FAIRFAX VIRGINIA

AGREEMENT BY THE CITY OF FAIRFAX AND THE COUNTY OF FAIRFAX

FOR THE

ESTABLISHMENT

OF A

MULTIJURISDICTIONAL

COMMUNITY CRIMINAL JUSTICE BOARD

OCTOBER 2000

AGREEMENT BY THE CITY OF FAIRFAX AND THE COUNTY OF FAIRFAX FOR THE ESTABLISHMENT OF A MULTI-JURISDICTIONAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, the City of Fairfax, Virginia ("City of Fairfax" or "Party"), and the County of Fairfax, Virginia ("County of Fairfax" or "Party"), are political subdivisions of the Commonwealth of Virginia; and

WHEREAS, Virginia Code § 19.2-152.2 provides that any city or county or combination thereof may establish a pretrial services program and any city or county or combination thereof required to submit a community –based corrections plan pursuant to Virginia Code § 53.1-83.1 shall establish a pretrial service program; and

WHEREAS, Virginia Code §19.2-152.5 provides that each city or county establishing a pretrial service program shall also establish a community criminal justice board pursuant to Virginia Code § 53.1-183; and

WHEREAS, Virginia Code § 53.1-183 provides that each city or county establishing a community corrections program also shall establish a community criminal justice board; and

WHEREAS, Virginia Code § 53.1-183 permits the establishment of multi-jurisdictional community criminal justice boards, and Virginia Code § 53.1-183 specifies certain requirements for the membership of such a multi-jurisdictional board; and

WHEREAS, Virginia Code § 53.1-183 permits each city and county to agree on the establishment and appointment of such a multi-jurisdictional board; now, therefore be it

RESOLVED that the governing bodies of the City of Fairfax and the County of Fairfax (the "Parties") adopt this Agreement by which the Parties establish and agree to appoint the members of a multi-jurisdictional community criminal justice board as authorized by law.

In consideration of the mutual benefits to be derived by the Parties from this Agreement, the Parties agree as follows.

Section 1. Purpose

The Parties enter into this Agreement for the establishment and appointment of a multi-jurisdictional community criminal justice board that shall be known as the Fairfax Community Criminal Justice Board. The Board shall have those functions provided by Virginia law, and the Board shall make recommendations for change that it deems necessary on matters related to the incarceration and the effective use of criminal justice resources.

Section 2. Powers of the Fairfax Community Criminal Justice Board.

The Parties agree that the Fairfax Community Criminal Justice Board shall have all powers and functions that are granted to multi-jurisdictional community criminal justice boards by the Virginia Comprehensive Community Corrections Act for Local-Responsible Offenders, Virginia Code § 53.1-185, as amended.

Section 3. Appointment of Members of the Fairfax Community Criminal Justice Board.

A. The Parties agree to appoint these officials as members of the Fairfax Community Criminal Justice Board:

1. A member of the Fairfax County Board of Supervisors, the County Executive, or an executive or assistant or deputy of the County Executive appointed by the governing body;
2. A member of the City of Fairfax City Council, the City Manager, or an executive or assistant or deputy to the City Manager appointed by the governing body;
3. A Judge appointed by the Chief Judge of the Circuit Court of the Nineteenth Judicial District;
4. A Judge appointed by the Chief Judge of the General District Court of the Nineteenth Judicial District;
5. A Judge appointed by the Chief Judge of the Juvenile and Domestic Relations District Court of the Nineteenth Judicial District;
6. The Chief Magistrate for the Nineteenth Judicial District;
7. The Commonwealth's Attorney for the Nineteenth Judicial District;
8. The Public Defender for the Nineteenth Judicial District;
9. The Sheriff for the Nineteenth Judicial District;
10. The Clerk of the Circuit Court of the Nineteenth Judicial District
11. The Clerk of the Fairfax County General District Court of the Nineteenth Judicial District
12. The Clerk of the Juvenile and Domestic Relations District Court of the Nineteenth Judicial District
13. The Chief Probation and Parole Officer of the Nineteenth Judicial District, and
14. A community services administrator appointed by the Fairfax-Falls Church Community Services Board.

B. The Parties agree that the governing body of the City of Fairfax may appoint as many as three additional members of the Board. One of those appointees shall be the Chief of Police of the City of Fairfax and one of those appointees shall be a representative of local education.

C. The Parties agree that the governing body of the County of Fairfax may appoint as many as seven additional members of the Board. One of those appointees

shall be the Chief of Police of the County of Fairfax, and one of those appointees shall be a representative of local education.

Section 4. Term of Office; Vacancies.

Members of the Fairfax Community Criminal Justice Board shall not serve a definite term. Any person appointed pursuant to Paragraphs B and C of Section 3 shall serve at the pleasure of the governing body of the appointing party, and any person appointed pursuant to Paragraphs B and C of Section 3 shall be removable at the pleasure of the governing body of the appointing party. Vacancies shall be filled in the same manner in which the original appointment was made. Any dispute concerning the membership of any person appointed pursuant to Paragraphs B and C of Section 3 shall be resolved by the governing body of the appointing Party. In addition, if a person is appointed to serve pursuant to Paragraph A of Section 3 by virtue of holding public office or as a representative of a particular interest, then vacation of that office or termination of that representation shall automatically terminate membership on the Board. Any such automatic termination shall not require formal action by either Party.

Section 5. Actions by the Fairfax Community Criminal Justice Board.

Any action by the Fairfax Community Criminal Justice Board shall require a quorum, and a majority of the members appointed to the Board shall constitute a quorum. All questions submitted to the Board for decision shall be determined by viva voce vote. Passage of all questions submitted to the Board shall require an affirmative vote of the majority of the members voting on any such question. Any matter which does not receive an affirmative vote of a majority of the members voting on the question shall fail. The Board shall elect a presiding officer and such other officers as it deems necessary. Except as otherwise provided by law, the presiding officer shall be eligible to vote in all matters before the Board. The Board may adopt its owns rules of procedure.

Section 6. Administrator, Fiscal Agent and Costs.

The Parties agree that the County of Fairfax shall serve as the administrator and fiscal agent for the Fairfax Community Criminal Justice Board in the reception and accounting of State funding allotted to the Board and in the management of any property or services that are under the purview of the Board. Service by the County of Fairfax as administrator and fiscal agent shall include legal services and representation of the Board. Upon request, the County of Fairfax shall provide to the City of Fairfax a description and all supporting documentation for any activities incurred by the County of Fairfax as the administrator and fiscal agent of the Fairfax County Criminal Justice Board. The County will bear the costs of the program unless otherwise agreed to by the Parties.

Section 7. Liability Insurance.

This Agreement shall not impose any liability of any nature on any Party. No Party to this Agreement shall be liable to any other Party to this Agreement for any monetary claim

arising out of this Agreement. In regard to any claim by any person who is not a Party to this Agreement, each Party to this Agreement shall be responsible for resolving any claim regarding its own negligence for any injury, damage, loss or claim resulting from or arising out of this Agreement of any services performed hereunder. Each of the Parties may obtain and maintain insurance coverage related to their respective responsibilities under this Agreement, but no Party shall be obligated to insure or bear any financial liability for the activities of any other Party to this Agreement.

Section 8. Effective Date; Duration and Termination.

This Agreement shall replace and supercede any previous agreements to establish a multi-jurisdictional community criminal justice board and it shall become effective on and after both Parties approve the Agreement and the Agreement is executed on behalf of those jurisdictions by the signatures of the representatives of the Parties. Either Party may withdraw from this Agreement in accordance with the procedure set forth in Virginia Code § 53.1-184. The Agreement shall continue in effect until terminated by either Party or until the authority for such multi-jurisdictional community criminal justice boards is terminated.

Section 9. Copies of the Agreement.

Each Party shall have a fully-executed copy of this Agreement. Each such copy shall be considered to be an original.

Section 10. Amendments.

This Agreement may be amended by subsequent execution of an Amended Agreement by the Parties.

Section 11. Severability.

The provisions of this Agreement are severable. If any provision of this Agreement or any application thereof is held invalid, such invalidity shall not affect the other provisions of application of this Agreement which can be given effect with out the invalid provision or application.

IN WITHNESS WHEREOF, the Parties have caused this Agreement to be executed by the duly authorized representative of each party.

WITNESS the following signatures:

For the **CITY OF FAIRFAX, VIRGINIA**

John Mason

John Mason, Mayor
City of Fairfax

October 12, 2000

Date

ATTEST:

Jacqueline M. Henderson — 10/12/00

Jackie M. Henderson, City Clerk — Date

APPROVED AS TO FORM:

10/18/00

William F. Roeder, Jr.
City Attorney of the City of Fairfax — Date

For the **COUNTY OF FAIRFAX, VIRGINIA**

Katherine K. Hanley — Sept. 26, 2000

Katherine K. Hanley, Chairman
Board of Supervisors of the County of Fairfax — Date

ATTEST:

Nancy Vehrs — Sept. 26, 2000

Nancy Vehrs, Clerk to the Board of Supervisors — Date

David P. Bobzien — 9.26.00

David P. Bobzien
County Attorney of the County of Fairfax — Date

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