

**RESOLUTION OF THE COUNCIL  
OF THE CITY OF HARRISONBURG, VIRGINIA,  
GRANTING CONSENT TO THE SCHOOL BOARD  
OF THE CITY OF HARRISONBURG, VIRGINIA,  
TO CONTRACT TO EXPEND MONEY IN EXCESS  
OF FUNDS AVAILABLE FOR SCHOOL PURPOSES**

**WHEREAS**, the School Board of the City of Harrisonburg, Virginia ("School Board") determined that it needed new and updated facilities and, after consultation with the Council of the City of Harrisonburg, Virginia, about the needs, conducted a competitive bidding process under the Virginia Public Procurement Act seeking bids through requests for proposal ("RFPs") to construct a new elementary school located off Garbers Church Road, otherwise known as the Bluestone Elementary School, and to install a new Heating Ventilating and Air Conditioning ("HVAC") system in Thomas Harrison Middle School (the "Projects"); and

**WHEREAS**, Nielsen Builders, Inc. ("Nielsen") submitted the lowest bid in response to the RFP for the elementary school, such bid being in the amount of TWENTY-NINE MILLION NINE HUNDRED TEN THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS (\$29,910,767.00), subject to additions and deductions allowed in the RFP; and

**WHEREAS**, Riddleberger Brothers, Inc. ("Riddleberger") submitted the lowest bid in response to the RFP for the HVAC system, such bid being in the amount of FOUR MILLION, THREE HUNDRED SEVENTY-TWO THOUSAND, NINETY-TWO DOLLARS (4,372,092.00), subject to additions and deductions allowed in the RFP; and

**WHEREAS**, the City Council is in the process of borrowing and then appropriating funds to the School Board for the Projects, but the funds have not yet been appropriated by the City Council to the School Board; and

**WHEREAS**, Virginia Code § 22.1-91 states as follows:

No school board shall expend or contract to expend, in any fiscal year, any sum of money in excess of the funds available for school purposes for that fiscal year without the consent of the governing body or bodies appropriating funds to the school board. Any member of a school board or any division superintendent or other school officer violating, causing to be violated or voting to violate any provision of this section shall be guilty of malfeasance in office.

**WHEREAS**, the School Board desires to complete the Projects before the start of the academic school year in the Fall of 2017; and

**WHEREAS**, the Projects will be completed over several fiscal years; and

**WHEREAS**, the School Board, Nielsen, and Riddleberger are prepared to move forward with the execution of the necessary agreements so that the respective Projects may begin, provided that the City Council grants the necessary consent under Virginia Code § 22.1-91 that authorizes the School Board to contract to expend funds that have not yet been appropriated by the City Council to the School Board for the Project; and

**WHEREAS**, completion of the Project before the start of the academic school year in the Fall of 2017 would be a benefit to the students and citizens of the City of Harrisonburg, Virginia; and

**WHEREAS**, the City Council anticipates that the necessary funds for the Project will be appropriated for the fiscal years during which the Projects are being pursued and completed;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:**

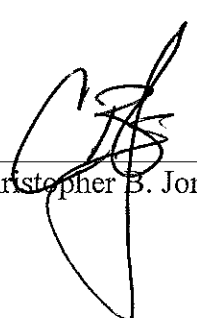
1. That the Council of the City of Harrisonburg, Virginia, hereby consents to the School Board of the City of Harrisonburg, Virginia, entering into an agreement with Nielsen Builders, Inc., to construct Bluestone Elementary School, which requires the expenditure of money in excess of funds currently available for school purposes in the present fiscal year and subsequent fiscal years; and

2. That the Council of the City of Harrisonburg, Virginia, hereby consents to the School Board of the City of Harrisonburg, Virginia, entering into an agreement with Riddleberger Brothers, Inc. to install a new HVAC system in Thomas Harrison Middle School, which requires the expenditure of money in excess of funds currently available for school purposes in the present fiscal year and subsequent fiscal years; and

2. That the City Clerk is hereby authorized and directed to cause an attested copy of this Resolution to be delivered to Kerri Wilson, Chair of the School Board of the City of Harrisonburg, Virginia; and

3. That this Resolution shall take effect immediately upon its adoption.

Approved: 3/22/16  
Date

By:   
Christopher B. Jones, Mayor

Attest:   
Erica Kann, City Clerk

**CERTIFICATE**

The undersigned City Clerk of the City of Harrisonburg, Virginia hereby certifies (1) that the foregoing constitutes a true, correct and complete copy of a Resolution adopted by the City Council of the City of Harrisonburg, Virginia at a regular meeting duly called and held on March 22, 2016, with the City Council members present and absent and voting in a roll call vote on the Resolution as set forth below; (2) that such meeting was duly convened and held in all respects in accordance with law; and (3) that the foregoing Resolution has not been repealed, revoked, rescinded or amended.

	PRESENT	ABSENT	AYE	NAY
Christopher B. Jones, Mayor	x		x	
Richard Baugh, Vice Mayor	x		x	
Kai Degner	x		x	
Abe Shearer	x		x	
Ted Byrd	x		x	

WITNESS, my hand and the seal of the City of Harrisonburg, Virginia this 22<sup>nd</sup> day of March, 2015.

CITY OF HARRISONBURG, VIRGINIA

By: *Erica Kann*  
Erica Kann, City Clerk

(SEAL)