

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

Meeting Date: November 6, 2006

Subject: Consideration of draft Request for Proposals for the creation of an Adequate Public Facilities Ordinance

Attachments: Attachment 1 – Draft Request for Proposals

SUMMARY OF REQUEST:

At a recent meeting the Board considered the issue of implementing an Adequate Public Facilities Ordinance (APFO). At that meeting the Board directed staff to prepare a Request for Proposals (RFP). The draft RFP will solicit proposals from consultants to prepare an APFO and associated documentation. The RFP outlines the comprehensive planning process to develop such an ordinance and includes the creation of an Adequate Public Facilities Task Force to steer the process and review the issues and draft ordinance. The Task Force should include the following persons: County Attorney, Planning Director, Finance Director, Assistant County Manager, and a Public School Official. It would be appropriate for the Board to appoint 3 other individuals to serve on this Task Force.

The draft RFP indicates a proposal deadline of December 15, 2006. The project would start in February 2007 after selection of the firm and execution of a contract with the firm. It is anticipated that the draft ordinance would be available October 2007.

COUNTY MANAGER'S RECOMMENDATION / BOARD ACTION REQUESTED:

I recommend that the Board of Commissioners consider approval of the draft Request for Proposals. Appointment of the additional Task Force members can occur at a subsequent meeting of the Board.

REQUEST FOR PROPOSALS
for
The Preparation of a
Adequate Public Facilities Ordinance
Henderson County, North Carolina

Henderson County is seeking to retain the service of a qualified firm and/or team to develop an Adequate Public Facilities Ordinance, in accordance with the attached description of services and requirements.

I. Background

Henderson County is nestled in the Blue Ridge Mountains, providing an attractive scenic backdrop. Its mountain views continue to be a popular attraction to visitors and new residents. Agriculture remains an important part of the County's economy. In fact, Henderson County is North Carolina's largest apple producer and home to North Carolina's annual Apple Festival. The festival is well attended. The County's manufacturing, retirement, retail, and tourism is a complimentary addition its diverse economy.

Henderson County is one of the fastest growing counties in Western North Carolina with a 28.7 percent change in population from 1990 to 2000. This is an additional 19,888 persons since the 1990 Census. The County's population has more than doubled during the thirty year period. People continue to make Henderson County their home. The County has witnessed and witnessing a significant increase in the number of subdivisions. That number has nearly doubled each year since 2000. Henderson County's rapid growth raises concerns of adequately meeting infrastructure needs and school capacities. School facilities have not kept pace with the County's population growth and housing developments, leaving schools over-capacity. Most over-capacity schools are located in areas that have experienced significant growth.

School facilities improvements constitute one of Henderson County's largest capital improvement expenditure. This fiscal year's budget directs \$28,234,926 to the Henderson County School System. This represents 27% of the General Fund Budget and is equivalent to almost 54% of the ad valorem property tax proceeds expected to be collected in the coming year. There remain major challenges on the horizon with the Sugarloaf, Mills River, and Dana school projects and subsequent operational funding. This operational funding must be identified and accounted for in the development of the Strategic Plan. Future capacity needs will likely necessitate additional school construction. Without realistic revenue alternatives, school capacity needs could result in an increase in property taxes. An Adequate Public Facilities Ordinance would provide a needed resource to meet school capacity as the County continues to grow while also directing growth to areas where adequate school facilities exist.

II. Scope of Services

The selected firm and/or team shall develop an Adequate Public Facilities Ordinance for Henderson County using a comprehensive planning process. The work shall address, but not be limited to the following:

Phase A. Analysis and Technical Documentation for Adequate Public Facilities Ordinance (APFO)

Task 1. Orientation, Inventory, and Data Collection

- a. The objectives of this task are to identify the major issues that will affect the development and implementation of the APFO.
- b. Analyze data, studies, reports, files, maps and collect other data.

Staff Responsibility. Staff will supply available plan, studies, reports, files, maps and other data of the County and Schools required for the initial assessment. The firm and/or team will not be responsible for developing raw data or conducting new studies regarding existing levels of service, existing or projected capacity, or any other background data necessary to complete this Scope of Services.

Task 2. Consultation Process

- a. To the extent necessary, the firm and/or team will schedule meetings with the Henderson County Public School System officials for the purpose of explaining the procedures, operation and effect of APF standards; and the role of the service provider in reviewing development applications for compliance with APF standards.
- b. Work with the APFO Task Force comprised of representatives appointed by the County. The purpose of these sessions is to familiarize the APFO Task Force with the concept of APF and to take its input as it relates to initial key policy decisions: adequacy standards, service district(s), remedies, procedures, permitting agency and exemptions.
- c. Describe a structure and time frame for coordinating the process with maximum stakeholder participation.

Deliverable: Memorandum of Understanding.

Task 3. Initial Determination of Impact on APFO if all municipalities do not agree to participate

- a. Investigate, document and make preliminary recommendations as to the suitability of an APFO for school without all the municipal participation.

Deliverable: Memorandum on feasibility and legal aspects of APFO without county-wide participation

Task 4. Initial Determination of School Impact Areas

- a. Assist APFO Task Force in making an initial determination of areas and/or sub-areas of the County to which differential adequate public facility standards and requirements may apply.

Deliverable: Memorandum, Including School Impact Area Maps

Task 5. Initial Determination of Procedural Requirements of Adequate Public Facilities Ordinance

- a. The firm or team will assist APFO Task Force in identifying the most appropriate points in the various development approval processes and when the APFO should be applied. This process will address the following questions, but not limited to:
- Should public facilities determination be tentative or final;
 - If the determination triggers a “reservation” of capacity, how the determination of whether facilities are adequate will be coordinated with other aspects of the development approval process;
 - What categories of development or development approval the requirement will apply;
 - Will any land use types or development approvals receive preferential treatment? If so, who will be authorized to grant waivers or exemptions from adequate public facilities requirements;
 - What process will be incorporated for appeals from adequate public facilities determinations;
 - What is the effect of failure to meet one (1) or more adequate facilities standards;
 - What conditions may be attached to a favorable adequate public facilities determination including, but not limited to, deferral of development, phasing of development, reduction in density/intensity of development, and mitigation by the developer of public facility deficiencies; and
 - Which County Staff will be responsible for the adequate public facilities review and determination and how the review and determination will be integrated with the development approval process?

Deliverable: Memorandum on Procedural Requirement of APFO

Task 6. Initial Determination of Applicable Level of Service Standards

- a. Assist and work with appropriate school official to establish reasonable and appropriate level of service standards for each type of school (Elementary, Middle, High) included in the adequate public facilities system.

Deliverable: Memorandum on Level of Service Standards

Task 7. Initial Capital Improvements Assessments and Capacity Baseline

- a. Based upon the initial determination of applicable level of service standards by public facility or service, the firm or team shall assist County Staff in documenting existing public facility demands and capacities, and projecting future public facility demands and capacity needs.
- b. From the total current capacity, work with and assist County Staff in identifying and deducting capacity demanded by existing development, capacity already committed to vested developments and capacity committed to developments actually coming on-line within the fiscal year. After making these deductions, the remainder will represent the current available capacity. The capacity shall be stated in a calculable unit of measurement that relates to development, e.g., equivalent residential units (ERU's).
- c. Projected future capacities shall be based upon the current capacity plus the capacity to be added by virtue of facilities and services projects included in a current (5-6 year) capital improvement program for each service provider.
- d. The information will include the following information, based upon information provided by the County and/or schools:
 - The applicable level of service for each public facility with existing improvements;
 - A general description of existing improvements and a summary of existing capacities;
 - An inventory of improvements proposed including (as available) a general description of the improvement, the year in which the facility will be available, estimated capital cost, and the source of funding, based on information provided by the service provides;
 - The level of service resulting from the proposed improvements;
 - Projected population and development trends;
 - Proposed improvements needed to accommodate the projected population and development trends;
 - Improvements needed to accommodate any deficit in the capacity of any schools; and

- The initial capital improvement plan and capacity baseline will be derived from information provided by County Staff or the schools and will not involve any new facility modeling or facility master planning.

Deliverable: An Initial Capital Improvements Needs Assessment and Memorandum on Existing and Projected Facility Capacities and Demands.

Task 8. *Synthesis Report*

- a. The consultants shall prepare a synthesis report summarizing the conclusions resulting from Task 1-7 and recommending an appropriate adequate public facilities system and structure for Henderson County.
- b. The synthesis report, with Memorandum of Understanding, will be presented to the Board of County Commissioners, APFO Task Force, and/or municipal officials at a public meeting for their review and comment.

Deliverable: Synthesis Report on APFO Policy Issues

NOTE: *Initiation of Phase B will depend on the level of municipal participation as reflected on the adoption of the Memorandum of Understanding.*

Phase B. *Drafting Adequate Public Facilities Ordinance and Related Code Provisions*

Task 1. *Draft APFO Outline*

- a. Draft an outline of the APFO, which highlights the policy issues to be made, as well as alternative approaches as appropriate. The outline will be written in a user-friendly format and will be presented to the Board of County Commissioners, APFO Task Force, the Board of Education and municipal officials for discussion.

Deliverable: APFO Outline

Task 2. *Draft APFO and Capital Improvements Program (CIP)*

- a. The firm or team, working with County Staff, shall incorporate the APFO into an appropriate section of the County Code. The firm or team will assist County Staff in the preparation of a CIP for facilities included in the APFO in the format described in Task 7, above, in a manner suitable for adoption by the County Board.
- b. Recommend appropriate cross-references and coordination will be included between the APFO and the CIP so that the CIP can form a guide for future land development and

capital investment decisions. The draft APFO and CIP will be presented to a meeting of the Board of County Commissioners and APFO Task Force.

Deliverable: Draft APFO.

Task 3. Draft Administrative Procedures and Forms

- a. The firm or team will develop administrative procedures and forms necessary for implementation of the adequate public facilities system on a daily and on-going basis. Administrative procedures and forms will address the following:
- Application for preliminary determination;
 - Application for final determination;
 - Adequate public facilities review (internal County);
 - Adequate public facilities review (outside agencies);
 - Determination of facility capacity;
 - Reservation of facility capacity;
 - Determination of adequacy of the public facilities;
 - Applicable conditions (i.e. deferral, required phasing of development, reduction in density/intensity of development, mitigation);
 - Exemptions from the adequate public facilities determination;
 - Waivers;
 - Appeals;
 - Time limits for reviews and processing;
 - Submission requirements;
 - Annual monitoring of development approval, facility capacity committed and facility capacity remaining; and
 - Procedure for changes in level of service standards (annual).

Deliverable: APFO Forms

III. Estimated Project Schedule

The Henderson County Adequate Public Facilities Ordinance project is on an accelerated time schedule. The County intends to select a firm, negotiate a contract, and start the project by mid February 2007, with a kick-off meeting with the APFO Task Force and relevant stakeholders for mid March and final presentation by early to mid October 2007.

IV. Consultant's Proposal

Those firms interested in providing professional services for this project should submit one (1) originals and four (5) copies of the proposal according to the guidelines provided in this RFP. Submittals should include six (6) copies of the firm's response. Those firms submitting less than the required number of copies shall be considered "incomplete" and not qualified for bid. Any costs incurred by the respondents in the preparation of any information or material submitted in response to the RFP will be borne solely by the respondents. Submission of a proposal indicates acceptance by the responding firm of the terms, conditions, and requirements described in the RFP unless clearly and specifically noted in the submission. The proposal should be presented in the most concise format necessary to communicate the required information and be organized in the following format:

1. A cover letter, including a statement confirming that the firm or team can meet the project expected schedule deadline.
2. An outline of methodology by which the firm or team intends to approach the project, with a specific detail of the public planning process, and how this process will result in a community supported Adequate Public Facilities Ordinance.
3. Proposed firm or team including a description and resume of all personnel anticipated to be employed on the project and the proposed responsibilities of each team member. The current workload of the firm or team and its ability to bring the project in on time and on budget.
4. A brief description of firm(s) qualifications specifically related to professional experience with preparing and developing an Adequate Public Facilities Ordinance.
5. A brief documentation of past work most relevant to this project in terms of scope and the final product. Provide at least three (3) examples.
6. Amount of time and manpower to be expended; and, if a joint venture, a description of the qualifications of these firms, and percentage of the cost of the work and man-hours to be performed by them.
7. The firm's standard hourly rate fee schedule. Also, include the standard hourly rate fee schedule for any sub-consultants.
8. Overall not to exceed cost estimating completed work. The cost must be valid for a minimum of ninety (90) days after the deadline date.
9. At least four (3) letters of reference from similar projects.
10. A copy of firm's standard contract.

11. The proposing firm or team must insure that all proposed work meets all applicable State and Federal requirements.
12. Supporting material such as brochures which may be helpful in illustrating the firm's or team's capabilities.

V. Evaluation Criteria

The Selection Committee will review and evaluate all proposals for responsiveness and compliance with the criteria noted herein. After the selection committee ranks the submittals, the top firms will be invited to participate in an oral interview. The selection will be evaluated by following criteria:

1. Quality of specific methodology for preparing and developing an Adequate Public Facilities Ordinance and facilitating public participation.
2. Capability and professional experience of firm and project staff with an Adequate Public Facilities Ordinance.
3. Availability and capability to meet given project schedule.
4. Value of services being delivered for the cost estimate provided.
5. Letters of reference.
6. Overall strength of proposal specifically addressing the RFP.
7. Any other relevant information offered or discovered during the evaluation.

VI. Submission of Proposals

All proposals for consideration must be received in the Henderson County Planning Office on or before **Friday, December 15, 2006 by 5:00pm**. Telephone or facsimile submittals will not be accepted. For additional information or questions please contact Anthony Starr at 828.697.4819. Proposals should be directed to:

Anthony Starr, Planning Director
Henderson County Planning Department
101 East Allen Street
Hendersonville, NC 28972
Phone: 828.697.4819
Fax: 828.697.4533

Henderson County will not receive proposals after the deadline specified. Submittals will be returned unopened to the sender. Henderson County reserves the right to amend its evaluation criteria as the County, in its sole discretion, shall determine appropriate and may utilize an independent review team. A review and evaluation of the responses based on the criteria contained in this section and the previous section will serve as a basis of selection of the team judged best suited to meet the County's goals for the project. The County may, at its option, interview teams as part of this selection process. However, selection may take place without such interviews.

If the Henderson County is unable to successfully negotiate a satisfactory agreement with terms and conditions the County determines to be fair and reasonable, negotiations with that firm will be terminated. The County will then commence negotiations with those remaining firms in sequence of their ranking until an agreement is reached. If the County is unable to reach an agreement with any of the firms, the County reserves the right, at its sole discretion, to reject any or all proposals. All applicants will be notified of the selection after a contract has been executed.