanent training facility and would represent a sound long-term investment of public funds; and

WHEREAS, the Academy has found an appropriate facility at the University Center in Loudoun County, Virginia, that can be purchased upon favorable terms; and

WHEREAS, Prince William County has given notice that it will withdraw from the Academy effective June 30, 1994, thereby necessitating amendment of the Academy's Charter; and

WHEREAS, city council has determined that the amendment to the Academy's Charter, which is attached hereto and incorporated by reference herein, is a necessary component of the overall effort to relocate the Academy's facilities to Loudoun County, Virginia, and should be approved; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That city council hereby approves the attached Amended Charter of the Northern Virginia Justice Academy, with such insertions, omissions or other revisions (including, without limitation, changes of the dates thereof) as may be approved by the city manager, whose approval shall be evidenced conclusively by her execution of the Amended Charter.

Section 2. That city council hereby approves the acquisition, financing and relocation of the Academy's facilities to University Center in Loudoun County, Virginia.

Section 3. That city council hereby authorizes the city manager to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect the attached Amended

Charter and the acquisition, financing and relocation of the Academy's facilities to University Center in Loudoun County, Virginia, including the execution of the Amended Charter (with such insertions, omissions or other revisions as she deems appropriate) and the documents associated with said acquisition, financing and relocation.

Section 4. That the city council hereby authorizes the city clerk to attest the execution by the city manager of the Amended Charter and of any other documents that the manager has deemed necessary or desirable to carry into effect the Amended Charter or the acquisition, financing and relocation of the Academy's facilities to University Center in Loudoun County, Virginia, and to affix thereon the official seal of the City of Alexandria.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: April 17, 1993

3/31/93

AMENDED CHARTER OF THE
NORTHERN VIRGINIA CRIMINAL JUSTICE ACADEMY

This Amended Charter for the Northern Virginia Criminal Justice Academy is adopted by the Counties of Arlington, Loudoun and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park. The Northern Virginia Criminal Justice Academy shall exist under and be subject to the terms and conditions of this Amended Charter and which shall be deemed to constitute the agreement required by Section 15.1-21, Code of Virginia, as amended, for the joint exercise of powers.

SECTION 1. DURATION

The Northern Virginia Criminal Justice Academy and this Amended Charter shall exist in perpetuity subject, however, to dissolution under one of the following conditions:

a. At any time, by agreement of the governing bodies of all of the political subdivisions identified above and other political subdivisions which have subsequently become parties to this Amended Charter.

b. In the event any entity which has agreed to have its personnel trained at the Academy desires to cease having its personnel trained at the Academy, it may do so effective June 30 if it has so notified each of the other participants. Such notice shall be in writing and submitted to the other participants on or before December 1 preceding the June 30, withdrawal date. The parties to this Amended Charter acknowledge that Prince William County has given notice that it is withdrawing from the Academy effective June 30, 1994, and this withdrawal shall occur automatically on that date without any further action by Prince William County or the Academy Board.

c. This Amended Charter may be amended by the concurrence of the governing bodies of all the participating political subdivisions.

SECTION 2. PARTICIPANTS

The following shall be participants in the Academy training program:

a. The counties of Arlington, Loudoun and Prince William and the cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park.

b. Any other political subdivision of this Commonwealth or any political subdivision of another state, which did not participate in the adoption of this Amended Charter may, with the approval of the Academy Board, join in the Amended Charter if it executes this document in accordance with Section 15.1-21, Code of Virginia,

1950, as amended.

c. The Washington Metropolitan Area Transit Authority Police Department may also become a participant in the Academy if approved by the Academy Board.

d. Sheriff's Departments and Regional Jail entities may become participants in the Academy if approved by the Academy Board.

e. Other governmental entities or public law enforcement or correctional agencies if approved by the Academy Board.

SECTION 3. PURPOSE OF THE ACADEMY

The purpose of the Academy is to provide training for sworn law enforcement and correctional officers, and other personnel who assist and support such officers which satisfies the requirements mandated by the Commonwealth of Virginia and such other training as may be determined by the Academy Board.

SECTION 4. AGREEMENT TO USE SERVICES OF THE ACADEMY

The participants in the Academy shall enter into service agreements with the Academy for training of their personnel.

SECTION 5. ORGANIZATION

There is hereby created The Northern Virginia Criminal Justice Academy Board which shall be the governing body of the Academy and which shall be composed of the following members, provided that the persons are officials of governmental agencies or entities which participate in the Academy:

a. The Chief Executive or Administrative Officers, or designees, of the Counties of Arlington, Loudoun and Prince William; and

b. The Chief Executive or Administrative Officers, or designees, of the Cities of Alexandria, Fairfax, Falls Church, Manassas Park and Manassas.

c. One member representing the towns which are participants in the Academy, as selected by those jurisdictions by majority vote; and

d. The Chief of Police, or designee, of the Counties of Arlington, Prince William, the City of Alexandria, and the Sheriffs of Loudoun County and Arlington County and the City of Alexandria; and

e. The Chairman of the Northern Virginia Police Chief's

Committee (if not otherwise eligible for membership); and

f. Representatives of the Washington Metropolitan Area Transit Authority Police Department, Sheriff's Departments and Regional Jail entities which participate in the Academy and whose representation on the Board is approved by the Board; and

g. Representatives of any other participant if approved by the Academy Board.

The Board shall conduct meetings as it deems necessary; except that the Board shall hold its Annual Meeting in December, at which time it shall elect its Chairman, Vice-Chairman, and other officers as it may deem appropriate. The Board shall, at the Annual Meeting, adopt a proposed operating budget for the Academy's upcoming Fiscal Year.

Robert's Rules of Order, Newly Revised, as amended from time to time, shall govern the conduct of Board meetings, provided that the Board may adopt such modifying rules of procedure as it may deem appropriate.

Written minutes of all Board meetings shall be maintained.

SECTION 6. POWERS OF THE BOARD

The Board shall have the following powers and duties on behalf of the Academy:

To appoint an Academy Director and fix compensation and prescribe the Director's powers and responsibilities.

To provide the Academy Director with sufficient staff personnel as deemed appropriate by the Board. The Board may provide staff personnel who are already in the employ of a participant, or may contract with others, or both. The Board may also approve the Director hiring full-time Academy personnel who actually are employed by the Academy.

To develop and approve Academy Policy, Rules and Regulations.

To prepare an annual Academy budget, in connection with which the Board may authorize the Director to expend such funds as budgeted.

To authorize the Director (as approved by the Board) to contract with any other person, corporation or entity, public or private, for the furnishing of educational or analytic or other services.

To authorize the Director to contract with any participant for

necessary administrative and maintenance Services.

To provide for an annual audit of Academy finances.

To exercise final authority over Academy training programs. While the Board will provide broad policy guidance articulated through its Chairperson or Vice Chairperson to the Director, the Northern Virginia Chiefs' of Police Committee will provide daily, if members of Academy, operational guidance. Should a question arise relative to training programs affecting deputy sheriffs, the Board hereby delegates the policy guidance tasks and obligation to the participating Sheriffs.

To enter into service agreements with any governmental entities or authorities to provide training for personnel.

To acquire any interest in real or personal property to the full extent permitted by law which the Board determines is necessary or desirable for the purpose of the Academy, including the right to acquire the interest as trustee for all or some of the participating subdivisions.

To perform all other acts necessary or convenient for the proper administration of the Academy, and carry out the purposes of the Academy.

SECTION 7. FINANCING AND BUDGET

The Board shall designate the chief financial officer of one of the participants to act as the Board's fiscal agent, or may contract for its fiscal needs. The Board shall provide for the manner in which and by whom disbursements may be authorized, provided that it shall ensure that the disbursement authorization system is in compliance with the Code of Virginia 1950, as amended.

The Board shall be responsible for the annual preparation of an operating budget, and shall submit by January 1 of each year its approved Budget proposal to the governing bodies of the participants. Upon receipt of notice of appropriations by the participants, the Board shall make such adjustments in the budget as may be necessary.

The operating budget shall be approved, or adjusted and approved, by the governing bodies of the participants. Each such governing body agrees that for any year in which a participant receives services of the Academy, it shall appropriate to the Academy operation that percentage of the budget that its sworn population represents as compared to the other participants. The number of sworn personnel shall be determined as of October 1 immediately preceding the fiscal year for which the budget is being established.

Payment of the cost appropriations to the fiscal agent shall be made at quarterly intervals within the fiscal year.

The operating budget, and the implementing appropriations, shall take into account and give credit for goods and services furnished in kind by a participant at such fair value to the Academy as may be agreed upon by the Board.

SECTION 8. ACQUISITION AND DISPOSITION OF REAL PROPERTY

Title to real property which is acquired by all or some participants of the Academy for the purpose of the Academy shall be held in the joint names of the participants so acquiring it or in such other names as the Board and the participants acquiring the property may agree.

In the event real property is purchased for the purposes of the Academy, and it is later sold, the net proceeds of the sale shall be used for Academy purposes if the Academy is continuing to provide training for criminal justice personnel which satisfies state mandated standards.

If a participant withdraws from the Academy pursuant to Section 1b. and real property is titled in that participant's name, that interest shall be conveyed to the Academy if it has been created as a legal entity, if not then to the remaining participants in whose names the real property is also titled or to such other entities as the Board may determine. Regardless of whether real property is titled in a withdrawn participant's name, that participant shall be paid, at the time the property is sold, a proportionate share of the total payments that have been made toward principal for the acquisition of the real property. The proportion shall be the ratio that the total payments made by the withdrawing participant bears to the total payments made by all participants. Transfer or conveyance of property to entities which are providing, or which will make the property available for, training similar to that being provided by the Academy shall not be considered a sale of that property.

The real and personal property of the Academy including property intended for use of the Academy which is titled in the names of the Academy members may be transferred and conveyed to the Academy at such time as it may become a legal entity without consideration.

Notwithstanding the foregoing, nothing contained in any paragraph of this Section shall require Prince William County to convey to the Academy or other participants in the Academy its undivided interest in that portion of the property acquired for the Academy by deed recorded in Deed Book 1534 at page 1268 among the land records of Prince William County, Virginia which was not conveyed to Prince William County by deed recorded in Deed Book

1813 at page 129 ("Nokesville Property"). In the event the other owners of undivided interests in the Nokesville Property ("Other Owners") shall receive a bona fide offer to purchase the property, and the offer of purchase shall be satisfactory to the Other Owners, the Other Owners shall give Prince William County the privilege of purchasing the property at the price and on the terms of the offer so made. This privilege shall be given by a notice sent to the County Executive of Prince William County by registered mail, requiring Prince William County to accept the offer in writing and to sign a suitable contract within the period of thirty (30) days after receipt of notice to purchase the property. The failure of Prince William County to accept the offer to purchase or to sign a contract within the period provided shall nullify and void the right of first refusal, and the Other Owners shall be at liberty to sell the Nokesville Property to any other person, firm or corporation. In the event Prince William County does not purchase the interest of the Other Owners as provided herein, it shall join promptly in the conveyance of the Nokesville Property to the purchaser selected by the Other Owners. Prince William County shall be paid its proportionate share of the proceeds of sale as provided above. The purchaser shall comply with any applicable zoning and land use regulations including any amendments to such regulations.

SECTION 9. LIABILITY

The Academy, the Academy Board, Academy officers, agents and employees, and participants and their officers, agents and employees shall be immune from lawsuits to the maximum extent permitted by law. Insurance shall be maintained for liability in the amount of at least \$1,000,000.00, but maintenance of insurance shall not affect the immunity from lawsuits.

SECTION 10. SELECTION CRITERIA FOR ACADEMY DIRECTOR

The following qualifications and duties shall apply to the Academy Director:

A. QUALIFICATIONS: Candidates for position of Academy Director shall meet the following minimum qualifications:

a. Bachelor's degree in criminal justice, public administration, education or related field. An associate degree in combination with experience may be used in lieu of a bachelor's degree.

b. Extensive work experience providing considerable knowledge of the criminal justice system with specific experience in the management of criminal justice training or education. Management experience should include agency or agency subunit budget development and execution; personnel recruiting and selection as well as other training management responsibilities.

the Director will be expected to perform the duties with a minimum of difficulty.

c. The Academy Board in its review of candidates may, in its judgment, substitute experience for education or education for experience, provided the resulting criteria are consistent with sound hiring practices and the candidates considered have the required knowledge, skills and abilities to perform the function of Academy director.

B. DUTIES: The management, administration and operation of each regional training Academy shall be the responsibility of the Academy director. Accordingly, the Academy director shall:

- Act as the Academy's fiscal officer
- Prepare the Academy's annual budget
- Act as the Academy's purchasing agent
- Advertise, hire, and train support staff
- Evaluate, discipline, terminate support staff
- Establish support staff work schedules
- Prepare Academy Board governing body meetings agenda in cooperation with the Academy board chairperson
- Advertise Academy Board governing body meetings
- Provide liaison to Academy Board governing body members and other officials
- Develop and continually review Academy curriculum
- Schedule Academy courses and programs
- Review instructor lesson plans and tests
- Ensure that faculty and students comply with Academy bylaws
- Review Academy bylaws
- Monitor Academy courses and programs
- Select and evaluate faculty performance
- Prepare and submit Annual Report to the Academy Board governing body
- Prepare and distribute Academy training calendar

CITY OF FAIRFAX

_____/_____
City Manager Date

_____/_____
Chief of Police Date

PRINCE WILLIAM COUNTY

_____/_____
County Executive Date

_____/_____
Chief of Police Date

CITY OF FALLS CHURCH

_____/_____
City Manager Date

_____/_____
Chief of Police Date

LOUDOUN COUNTY

_____/_____
County Administrator Date

_____/_____
Sheriff Date

CITY OF MANASSAS

_____/_____
City Manager Date

_____/_____
Chief of Police Date

CITY OF MANASSAS PARK

_____/_____
City Manager Date

_____/_____
Chief of Police Date

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