

RESOLUTION NO. 13307-20

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

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

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

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

3. That this resolution shall be in effect on and after the date of its adoption, February 11, 2020.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON FEBRUARY 11, 2020

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

**AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND THE
NEWPORT NEWS CITY COUNCIL FOR FUNDING AND SERVICES OF THE
NEWPORT NEWS HEALTH DEPARTMENT**

This agreement ("Agreement") for the services to be provided by the Newport News Health Department and the funding therefore is by and between the Virginia Department of Health ("VDH") and the Newport News City Council (collectively "the Parties").

The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Newport News Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$3,051,630.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the City Council of Newport News will provide by appropriation and in equal quarterly payments a sum of \$2,162,158.00 local matching funds and \$0.00 one-hundred percent local funds for a total of \$2,162,158.00 local funds for this fiscal year.

In addition, the City Council has approved the Newport News Health Department to carry forward \$0.00 in local matching funds for a total of \$2,162,158.00 matching funds and an additional \$0.00 in one-hundred percent local funds from the prior fiscal year closing locality balance.

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Newport News Health Department, which shall perform public health services in Newport News 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.

§ 2. The term of the agreement begins July 1, 2019. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely 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.

§ 3. The Commonwealth of Virginia ("Commonwealth") and VDH 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 VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. 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 of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH 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 Commonwealth of Virginia Public Liability Risk Management Plan.

- 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 (1950), as amended, when performed by a state employee, are herewith expressly exempted 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 Commonwealth of Virginia Public Liability Risk Management Plan , the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan , the legal representation of said employee by the city or county attorney, and, the City Council of Newport News 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 VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, 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.


§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

 Robert W. Hicks
 Deputy Commissioner for Community Health Services
 Virginia Department of Health

 Local authorizing officer signature

 Date

 Authorizing officer printed name


 Thomas Franck, MD., MPH
 District Health Director
 Peninsula Health District

 Authorizing officer title

 Date

 Date

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)
 Local Government Agreement, Attachment A(2.)

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 | | | |
|---|----------------------|---------------------------------------|--|
| COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS | Income A only | Defined by Federal Regulations | All (specify income level if not ALL) |
| Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link-32.1-122.03; State Health Plan Link <u>Virginia Plan for Well-Being 2016-2020</u> | | | X |
| COMMUNICABLE DISEASE SERVICES | Income A only | Defined by Federal Regulations | All (specify income level if not ALL) |
| Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link-32.1-46 | | | X |
| Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link-32.1-57 | | | X |
| Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links-32.1-35, 32.1-39, 32.1-43 | | | X |
| HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links-32.1-36, 32.1-36.1, 32.1-39 | | | X |
| Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links-32.1-49, 32.1-50, 32.1-50.1 | | | 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 Code Link-32.1-77, 42 U.S.C 300 et seq., and 42 CFR Part 59 | | X | |
| Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link-32.1-77, 42 U.S.C. 300 et seq., and 42 CFR Part 59 | | 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)

| 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 Code Links-32.1-77, 32.1-89, 32.1-90 | | | X |
| Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links-32.1-65, 32.1-67, 32.1-68 | | | X |
| Well child care up to age _____ (enter age) Board of Health Code Link-32.1-77 | X | | |
| WIC : Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C. § 1786; 7 C.F.R. Part 26 | | X | |
| EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link-32.1-11 | | | X |
| Blood lead level testing Code Link-32.1-46.1, 32.1-46.2 | | | X |
| Outreach, Patient and Community Health Education Code Link-32.1-11, 32.1-11.3. | | | X |
| Community Education Code Link-32.1-11, 32.1-23 | | | X |
| Pre-school Physicals for school entry Code Link-22.1-270 | X | | |
| Services for Children with Special health care needs Title V, Social Security Act Code Link-32.1-77 | | | X |
| Child restraints in motor vehicles Code Link-46.2-1095, 46.2-1097 | | | X |
| Babycare, Child: DMAS MOA | | | X |
| MATERNAL HEALTH SERVICES | Income A only | Defined by Federal Regulations | All |
| Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link-32.1-77 | | X | |
| Babycare, Maternal: DMAS MOA | | X | |
| WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26 | | X | |

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

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| <p>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 and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.</p> | |
| <p>Investigation of communicable diseases: Pursuant to §§ 32.1-35 and 32.1-39 of the Code of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links-32.1-35, 32.1-39</p> | X |
| <p>Marinas: Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link-32.1-246</p> | X |
| <p>Migrant labor camps: Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links-32.1 Chapter 6 Article 6</p> | X |
| <p>Milk: Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links- 3.2-5206, 3.2-5208</p> | X |
| <p>Alternative discharging sewage systems: Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-840-10 et seq.). Code Link-32.1-164</p> | X |
| <p>Onsite sewage systems: Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.: "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.: "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link-32.1-163</p> | X |
| <p>Rabies: Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- 3.2-6500</p> | X |

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

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| <p>Restaurants/eating establishments: Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- 35.1-14</p> | <p>X</p> |
| <p>Hotels/Motels: In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link-35.1-13</p> | <p>X</p> |
| <p>Wells: Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link-32.1-176.4</p> | <p>X</p> |
| <p>Homes for adults: The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))</p> | <p>X</p> |
| <p>Juvenile Justice Institutions: Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-35.1-23</p> | <p>X</p> |
| <p>Jail inspections: Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-53.1-68</p> | <p>X</p> |
| <p>Daycare centers: At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))</p> | <p>X</p> |
| <p>Radon Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link-32.1-229.</p> | <p>X</p> |
| <p>Summer camps/ Campgrounds: Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links-35.1-16, 35.1-17</p> | <p>X</p> |

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

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| 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 | |
| Pre-Admission Screenings (PAS) DMAS MOA Code Link- 32.1-330 | X |
| Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- <u>2.2-5201</u> , <u>2.2-5211</u> | X |
| Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- <u>2.2-5305</u> , <u>2.2-5306</u> | X |
| Vital Records Code Link- 32.1-254, 32.1-255, 32.1-272 | X |
| Immunizations for maternity and post-partum patients Code Link-32.1-11, 32.1-325, 54.1-3408. | X |
| AIDS Drug Assistance Program (ADAP) Code Link-32.1-11, | X |
| Emergency Preparedness and Response Code Link-32.1-42, 32.1-43 et seq., 32.1-229, | X |
| HIV Counseling, Testing and Referral Code Link-32.1-37.2 | X |
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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 | | | |
|--|------------------|--------------------------------------|-----|
| | Income A only | Defined by Federal Regulations | All |
| COMMUNICABLE DISEASE SERVICES | | | |
| Foreign Travel Immunizations | | | |
| Other: | | | |
| CHILD HEALTH SERVICES | | | |
| Disabled disability Waiver Screenings DMAS MOA Code Link-32.1-330Other: | | X | |
| Other | | | |
| MATERNAL HEALTH SERVICES | Income A only | Defined by Federal Regulations | All |
| Other: | | | |
| | | | |
| FAMILY PLANNING SERVICES | Income A only | Defined by Federal Regulations | All |
| Nutrition Education | | | X |
| Preventive Health Services | | | X |
| Pre-Conception Health Care | | | X |
| Other: Community Education and Outreach | | | X |
| | | | |
| MEDICAL SERVICES - Please identify services | Income A only | Defined by Federal Regulations | All |
| Community Education | | | X |
| Other | | | |
| | | | |
| | | | |

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 | | | |
|--|----------------------|---------------------------------------|------------|
| SPECIALTY CLINIC SERVICES - Please Identify services | Income A only | Defined by Federal Regulations | All |
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| DENTAL HEALTH SERVICES - Please Identify services | Income A only | Defined by Federal Regulations | All |
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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED
UNDER LOCAL ORDINANCE OR CONTRACT

| 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 | Place an X in this column if service is provided for locality | Local ordinance code cite | Provide a brief description of local ordinance requirements |
|--|---|---------------------------|---|
| Water supply sanitation-Inspection of Water Supplies. Code Link-15.2-2144 on local regulation | | | |
| | | | |
| Other Environmental – Identify services below | | | |
| Animals and Fowl | X | Chapter 6 | Animals – Rabies Control |
| Food and Food Establishments | X | Chapter 17 | Requirements for Food Establishments and Food Handler Cards |
| Health and Sanitation | X | Chapter 20 | Health and Sanitation – Presence of Lead Paint – Inspection of Tattoo Establishments and Body Piercing Establishments |
| Massage Parlors | X | Chapter 24 | Requirements for Massage Parlors |
| Septic Tank Systems | X | Chapter 22, Article VI | Septic Tank Requirements |
| Smoking | X | Chapter 33.1 | Enforcement of Smoking Ordinance |
| Special Sales – temporary food sales | X | Chapter 37 | Enforcement of requirements for temporary food sales |
| Swimming Pools | X | Chapter 39 | Requirements for Construction and Operation of Swimming Pools |
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