

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 20, 2025, at 1:00 p.m. in Lane Auditorium, Second Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia, 22902.

PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

ABSENT: none.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Andy Herrick; Clerk, Claudette K. Borgersen; and Senior Deputy Clerk, Travis O. Morris.

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Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m., by the Chair, Mr. Jim Andrews.

Mr. Andrews introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Officers David Sprouse and Dana Reeves.

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Agenda Item No. 2. Pledge of Allegiance.  
Agenda Item No. 3. Moment of Silence.

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews said that the Board's first action would be to adopt the Final Agenda, but before proceeding, he would like to make a couple of notes. He said with respect to Item 17, while it would remain on the agenda, their expectation was that the motion would be to defer to November 5, 2025, which was a date certain, but they would still have a public hearing to discuss it, should anyone wish to speak. Additionally, at the request of one of the Supervisors, they had added Item 19 to the end of the agenda, a discussion regarding an ordinance to control running bamboo.

Ms. LaPisto-Kirtley **moved** to adopt the final agenda as amended. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Agenda Item No. 5. Brief Announcements by Board Members.

Mr. Gallaway said that he had no announcements. He said that his thoughts were with the people affected by the incident in Glenmore yesterday. He was still trying to gather his thoughts on how to express his condolences, but he wanted to say that his heart went out to the entire community, including the owner, who had been devastated by this event.

Ms. LaPisto-Kirtley said that she was hoping that they could secure assistance for the entire neighborhood. She said that she had attended Graham Paige's retirement celebration, which had honored his service on the Board of Education. She said that Supervisor Pruitt was also in attendance, and it was a lovely celebration of his dedication to public service. She said that she found it particularly heartwarming. She said that their Economic Development Authority (EDA) meeting yesterday had gone well, with several items on the agenda that she was looking forward to.

Ms. Mallek said that the Rivanna River Basin Commission meeting the previous day was well attended, and the content was excellent for the Rivanna River Basin Commission. She said that the quarterly meeting featured a presentation by Justin Williams from the Department of Environmental Quality (DEQ), who provided criteria and additional details about counties that chose to adopt parts of the Chesapeake Bay rules, as well as guidance and learning modules available on the DEQ website. She said that she would share more information and links with the Board and include them in the minutes once she had them.

Ms. Mallek said that the Rivanna River Basin Commission Conference was scheduled for Wednesday, September 24, 2025, from 9:30 a.m. to 3:00 p.m. at the Belvedere Center. She said that breakfast and lunch would be provided, and registration emails and blasts had been sent out. She said that for more information or to register, she encouraged everyone to visit the Rivanna River Basin Commission webpage or contact her, and she would be happy to assist.

Ms. McKeel said that she would like to bring up a couple of items. She said that first, she would like to remind everyone that the Charlottesville-Albemarle branch of the National Association for the Advancement of Colored People (NAACP) was hosting their Freedom Fund Banquet on Friday, September 19, 2025, at the Omni. She said that tickets were now available online, and she encouraged

everyone to purchase their tickets and attend, as this event was a fun and worthwhile cause.

Ms. McKeel said that she would like to acknowledge that President Franklin D. Roosevelt signed the Social Security Act into law on August 14, 1935. She said that this legislation provided an income guarantee for the unemployed and retirees, and FDR recommended it to Congress because he considered it a patriotic act. Initially created to combat unemployment, Social Security had evolved to serve as a powerful safety net for retirees, the disabled, and provided death benefits to taxpayer dependents. She said that it had remained popular and largely unchanged since its inception.

Ms. McKeel said that by 1930, the United States was one of the few industrialized countries without any national social security system. She said that Roosevelt's efforts aimed to bring the country in line with other industrialized nations. She said that Roosevelt established the Committee on Economic Security in 1934 and appointed Frances Perkins, who also served as Secretary of Labor, to chair the committee. She said that Ms. Perkins played a crucial role in recommending the Social Security Act to President Roosevelt and she felt that she should be recognized for her immeasurable impact on American society.

Mr. Pruitt said that on a dour note, Lawrence Thomas, an 80-year-old man with dementia, went missing from his home on Secretary Sands and had not been found yet. He said that Mr. Thomas was a small, 5'5" man weighing 130 pounds, and was expected to be seen in the south side of the County, including areas such as Alberene, Scottsville, and North Garden. He said that he kindly requested that citizens keep an eye out for him and help reconnect him with his family.

Mr. Pruitt stated that he had been deeply affected by the recent home explosion in the Glenmore community, and he had spoken with several residents who had shared their shock and emotional distress. He said that his thoughts were with the immediate victims and those who had been displaced. He said that on a more positive note, he wished a happy first week of school to the students of Albemarle County. He said that as a result, he was aware of the significant changes in people's individual schedules, particularly in morning traffic.

Mr. Pruitt kindly requested that they be mindful of this community and to be patient and strive to model the behaviors they would like to see in their young children who commute to work in the morning. He said that they should all set a good example by demonstrating the behaviors they wanted them to exhibit. He said that they should also be cautious, as some individuals walked to school.

Mr. Pruitt said that this Friday, the free summer concert series in Scottsville would take place, featuring the Valley Street Drifters, a local band. He said that finally, he wished to remind them that the annual Seas the Day event honoring veterans and service members and their families would be held at Walnut Creek on September 21, 2025, from 12:00 p.m. to 3:00 p.m.

Mr. Andrews said that he also wanted to express his sympathy to those in Glenmore. It was likely that this would be discussed further. He said that he believed that there was a large community meeting scheduled for tomorrow, from 6:00 to 8:00 p.m. in Lane Auditorium, where AC44 would be holding its community check-in and unveiling the draft Comprehensive Plan. He said that an online option was also available. He thought it was essential that they got the word out about this one big community meeting, which would feature the final draft of AC44 Comprehensive Plan.

Mr. Andrews said that the fall and fall cleanup days at the Rivanna Solid Waste Authority (RSWA) were scheduled to begin on Saturday, September 13, 2025, for electronic waste. He noted that the event was fully booked, but the wait list remained open, so he encouraged anyone interested in electronic waste disposal to sign up on the wait list. He said that he had registered for disposal on September 13, 2025. He said that on Friday, September 19, and Saturday, September 20, 2025, the waste and recycling center would be taking hazardous household waste, paint, antifreeze, and other items. Additionally, on Saturday, September 27, 2025, furniture and mattresses would be accepted, followed by appliances on October 4, 2025, and tires on October 11, 2025.

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Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Proclamation Recognizing August 25-29, 2025, as SMART Week.

Ms. Mallek **moved** to adopt the Proclamation Recognizing August 25-29, 2025, as SMART Week, which she read aloud.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

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**PROCLAMATION RECOGNIZING AUGUST 25-29 AS SMART WEEK**

**WHEREAS,** guns are the number one killer of children and teens in the United States and almost every single day, a child gets their hands on a gun and unintentionally kills or wounds themselves or someone else in the United States; and

**WHEREAS,** when guns are not properly stored, tragedy can strike; whether it's a child finding a firearm and wounding or killing themselves or someone else, or someone stealing it and using it to commit crimes in our communities; and

**WHEREAS,** research shows that the most effective way to prevent children from accessing firearms is by making sure all guns are stored unloaded, locked, and separate from ammunition, however, more than half of gun owners do not lock all of their guns securely, and an estimated 4.6 million children live in a home with at least one unlocked and loaded gun in the United States; and

**WHEREAS,** protecting public safety in the communities they serve is the Board's highest responsibility and the County of Albemarle is committed to creating a safe environment contributing to the safety and well-being of our children; and

**WHEREAS,** SMART Week raises awareness and promotes efforts to educate the public about secure gun storage and the County of Albemarle commends Be SMART, and all involved in their endeavor to keep communities safe.

**NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Albemarle County Board of Supervisors, do hereby recognize August 25-29, 2025, to be SMART Week and encourage all residents, schools, hospitals, and community organizations to commit to the crucial role of reducing injuries and deaths by promoting secure gun storage and safety.

Signed this 20th day of August 2025.

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Mr. Mike Fox, on behalf of Moms Demand Action for Gun Sense in America, expressed his thanks to the Board for their support. He said that as students returned to school, SMART Week served as a reminder that adults had homework, too. He said that when they educated the public about securely storing guns, they took concrete steps towards making their homes, schools, and neighborhoods safer for everyone.

Mr. Fox stated that secure storage was about school safety, but it was also about safeguarding children in all settings, from a friend's house to scout meetings, field trips, and playgrounds. He said that the A in SMART stood for "ask," and this applied to gun owners and non-gun owners alike. He said that just as parents asked about pets, pools, and allergies, a simple conversation about firearm security could help prevent children from accessing them.

Mr. Fox said that it was essential to approach this topic with ease, not awkwardness, and to have open conversations with friends, caregivers, and relatives before a child visited a new home. He said that change happened every day through meaningful conversations with families, friends, neighbors, and community leaders. He thanked all of the Supervisors for helping to normalize conversations about gun safety and spreading the Be SMART message.

Mr. Gallaway thanked Mr. Fox for joining them at today's meeting, as the work his organization was doing was critical. He said that given the complexity of the gun debate, which could often become polarized, he appreciated how Mr. Fox's organization focused on a prudent and universally acceptable approach. He said that by emphasizing the importance of secure gun ownership, he was helping to protect their children from potential harm. He said that he appreciated Mr. Fox's efforts in threading this sensitive issue, and he thanked him again for his dedication.

Ms. LaPisto-Kirtley said that she agreed that the conversation could be awkward, but it was essential to remind people that if they owned guns, they should keep them safely locked up, in a secure location, and out of reach of children. She said that unfortunately, accidents could happen, and it was a concern that was often highlighted on television. She said that children were naturally curious, and they may imitate what they saw, so it was crucial that they took steps to ensure the safety of children, as well as that of adults. She said that she thanked Mr. Fox for making this an important issue that people should be aware of and take action to prevent.

Ms. Mallek expressed her gratitude to Mr. Fox for all that he did with his organization. She recalled past initiatives such as prevention of drunk driving that relied on the same conversational tactics that Mr. Fox had recommended parents take regarding gun safety. She said that it was important for everyone to discuss what their standards were for certain behaviors, and they should all channel their effort in that way because the consequences were permanent.

Ms. McKeel thanked Mr. Fox for being here. She added that most guns were circulating in the community because they were stolen from unlocked cars, so it was important that all guns be locked up

securely.

Mr. Pruitt said that he would like to echo the sentiments of his fellow Supervisors in congratulating the work Mr. Fox's organization was doing to raise awareness about this common-sense policy. He said that he had encountered individuals in his life who strongly disagreed with this policy, suggesting that a firearm for self-defense was only useful when it was readily accessible, such as by one's bedside table. He said that he was surprised to learn about fingerprint-activated safes, which could be opened in just one second because they were coded to the user's fingerprint. He said that this technology was comparable to the ease of accessing an openly positioned firearm, and it demonstrated that there were always reliable and safe storage options available.

Mr. Andrews said that it had been about 50 years since he lived in a small town, and the town was deeply affected by an unlocked gun falling into the hands of 7- or 8-year-old boys, resulting in the loss of one of their promising lives. He said that this incident had a profound impact on the community, and he believed that the lesson it taught would be a lifelong one. He said that he appreciated the broader context in which they were sharing this message.

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Item No. 6.b. Proclamation Recognizing August 26, 2025, as Women's Equality Day.

Ms. LaPisto-Kirtley **moved** to adopt the Proclamation Recognizing August 26, 2025, as Women's Equality Day, which she read aloud.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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**PROCLAMATION RECOGNIZING WOMEN'S EQUALITY DAY 2025**

**WHEREAS,** August 26, 1920, tens of millions of women won voting rights, the greatest expansion of democracy in U.S. history, yet 105 years later women still have not achieved full equality and face ongoing and increasing threats of discrimination, violence, loss of bodily autonomy, and restrictions on voting rights; and

**WHEREAS,** although on January 27, 2020, Virginia became the final of the requisite 38 states to ratify the Equal Rights Amendment, fulfilling all the requirements of the U.S. Constitution, yet the ERA has not been fully recognized and published, allowing gender-based discrimination to continue without recourse under the foundational document undergirding all our laws; and

**WHEREAS,** federal laws ensuring the equal rights and safety of women can be and are currently being weakened or removed, with the U.S. Supreme Court retreating from its own precedent to take away previous constitutional rights, impeding women's ability to make decisions about their own bodies, families and futures, and causing irreparable harm and unnecessary deaths; and

**WHEREAS,** females make up nearly 52 percent of Albemarle County's population and the Albemarle County Government has an appropriate and legitimate role in securing and defending gender equality in the Commonwealth of Virginia and the United States.

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Albemarle County Board of Supervisors, do hereby recognize

**August 26, 2025**  
**as**  
**Women's Equality Day**

in celebration of all who worked to gain voting rights for women; in recognition of all who have continued the fight for gender equity; and in support of all citizens and lawmakers working today to preserve democracy and guarantee equal rights for all under the law in the Commonwealth of Virginia and the United States.

Signed this 20th day of August 2025.

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Ms. Lisa Hilgartner, President of the League of Women Voters of the Charlottesville Area, stated that she was joined by Charlotte Gibson, President of the Charlottesville Chapter of the National Organization of Women (NOW). She wished to express their gratitude on behalf of their organizations for this proclamation. The League of Women Voters was dedicated to informing, educating, and advocating for the rights of women and all voters.

Ms. Hilgartner stated that the organization was founded as a result of the National Women's Party's efforts to extend the right to vote to women after the 14th and 15th Amendments granted voting



rights to male citizens, while denying it to half the adult citizens of the United States. She said that the issue of equal rights for women did not end with the passage of the 19th Amendment in 1920. Three years later, the Equal Rights Amendment was introduced in 1923, stating that the equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex.

Ms. Hilgartner said that although ratification did not progress swiftly, the National Organization of Women was founded in 1970 to take action on women's rights. She said that the organization's efforts, including a nationwide strike that drew 100,000 people, reignited the push for ratification nearly 50 years after its introduction. In 1971, Representative Bella Abzug successfully secured Congress's designation of August 26 as Women's Equality Day. Although efforts to ratify the Equal Rights Amendment stalled in the past, they regained momentum in 2017. In 2020, Virginia became the final state needed for ratification, with the League of Women Voters and Charlottesville Chapter actively participating in the efforts.

Ms. Hilgartner said that they still awaited the ratification of the 28th Amendment to the Constitution. Today, the League of Women Voters and the National Organization of Women continued to advocate for women's rights, including equal pay, hiring and firing protections, work-related benefits and compensation, equity in the courts and healthcare, and the ability of women to control their own bodies. Unfortunately, women's rights remained under threat. In conclusion, she appreciated the County of Albemarle's efforts to foster equality and support women and girls. This proclamation kept Albemarle on the right track, and she thanked the Board. Their organizations closely followed the workings of Albemarle and more information on their groups could be found at [lwv-cva.org](http://lwv-cva.org) and [cvillenow.org](http://cvillenow.org).

Mr. Gallaway thanked Ms. Hilgartner and Ms. Gibson for being here today. He said that it was incredible that despite the many milestones achieved, the work must continue, particularly in a time when some people seemed to believe that equity or equality were negative concepts. He said that he struggled to understand those who held such views. He said that he appreciated these local organizations' commitment to continuing to focus on this issue, not just to reach more milestones, but to ensure that the progress made was enforced and that those responsible were held accountable. He said that as a father to daughters who had reached adulthood, he was especially appreciative of their efforts.

Ms. LaPisto-Kirtley thanked them for being here. She said that to think that the Equal Rights Amendment had been introduced 100 years ago and took that long for Virginia to ratify it was shocking, but she supposed it was better late than never. She said that unfortunately, they still were not quite there yet, and she hoped it would take less than 100 years to pass that amendment to the Constitution. She said that the County appreciated their local women's organizations' advocacy on the part of all of their constituents.

Ms. Mallek recalled hearing stories about her grandmother, who sewed clothes for the Ziegfeld Follies as they toured around the country. She said that seeing women's rights movements happen during her own lifetime had been incredibly impactful to her, and as a mother to two daughters and grandmother to two granddaughters, she knew how important it was to keep working for their benefit. She thanked Ms. Hilgartner and Ms. Gibson.

Ms. McKeel thanked Ms. Gibson and Ms. Hilgartner for joining them today. She said that Laurence Tribe, a constitutional scholar, had stated that the Equal Rights Amendment had already met all the requirements to be adopted and ratified as part of the Constitution as it only took 218 members of the House of Representatives and a majority in the Senate. She added that this level of concrete commitment was necessary, as there were current high-ranking government officials threatening to take the right to vote away from women. She said that it was critical that they ensure that women's rights were protected.

Mr. Pruitt said that he appreciated learning about the connection between Women's Equality Day and the history of the Equal Rights Amendment. He said that he also appreciated Ms. McKeel's statement, which quoted Professor Tribe, as it highlighted the significance of this issue. He said that he agreed that the ERA was part of the Constitution, and it had been since 2020.

Mr. Pruitt said that, however, the fact that they were not all in agreement on this matter and they were waiting for it to be ratified, suggested the gravity of the situation they continued to face. He said that the perceived social, political, and legal obstacles to women's equality remained significant, even if they were intangible. He said that these obstacles were greater than the courage required for political and legal leaders to speak out against them. He said that the fact that they were still hindered by these obstacles, despite the ability of leaders like President Biden to correct the Constitution, was a damning indictment of their country.

Mr. Andrews expressed his gratitude and acknowledged what Ms. Hilgartner and Ms. Gibson were working so hard to achieve. He said that there was a long history of the ERA and their perseverance was greatly appreciated.

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Agenda Item No. 7. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Mr. Jim Hingeley, Albemarle Commonwealths Attorney, stated that he was present to advise the Board about an important upcoming community event. He said that on Friday, September 5, 2025, they would be commemorating the 75th anniversary of the Gregory Swanson case decision. He was pleased to note that Albemarle County was a partner in hosting this event. He explained that the Gregory

Swanson case, decided on September 5, 1950, was a landmark civil rights decision that occurred right here in their community.

Mr. Hingeley stated that it was a case in which the United States Federal Court, sitting in Charlottesville, entered an order against the Board of Visitors of the University of Virginia, which ordered the University of Virginia to admit Gregory Swanson to the law school. He explained that the University initially denied Mr. Swanson admission to the school because he was African American. He said that this decision marked a significant milestone in the fight for civil rights, as it was the first court order to result in the admission of an African American to a segregated white institution in the entire South. He said that as a trailblazing community, this event was well worth commemorating.

Mr. Hingeley stated that for those who may not be familiar with the details, the commemoration would take place on Friday, September 5, 2025, at 2:00 p.m. at the Jefferson-Madison Regional Library (JMRL) Central Library downtown, and in the actual courtroom where the decision was rendered. He said that the event was open to the public, and he encouraged everyone to attend. He said that he had distributed flyers to the Clerk, which he hoped would be distributed to the Board members and staff.

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Ms. Kim Biasioli, Conservation Program Manager with the Piedmont Environmental Council (PEC). She said that she was present today to discuss the draft riparian buffer protection standards. She explained that riparian buffers played a critical role in protecting water quality for the members of their community, with respect to public health, recreation, and their drinking water supply. They also provided important natural habitat and wildlife corridors. She said that they needed to retain and restore riparian buffers for all these reasons, but also to build their community's resilience to major storm events, which were projected to increase in frequency and intensity in this changing climate.

Ms. Biasioli said that the Piedmont Environmental Council would like to commend the County staff for moving this forward and acknowledge the tremendous effort that had led up to this point. She said that since 2017, when this Board had directed staff to identify strategies for improving stream health in the County, there had been numerous work sessions and stakeholder engagement meetings. Extensive research and analysis of different strategies, other localities' ordinances, and the costs and benefits of each approach had been earnestly and deeply considered.

Ms. Biasioli said that this detailed history and background information could be found on the County's Stream Health Initiative website. She stated that the Piedmont Environmental Council strongly supported the completion and adoption of these riparian buffer protection standards. As the Board reviewed and discussed them in today's work session, she hoped they would do so with the recognition that this draft ordinance was the culmination of those many years of effort developed with robust community engagement and careful consideration of details and alternatives.

Ms. Biasioli said that Albemarle had a long history of planning focused on watershed protection and was widely viewed as a leader in the Commonwealth in this area. She said that the riparian buffer protection standards, when adopted, would have a positive and meaningful impact for their community and would serve as a model ordinance for other localities going forward.

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Mr. Williamson said that according to the staff report and scientific data, the buffers were intended to protect stream health, which was a viable goal. He said that while the Free Enterprise Forum commended the objective performance standards embedded in the draft ordinance, they must ask: when would the development area be restored? When would the implementation of stream buffers without corresponding expansion of the development area be considered? He said that by prioritizing environmental protection over housing residents, they were essentially choosing the environment over development.

Mr. Williamson said that now was a good time to review the concept of land swaps and consider relocating the stream buffers to adjacent properties, effectively removing the stream from the development area. He said that finding 800 acres to replace the lost land at Biscuit Run Park would be beneficial. He said that without such action, Albemarle would continue to shrink the development area.

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#### Agenda Item No. 8. Consent Agenda.

Ms. McKeel **moved** to approve the consent agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Item No. 8.1. Approval of Minutes: April 17, May 29, August 7, August 14, September 4, September 17, and September 18, 2024

Mr. Gallaway had read the minutes of April 17 and August 7, 2024, and found them to be in order.

Mr. Andrews had read the minutes of May 29, 2024, and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of August 14, 2024, and found them to be in order.

Ms. Mallek had read the minutes of September 4, 2024, and found them to be in order.

Ms. McKeel had read the minutes of September 17, 2024, and found them to be in order.

Mr. Pruitt had read the minutes of September 18, 2024, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes of April 17, May 29, August 7, August 14, September 4, September 17, and September 18, 2024 as read.**

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Item No. 8.2. Personnel Policy Amendments.

The Executive Summary forwarded to the Board states that foundational work in establishing a government-focused HR Department includes a full review and revision of all County Personnel Policies, which is underway. During this review, staff identified opportunities to modernize existing Personnel Policies to align with changes in legislation and public sector best practices.

County Code § 2-901 requires that personnel policies and amendments be adopted by the Board of Supervisors.

Staff is proposing updates to the personnel policies listed below, with a summary of the proposed changes for each. Older policies have been renumbered to improve ease of use and accessibility for all staff. The personnel policies utilize a new template to standardize the appearance of the documents.

**§P-3 Anti-Discrimination and Harassment (Attachment A)**

Previously § P-21 Equal Employment Opportunity, Inclusion, and Prohibition against Discrimination, Harassment, Bullying, and Retaliation. This policy has been re-written in a precise manner that uses specific language found in Federal and state law for purposes of compliance. Equal Employment Opportunity language has been removed, and the position on harassment and discrimination has been broadened to include employees, contractors, job applicants, and visitors.

**§P-19 Leave Program (Attachment B)**

Previously § P-86 Leave Program, the proposed changes include: added sections for Definitions and Roles and Responsibilities; amended compensatory time for classified employees to allow 80hrs of leave accruals per fiscal year, which must be used by June 30th each year; amended provision for floating holiday that now requires it be taken by the end of the fiscal year- no payout mechanism; Implemented provision for paid bereavement leave of 3 days for the passing of immediate family members; implemented provision for paid parental leave of up to 6 weeks paid upon the birth or adoption of a child. Previously, employees had to use annual leave or take time off without pay.

**§P-36 Reduction in Force (Attachment C)**

Added a section for scope of application; added policy statements that require compliance with Federal and State anti-discrimination laws; added provisions that a severance package may be offered; clarified how employees will be selected for RIF if more than one employee holds the position; removed provisions for automatic recall eligibility for position openings

The following personnel policies are proposed to be archived, as they are no longer relevant, as described below.

**§P-87 Professional Leave**

This policy allowed employees to be paid wages and have expenses paid by the County for training that is discretionary, unrelated to the job (current or future), and is scheduled and arranged by the employee. This policy is being discontinued and archived as it is not a best practice nor in alignment with the expectation of financial stewardship.

**§P-88 Emergency Leave**

The provisions in this policy have been included in the revised Leave Program policy, §P-19.

These policy changes are expected to have small, offsetting cost impacts. Any net impact will be managed within the currently appropriated budget.

Staff recommends that the Board adopt the Resolution (Attachment D), to amend personnel policy § P-3, § P-19, & § P-36 and archive policies § P-87 and § P-88.

**By the above-recorded vote, the Board adopted the Resolution (Attachment D), to amend personnel policy § P-3, § P-19, & § P-36 and archive policies § P-87 and § P-88:**


**RESOLUTION**

**WHEREAS**, the Board of Supervisors may adopt Personnel Policies under Albemarle County Code §2-901; and

**WHEREAS**, the Board desires to amend and re-number Policy §P-21 Equal Employment Opportunity, Inclusion, and Prohibition against Discrimination, Harassment, Bullying, and Retaliation as §P-3 Anti-Discrimination and Harassment and Policy; amend and re-number §P-86 Leave Program as §P-19 Leave Program; amend Policy §P-36 Reduction in Force; and desires to archive §P-87 Professional Leave and §P-88 Emergency Leave.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Supervisors of Albemarle County, Virginia, hereby approves the renumbering, amendment, and archiving of the County’s Personnel Policies as set forth in the documents attached hereto.

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	<b><u>P - §3</u></b>	<b><u>Policy Name:</u></b>	<b><u>Approved Date:</u></b>
		<u>Anti-Discrimination and Harassment</u>	8/20/2025
	<b><u>Prepared By:</u></b>		<b><u>Adopted Date:</u></b>
	Human Resources		8/20/2025
	<b><u>Amended Date:</u></b>		

**A. PURPOSE**

The County is committed to providing a productive workplace free from harassment, discrimination, bullying, and retaliation. We strive to ensure that all employees, contractors, vendors, and visitors are treated with dignity and respect. This policy is intended to prevent unlawful behavior and to promote a safe, inclusive, and equitable work environment. The County is committed to complying with the Civil Rights Act of 1964, as amended; the Rehabilitation Act; the Equal Pay Act of 1963; the Americans with Disabilities Act of 1990 (“ADA”), as amended; the Age Discrimination in Employment Act of 1967 (“ADEA”); the Genetic Information Nondiscrimination Act of 2008 (“GINA”); and other relevant Federal and state laws.

**B. SCOPE**

This policy applies to all employees of the County, including full-time, part-time, temporary, contract workers, interns, position candidates, and anyone conducting business on behalf of the organization. This policy applies to all terms and conditions of employment and covers behavior in the workplace, at work-related events, and in all work-related interactions, whether in person, via phone, email, or other digital communication.

**C. DEFINITIONS**

**Bullying** - Seeking to harm, intimidate, or coerce someone in a perceived subordinate or vulnerable position.

**Discrimination** - Unfair or unequal treatment based on a person’s protected characteristics.

**Harassment** - Unwelcome conduct based on a person’s protected characteristics.

**Hostile Work Environment** - The resulting environment created from instances of bullying, discrimination, or harassment. A hostile work environment is created

when unwelcome conduct creates an intimidating, offensive, or abusive atmosphere that affects an employee's ability to do their job.

**Quid Pro Quo Harassment** - Explicit or implicit requests for sexual favors in exchange for job benefits.

**Retaliation** - Adverse action against an employee for making a good-faith report of real or suspected policy violations.

#### **D. ROLES AND RESPONSIBILITIES**

**Employees** – Engage in and promote workplace behaviors that create and maintain an environment of respect and promote effective teamwork; timely complete required anti-discrimination and harassment training; report suspected violations of this policy to supervisors and/or to Human Resources.

**Supervisors** - Lead by example in demonstrating appropriate behavior; take complaints concerning violations of this policy seriously; ensure all employees complete required anti-discrimination and harassment training; ensure confidentiality is maintained to the extent possible; report all allegations or observations of harassment or discrimination to Human Resources promptly; assist Human Resources with investigations when requested.

**Human Resources** - Policy development, administration, and interpretation; facilitate required training programs for employees and supervisors; document and investigate all complaints, to include determination and recommending corrective action, when appropriate, based upon investigative findings.

#### **E. POLICY**

##### **1. Prohibited Conduct**

###### **a. Harassment**

Harassment is unwelcome conduct based on race, color, religion, sex (including pregnancy, gender identity, or sexual orientation), national origin, age, disability, genetic information, or any other protected status. Harassing behavior can lead to a hostile work environment. Examples include, but are not limited to:

- i. Verbal abuse or derogatory comments;
- ii. Offensive jokes or slurs;
- iii. Unwanted physical contact; and/or
- iv. Display or circulation of offensive materials (e.g., memes, images, emails).

b. Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. It can involve, but is not limited to:

- i. Quid Pro Quo harassment;
- ii. Unwanted touching, comments, or gestures; and/or
- iii. Sexual jokes, innuendos, or suggestive emails/messages.

c. Discrimination

Discrimination is unfair or unequal treatment based on a person's protected characteristics. This includes, but is not limited to, decisions related to hiring, firing, compensation, promotion, training, or other terms of employment that are influenced by bias or prejudice.

d. Bullying

Bullying is intimidating or undermining employees in a way that threatens their self-esteem and reputation. Examples may include, but are not limited to:

- i. Isolating employees from information and interaction with others;
- ii. Frequently berating someone;
- iii. Gaslighting; and/or
- iv. Excluding someone from team social events.

e. Retaliation

Retaliation occurs when an employee suffers an adverse action because they have made a good faith report of real or suspected discrimination, harassment, or bullying.

**2. Reporting**

- a. Employees who experience or witness harassment, discrimination, and/or bullying are encouraged to:
- Speak up – If you feel safe doing so, let the offending individual know that their behavior is unwelcome.
  - Report the incident – Contact your supervisor and/or the Human Resources Department. If you are being harassed, discriminated against, or bullied by your direct supervisor, contact your second-level supervisor, another trusted manager in your department, or Human Resources.
  - Document the behavior – Keep a written record of the incident(s), including dates, times, locations, witnesses, and any communications.



- Employees who make a good faith report of harassment, discrimination, and/or bullying will not be disciplined for making that report.
- b. Supervisors are required to notify Human Resources if they witness instances of harassment, discrimination, or bullying, or have such instances reported to them. Supervisors who fail to notify Human Resources as required by this policy may be subject to discipline, up to and including termination of employment. Supervisors are not authorized to initiate investigations without consultation with Human Resources. However, if requested by Human Resources, supervisors shall provide information or other assistance to HR to aid in the investigation.
- c. All complaints will be taken seriously and investigated promptly, thoroughly, and impartially. Confidentiality will be maintained throughout the investigation process, to the fullest extent possible.
- d. Complainants may request to withdraw their complaint at any time. However, the final decision to approve the withdrawal request and close the case shall rest with the Director of Human Resources or their designee.

### **3. Retaliation**

Retaliation against individuals who report harassment, discrimination, or bullying, or participate in investigations under this policy is strictly prohibited. Any employee who engages in retaliatory conduct shall be subject to discipline, up to and including termination of employment.

### **4. Accountability**

All allegations of violations of this policy will be investigated and employees found to be in violation will be subject to corrective action and/or disciplinary action, up to and including termination of employment in accordance with personnel policy P-32 Employee Discipline. Discrimination, harassment, and retaliation in any form constitutes misconduct that undermines the integrity of the working relationship. It is the policy of the County to treat all employees with respect and to ensure that the workplace is free of inappropriate and illegal discrimination and harassment.

### **5. Training and Awareness**

The County will provide training and education annually to employees and managers on preventing harassment and discrimination, fostering a respectful workplace, and understanding rights and responsibilities under this policy.

	P - § 19.0	Policy Name: Leave Program	Approved Date: 8/20/2025
	Prepared By: Human Resources		Adopted Date: 2/6/2019
	Amended Date: December 18, 2019, June 2, 2021		

A. PURPOSE

The purpose of this policy is to establish clear, fair, and consistent guidelines for how employees can take time off from work and to ensure compliance with applicable labor laws.

B. SCOPE

This policy applies to all benefits-eligible regular full-time employees. Part-time employees may be eligible for certain types of leave as outlined in the pertinent sections below.

C. DEFINITIONS

Day of Leave or Day - A “day of leave”, a “day”, or “daily” shall equal the total hours scheduled per year divided by the number of days established for an employee’s position and number of months worked in a year. This will not necessarily be the same amount an employee works on a given day. Unless otherwise noted, this definition applies to all leave policies.

Fiscal Year - 12 month budget year (July 1 to June 30).

FTE - Full Time Equivalency. Unit that measures an employee’s workload and establishes full-time or part-time status.

Immediate Family- spouse or domestic partner, child (biological, adopted, step), parents (stepparents), sibling (biological, step, or adopted), grandparents, grandchild, In-laws (mother-, father-, brother-, sister-, son-, or daughter-in-law)

Minimal Amount of Work- (FLSA Exempt)- The "de minimis doctrine" refers to small amounts of time worked that are difficult to track or record and may be excluded from compensable work time, under specific conditions. Examples include brief conversation, sending or responding to an email, etc.

Sick Leave Bank- shared pool of paid leave that can be used under specified criteria.

Workday - the hours between the beginning and end of a standard shift or business hours.



#### **D. POLICY**

Regular and reliable attendance is an essential condition of employment and is critical to the effective operation of our organization. Employees are expected to report for work on time and as scheduled, except in cases of authorized leave or unforeseen emergencies.

The County encourages employees to focus on health and wellbeing and to balance family and personal needs. The provisions detailed below are offered as benefit to employees to support employee well-being, work-life balance, and health. All paid leave must be requested and approved in accordance with policy. Abuse of leave or frequent unscheduled absences may result in discipline up to and including termination of employment.

#### **E. GENERAL LEAVE GUIDELINES AND RESPONSIBILITIES**

1. Leave under the Family and Medical Leave Act (FMLA), Workers' Compensation, Sick Leave Bank, and Income Replacement Program, and paid/unpaid Administrative leave is managed by the Department of Human Resources for compliance with privacy and employment laws. All other leave is managed and administered by the employee's department with support from the Department of Human Resources.
2. Unless specifically stated, leave is used when an employee is absent from work, not as a means of additional compensation. Pay and leave for non-exempt employees are determined on a total workweek or work period basis, not a daily basis.
3. Leave is taken based on an employee's schedule. Due to fluctuations in the day of leave and the varying base hours of different positions throughout the County, leave may be taken at a different rate from the rate at which it was accrued.
4. Employees are expected to only take leave for which they have sufficient leave balances. "Leave without pay" (LWOP) is not a leave type, rather, it is a consequence of having insufficient applicable leave. Applicable types of accrued leave will be used before an employee may take LWOP.
5. Employees may not borrow against future leave accruals. Paid leave may only be taken when the employee has earned enough leave to cover the absence or when provided by established County programs/practices.
6. Employees are responsible for notifying their supervisors as far in advance as possible whenever they will be absent at least 30 minutes prior to their scheduled start time of unforeseeable delays and absences. Employees are responsible for following their department's applicable guidelines when making leave requests.
7. Employees are responsible for discussing workload, scheduling, and coverage with their supervisors when they need to be absent from work for any period either as a block of time or intermittently.

8. Employees should contact the Department of Human Resources for extended use or use of special leave types which require additional approval/administration as outlined in this policy such as leave under the FMLA, leave without pay (or LWOP), Workers' Compensation, or military leave. Also, supervisors should notify the Department of Human Resources if an employee is out of work and may require extended use or use of special leave types which require additional approval/administration.
9. The department head/designee may approve leave that an employee has available as provided in this leave policy. The department head/designee, to the best of their ability, should ensure that processes/procedures are in place to prevent employees from taking unapproved or not yet accrued leave. Employees are responsible for being aware of their leave balances and usage and requesting leave use appropriately.
10. Any missed work that is not approved or foreseeable absences that are not requested in a timely manner may result in required leave use, denial of leave use, loss of pay, and/or disciplinary action. Failure to give proper notice or abuse of any of these policies may lead to disciplinary action.
11. Leave usage is audited for signs of abuse or excessive absenteeism will be examined. The Department of Human Resources staff shall provide guidance on initiating an investigation and any disciplinary action to be taken.
12. Employees must receive prior authorization to work with an outside entity while on paid or unpaid leave pursuant to § P-07, Code of Ethics and Conflict of Interest (Outside Employment).
13. It will remain the right of the department head/designee to:
  - Authorize or refuse to authorize the advance request of annual leave, Comp time leave, and recognition leave.
  - Deny leave for absences in violation of any County policy, except for those leave types under Human Resources administration.
  - Impose appropriate disciplinary action upon employees who have been found to have abused their leave privileges and/or violated the provisions of this policy.
14. The County Executive/designee may issue emergency regulations regarding employee work hours, absences, and leave usage in the event of a declared state of emergency, pandemic, or other crisis affecting the County's ability to operate under normal policies and procedures.
15. Employees who are placed on administrative leave without pay for disciplinary reasons or other administrative reasons may not use other types of leave concurrently without permission from the Director of Human Resources/designee.
16. Employees changing County positions and/or departments without breaks in service shall maintain accrued leave and accrual rates in accordance with policy.
17. Although non-benefits-eligible employees are ineligible for some of the leave programs in this policy, they are required to follow procedures for requesting time off, recording time worked, and acceptable attendance. When flex time is not approved, these employees will be docked pay in accordance with Policy § P-18 Pay Administration, when applicable, due to a lack of accrued paid leave.

#### **F. ACCEPTABLE ATTENDANCE STANDARDS**

Generally, an employee's attendance is unacceptable when an employee is frequently tardy in reporting for work, demonstrates a pattern of being unavailable or unresponsive during business hours when working remotely, or accumulates excessive unscheduled absences, generally defined as ten or more occurrences of sick leave within a 12-month period, excluding approved leave under FMLA or other documented catastrophic medical events.

#### **G. LEAVE USAGE**

##### **Exempt Employees**

- a. **Increments** - Employees who are exempt from overtime provisions under the Fair Labor Standards Act (FLSA) (exempt employees) shall take leave in full-day increments. Multiple types of leave can be used to total the full-day increment. The exception will be FML, which by law requires the County to allow leave to be used in the smallest increment (15 minutes) used in any other type of leave offered.
- b. **Work Expectations** - An exempt employee is expected to maintain work productivity requiring an average of 40 hours per week, at minimum. When an exempt employee uses leave, the supervisor must make every effort to not contact the employee about work except for occasions when the employee may need to respond to an emergency. An exempt employee who performs a minimal amount of work while on leave shall still use a day of leave. If more than a minimal amount of work is performed, the employee must work with their supervisor to flex the time on a later date or not take the day as leave.
- c. **Flex Time** – Supervisors may approve exempt employees to work alternative schedules in lieu of using leave. Time may be flexed outside of the workweek or work period for exempt employees.

##### **Non-Exempt Employees**

- a. **Increments** - Employees who are eligible for overtime payment under FLSA shall record leave in 15-minute increments.
- b. **Work Expectations** – A non-exempt employee is prohibited from performing any work while using leave. Permission to work while on leave must be granted by the supervisor in advance and must be recorded as compensable time instead of leave.
- c. **Flex Time** – Supervisors may approve non-exempt employees to work alternative schedules in lieu of using leave within the same workweek or work period. Pay and leave are determined on a total workweek or work period basis. Leave will only be used to supplement an employee's total weekly hours when the hours worked are less than their base hours. For example, if an employee misses two (2) hours of work for a doctor's appointment but works two (2) additional hours in the workweek with the supervisor's permission, no sick leave would be taken that week.
- d. **Special Flex Time Rules For Certain Public Safety Employees** – Non-exempt employees who qualify for the public safety exemption may request flex time in lieu of leave use prior to the use of such

leave. When these employees are in a paid status, all such time is considered time worked as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.).

**H. LEAVE TYPES & PROCEDURES**

**1. Administrative Leave**

Administrative leave may be granted or required on a case-by-case basis, such as for investigations, suspensions, releases from work for safety, or recognition of service. Administrative leave may be paid or unpaid as appropriate. Administrative leave may only be utilized with authorization from Human Resources.

**2. Annual Leave**

**a. Accrual Rates**

Benefits-eligible employees will begin to accrue annual leave based on the employee’s hire date of regular, continuous employment. Employees accrue annual leave monthly in an amount based on the employee’s full years of service at the time of distribution as follows.

Years of Experience	Hours Accrued
0 -5 Years	1 day per month
6-10 Years	1.25 days per month
11-15 Years	1.5 days per month
16-20 Years	1.75 days per month
21-25 Years	2 days per month
26+ Years	2.25 days per month

With the approval of the Director of Human Resources/designee, an employee’s annual accrual rate may be negotiated at a rate other than the rate determined by years of service, and/or an employee may be granted a negotiated amount of additional leave.

**b. Accumulation Maximum Cap**

The annual leave balance maximum cap is 320 hours for employees. Partner Agency employees working for Constitutional Officers have a maximum cap of 6 weeks (240 hours or a fraction thereof for part-time employees) pursuant to state law, unless an agreement between the Constitutional Officer and the County includes such employees under this policy. If such an agreement exists, then employees of Constitutional Officers shall have an annual leave maximum cap of 320 hours.

**c. Use of Annual Leave**

1. An employee is required to obtain their supervisor's approval prior to taking annual leave. Annual leave usage is granted at the discretion of the department management.
2. Requests to use annual leave and approvals should be submitted through the timekeeping system. All requests should be made as far in advance as possible. Employees will refer to department-specific requirements and procedures.
3. The department head/designee must consider the workload and impact of leave on the County's service delivery when approving or denying annual leave requests, but must reasonably accommodate annual leave requests as staffing permits.
4. An employee has the right to request and receive an explanation for the denial of an annual leave request.
5. To sustain wellbeing and work-life balance, non-probationary employees should take five (5) consecutive days of annual leave per year.
6. Department heads/designees shall not approve more than three (3) consecutive weeks of paid annual leave. Any annual leave requested by an employee beyond three (3) weeks must be approved by the County Executive/designee.

**d. Conversion of Unused Annual Leave**

At the end of the employee's birth month each year, any annual leave balance that is above the maximum accumulation cap will be donated to the County Sick Leave Bank, regardless of whether the employee is a Sick Leave Bank member.

**e. Payout of Annual Leave**

Payout of annual leave only occurs upon separation of employment from a benefits-eligible position. Accrued annual leave, up to the maximum cap, will be paid at the employee's current hourly rate.

**3. Bereavement Leave**

**a. Bereavement Leave Days and Use**

In the event of the death of a member of an employee's immediate family, as defined in this policy, a benefits-eligible employee may use up to three (3) days of paid bereavement leave per occurrence. If additional leave is needed or it is not an immediate family member, the employee must use annual leave or leave without pay (LWOP). Bereavement leave is not required to be taken on consecutive workdays, but must be taken within 90 days of the loss. There is no limit to the number of occurrences per year for which an employee may take bereavement leave.

Appropriate documentation justifying the use of bereavement leave may be required. The misrepresentation of facts as to the event of the death in question (e.g., the identity of the deceased, time and place of last rites, etc.,) may result in disciplinary action.

**b. Extraordinary Circumstances**

In the event of extraordinary circumstances, such as the death of a current colleague or community member, the department head/designee may allow employees to attend services with approval from the County Executive/designee, so long as it does not cause an undue hardship on the department. Administrative leave with pay would be used in this situation for any regular employee.

**4. Bone Marrow or Organ Donation Leave**

**a. Eligibility**

To be eligible for leave under this policy, employees must meet all of the following requirements:

- Have worked at least twelve (12) months for Albemarle County;
- Have worked at least 1,250 hours for Albemarle County over the twelve months preceding the date the leave would commence;
- Organ donation leave will not impact an employee's ability to take FMLA leave within the same year;
- Organ donation leave is separate from FMLA and cannot run concurrently with FMLA.

**b. Reasons and Amount of Leave**

The County will provide eligible employees with:

- Up to 60 business days of unpaid organ donation leave in any 12-month period to serve as an organ donor and;
- Up to 30 business days of unpaid organ donation leave in any 12-month period to serve as a bone marrow donor.

**c. Employee Notice Requirement**

All employees requesting Bone Marrow or Organ Donation leave must provide verbal or written notice of the need for leave to Human Resources. When the need is foreseeable, the employee must provide at least 30 days' notice.

**d. Designation of Leave**

Within five (5) business days after the employee has submitted the required certification or other documentation, and leave is approved, the HR Benefits Team will complete and provide the employee with a written response to the employee's request for Bone Marrow and Organ Donation leave.

**e. Additional County Responsibilities**

The Code of Virginia requires the County to restore the employee's position following the leave, prohibited from treating organ donation leave as a break in employee's continuous service for purposes of the employee's right to salary adjustments, sick leave, annual leave,



seniority, or other employee benefits. The County is prohibited from taking retaliatory action against the employee for taking the leave.

5. **Building Closure Leave**

Paid leave and unpaid leave due to inclement weather and other County emergencies are addressed in §P12.0 Coverage Due to Inclement Weather.

6. **Compensatory Time Leave**

Non-exempt employees are eligible to earn Compensatory Leave. Please refer to § P-18, Pay Administration Policy, for information on compensatory time leave as it is earned for overtime hours worked.

- Compensatory Time Leave is earned at a rate of one and one half (1 ½) hours of leave per one (1) hour of overtime worked.
- Employees on the public safety pay scale (Police and Fire Rescue) may earn and carryover into the new fiscal year up to 240 hours of accrued leave.
- Sheriff's Office personnel on the step scale may earn and carryover into the new fiscal year up to 100 hours.
- All other employees may earn up to 80 hours, which must be used by June 30<sup>th</sup> each year and will not carry over into the new fiscal year.
- Accrued compensatory time leave may be used for any leave purpose. However, classified, non-exempt employees are required to arrange for use of compensatory time leave in advance with their supervisor.

7. **Court Duty**

The County recognizes the duty of employees to appear before a court of law when summoned or subpoenaed. Refer to § P-18, Pay Administration Policy, for information on when an employee's appearance in court is considered compensable work time.

- a. The County provides unpaid court duty leave for employees consistent with Virginia Code § 18.2-465.1.
  - Employees are expected to notify their supervisors in as far in advance as possible prior to using court duty leave. Supervisors may require verification that an employee has been called for court duty.
  - Court duty leave does not apply to any employee who is the defendant in a criminal case for which the employee is summoned or subpoenaed.
- b. Employees who are summoned or subpoenaed to appear, except as defendants in criminal cases, in court proceedings which take place during their scheduled hours may use accrued leave as applicable.

8. **Election Official Leave (Polling Leave)**

Albemarle County offers unpaid Election Official Leave employees consistent with Virginia Code § 24.2-100, et. seq.

- Any employee who serves as an officer of election (defined under Virginia Code § 24.2-101) shall not have any adverse personnel action taken against them for such service provided. An employee is not required to use accrued paid leave to serve as an Officer of Elections.
- An employee must give reasonable notice to their supervisor and comply with established procedures when they need to take time off to serve as an officer of election.
- Hours worked as an officer of election shall not be counted as “hours worked” for purposes of overtime compensation.
- Employees who serve as officers of election for any locality are eligible for Election Official Leave.
- Employees are also eligible for any standard stipend that may be provided by an Electoral Board.
- Employees who work for an elected official, the Electoral Board, or General Registrar are not eligible for Election Official Leave.
- Employees who work four (4) or more hours as an officer of election, including travel time, are not required to report for work and will be granted polling leave.

**9. Emergency Leave**

The department head or designee may grant up to two (2) days of emergency leave without loss of pay to all classified and administrative employees during the fiscal year. These days do not carry over or accrue year to year.

Examples of circumstances for which emergency leave may be granted include but are not limited to:

1. A disaster affecting the home or residence of the employee or his family.
2. Other urgent or emergency situations arising out of natural or man-made disasters.

Emergency Leave is not intended and may not be used for absences covered by other types of Leave, such as Sick Leave, Sick Bank Leave, Family & Medical Leave, Military Leave or Court/Jury Duty Leave. In addition, Emergency Leave is not intended and may not be used as a substitute if other types of leave have been exhausted.

**10. Employee Recognition Leave**

Paid leave may be awarded to regular employees as recognition for extraordinary achievements and contributions to the County beyond the normal scope and functions of their position including through the Employee Recognition Program.

**11. Family Medical Leave Act – see § P- 20 FMLA Leave Policy**



**12. Holiday Leave**

**a. Holidays Observed**

The County has established the following holiday schedule for County employees. Other holidays are granted by special resolution of the Board of Supervisors.

1. New Year's Day
  2. Martin Luther King, Jr. Day
  3. Memorial Day
  4. Juneteenth
  5. Independence Day
  6. Labor Day
  7. Veteran's Day
  8. Half Day before Thanksgiving – 4 hours
  9. Thanksgiving Day
  10. Day after Thanksgiving
  11. Christmas Eve
  12. Christmas Day
  13. Employee's Birthday- Floating
- Employees may choose to use the Birthday floating holiday, with supervisor approval, on any day within the fiscal year.
  - The Birthday floating holiday will be relinquished on June 30<sup>th</sup> each year if unused. The Birthday floating holiday has no cash value.

Under certain situations, due to coverage requirements, the holiday schedule for some departments or groups of employees within departments may fall on alternative dates within the fiscal year. Departments in these situations must receive the Director of Human Resources/designee's approval for the establishment of these alternative holiday schedules.

**b. Qualifying for Holiday Leave**

1. Benefits-eligible employees are granted 12 and a half (12.5) paid days of holiday leave per fiscal year. Employees are eligible for holiday leave as soon as they begin working. New employees must work the day before a holiday to qualify for holiday leave.
2. Employees who are separating employment with the County will not qualify for holiday leave unless they work a full day after the holiday. If a holiday falls on the last day of the month or week, holiday leave may be granted by the department head/designee for retiring employees.
3. For non-separating employees, approved paid leave may be used in lieu of working following a holiday.

4. If a holiday falls within the employee's scheduled annual leave, holiday leave shall be used in lieu of annual leave.

**c. Working on Holidays**

1. While dates for observing holidays are established annually, due to coverage requirements, some employees may be required to work on a holiday. Any non-exempt, benefits-eligible, employee who is required by the department head/designee to work on a holiday which is observed by the County shall:
  - a. Be paid the regular hourly rate for the hours worked on the holiday plus the hours normally granted for the holiday; or
  - b. Take another day in the workweek as holiday leave, including days in the workweek before the established holiday.
2. Exempt employees who work on a holiday may take the holiday on another day approved by the supervisor within the fiscal year.
3. Alternative Work Schedules: A "day of holiday leave" is equivalent to a "day of leave" as defined in section I(B), above. Employees are responsible for discussing the impact of holiday leave on their alternative work schedules with supervisors. Employees are responsible for making up any hourly difference between the hours granted for the holiday and the employees' work schedule by either using additional applicable leave or working at another time during the workweek or work period. Fire Rescue employees on 12- or 24-hour shifts will receive 12 hours of a "day of holiday leave" regardless of their "day of leave" status.

**Example:** A non-exempt employee's day of leave is 8 hours/day and the employee's position are established at 8 hours/day, 5 days/week for a total of 40 hours/week. The employee has an alternative work schedule of 10 hours/day, 4 days/week for a total of 40/hours per week. Eight (8) hours of holiday leave would be granted and the employee must account for the remaining 2 hours by working 2 additional hours within that workweek or using 2 hours of compensatory time leave or annual leave.

**d. Half-day Holidays**

Any non-exempt employee who receives approval not to work the other half of the day is responsible for taking compensatory time leave, annual leave, leave without pay, or arranging with their supervisor to work those hours within the workweek. An exempt employee who doesn't work on the half-day must obtain prior approval from their supervisor.

**e. Religious Holidays**

Any regular or temporary employee observing a religious holiday occurring on the employee's workday may request time off. Supervisors should allow employees to

take time off for such occasions if the time off can be accommodated without undue hardship for the department. Leave must be requested in advance in accordance with policy. Supervisors shall contact the Department of Human Resources prior to denying religious holiday leave requests. Applicable accrued leave shall be used. Leave without pay will be considered in the absence of accrued leave.

**13. Income Replacement Program (IRP) – VRS Hybrid Plan members only**

**a. Purpose**

Effective January 1, 2014, the Virginia Retirement System (VRS) created a new retirement plan called the Hybrid Plan. Part of the VRS Hybrid Plan includes the implementation of a Disability Program for Hybrid Retirement Program Participants. Albemarle County refers to this program as the Income Replacement Program (IRP). The IRP contains two components: Short-Term Disability (STD) and Long-Term Disability (LTD), which contain different eligibility requirements. IRP-STD occurs first. If an employee is not able to return to work after the IRP-STD period, they may move into the IRP-LTD portion of the benefit. These programs are outlined below.

This section is intended to fully implement the Disability Program for Hybrid Retirement Program Participants pursuant to Virginia Code § 51.1-1150, et seq. Any variation between this policy and the Virginia Code will be determined in favor of the Virginia Code.

**b. Definitions**

Catastrophic Condition:

A catastrophic condition exists when an employee is unable to perform at least two (2) of the following six (6) activities of daily living:

1. Bathing
2. Transferring, such as getting in and out of bed
3. Dressing
4. Toileting (using the bathroom)
5. Continence
6. Eating (ability to feed oneself)

A condition may also be considered catastrophic if the employee has a severe cognitive impairment requiring substantial supervision to protect the employee from threats to health and safety.

Major Chronic Condition:

A major chronic condition is a life-threatening health condition that exists over a prolonged period of time and is not expected to improve. The employee must have been disabled with the condition within six (6) months of the date the claim is filed and be under the care of a licensed treating health care professional for the condition.

Disability:

A condition that prevents an employee from working or performing the full duties of the employee's job for a short or extended period. It may be non-work-related or work related. A work-related disability is the result of an occupational illness or injury that occurs on the job and the cause is determined to be compensable under the Virginia Workers' Compensation Act.

Partial Disability:

An employee has a partial disability if the disability exists during the first 24 months following the occurrence or commencement of an illness or injury when an employee is earning less than 80% of their pre-disability earnings and, as a result of an injury or illness, is (i) able to perform one or more, but not all, of the essential job functions of his own job on an active employment or a part-time basis; or (ii) able to perform all of the essential Job functions of his own job only on a part-time basis.

**c. IRP Third-Party Administrator**

The IRP program is administered through a Third-Party Administrator. The Third-Party Administrator handles all employee claims after detailed consultation with the Department of Human Resources designee for IRP. Any variation between this policy and the Third-Party Administrator's interpretation of the Virginia Code will be determined in favor of the Third-Party Administrator.

**d. Qualifying for Income Replacement Program – Short-Term Disability (IRP-STD)**

- An employee must be an active full-time VRS Hybrid Plan member to be eligible.
- Waiting Period – Employees must be employed for one (1) continuous year of service as an active Hybrid Plan member with a single employer before receiving nonwork-related disability benefits. The Albemarle County Public Schools and Partner Agencies, which have different VRS employer codes from the County, are considered separate employers for the purposes of this benefit. If, for example, a County employee transfers to the Albemarle County Public Schools, the one (1)-year waiting period will begin again. This waiting period is waived for a work-related disability. For work-related disabilities, the effective date of participation in the program for participating employees shall be their first day of employment or the effective date of their participation in the VRS Hybrid Plan, whichever is later.
- Elimination Period – The elimination period is the period after any required waiting period and when an eligible employee is unable to work more than twenty (20) hours over seven (7) consecutive calendar days due to their total or partial disability. To begin an elimination period, an employee must have an approved claim of total or partial disability.
  1. The elimination period is waived for a catastrophic condition or as the result of a major chronic condition.

- 2. The elimination period requirement may be met during non-contract/non-scheduled days (i.e. over holidays).
- IRP-STD runs concurrently with any other relevant benefits, including FMLA leave and Workers’ Compensation. Receipt of other relevant benefits may offset IRP-STD benefits.
- Once the waiting period and elimination period requirements have been met, Hybrid Plan members are eligible for the IRP-STD benefit. However, the IRP-STD benefit is only available when an employee would be actively working (i.e., during contract/scheduled workdays).
- IRP-STD benefits shall be payable for periods of:
  - 1. total disability,
  - 2. partial disability,
  - 3. eligible maternity leave, or
  - 4. periodic absences due to a major chronic condition

e. IRP-STD Benefit Amount

- IRP-STD – Days of Income Replacement

The following charts show the number of days at the percentage of income replacement provided by the IRP-STD.

1. Days of Income Replacement: Non-Work-Related Disability

Months of Continuous Service	Workdays at 100%	Workdays at 80%	Workdays at 60%	Total Short-Term Paid Days
0 – 12	0	0	0	0
13 – 59	0	0	125	125
60 – 119	25	25	75	125
120 - 179	25	50	50	125
180 or more	25	75	25	125

2. Days of Income Replacement: Work-Related Disability

Months of Continuous Service	Workdays at 100%	Workdays at 80%	Workdays at 60%	Total Short-Term Paid Days
Less than 60	0	0	125	125

60 – 119	85	25	15	125
120 or more	85	40	0	125

- Successive Periods of Short-Term Disability
  1. Within 45 consecutive calendar days. If an employee receiving IRP-STD returns to work with a release and then cannot continue to work for the same or a similar condition within 45 consecutive calendar days, the employee will be on the same IRP-STD claim. The employee does not have to fulfill another seven (7)-calendar day elimination period. The employee’s IRP payment will resume at the level they were receiving during the previous disability period. The number of days remaining on the 125-workday period for IRP-STD will also resume.
  2. On or After 45 consecutive calendar days. If an employee returns to work with a release and then cannot continue to work for the same or a similar condition on or after the 45<sup>th</sup> consecutive calendar day, the subsequent period will be considered a new claim. The employee will need to satisfy a new elimination period. If approved, the employee will have up to 125 workdays of IRP-STD.

- Partial Disability

If an employee is able to work, earnings from the employee’s job during a period of IRP-STD for an eligible partial disability will offset the IRP-STD benefits. The IRP-STD benefits will be applied to the non-worked time.

- Catastrophic Condition

If an employee is eligible to receive/is receiving 60% of pre-disability creditable compensation and is determined to have a catastrophic condition, the IRP-STD benefit will increase to 80% until their condition improves and is no longer considered catastrophic.

- IRP-STD and Workers’ Compensation

If an employee is eligible for compensable Workers’ Compensation and IRP-STD, the Workers’ Compensation benefit will be paid first; if the employee is to receive any additional compensation under the IRP-STD days chart, the IRP-STD benefit will further supplement.

**f. IRP-STD Supplementing Benefit Amount**

- Employees must use current balances of sick, annual, and compensatory time leave to supplement IRP benefits up to 100% of the employee’s pre-disability credible compensation.

- The total leave hours (IRP plus supplement) shall not exceed the employee's normally scheduled work hours (full creditable compensation amount).
- Participating employees enrolled in the Virginia Retirement System (VRS) Hybrid Plan may not withdraw days from the Sick Leave Bank when the employee receives benefits pursuant to this program or has received benefits pursuant to this program for the same condition.

**g. IRP-STD Effect on Benefits**

- Employees on IRP-STD will continue to receive the same benefits provided to active employees. Medical and dental insurance will continue to be available while on IRP-STD.
- Life insurance through VRS paid for by the County will continue to be paid by the County.
- Employees will continue to contribute their mandatory 5% VRS contributions while on IRP-STD. Retirement contributions will not be withheld from the employee's paycheck if an employee is only receiving Workers' Compensation and no supplemental pay. An employee may be eligible to purchase VRS service credit for the period if they are receiving only Workers' Compensation and retirement contributions are not being withheld from their Workers' Compensation payment.

**h. Qualifying for Income Replacement Program – Long-Term Disability (IRP-LTD)**

- If an employee is unable to return to work after the IRP-STD period, a final interactive discussion on the likelihood of return and any additional reasonable accommodations that may help the employee reach full duty will occur. The employee will continue into the IRP-LTD period. If the employee is unlikely to return to full duty following the IRP-STD period and no additional reasonable accommodations are available to bring the employee back to full duty, the employee's position will no longer be held and the employee will no longer be considered an active employee and will be separated from service. The IRP-LTD benefit will continue in accordance with the terms outlined below and Virginia Code.
- The IRP-LTD benefit runs concurrently with any other relevant benefits, including FMLA leave and Workers' Compensation.
- Employee eligibility for the IRP-LTD benefit is only available when an employee would be actively working (i.e., during contract/scheduled days).
- IRP-LTD benefits shall be payable during periods of:
  1. total disability, or
  2. partial disability

**i. IRP-LTD Benefit Amount**

- IRP-LTD Amount

1. After short-term disability income replacement, if the employee continues to be disabled they may be approved for IRP-LTD.
  2. This is insurance coverage providing 60% of the employee's pre-disability creditable compensation.
  3. Unless otherwise directed, to be eligible for IRP-LTD benefits, the employee must apply for Social Security Disability Insurance (SSDI) benefits or other relevant retirement benefits available to them.
  4. If the employee reaches normal retirement age while on IRP-LTD, their benefit will stop. Normal retirement age is defined under the Hybrid Retirement Plan.
  5. Employees continue to accrue VRS service credit while on long-term disability income replacement.
- Successive Periods of Long-Term Disability
    1. Within 125 consecutive workdays. If an employee receives IRP-LTD, returns to work with a release, and then cannot continue to work for the same or a similar condition within 125 consecutive workdays, the employee will be on the same IRP-LTD claim. Workdays arranged pursuant to vocational, rehabilitation, or return-to-work programs shall not be counted in determining the duration of the employee's return to work period.
    2. On or After 125 consecutive workdays. If an employee returns to work with a release and then cannot continue to work for the same or a similar condition on or after 125 consecutive workdays, the subsequent period will be considered a new claim for IRP-LTD if still actively employed by the County. The employee will need to satisfy a new elimination period and if approved, will have up to 125 workdays of IRP-LTD before becoming eligible for IRP-LTD again.
  - Partial Disability

If an employee is able to work, earnings from an employee's job during a period of IRP-LTD for an eligible partial disability will offset the amount of their IRP-LTD benefit.
  - Catastrophic Condition

If an employee is receiving 60% of pre-disability creditable compensation and is determined to have a catastrophic condition, the IRP-LTD benefit will increase to 80% until their condition improves and is no longer considered catastrophic.

**j. IRP-LTD Effect on Benefits**



- Life insurance through VRS paid for by the County will continue to be paid by the County.
- Employees on IRP-LTD will receive medical and dental insurance coverage as provided to retirees.
- Employees on IRP-LTD are not eligible to contribute to their VRS defined benefit component (4%) or their VRS defined contribution component (1%).
- Employees on IRP-LTD will be considered inactive for benefit purposes and will not continue to accrue leave. Employees will be responsible for any applicable employee contributions to their benefits during this period.

**k. Returning to Work After Illness**

- An employee must submit a medical release prior to or upon the employee's return to work. The release must be from and signed by the employee's health care provider certifying that they is able to return to work with or without restrictions.
- Other return to work guidelines apply to leave taken concurrently under FMLA or Workers' Compensation. Supervisors should consult with the Department of Human Resources when an employee is on concurrent leave under FMLA or Workers' Compensation prior to requesting a medical release or other information.
- If a supervisor offers restricted duty or other alternative schedule arrangements which the employee is medically able to perform, the employee must return to work in that capacity.

**l. End of IRP Benefit Coverage**

- Disability benefits shall cease to be paid to a participating employee upon the first of the following to occur:
  1. The end of the period of disability coverage (e.g., return to work or no longer totally or partially disabled);
  2. Voluntary separation or just cause termination from covered employment;
  3. The date of death of the participating employee;
  4. The date that the participating employee attains normal retirement age;
  5. The effective date of the participating full-time employee's service retirement under the Hybrid Retirement Program;
  6. Employee is determined to be no longer medically eligible;

- 7. Employee takes a refund of their member contributions and interest in the defined benefit component of their plan; or
- 8. Employee does not cooperate or comply with the requirements of the IRP-LTD.

- **Maximum Length of the IRP Benefit at Age 60 or Older**

If an employee is age 60 or older, they will be eligible for an IRP benefit according to the following schedule:

Age 60 – 64	Five (5) years from the date disability benefit begins
Age 65 – 68	Until age 70
Age 69 or older	One (1) year from the date disability benefit begins

**14. Jury Duty Leave**

**a. Eligibility**

The County provides paid jury duty leave for benefits-eligible employees and unpaid jury duty leave for benefits-ineligible employees consistent with Virginia Code § 18.2-465.1. Employees are expected to notify their supervisors as far in advance as possible prior to using jury duty leave. Supervisors may require verification that an employee has been called for jury duty.

**b. Expectations**

- 1. Employees may retain payment from the court for the daily rate of pay for each day of jury service in addition to jury duty leave provided by the County.
- 2. Employees are expected to report to work when jury is not in session, except: If an employee has already been summoned for four (4) or more hours of jury duty, including travel time, on that day, the employee is not required to report to work and will be granted jury duty leave.

**15. Leave as a Reasonable Accommodation**

Leave may be provided or used as a reasonable accommodation pursuant to the Americans with Disabilities Act, Title VII of the Civil Rights Act, or any other relevant statute. Leave granted as a reasonable accommodation will be considered on a case-by-case basis, may run in concert with other reasonable accommodations, and/or may run concurrently with other available leave.

**16. Military Leave - see § P – 21 Military Leave Policy**

**17. Parental Leave**

Effective January 1, 2026- Beginning on the date of a child's birth or adoption, non-probationary employees are eligible for up to six (6) weeks of paid Parental Leave, per event, as the parent or legal guardian of the child. Employees must notify their supervisor as early as practicable that they may qualify for Parental Leave and whether they wish to take part or all of the time off. Employees are required to submit evidence of birth and parental status or court documents appointing guardianship to Human Resources within two (2) weeks of the event. Parental Leave cannot be delayed or deferred, nor taken intermittently. If an employee qualifies for FMLA leave, IRP, or any other benefit program, the Parental Leave will run concurrently.

**18. Sick Leave**

**a. Purpose**

The County recognizes that its employees may need time away from work due to personal health-related matters, health-related matters in their immediate families, and/or health-related appointments. The County provides a program of paid leave to benefits-eligible employees to cover such circumstances. Employees should schedule appointments and other health-related matters outside of regular work hours whenever possible to minimize the impact on the efficient operation and delivery of services to the public.

- Sick leave is for legitimate health-related matters and may run concurrently with other leave programs available by County policy.
- Other types of accrued leave may be used in lieu of sick leave when sick leave has been exhausted, but sick leave may not be used in lieu of other types of leave unless specifically stated in a policy.
- An employee who is unable to return to work due to their own or an immediate family member's health-related matter may be separated from employment, subject to applicable law, regardless of the employee's sick leave balance.
- Accrued sick leave is not paid out upon termination. It has no cash value and may not be exchanged for pay.
- Employees who have breaks in service and are rehired will begin with zero balances.
- Employees changing to benefits-ineligible status will have their sick leave balances deactivated and leave will not accrue. In the event that they become benefits-eligible again without breaks in service, the sick leave balances will be re-activated for use and accrual will resume.

**b. Accrual Rates**

Employees accrue sick leave at the rate of one (1) "day" per month worked based on the employee's day of leave at the time of distribution.

**c. Accumulation Maximum Cap**

1. There is no maximum cap on sick leave for employees not enrolled in the Virginia Retirement System (VRS) Hybrid Plan.
2. Employees enrolled in the VRS Hybrid Plan shall have a maximum cap of 720 hours.
3. Any employee who becomes eligible for the VRS Hybrid Plan may retain any accrued sick leave prior to the change, even if it exceeds the maximum cap. However, the employee will not accrue sick leave until the balance is below the maximum cap and then will only accrue to the maximum cap.

**d. Sick Leave Use**

1. Sick leave may be used by employees for personal health-related matters, health-related matters in an employee's immediate family, an employee's health-related appointment, or health-related appointments in an employee's immediate family.
2. Sick leave may run concurrently as paid leave with other types of leave as appropriate/applicable (e.g., FMLA leave, income replacement, and Workers' Compensation).
3. An employee who has a sick leave absence in excess of three consecutive workdays must provide medical documentation to Human Resources for the absence.

**e. Medical Verification/Returning to Work**

1. The County reserves the right to seek medical verification (i.e., a doctor's note) and medical clearance for sick leave used by the employee or immediate family member at any time.
2. When an employee has been absent for their own medical issue, a supervisor may require that an employee submit to Human Resources a medical release from the treating health care provider certifying that they are well enough to return to work. Requests to provide a medical release should be made prior to the employee's return, when possible, so that the employee may obtain the medical release in a timely manner. If requested, an employee must provide the requested medical release to Human Resources within three (3) business days of the request or upon return to work, whichever comes later.
3. Supervisors may neither solicit information about the employee's underlying medical condition nor contact the employee's health care provider. If additional information is needed, the supervisor should contact the Department of Human Resources.
4. Other return-to-work guidelines apply to FMLA, Workers' Compensation, Sick Leave Bank, and IRP-STD. Supervisors should consult with the Department of Human Resources when an employee is on these types of leave prior to requesting a medical release or other information.

5. If a supervisor offers restricted duty or other alternative schedule arrangements which the employee is medically able to perform, the employee must return to work in that capacity.

**19. Sick Leave Bank**

**a. Purpose**

The County authorizes the creation and maintenance of the Sick Leave Bank to be used when a participating employee becomes incapacitated by extended illness or injury (defined as more than 20 workdays).

**b. Administration of the Sick Leave Bank**

The Director of Human Resources/designee is designated as the administrator of the Sick Leave Bank. Members of the Sick Leave Bank will be assessed one (1) additional day of sick leave at such time as the Sick Leave Bank is depleted to 1000 hours, unless they choose not to participate further in the Sick Leave Bank.

**c. Employee Membership in the Sick Leave Bank**

Membership in the Sick Leave Bank is voluntary and open to all benefits-eligible employees.

An eligible employee may enroll within the first 30 calendar days of employment by donating one (1) day of sick leave. An employee who does not enroll when first eligible may do so during any subsequent Benefits Open Enrollment. One (1) additional day may be requested for continued membership in the Sick Leave Bank whenever an assessment is required. The donated days of leave will be deducted from the donor's accrued sick leave balance. Members who have no sick leave to contribute at the time of assessment will be assessed one (1) day at the next available accrual.

**d. Requesting Use of Sick Leave Bank**

1. Requests for use of leave time from the Sick Leave Bank must be made in writing by the member or their representative prior to use of any Sick Leave Bank leave. Requests cannot be applied retroactively except in the case of absences that were presumed to be covered by Workers' Compensation but were subsequently denied.
2. Requests must be supported by appropriate medical documentation. The Department of Human Resources may require additional medical documentation to support the request. Failure to meet applicable requirements set forth in this policy will result in the denial of the member's Sick Leave Bank usage request.

**e. Rules for Use**

***General Information***

- a. For initial use of the Sick Leave Bank, a member of the Sick Leave Bank must miss scheduled work equivalent to 20 days of leave within 30 workdays for the same illness, injury, impairment, or physical or mental condition, and the member must also have exhausted all of their own sick leave. Members are responsible for using other available paid or unpaid leave for time not covered by the Sick Leave Bank.
- b. Eligible members may take a maximum of 45 days of leave from the Sick Leave Bank in any year (defined as a 365-day period beginning with the first day of Sick Leave Bank usage). For example, if an eligible member begins Sick Leave Bank usage on March 1<sup>st</sup>, they may take up to 45 days of leave from the Sick Leave Bank in the following 365-day period.
- c. Days drawn from the Sick Leave Bank for any one (1) period of eligibility must be consecutive, except recurrence or relapse of the original illness will be covered fully on a continuing basis up to the annual maximum of 45 days. There may be more than one period of eligibility (or qualifying illness) during the 365-day period, but only a maximum of 45 days total of Sick Leave Bank leave may be used in the 365-day period. Once a member has used all 45 days of Sick Leave Bank leave, they must return to work and must meet the requirements of Section XXI, E(1) before becoming eligible to utilize Sick Leave Bank benefits again.
- d. Sick Leave Bank time will run concurrently with FMLA leave or as part of an ADA reasonable accommodation where applicable and appropriate.
- e. Members using Sick Leave Bank days will not have to replace those days except as a regular contributing member of the Sick Leave Bank.
- f. The Sick Leave Bank request form must be signed by the member's health care provider. The Department of Human Resources reserves the right to require additional medical documentation supporting the request or documentation from a different health care provider.
- g. Participating members enrolled in the Virginia Retirement System (VRS) Hybrid Plan may not withdraw days from the Sick Leave Bank when the member receives benefits pursuant to the Income Replacement Program.

#### ***Termination***

- a. Upon termination of employment or membership in the Sick Leave Bank, a member may not withdraw the days they contributed to the Sick Leave Bank.
- b. The Sick Leave Bank may be dissolved if less than one-third (1/3) of eligible employees agree to participate.

#### **20. Special Duties Owed to Those Who are Victims of Crimes**

Under Virginia law, the County must allow an employee who is a victim of a crime to leave work to attend all criminal proceedings relating to a crime against the employee. The County is not required to compensate employees for such absences but may not discharge an

employee for exercising the right to attend a criminal proceeding. The County may only limit the duration of an employee's leave if the employee's leave creates an undue hardship for the County's business.

**21. Unpaid Leave – Leave of Absence (Long-Term)**

**a. Purpose**

An employee may need to request an unpaid long-term leave of absence from their regular employment. The County authorizes the County Executive/designee to consider all requests for unpaid long-term leaves of absence and will establish a procedure by which these requests may be processed in a fair and consistent manner. The County Executive/designee will, however, make decisions on granting or denying leave of absence requests based on the best interests of the County. The following procedure is intended to be utilized for leave requests not covered by other County policies.

**b. Eligibility**

To qualify, an employee must have completed at least six (6) months of continuous employment in a benefits-eligible position prior to commencement of a leave of absence.

**c. Period of Leave of Absence**

An unpaid long-term leave of absence is for a period of time from 28 consecutive calendar days to up to 12 consecutive months.

**d. Requesting Unpaid Leave**

1. Leave of absence requests must be submitted in writing to the employee's supervisor as soon as possible in advance of taking the leave; however, this requirement may be waived by the department head/designee based on the circumstances and/or immediate need of the request. The request must state the reason for the leave and the starting and ending dates of the leave. Generally, requests for leave to pursue other employment will not be approved.
2. The employee, supervisor, department head/designee, and County Executive/designee will work together to determine if the request creates a hardship for the County or impedes the County's ability to provide the necessary level of service to the public and any other relevant factors. The County Executive/designee will make a final decision to approve or deny the request.

**e. Effect on Benefits**

1. Employees on unpaid long-term leaves of absence will not accrue annual, or sick leave and will not receive holiday leave or employer contributions to life insurance, VRS, medical insurance, or dental insurance except as required by law.

2. If an employee has enrolled in optional voluntary benefits, the employee must make additional arrangements with the Department of Finance's Payroll Division and/or the vendor providing the benefit/product (as applicable) to cover these obligations since they will not be paid salary or wages.
3. An employee requesting an unpaid long-term leave of absence should meet with the Department of Human Resources to discuss the effect of the leave on their benefit options.

**f. Completion of Unpaid Leave of Absence**

After completion of the unpaid leave of absence, an employee will be assigned to a similar position in the department from which they took leave, following any required physical or substance screenings.

**22. Unpaid Leave – Leave Without Pay (Short-Term)**

The County authorizes the use of short-term leave without pay and to establish a procedure by which these requests may be processed in a fair and consistent manner. To use leave without pay, all other applicable leave options must be exhausted.

**a. Period of Short-Term Leave Without Pay (LWOP)**


LWOP requests should be reviewed to determine if they will create a hardship for the County, impede the County's ability to provide the necessary level of service to the public, and any other relevant factors.

- A Department Head may approve up to 10 days per rolling year. The Department must also notify Human Resources of employee LWOP use.
- Eleven (11+) or more days of LWOP per rolling year requires Human Resources approval. LWOP may not be approved for more than 27 consecutive calendar days, except as required by law.
- The Department of Human Resources may approve LWOP regardless of the length when it runs concurrently with FMLA leave, Workers' Compensation, IRP, Maternity Leave, Military Leave, or during the Sick Leave Bank initial waiting period, when applicable.

**b. Effect on Benefits**

- As long as the employee has income by working or using paid leave in a calendar month, employees on LWOP will continue to accrue and may continue to use holiday leave, annual leave, and sick leave, and may continue to participate in life insurance, medical insurance, dental insurance, and VRS contributions.
- If an employee on LWOP does not work during a calendar month and does not use any paid leave during the month, the employee will not accrue annual leave, or sick leave. The County will not contribute to the employee's life insurance, medical insurance, dental insurance, or VRS, except as required by law.
- Employees will be responsible for any applicable employee contributions to their benefits during this period of leave.



	<u>P - §36.0</u>	<u>Policy Name:</u> Reduction in Force	<u>Approved Date:</u> August 20, 2025
	<u>Prepared By:</u> Human Resources		<u>Adopted Date:</u> August 7, 1996
	<u>Amended Date:</u> March 3, 2010, January 22, 2025		

**A. PURPOSE**

To establish guidelines how staffing reductions will be handled in a fair, consistent, and legally compliant manner.

**B. SCOPE**

This policy applies to all regular full-time and part-time employees of the County, unless otherwise stated in a collective bargaining agreement or employment contract.

**C. DEFINITIONS**

Affected Employee - Any employee whose position is eliminated or whose employment is terminated as a result of a Reduction in Force.

Job Family – A series of related positions, grouped by function, that require similar skills, knowledge and have similar responsibilities.

Reduction in Force (RIF)– The permanent elimination of one or more positions due to a fiscal, operational, or service necessity.

Reduction in Force Notification – A notice given to an affected employee that advises the employee that their position is being eliminated.

Regular employee – Permanent full-time or part-time employee who is no longer working in a probationary status.

**D. ROLES AND RESPONSIBILITIES**

**County Executive** – the County Executive has final decision-making authority for implementing a reduction in force that results in the RIF of a regular employee. Authority to eliminate vacant

positions may be delegated to the Executive Leadership Team and Director of Human Resources jointly.

**Department Head** - responsible for identifying opportunities to improve efficiency and service, while eliminating underutilized resources. Department Heads are responsible for collaborating with Human Resources and their portfolio lead to determine the highest and best use of personnel resources in their department. Department Heads will assist with the coordination of the RIF process, as required.

**Human Resources** – responsible for assessing criteria for determining positions and associated employees identified for staff reductions, facilitating internal placement processes, administering any severance payouts, assisting departments with employee communications, and ensuring compliance with Federal and State laws.

## **E. POLICY**

- The County is committed to handling all reductions in force with fairness, transparency, and respect for affected employees. Every effort will be made to avoid separating staff from employment, including considering attrition, reassignments, and voluntary separation before implementing a RIF. This policy will be implemented in accordance with all applicable federal, state, and local laws, including but not limited to:
  - Title VII of the Civil Rights Act of 1964
  - Americans with Disabilities Act (ADA)
  - Age Discrimination in Employment Act (ADEA)
- Department of Social Services employees will follow the State's (DHRM) Lay Off Policy 1.30.
- A reduction in force is not a disciplinary action and cannot be used as a form of discipline or for performance management.
- Proposed position elimination must be reviewed by Director of Human Resources prior to final approval. The Director of Human Resources may consult with the Executive Leadership Team during the review process.
- A Reduction in Force is a re-structuring of a department or work group and therefore is not subject to the County's grievance procedures. Please see the County's grievance policy, P-§ 34.
- Affected employees may be offered a severance package at the time of implementation, as authorized by the County Executive.

- An employee who is in a leave status (e.g., family and medical leave, military leave, leave without pay, workers' compensation, short/long term disability) is considered an active employee for the purpose of this policy. If the position occupied by any such employee is not identified for a reduction in force, the position may not be used as a placement option for other employees affected by the reduction in force.
- An employee in a temporary acting assignment must be identified by their non-acting classification for the purposes of this policy.

## **F. PROCEDURE**

The following procedures will be followed when a reduction in force becomes necessary for the elimination of any full-time or part-time regular employees of the County.

### **1. Employee Notification**

- The affected employee(s) will be notified in writing, by Human Resources, at least 60 calendar days prior to the effective date that the position is eliminated. The notice will include the reason for the layoff, the effective date, and any transition support available.
- Affected employee(s) will be notified of their anticipated separation pay and impact to benefits, by Human Resources, within 5 business days of receiving the Reduction in Force notification.
- A member of the Human Resources Department will meet with the affected employee(s) to conduct a review of knowledge, skills, abilities, and interests to assist in identifying potential alternative position placements. When possible, the County will work with affected employee(s) however, placement into an alternative position is not guaranteed.

### **2. Reduction Criteria and Process**

- Alternative placement, freezing of vacant positions, early retirement package options, and other viable solutions will be considered prior to implementing a Reduction in Force.
- When more than one employee occupies a position that is being eliminated but not all of the employees in that position are being considered for RIF, the following factors will be reviewed to determine which employee(s) will be affected:
  - Prior performance
  - Training and experience
  - Transferrable skills
- Position seniority will be considered as a final factor and only when all other factors are substantially equal.

3. Reassignment

- A member of the Human Resources Department will meet with employees in positions identified to be eliminated to determine their skills, experience, education, training and interests in order to identify other positions in the County for which they may qualify, or for which retraining is feasible.
- In lieu of being separated from employment, full-time employees may be considered for vacant positions provided they hold appropriate qualifications or have had previous successful experience in the particular position. An employee reassigned to a position in a lower pay grade pursuant to this policy will be bound by the provisions of policy §P- 17 Classification and Compensation and §P- 18 Pay Administration.

4. Separation Benefits

Regular employees will receive the following separation benefits to assist them in their transition from County employment. Payment will be issued only if they have not been placed in another vacant position prior to the elimination of their current position. If an employee receiving separation benefits is rehired by the County, they will be under no obligation to repay those funds.

- a. **Separation Pay.** Pay will be calculated at the employee’s regular rate of pay at the time of the reduction-in-force, based on the length of service and the schedule provided below. “Length of service” shall mean years of continuous service, including any approved leave of absence, as a regular employee in the employee’s current position and in any prior position within the same job family. Separation pay is in addition to final payment for all hours worked and payment for accrued annual leave and compensatory time.

Length of Service:	Separation Pay Period:
Full- time: Less than two years	Two weeks of pay
Full- time: Two years and above	One week of pay for every full year of service, up to a maximum of 12 weeks
All regular part-time	One week of pay for every full year of service, up to a maximum of 6 weeks

- b. **Continued Insurance Contributions.** The County contribution for medical and dental insurance coverage will continue through the end of the second month after the separation date. Upon completion of this separation period, the employee may elect to continue coverage under COBRA provisions.
- c. The County reserves the right to enhance the separation pay and insurance coverage provisions in a given severance package with approval from the Board of Supervisors.

Item No. 8.3. Fiscal Year 2027 Operating and Capital Budget Calendar.

The Executive Summary forwarded to the Board states that The process of developing the County’s Operating Budget for Fiscal Year 2027 (FY 27) and the Capital Improvements Program (CIP) for FY 27 - 31 is underway. Staff provides a proposed budget calendar on an annual basis.

Attachment A provides a preliminary budget calendar for the FY 27 budget process. The budget development calendar establishes specific dates for Board meetings and public hearings on the tax rate, the budget, and the CIP. Staff will continue to provide the public with as much notice as possible for planned community engagement opportunities, public hearings, and work sessions associated with the development of the upcoming budgets.

There are several dates that are driven by Virginia Code requirements that are reflected in the attached calendar:

- Localities with a first-half tax year collection in June may adopt the tax rate on or before May 15.
- There must be at least seven days between the public advertisement of the budget public hearing and the actual hearing date.
- There must be at least seven days between the budget public hearing and the adoption of the budget.
- Localities must provide at least seven days’ notice of, and conduct, an effective real estate

tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year's real property tax levies.

- The effective real estate tax rate public hearing must not be held at the same time as the annual budget hearing.

The preliminary budget calendar for the FY 27 budget process meets the Virginia Code requirements and closely mirrors the budget process from last year, with three notable changes. The proposed calendar is two weeks shorter than the overall process for FY26 development and has one fewer Board meeting. The three proposed changes are:

- The two public hearings on the Board's Proposed Budget and the advertised real estate tax rate are recommended to be held on the same date. The hearings will be held separately at different times to comply with State Code requirements.
- The budget is recommended to be adopted and appropriated during a special meeting of the Board. This will shorten the budget process by two weeks compared with last fiscal year.
- The Board is recommended to have four scheduled work sessions on the FY 27 budget, consistent with past years, with an optional work session #5 on the calendar. This removes an optional #6 work session, which the Board has not utilized for the past 3 fiscal years.

There is no budget impact associated with this agenda item.

Staff recommends that the Board adopt the preliminary budget calendar set forth in Attachment A.

**By the above-recorded vote, the Board adopted the preliminary budget calendar set forth in Attachment A:**



**FISCAL YEAR 2027 BUDGET CALENDAR**

<b>July 2025</b>	
16 (Wed.)	Outside Agency Funding Process Modifications
<b>August 2025</b>	
20 (Wed.)	Approval of FY 27 Budget Calendar
20 (Wed.)	Strategic Plan Execution and Reporting (SPEAR Report)
<b>September 2025</b>	
17 (Wed.)	2026 Legislative Priorities
<b>October 2025</b>	
15 (Wed.)	Economic Outlook Report (tentative)
<b>November 2025</b>	
19 (Wed.)	Long-Range Financial Planning – Overview, Assumptions, and Connection to Strategic Plan
19 (Wed.)	Financial Policies Update (tentative)
<b>December 2025</b>	
3 (Wed.)	Long-Range Financial Planning – Joint meeting with School Board for capital
<b>February 2026</b>	
25 (Wed.)	County Executive’s presentation to Board – Recommended Budget and Capital Improvements Program
<b>March 2026</b>	
04 (Wed.)	Public Hearing on County Executive’s Recommended Budget and CIP
9 (Mon.)	Work Session #1 – General Fund
11 (Wed.)	Work Session #2 – General Fund
12 (Thur.)	School Board approves Public Schools budget request
16 (Mon.)	Work Session #3 – School Board & CIP
18 (Wed.)	Work Session #4 – Board proposes budget and sets maximum tax rate for advertisement
<b>April 2026</b>	
1 (Wed.)	If needed - Work Session #5
6-10	Spring Break
15 (Wed.)	Public Hearing on the CY 26 tax rates Public Hearing on Board’s Proposed Budget
22 (Wed.)	Board approves and appropriates FY 27 Budget and sets tax rates
23 (Thur.)	School Board adopts Public Schools Final Budget

Item No. 8.4. Quarterly Tax Refund Approval Request.

The Executive Summary forwarded to the Board states that Virginia Code §58.1-3981 requires that erroneous tax assessments shall be corrected and that a refund, with interest as applicable, be paid back to the taxpayer. Tax refunds resulting from erroneous assessment that exceed \$10,000 must be approved by the Board of Supervisors before any payments can be made.

Staff is requesting approval from the Board for the itemized refunds in Attachment A totaling \$60,091.34 to conform with the requirements of Virginia Code §58.1-3981. Each refund amount listed has been reviewed and certified by staff and the Chief Financial Officer, with the consent of the County Attorney's Office. It is the County's practice to request such refunds on a quarterly basis.

Staff does not anticipate a budget impact associated with the recommended Board action. Tax refunds are a customary part of the revenue collection process and refund expectations are included in the annual revenue budget assumptions.

Staff recommends that the Board adopt a Resolution (Attachment A) to approve the refund requests and authorize the Department of Finance and Budget to initiate the refund payments.

**By the above-recorded vote, the Board adopted a Resolution (Attachment A) to approve the refund requests and authorize the Department of Finance and Budget to initiate the refund payments:**

**RESOLUTION  
REQUESTING TAX REFUNDS**

**WHEREAS**, Virginia Code §58.1-3981 requires that erroneous tax assessments be corrected and that a refund, with interest as applicable, be paid back to the taxpayer; and

**WHEREAS**, Tax refunds resulting from erroneous assessment that exceed \$10,000 must be approved by the Board of Supervisors, after being certified by the Chief Financial Officer and the County Attorney.

**NOW, THEREFORE, BE IT RESOLVED** that a refund in the amount of \$24,762.45 has been reviewed and certified due to filing amended business license returns and this refund shall be remitted to Avemore Associates LP to conform with the requirements of Virginia Code §58.1-3981; and

**BE IT FURTHER RESOLVED** that a refund in the amount of \$35,328.89 has been reviewed and certified due to personal property being taxed in the wrong jurisdiction and this refund shall be remitted to Caton Construction Group Inc. to conform with the requirements of Virginia Code §58.1-3981.

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Item No. 8.5. Schedule a Public Hearing to Consider the Adoption of an Ordinance to Amend County Code Chapter 15, Taxation, Article 9, Transient Occupancy Tax.

The Executive Summary forwarded to the Board states that staff is recommending updates to the Transient Occupancy Tax regulations in Albemarle County Code Chapter 15, Taxation (Attachment A), to conform to recent changes in State law affected by the General Assembly's adoption of HB2383 (Attachment B).

Virginia Code §§ 58.1-3, 58.1-3826, and 58.1-3827 were amended to restrict the sharing of information with other local officials and provide that an accommodations provider (property owner) is not required to transmit a transient occupancy tax return to a locality if (1) all retail sales of accommodations are facilitated by an accommodations intermediary (e.g., Airbnb, Expedia, Stay Charlottesville, etc.) and (2) the accommodations provider attests to the locality that all such sales were facilitated by an accommodations intermediary.

If adopted, the proposed ordinance would revise Albemarle County Code Chapter 15, Article 9, Transient Occupancy Tax to align with the recent changes to Virginia Code §§ 58.1-3, 58.1-3826, and 58.1-3827.

Accommodations providers will file an annual attestation with their Albemarle County business license affirming if their accommodation is facilitated by an accommodations intermediary. If the accommodations intermediary will be responsible for filing and paying of their monthly transient occupancy tax remittances, the accommodations provider will not be required to file a transient occupancy report with the Director of Finance. An accommodations provider will be required to prepare and file a transient occupancy report with the Director of Finance for the retail sale of any accommodations not facilitated by an accommodations intermediary and will be responsible to remit such tax as may otherwise be required.

Staff does not anticipate any impact to the budget currently.

Staff recommends the Board schedule a public hearing to consider the adoption of the attached proposed Ordinance (Attachment A).

**By the above-recorded vote, the Board authorized the Clerk to advertise and schedule a public hearing to consider the adoption of the attached proposed Ordinance (Attachment A).**

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Item No. 8.6. Economic Development Authority Fiscal Services Memorandum of Agreement.

The Executive Summary forwarded to the Board states that in August and December of 2024, the Board of Supervisors (Board) and the Economic Development Authority (EDA) met twice in joint session to discuss the EDA's interest in adopting a revised Memorandum of Understanding (MOU) to facilitate the County's current economic development priorities, especially as it related to the Rivanna Futures project.

The resulting draft MOU, which the EDA approved on March 18, 2025, and the Board approved on April 15, 2025, provided the EDA would “[e]xecute a Fiscal Services Agreement wherein the County’s Department of Finance and Budget will provide fiscal services to the EDA under terms and conditions as agreed upon by the Board and the EDA.”

Based on the feedback received by the EDA and the Board, staff drafted a Fiscal Services Memorandum of Agreement (MOA) that is consistent with other existing agreements where the County is the fiscal agent. The EDA approved the MOA (Attachment A) on July 15, 2025.

The draft Fiscal Services Agreement includes an administrative fee to be paid by the EDA to Albemarle County, which will generate revenue for Albemarle County.

Staff recommend that the Board approve the Fiscal Services Memorandum of Agreement provided as Attachment A.

**By the above-recorded vote, the Board approved the Fiscal Services Memorandum of Agreement (Attachment A):**

**RESOLUTION TO APPROVE THE ECONOMIC DEVELOPMENT AUTHORITY  
(EDA) FISCAL SERVICES  
MEMORANDUM OF AGREEMENT**

**BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves the Economic Development Authority (EDA) Fiscal Services Memorandum of Agreement provided as Attachment A.

\* \* \* \* \*

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**ECONOMIC DEVELOPMENT AUTHORITY (EDA) FISCAL SERVICES**  
**MEMORANDUM OF AGREEMENT**

This Fiscal Services Memorandum of Agreement is by and between the COUNTY OF ALBEMARLE, a political subdivision of the Commonwealth of Virginia (the "County"), and the ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "EDA").

WHEREAS, the EDA has requested, and the County has agreed, to provide fiscal services to the EDA beginning July 1, 2025.

WHEREAS, the EDA will allow the County an administrative management and accounting fee of one percent (1%) of incoming funds received by the EDA from a source other than the County.

NOW, THEREFORE, the parties agree as follows:

- I. The County will serve as the fiscal agent for the EDA, providing the following fiscal agent services as detailed in the Fiscal Agent Services Operational Guide (the "Guide"). The Guide may be updated from time to time to reflect current processes, service delivery methods, or process owners. The County will communicate any changes to the Guide to the EDA.
  - a. Legal services
  - b. Fiscal Management services:
    - i. Management & Budget services
    - ii. Grants & Agreements services
    - iii. Revenue Administration services
    - iv. Accounting services
    - v. Payroll services
    - vi. Procurement services
    - vii. Investment & Debt Management services
    - viii. Enterprise Risk Management & Shared Services services

The County does provide additional optional services. All services will be finalized before implementation and subsequently added to the Guide once agreed upon. These additional optional services include:

- i. Human Resources services
- ii. Facilities & Environmental services
- iii. Information Technology services

- II. The EDA must follow all County policies related to the fiscal agent services.
- III. If the Board of Supervisors fails or refuses to appropriate any EDA designated funds to the EDA, this agreement will be subject to termination, with all such funds returned to the EDA.
- IV. This agreement may be amended in writing only with the mutual consent of both parties.
- V. This agreement may be terminated by either party upon 30 days' written notice; in which event any remaining funds will be turned over to the EDA for its own management.
- VI. This agreement will become effective upon execution by both parties.



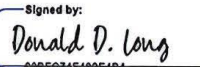
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COUNTY OF ALBEMARLE

  
James Andrews, Chair  
Board of Supervisors

10/1/2025  
Date

ALBEMARLE COUNTY ECONOMIC  
DEVELOPMENT AUTHORITY

Signed by:  
  
Donald D. Long, Chair  
Board of Directors

8/28/2025  
Date

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**Fiscal Agent Services MOA Operational Guide**

The Guide is an implementation aid for the Economic Development Authority (EDA) Fiscal Services Memorandum of Agreement with the County of Albemarle. Though that Agreement may not change without formal action, this Guide may be updated from time to time to reflect current County processes, service delivery methods, or process owners. The County will notify the EDA of any changes. Only the services outlined in the Guide as part of the MOA are offered; services not specified are not included or implied.

The following services are provided as part of the Fiscal Agent Services MOA:

**Legal services:**

- I. Attend EDA Board meetings
- II. Attend monthly agenda planning meeting with the EDA Chair and staff
- III. Provide appointees with COIA and FOIA educational material
- IV. Provide new appointees with COIA and FOIA orientation
- V. Counsel staff and the EDA Chair on pre-Board meeting matters
- VI. Provide legal counsel on grant, performance agreement and other project structure and administration
- VII. Advise and negotiate on vendor/provider relationships on an as-needed project basis. Includes services pursuant to goods and (or) services procured by the County on behalf of the EDA and post-agreement administration such as reformation and/or claw back.
- VIII. Represent EDA in legal proceedings as needed in the absence of any conflict of interest.
- IX. Review and approve liability insurance coverage annually in cooperation with County's risk manager
- X. Serve as primary assigned counsel with another County Attorney assigned as primary backup
- XI. Legal services related to bond issuances and related matters are not provided hereunder and are subject to the EDA engaging independent outside legal representation

**Fiscal Management services:**

- I. Management & Budget services
  - a. Any funds designated for the EDA will be received by the County and appropriated as needed by the Albemarle County Board of Supervisors for the EDA's purposes.
- II. Grants & Agreements services
  - a. An agent for the County will deduct the fiscal services administrative fee from the EDA's account within 30 days of the end of any month in which the EDA has received funds from a source other than the County.
- III. Revenue Administration:
  - a. Revenue collections
- IV. Accounting:
  - a. Accounts receivable (billing of funding partners/state and federal revenue, customer records, and employee reimbursements)
  - b. Accounts payable processing
  - c. Compliance: Issue 1099s
  - d. Maintain capital asset records
  - e. Maintain the General Ledger
    - i. The accounting of the funds will be separately kept in a segregated fund designated for the EDA.
    - ii. The expenditure of said funds will come through the County and be at the sole discretion of the EDA, subject to applicable law, and the

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- limiting conditions of any contract, gift, or grant. Funds may be disbursed only for EDA approved expenditures and only after approval by an authorized EDA Member.
  - f. Ensure the County's EDA account will accrue interest based on the County's monthly allocation process.
  - g. Financial reporting as part of the Annual Comprehensive Report, Single Audit, and Other Post-Employment Benefits
  - h. Capital funding management
  - i. Audit and Financial Statements.
    - i. All EDA Fiscal Activity, processed through County Records, will be subject to the County's Annual Audit.
- V. Payroll services:
- a. Maintain vendor accounts and vendor liabilities for payroll-related withholdings
    - i. Administer year-end W-2 reporting
  - b. Process payroll
    - i. Translate time and pay data from EDA templates to ADP imports
    - ii. Generate payroll register previews
    - iii. Collaborate with EDA to review and validate data
    - iv. Coordinate corrections (as needed) to historical data
  - c. The EDA will be responsible for timekeeping and providing time file to the County for further processing.
  - d. Other Post-Employment Benefits (OPEB) services as part of the County's OPEB report actuarial evaluation performed by a 3rd party
- VI. Procurement services:
- a. Procurement specialist to advise and lead procurements to meet VPPA & Purchasing Manual requirements
  - b. Provides access to the County's PCard program
  - c. Creation of contracts
  - d. Requisition review and Purchase Order approval
  - e. Surplus management
- VII. Investment & Debt Management services
- a. Debt Service Records
  - b. Interpreting the Principal and Interest schedule against the agreement to bill an entity
  - c. Bond counsel where the County is a partner and there are no conflicts of interest.
  - d. Interest earnings allocation
- VIII. Enterprise Risk Management & Shared Services (ERMSS) services
- a. Insurance matters including the annual insurance renewal process
  - b. Participation in the County's workers' compensation program.
  - c. Claims are reviewed by the Chief of ERMSS, compiled, and submitted to the insurance company.
  - d. Review all procurements when seeking services/products and make insurance recommendations.
  - e. Coordinate workers' compensation audit and make recommendations for the allocation.
  - f. Advice on incident response

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- Optional Additional Services  
All services will be finalized before implementation and subsequently added to the Guide once agreed upon.
- I. Human Resources services
  - II. Additional Grants & Agreements services (for example grant support)
  - III. Facilities & Environmental services (for example copy center)
  - IV. Information Technology services

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Item No. 8.7. Land Use & Environmental Planning Committee (LUEPC) Report - First Half 2025, ***was received for information.***

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Item No. 8.8. VDOT Monthly Report (August) 2025, ***was received for information.***

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Agenda Item No. 9. **Work Session:** Riparian Buffer Protection Standards Draft Ordinance.

The Executive Summary forwarded to the Board states that a riparian buffer is an area of vegetation adjacent to a stream, wetland, reservoir, or pond. A healthy buffer contains natural vegetation for a set distance from the water body. This vegetation filters and cleans the water runoff and thus 'buffers' the water from human impacts, providing numerous benefits and services to people and the environment.

In December 2021, the Board of Supervisors accepted the Phase 2 recommendations of the Stream Health Initiative (SHI), which included a total of 14 programs and regulations to improve water quality and stream health in the County. Recommendation #1 from the SHI, and the first SHI project undertaken by the County, was a proposal to move the County's existing riparian-buffer regulations from the Water Protection Ordinance (WPO) to the Zoning Ordinance (ZO). On March 16, 2022, the Board

adopted a Resolution of Intent to undertake that ordinance amendment. On November 26, 2024, staff held a work session with the Planning Commission on the draft ordinance amendment (Attachment C).

The intent of this amendment is to replace the riparian buffer regulations adopted in 2014, which apply only during land disturbance activities. The proposed amendment would move the Riparian Buffer Protection Standards (RBPS) to the ZO and would apply to all uses within the defined buffers, while still exempting agricultural and silvicultural uses. This amendment would make the County’s buffer regulations more like those in effect prior to 2014. The physical extent of the riparian buffers would not change from the current WPO definitions. Rather than following the original “overlay district” approach, the proposed amendment would establish “protection standards” in Section 4 (“General Regulations”) of the ZO. This approach resolves difficulties in accurately enforcing riparian-buffer regulations caused by the lag between movements in stream systems and the updating of zoning maps, and by incomplete stream mapping. Staff’s research has found that most Virginia localities that have riparian-buffer regulations have chosen the performance-standard approach over the zoning-overlay approach.

This work session has two objectives: (1) review the sections proposed for amendment or addition in the ZO and receive comments from the Board; and (2) provide information on the staffing and budget implications of the proposed amendments.

Other chapters of the Albemarle County Code will be amended to address housekeeping items, and to repeal elements of the WPO that will be replaced by adding the RBPS to the ZO.

Zoning Amendments

The proposed new RBPS (Attachment A) is structured as follows:

- Section 3.1 includes new definitions needed for this amendment.
- Sections 4 (General Regulations) and 5 (Supplemental Regulations) include wording changes for consistency with the addition of section 4.23 (as summarized below).
- Section 4.23 is the proposed addition for RBPS, and would include the following sections:

4.23.1	Lays out the purpose and intent of the proposed new ordinance.
4.23.2	Addresses the applicability of this section, as well as non-conforming uses and existing structures.
4.23.3	Establishes the powers and duties of the Riparian Buffer Administrator (the County Engineer or their designee), who can enforce this section in conjunction with the Zoning Administrator.
4.23.4	Defines the boundaries of the riparian buffers, which are proposed to be the same as in the current WPO.
4.23.5	Sets requirements for the submittal of site-specific determinations of the riparian buffer boundaries. It also establishes that site-specific evaluations of boundaries are subject to Riparian Buffer Administrator approval and requires such evaluations to be stamped by a relevant professional.
4.23.6	Sets general performance criteria for vegetation management in the buffers. (Note that these criteria would apply throughout the County’s riparian buffers, rather than only applying to regulated land disturbance activities as in the current WPO.) In general, this section establishes that native buffer vegetation must not be removed, and that disturbances from any permitted uses in the buffers (see 4.23.7 and 4.23.8) must be minimized. Item 2 in the proposed amendments to the Engineering Design Standards Manual (Attachment B) is a table designed to help staff provide landowners with consistent guidance regarding permitted vegetation changes and vegetation-management regimes within the riparian buffers.
4.23.7	Lists the uses that are permitted in the riparian buffers. These include agriculture, forestry, utilities, water-dependent facilities, passive-recreation facilities, historic preservation and archaeological activities, and buffer plantings. Most of these uses have relevant standards for limiting their impacts on buffers and buffer vegetation.
4.23.8	Lists uses that are permitted only when approved by the Riparian Buffer Administrator. These uses would require approval of a mitigation plan.
4.23.9	Sets the requirements for form, content, and bonding of mitigation plans required by section 4.23.8 above.

Should the Board adopt the Riparian Buffer Protection Standards Ordinance mid-year; staff will track the amount of time spent on stream determinations, mitigation plan review, compliance, enforcement, and public engagement resulting from this ordinance. This impact may result in an upcoming budget request to the Board for additional staffing based on actual staff experience. Other workload impacts, such as engineering plan review and bond estimates are anticipated to be covered by existing Engineering staff.

Staff requests that the Board provide feedback on the draft ordinance, including responses to the

following discussion questions:

- Does this draft ordinance further the goals listed in section 4.23.1?
- Does the Board have feedback about the general performance criteria in section 4.23.6?

Staff recommends that the Board: endorse the approach to riparian buffer protection shown in the draft ordinance (Attachment A) or provide additional direction to staff regarding desired changes.

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Mr. Scott Clark, Conservation Manager, said that Mr. Frank Pohl, the County Engineer, was present, and several other Community Development staff members were available to answer questions that arose during this work session. He stated that they would discuss the proposed riparian buffer protection standards ordinance. He said that he would provide a brief overview of the Stream Health Initiative and its connection to riparian buffers. They would also review current buffer regulations and the proposed buffer protection standards. They would save most of the time for questions and discussion, and then briefly go over the next steps.

Mr. Clark explained that the Stream Health Initiative, which began in 2017, was an extensive outreach and community interaction effort aimed at finding methods to protect stream quality throughout the County. This initiative involved extensive community outreach, including stakeholder work groups that set the vision and goals and developed recommendations with staff. A community learning series and online community surveys were also conducted to engage the community. The result of this effort was a series of 14 community-developed recommendations for stream health protection.

Mr. Clark said that the number one recommendation on that list was to move stream buffer and riparian buffer protections from the Water Protection Ordinance into the Zoning Ordinance to provide better protection of those buffers. As a reminder, a riparian buffer is an area of vegetation adjacent to a stream, wetland, reservoir, river, or pond. The Board had adopted a resolution of intent to pursue this amendment to the Zoning Ordinance in March 2022.

Mr. Clark said that the scope of the project identified with that resolution was to move the riparian buffer regulations from the Water Protection Ordinance to the Zoning Ordinance to protect stream health and wildlife habitat, boost climate resiliency, address stream impairments by filtering non-point source pollution, and provide better clarity for uses permitted within the buffers. The goal of this ordinance was also to implement standards that protect the County's vegetation Countywide while maintaining the current exemptions for agriculture and forestry.

Mr. Clark said that to clarify, the proposed buffers were the same as those currently regulated by the Water Protection Ordinance. Within development areas, if they were not in a water supply protection area, those buffers were 100 feet wide on perennial streams and contiguous wetlands. If they were both in a development area and within a water supply protection area, that 100-foot buffer applied to both perennial and intermittent streams or to the limits of the Flood Hazard Overlay District. There was some ability to have structures in the outer 50 feet of buffers on intermittent streams, but only with a mitigation plan. He said that directly adjacent to public water supply impoundments, the buffer extended 200 feet from the floodplain of that impoundment.

Mr. Clark said that elsewhere, in rural areas not immediately adjacent to a reservoir, the buffers were either 100 feet on any perennial or intermittent stream or the limits of the Flood Hazard Overlay District, whichever was wider. Currently, the Water Protection Ordinance only applied to land disturbances of 10,000 square feet or more, and those disturbances were permitted but required mitigation. For disturbances below 10,000 square feet, buffer vegetation was not protected, except to note that new structures requiring building permits were not permitted in those buffers.

Mr. Clark explained that otherwise, outside of a regulated land disturbance, trees and other vegetation in the buffers could be removed. The proposed ordinance would move these standards from the Water Protection Ordinance to Section 4 of the Zoning Ordinance and adopt a performance standards approach. He stated that key sections included 4.23.4, which set the boundaries they had discussed, 4.23.3, which identified the County Engineer as the Riparian Buffer Administrator (RBA), 4.23.6, which established criteria for vegetation management in the buffers, and sections 4.23.7 and 4.23.8, which listed permitted uses.

Mr. Clark said that he would next discuss what vegetation changes would be permitted under this proposed ordinance. He stated that currently, projects with 10,000 square feet of disturbance or more were regulated in the buffers. He said that vegetation could be removed, but a mitigation plan was required to restore the disturbed area. However, elsewhere, any vegetation could be removed. Under the proposal, except for permitted uses, native vegetation within the buffer must not be disturbed or removed, and buffers must be maintained in as natural a condition as possible.

Mr. Clark said that regarding permitted uses, there were two categories. One was by-right uses that could occur, including agriculture and forestry, utilities, water-dependent facilities, and others. The other category required RBA approval with a mitigation plan, often related to stormwater and flood management, environmental restoration projects, and uses that would otherwise be restricted by the buffer.

Mr. Clark said that the proposed ordinance also included standards for mitigation plans, such as a two-to-one ratio for restoration, the use of native species, and a link to the engineering design standards

manual. The buffer administrator could also require bonds to ensure the mitigation was successful. He said that they had two discussion questions for the Board today. First, did the draft ordinance help meet the goals listed in 4.23.1, which outlined the purposes? Second, did the Board have any feedback about the general performance criteria listed in 4.23.6?

Mr. Gallaway said that regarding permitted uses, he asked staff to clarify what may be anticipated in terms of passive recreation.

Mr. Clark answered that facilities such as unpaved trails would be by right. He said that paved trails, park pavilions, informational signs, and other impervious materials would need to be mitigated.

Mr. Gallaway asked if passive recreation was focused on the facility rather than the activity.

Mr. Frank Pohl, County Engineer, said that the quote he provided was not a direct reference from the ordinance. He said that the ordinance was more specific regarding passive recreation access and facilities, such as educational signs, kiosks, and trails with pervious surfaces and boardwalks, in accordance with the Department of Conservation and Recreation (DCR) manual. He said that paths serving individual residential lots were permitted, with a limit on their width. These were considered "by right" uses. He said that Mr. Clark was trying to explain that impervious paths would be subject to mitigation under permitted uses, but with mitigation.

Mr. Gallaway said that he was wondering if there was anything that differentiated walking paths from other more intense uses.

Mr. Pohl said that they did not have walking paths designated specifically within the buffer area as permitted. He said that they did not intend to prohibit walking in the woods as part of the regulations of these buffers. He said that the listed uses were considered to impact the buffer, so they were trying to distinguish between different types of paths to address questions about what types of paths were allowed within buffers.

Mr. Gallaway said that regarding the specific questions about Board feedback, he felt this matter was mostly straightforward and he did not have any other questions or concerns at that time. He said that he would listen to what his fellow Supervisors had to say before making additional comments.

Ms. LaPisto-Kirtley said that she appreciated the idea of promoting the retention of native vegetation, as she believed they had seen an overabundance of non-native vegetation. She asked if they were requiring any removal of non-native vegetation from buffers.

Mr. Pohl stated that for current developments, projects that impact buffers required mitigation. He said that mitigation could take the form of planting within the buffer, but if the entire buffer was already planted, the County asked for the removal of invasive species. They could not require buffer mitigation outside of the 100-foot buffer because that would go beyond the regulation. He said that requiring native vegetation would also need enforcement, but he was unsure if staff had anticipated the method of enforcement.

Mr. Clark said that the draft ordinance did not require the removal of invasive species outside of development projects. It did not mandate the removal of invasive species. Instead, it limited the removal of native species or native vegetation, but it did not require landowners to specifically remove invasive species.

Ms. LaPisto-Kirtley said that some invasive species were not just fast-spreading; they were also destructive to habitats. She asked if they could narrowly require removal of certain destructive invasive species, rather than all non-native plants.

Mr. Pohl replied that if a development resulted in impact to a stream buffer, they could require mitigation to include removal of invasive species, but they could not require anything if the development was not impacting the buffer. He said that the only other thing they could do was generally encourage people to remove the invasive species from the buffer area.

Ms. LaPisto-Kirtley asked if this would not prohibit the piping of streams.

Mr. Pohl replied that was correct; the buffer area began at the stream bank and would not prevent the piping of streams.

Ms. Mallek expressed her deep gratitude to staff for all of the beneficial information in this proposed ordinance. She stated that in several places in the draft, it mentioned exemptions for agriculture and forestry. She said that she had received questions from members of the public asking for clarification on this. Specifically, they wanted to know if this meant that anyone living in a rural area where agriculture often took place was now exempt from certain regulations. She said that she would like staff to provide some clarity on how this exemption worked, so she could better understand it.

Mr. Clark said that the answer to that question was no. He said that what was being permitted as a use within the buffer was an agricultural or silvicultural use, both of which were defined in the ordinance. He clarified that simply being located in a rural area did not provide that exemption; rather, it was having an active use. He said that for example, a residential lot zoned Rural Areas (RA) was not exempted from the requirement simply because it was located in a rural area.

Ms. Mallek asked if it was correct that open land not in agricultural production would be required to meet the stream buffer regulations.

Mr. Clark confirmed that was correct.

Mr. Pohl added that the Zoning Ordinance defined agricultural activity as including bona fide activities, and there were also listed activities similar to those found in the WPO ordinance.

Ms. Mallek thanked Mr. Pohl for making that point. She said that she would like to revisit some points that came out of her study of the thorough Planning Commission discussion. She said that to ensure she fully understood the context, she would like to request additional clarification on one specific point. She said that on page four of the Planning Commission notes, it mentioned the exemption for single-family houses. She asked if staff could provide more details about this exemption, specifically in relation to 4.21.4. She clarified that it was not that they would be allowing single-family houses to be built in a buffer zone simply because they were single-family houses.

Mr. Pohl stated that there were two restrictions under the Zoning Ordinance for building in buffer zones. He said that a building must be located within a building site, unless that site rendered the lot unusable for a single-family residence, which was accounted for in the ordinance to accommodate such situations. He said that a permitted structure or use was not allowed unless the condition that made the site unusable for a single-family residence existed.

Ms. Mallek said that over the past year, she recalled that they had several proposals come before them that required adjustments for crossing access. She asked if there was a specific point in time when the lot was created in order to meet the necessary requirements for this type of access. She said that she did not believe that a substandard lot could be created today and then later sought to be modified under these rules.

Mr. Pohl said that the effective date was February 11, 1998, as adopted in the WPO ordinance. It was also included in this draft.

Ms. Mallek asked if there was a documentation plan in place for a process for granting waivers or exceptions, such as a checklist, deliberation, and decision-making process. She said that this would provide more transparency for those interested in the process.

Mr. Pohl said, yes, in the subdivision ordinance and the site plan ordinance, there were provisions outlined for that process under 14.422.E. for subdivision and 18-4.2.1.b. for those processes.

Ms. Mallek said that there was a valuable discussion with the Planning Commission regarding the importance of education, and she was aware that a presentation on this topic was forthcoming. She said that in relation to some comments made in the past few days, she would like to highlight the significant benefits to the community at large provided by the buffers. She said that it was unlikely that anyone would build a house or residential structure in the development area without a buffer, as within the buffer would pose a high risk to safety.

Ms. Mallek said that the floodplain delineations, federal rules, state rules, and local rules were all in place to protect people from harm. She said that the buffers were established in 2010 on the east side of Route 29, following a 30-year history on the west side due to the watershed designation. She said that the discussion centered on the impact of sheds, grills, and picnic tables being washed away and potentially damaging neighboring properties during high water events.

Ms. Mallek said that they had seen numerous instances of high water in recent years, including the tiny stream in Greenwood just a few months ago. She said that it was crucial for their education program to emphasize the benefits, in addition to the environmental aspects, as a means of avoiding damage to their community. At the RRBC (Rivanna River Basin Commission) meeting yesterday, the speaker mentioned the availability of educational materials prepared by DCR and DEQ, which they could draw upon.

Ms. Mallek said that she was glad to see that tree clearing was considered a land disturbance, but there was also a mention of the 10,000 square foot threshold. She asked staff to confirm whether this threshold still applied under the new plan, and if so, whether all land disturbances were now separate.

Mr. Pohl said that a development project would not be exempt from this regulation. He said that the 10,000 square feet referred to land disturbance permits, which would still apply even if a project was smaller, such as a 5,000 square foot project that only disturbed 5,000 square feet. He said that the project would still be subject to the riparian buffer standards.

Ms. Mallek asked if the WPO would still apply for projects less than 10,000 square feet.

Mr. Pohl said that the WPO would not apply, but the riparian buffer standards would still apply. He said that if the project's total area was under 10,000 square feet, it did not trigger the Water Protection Ordinance threshold, but they still had to comply with the proposed riparian buffer protection standards.

Ms. Mallek asked if there was a cumulative effect for these smaller projects as well. She said that she was thinking back to the time before they had cumulative impact, when someone could create a



9,000-square-foot parking lot year after year without any stormwater management. She asked if there was now a cap on parcels to prevent that.

Mr. Pohl said that the ordinance being reviewed today did not include a cap or threshold regardless of the size of the area in question. He said that for the WPO, there was a 10,000-square-foot threshold for projects that had a cumulative effect. He said that this threshold was separate from the current draft of the riparian buffer ordinance, as the proposed draft did not have a corresponding threshold.

Ms. Mallek said that she wanted to clarify that in the context of a development project, the zero threshold was indeed the starting point.

Mr. Pohl said that for a riparian buffer, that was correct.

Ms. Mallek said that next, she would like to discuss farm roads as they were raised at the Planning Commission. She said that she believed that staff had experience with Advance Mills Farm, where a 50-year-old farm road was converted into a subdivision without any ditches or other stormwater facilities. She asked if these new policies would impact their ability to control the transition of a farm road into a development road.

Mr. Pohl said that the two-year limitation still applied in the Water Protection Ordinance. He said that therefore, if they converted a farm road to a subdivision road within two years and the land disturbance to build that farm road exceeded 10,000 square feet, they would be subject to the Water Protection Ordinance and would need to obtain a permit. He said that regarding the ordinance currently being considered, farm roads were exempt from the buffer ordinance because they were considered an agricultural activity.

Ms. Mallek asked if there was remedial work or discontinuance if the property was repurposed from a farm to become several houses. She asked if staff had developed any regulations for that scenario. She said that the two-year limitation was the result of what occurred with Advance Mills.

Mr. Pohl replied that it was his recollection as well. He said that he would need to double-check on that specific topic.

Ms. Mallek said that she would appreciate it very much. She said that she was also wondering if there was a threshold beyond which exemptions from the new riparian buffer rules did not apply. She said that she was specifically referring to existing infrastructure, such as roads or improvements to bring them up to standard. She said that for example, she was thinking of a comparison between a driveway serving two houses versus one serving three houses. She said that in the latter case, State standards for the entrance would likely apply. She said that she was inquiring about a specific threshold that would impact the applicability of these exemptions so far.

Mr. Pohl said that existing uses that were not permitted would become nonconforming. He said that without a permitted use, there could not be an expansion unless mitigation measures were provided for an allowed use.

Ms. Mallek said that designating nonconforming uses would keep it as-is until any future changes occurred. She asked if the "operator" was a machine driver.

Mr. Pohl replied no; from a legal standpoint, according to the Virginia Stormwater Management Program (VSMP), the operator was the overall authority responsible for obtaining the permit. He said that the permit was issued in his name. He said that this was typically the owner of the property. He said that he could provide the legal definition of "operator" if necessary.

Ms. Mallek asked if staff could clarify the criteria for an agreement in lieu instead of having a mitigation plan. She asked if it was related to the size of disturbance.

Mr. Pohl said that the agreement in lieu was not relevant to this ordinance because it remained part of the Water Protection Ordinance. He said that therefore, no changes were proposed for that, but he could provide further clarification. He explained that the agreement in lieu was limited to single-family developments, with a maximum land disturbance of 10,000 square feet per acre. He said that this allowed for an agreement in lieu of stormwater management, which had specific requirements, including erosion and sediment control with a critical resources plan. He said that to demonstrate that they had exhausted the County's critical resources, they were still required to provide a critical resources plan. He said that over one acre, they could be granted an agreement in lieu of stormwater management, which was commonly implemented in rural areas due to the large acre lots. He said that, however, a plan for erosion and sediment control was required.

Ms. Mallek asked if extensions could be granted for projects that had been going on for ten-plus years.

Mr. Pohl said that he believed that was in the Water Protection Ordinance.

Mr. Clark said that the only changes to section 17.501 were minor wording changes, replacing "stream buffer" with "riparian buffer." He said that these changes were being made to refine the language, but the area itself was not being added or deleted from the draft.

Ms. Mallek said that her confusion was with the "permit cycle" timeline. She asked if the cycle was one year.

Mr. Pohl stated that the State permit cycle was five years, and the County's was one year. He said that currently they do not have a formal permit cycle, as new permits were issued annually. He said that there was an annual maintenance fee, but the permit itself did not expire until the required bond was released or remained unreleased.

Ms. Mallek said that she would ask for more information on that section at another time. She said that on another note, she recently had conversations with Rob Farrell and Dave Powell from the Department of Forestry, who mentioned that they were working on Memoranda of Understanding (MOUs) with the County or possibly other Counties to help manage the discrepancies that occurred when forestry projects were undertaken.

Ms. Mallek said that, for example, when someone claimed to clear-cut a large parcel in Free Union, only to disregard forestry regulations, it resulted in significant damage and erosion. She said that the stumps were removed, and the long-term consequences were severe. She said that when that happened, the Forestry Department claimed it was the County's responsibility, stating that the project was no longer a forestry project. She said that this had occurred numerous times over the past 25 years in various locations.

Ms. Mallek said that she hoped that this MOU would lead to progress, as she believed it was a significant gap in their current efforts. She said that these peripheral issues could cause considerable hardship for those downstream, who suffered from erosion and property damage. She said that she kindly requested that staff keep an eye out for the MOU and see how it unfolded. She said that in terms of permanent vegetative cover, she could not find any information on its relevance to this issue. She asked if it was an overlaid grading process, or if it was a separate consideration.

Mr. Pohl said that the provision was included in the Water Protection Ordinance, but it was not included in the riparian buffer draft. He said that it was typically when the site was designated as permitted that the regulations applied.

Ms. McKeel expressed her gratitude to Ms. Mallek for asking detailed questions, because she learned a lot from the answers. She said that this was a benefit for their Board being composed of individuals with different areas of expertise. She said that regarding the draft ordinance, she was generally supportive, although she may not have the depth of understanding that Ms. Mallek had. She said that at this juncture, she was supportive of staff's proposed ordinance.

Ms. McKeel said that she would like to revisit their previous discussions about adopting the Chesapeake Bay Act as a local ordinance. She said that she had discussed this with Mr. Pohl multiple times. She said that she had heard some Planning Commissioners suggest that they had exceeded the requirements of the Chesapeake Bay Act in some areas. She said that she was not convinced that this was the case. She asked if the reason they had not adopted it locally was because the County did not have the capacity to enforce it, or if there was another reason. She said that she thought adopting those regulations would provide some certainty and strength to their protection of waterways.

Mr. Pohl said that it was a topic staff had discussed four years ago and had brought it before the Board. He said that at that time, staff had explained why they did not think it was a good idea to implement this concept, and the Board had agreed. He said that as a result, they had created this ordinance, moving it out of the Water Protection Ordinance and stream buffers, and placing it in a riparian buffer ordinance. He said that if they recalled, there was a septic tank pumping requirement in the Chesapeake Bay Act, which affected approximately 100,000 septic tanks throughout the County. He said that these tanks required pumping every five years, and staff estimated they would need more staff members to enforce that aspect.

Mr. Pohl said that stream buffers were not required in the County, but their standards were higher due to the inclusion of intermittent streams. He said that in contrast, the Chesapeake Bay Act only included perennial streams in its standards. He said that they also included a 50-foot intermittent stream requirement within development areas that fell within a water protection area. He said that these standards were higher than the Chesapeake Bay Act's requirements. He said that the Thomas Jefferson Soil and Water Conservation District would have had to hire personnel as well to enforce the Act, which was another consideration. He said that it would be a larger lift to adopt the Act, so they had decided against it in the past.

Ms. McKeel said that she understood. She said that she was on the Board at the time they reviewed it. She said that she just wanted to discuss it again because of its relevance to this work session item. She said that it sounded like the County had higher standards than the Chesapeake Bay Act in some areas, but in others the County lacked the manpower to enforce the requirements of the Act. She reiterated that if they really wanted to protect their groundwater, they would adopt and enforce the Chesapeake Bay Act. She said that ideally, they would eliminate septic tanks altogether in the County, but she understood that was unrealistic.

Mr. Pohl said that not all of the requirements they were lacking would necessitate additional staff. He said that some were simply performance standards that they could adopt. He said that he recommended they complete this draft ordinance and then they could begin exploring that option. He said

that his recommendation was to continue moving forward with this ordinance without making any modifications, as it would necessitate additional outreach and feedback.

Ms. McKeel agreed that they should move forward, and she was happy with what had been presented today. She said that she thought that the Board should consider adopting portions, or all, of the Chesapeake Bay Act at some point in the future. She said that, building upon Ms. LaPisto-Kirtley's earlier comments, she wanted to ask staff if the County could require removal of some of the worst offending non-native plants.

Mr. Pohl said that he would need to investigate further to determine whether it would allow the County to improve the conditions of a buffer. He said that for instance, he was concerned that they may create many nonconforming uses by requiring all the preexisting invasive plants to be removed.

Ms. McKeel asked if a separate ordinance regarding non-native plants would help.

Mr. Pohl said that he could not give a definitive answer. He said that he would need to defer to other Planning and Zoning staff.

Mr. Bart Svoboda, Deputy Director of Community Development, stated that the Board would discuss this later in the meeting with regard to running bamboo. He said that there were specific enabling sections. If they were doing mitigation within the buffer, meaning they had taken action within the buffer that triggered the regulation, they could mitigate the invasive species. However, they were not authorized to require the removal of certain plant species from a property in general.

Ms. McKeel said that she understood there were many non-native species of plants, but she was mostly concerned about a select few that were widespread and known to cause major issues in the County. She said that they could discuss this further later in the meeting. She stated that regarding feedback on the draft riparian buffer ordinance, she was supportive.

Mr. Pruitt said that he wanted to pick up on the discussion they were just having about natives and invasives. He said that he wanted to offer a direct critique. He said that upon reviewing Chapter 18, he did not see native vegetation defined. He said that they invoked native vegetation in Section 4.23.6(b)1, where it must not be disturbed, and in Section (c)2, where native education must be preserved. He said that there were varying interpretations of what native vegetation meant.

Mr. Pruitt said that he believed the Board had a consistent understanding of the term, but if they were using kudzu as an example, he could argue that kudzu had been in Virginia longer than any of them had been alive; so, it could be considered native and therefore did not apply to these regulations. He said that given that they relied heavily on this term, he thought it was essential that they define it. He said that if there was a definition they were relying on elsewhere, he would appreciate a reference to it. He said that the term "native vegetation" was frequently used, but he did not see it defined in Chapter 18.3.1, which contained the definitions.

Mr. Clark said that he believed that there was a reference in the draft to species selection guidance in the engineering design standards manual. He said that the manual, as currently drafted, would refer to the list on the left, which was the Piedmont region native plant list from the Virginia Department of Conservation and Recreation. He said that he thought they should add the riparian buffer zone list on the right to that list. He said that this would be set by the ordinance referring to the DSM (Design Standards Manual). He said that the design standards manual could then include the most current lists, as well as accepted state lists.

Mr. Clark said that he would like to clarify a few points to ensure he had a clear understanding of the ordinance. He said that when discussing sensitive topics, it was helpful to consider both the details and the broader picture. He said that to confirm his understanding, he would like to walk through a hypothetical scenario. He stated that currently, there was a billy goat trail along a stream in what would become the Biscuit Run Greenway. He said that this trail was not considered a non-conforming use because it was pervious and served as a passive recreation element. He said that if he were to expand the trail, even to a dirt path, it would still be permitted as an exception to not requiring additional work.

Mr. Clark confirmed that the trail would be permitted as a by-right use.

Mr. Pruitt said that however, the Biscuit Run Greenway Trail plan actually called for compacted gravel for the trail, which was an impervious use. He said that this meant that if the County were to lay gravel in the Biscuit Run Greenway Trail, the County would be required to submit a mitigation plan, which would then need to be approved by the Riparian Buffer Administrator, and the plan would also have to comply with all the elements outlined in section C and the specific requirements outlined in section 4.23.9. He said that this was the core issue they were discussing.

Mr. Pohl said that he believed Mr. Pruitt had stated that correctly.

Mr. Pruitt said that he wanted to clarify if there was any part of the process that he had misstated or if there was a technicality that he was missing. He said that he was glad to have gotten something right. He said that he wanted to ensure that he understood the process for non-conformities correctly. He said that he believed this would apply to any non-conformity, but it seemed particularly relevant in this situation.

Mr. Pruitt said that a single-family home currently located within the riparian buffer was considered a non-conformity, allowing it to continue existing without requiring relocation or demolition. However, he was unclear about the scope of the repair line for non-conformities. For example, if a wall fell off his house, he was unsure if he could simply rebuild it, or if he would need to demolish the entire structure because it was a nonconforming use.

Mr. Pohl said that he believed it depended on which ordinance was being referred to. He said that for the floodplain ordinance, if it was over 50% of the value of the home, they could not rebuild. He said that otherwise, they had to be brought up to standard, and their current standard did not allow for homes and floodplains. He said that regarding the riparian buffer, there was no specific cost threshold. He said that homes were allowed to be repaired and expand into the buffer as needed.

Mr. Pohl stated that if a house was already within the buffer and was built prior to the adoption of the original buffer ordinance, it was constructed without the restriction of expansion. He said that the idea was that the original home builder had the right to expand their home, provided they did not encroach into a setback or into a floodplain.

Mr. Andrews said that he would like to follow up on questions regarding non-native plant removal. He asked if someone were to take the initiative to clear out all the non-native plants in a buffer zone, would they also be obligated to replant native plants in the buffer.

Mr. Pohl said that he believed so; it would be considered a restoration.

Mr. Andrews asked for confirmation that it was the removal of an invasive species which triggered the need for restoration.

Mr. Pohl clarified that land disturbing activities must comply with this ordinance. He said that buffer replacement and restoration activities fell under section eight of the ordinance. He said that therefore, they would need to submit a plan and narrative prior to undertaking that activity, in accordance with this ordinance.

Mr. Andrews said that this helped him understand the priorities here. He said that they had already discussed that, under the current law, those invasive species were not required to be removed, but they were saying it was important enough to preserve the buffer that if they were removed, the buffer must be restored. He said that the hierarchy was clear to him, in his opinion, of what was considered most important under this ordinance.

Mr. Andrews said that following up on additional questions, he was still a little unclear about what constituted bona fide agricultural activity and what triggered it. He said that for example, if someone had crops or hay on their land within the buffer, his understanding was that it was just a permitted use. He asked what would happen if a non-permitted use was introduced into the buffer zone, with it being justified by the owner due to the underlying land being zoned for agriculture. He said that he was concerned about how far the exemptions for agriculture could be taken regarding activities taking place on agricultural lands that may not necessarily be connected to agricultural use.

Mr. Clark said that ideally, since an agricultural use was defined, it was possible to have a large property with multiple agricultural uses on different portions of the land. He said that if an agricultural use, such as a crop or grazing, was extended into the buffer zone, that was clearly permitted. He said that if a property had grazing on one side and a house and landscaping on the other, with trees cleared in the buffer to extend the landscaping for the house or create a deck, that was not an agricultural use. He said that he would not interpret this as exempting the entire property from regulations simply because there was agriculture on the parcel. He said that accessory residential uses, such as a house and landscaping, were not agricultural and would not be permitted.

Mr. Andrews said that was an important point, and he wanted to ensure that he understood it correctly. He said that when they discussed an agricultural property, the ordinance referred specifically to the area that was currently in agricultural use, not just any portion of the property that may have agricultural activities.

Mr. Clark said that there may be complex judgment calls depending on the proposal, but the regulation was ultimately based on the intended use, rather than solely on the overall zoning of the property or the presence of a permitted use nearby.

Mr. Andrews said that he appreciated the clarification. He said that he was having a bit of trouble understanding the concept of development, particularly when it came to determining whether it required a minimum of three lots or dwelling units. He was unclear about the scope of the term "development" in the context of the provided draft language. He wondered if it only referred to subdivisions creating three or more dwelling units, or if it encompassed any kind of man-made change, including but not limited to building structures.

Mr. Pohl said that in terms of development, since this was being incorporated into the Zoning Ordinance, the definition under the Zoning Ordinance would apply.

Mr. Andrews said that in the 23.6, General Performance Standards, section C, the definition of development was used repeatedly throughout this document, including in the context of development and redevelopment. He said that he was unclear if this definition was the only one being applied or if a more

common definition was being utilized.

Mr. Andy Herrick, County Attorney, said that Section 4.32.6(c)7, as outlined on page 33 of Attachment A, the definition of development was specifically limited to that subsection. The definition of development in Section 3.1 of the Zoning Ordinance, as a whole, was intended for dam break inundation zone purposes. When examining the limiting language on page 33 of Attachment A, it became clear that it applied only to this subsection. He said that therefore, when considering development, they were looking at it in the context of this specific subsection, where it referred to one or more units. This was the only section where development was defined as one or more in this instance, as opposed to three or more, the latter which applied to the rest of the Zoning Ordinance.

Mr. Andrews said that upon reviewing section 4.23.5, he found that it discussed development applications and optional boundary determinations. He said that he was unclear about the distinction between sections (a) and (b). Specifically, he would like to know the difference between 4.23.5(b) and (a), as they seemed to address different aspects of the process. Furthermore, he noticed that section C mentioned an exemption for single-family residences, which, in this context, seemed to refer to a different concept than the one he had previously mentioned.

Mr. Pohl said that site-specific surveys of the location of the riparian buffer may be submitted for review by the Riparian Buffer Administrator. He said that an applicant may submit a survey showing where he believed the buffer was located. Under the exemption criteria, they may receive single-family home sites, which enabled them to review their maps and make a determination to exempt, without requiring a site-specific evaluation. For example, if a site was over 200 feet from what they considered to be a stream, a site-specific evaluation was not necessary.

Mr. Andrews said that he believed he understood the distinction. He said that the key difference lay in who submitted the site's specific survey, either the applicant or the Riparian Buffer Administrator in this single-family case.

Mr. Pohl said that it exempted them from the requirements outlined in paragraph A.

Mr. Andrews said that he was not referring to section (c). He said that he was actually discussing specifically (a) and (b). He apologized for any confusion.

Mr. Clark said that the purpose of (b) was to enable landowners and applicants to have the RBA verify the buffer location, even if they had not yet submitted an application. He said that this provided them with important information before proceeding with their project.

Mr. Herrick clarified that submission would be reviewed by the Riparian Buffer Administrator. He said that there were three requirements: (a) necessitated submission in specific applications, (b) permitted independent submission without an application, and (d) enabled the Riparian Buffer Administrator to review and, if necessary, adjust the buffers based on the provided information.

Mr. Andrews said that there was a slide that listed four categories: development areas, public water supply, impoundments, and other locations. He said that he would like to note that in the second item, the structure permitted an outer 50 feet on intermittent streams only with a mitigation plan. He said that this was not included in their original materials.

Mr. Pohl said that the actual ordinance stated that it encompassed not only structures, but also activities. He said that he would read the relevant sections to clarify. According to the ordinance, structures, improvements, or activities located within the landward 50 horizontal feet of the riparian buffer were either necessary to support infrastructure for reasonable use of the lot, as specified in those sections, or were located along the stream that lay within both a water supply protection area and a development area. He explained that this provision allowed for the reduction of the buffer to 50 feet on an intermittent stream that would not otherwise have a buffer except for its location within a water supply protection area and a development area.

Mr. Andrews said that this was very helpful to know, as this sentence was not included in the original materials, and he was having trouble distinguishing it from the other text, which had identical language. He said that regarding section 4.23.8, in subsection 8(b)2, it stated that support of infrastructure was necessary to allow for reasonable use of the lot, as provided in sections 4.23.8(b) or 9. However, on his copies, section 8 was missing, and it went from section 7 to section 9.

Mr. Pohl said that he would take note of that and fix it.

Mr. Andrews said that as a final point, he would like to bring to attention a discrepancy regarding the proposed amendments to the design standards manual, as outlined in Attachment B. He said that the document included a change matrix with a P marked with two asterisks, but he did not see this notation being used in the actual matrix. He said that he was unsure if this was simply an oversight on his part or if it was a historical anomaly.

Mr. Clark said that was something they needed to clean up. He said that he believed that was an earlier version that included some text with double asterisks, which had been removed during the revisions. He said that it appeared that this was something they needed to correct before this item went to public hearing.

Mr. Andrews asked if there were any follow-up comments from Supervisors.

Mr. Gallaway said that he appreciated the questions other Supervisors had asked.

Ms. LaPisto-Kirtley asked for confirmation that they were still exempting agricultural and silvicultural uses from these regulations.

Mr. Clark confirmed that was correct.

Ms. LaPisto-Kirtley said that regarding the questions from staff, she was supportive of what had been presented.

Ms. Mallek said that she wanted to follow up on a few points that she appreciated others bringing up regarding the adoption of portions of the Chesapeake Bay Act. She said that they did not have to adopt the entire act at once; instead, they could adopt it in stages, as other communities east of I-95 had done. She said that she had forwarded a link to Mr. Clark and Mr. Pohl, as well as all of the Supervisors, about performance standards that resource management areas could incorporate, which were already written and adopted by some counties.

Ms. Mallek said that she would love to hear staff's thoughts on whether there were any of these standards that could benefit Albemarle, without starting from scratch. She said that she wanted to emphasize that they should not delay adopting these standards simply because it had taken them four years to get to this point. She said that if there was something beneficial that others had already done, she hoped they would take advantage of that opportunity.

Ms. Mallek stated that she would like to explore the possibility of adopting streamside management areas as an additional performance standard. She said that in her neighborhood, they had seen extreme erosion from a forestry project that technically had stayed compliant with the 50-foot buffer requirement, which also required 50% retention. She explained that the 50% of trees they left on the site were tiny and provided no canopy, so the resulting erosion was horrific, especially with the steep slopes on the site. She said that she would like to know if this was something that could be incorporated into the MOU that they were working on with the Department of Forestry.

Ms. Mallek said that she was pleased to hear Mr. Svoboda's explanation about removing things from the buffer floodplain area. She said that this action could lead to other mitigation measures, including invasive species removal. She hoped that this ordinance would be a step in improving behavior and addressing the long-standing issue of people mowing down to the river and putting patios, swing sets, and other things that could wash away in a flood. She said that it was a significant culture shift, but one that they could achieve by going back to the controls they had in place before 2014.

Ms. Mallek said that she appreciated the billy goat trail analogy, but she would like to note that there was a significant difference between dirt and stone when it came to erosion control. She said that she had explored removal and restoration costs for individuals who signed up with the James River Association for that purpose. She said that she believed this was a model in use in many places. Therefore, there may be available assistance for people who wished to remove the Ailanthus or bittersweet trees, and then other trees would be planted that would thrive. She said that this existing approach was a great opportunity to improve buffers.

Ms. Mallek said that regarding the landward 50 feet, an example that stood out in her mind was that between 2010 and 2014, Greenhouse Coffee, which was situated behind the Dairy Queen on Crozet, was right on an intermittent stream that flowed into Beaver Creek. The owners were allowed to use the landward 50 feet for parking spaces after a public process, and they implemented pervious pavers to protect the stream side and plant more bushes. She said that this was a significant discussion because, as a result, this would apply to all other lots, which was a good thing since it had been helpful to approach each case on a case-by-case basis, which was really important.

Ms. Mallek said that her answers to staff's two questions were yes, but she wanted to reiterate that the resource management area criteria and the step-by-step adoption process were things that she hoped they would all continue to consider.

Ms. McKeel said that she appreciated Ms. Mallek's comments on the Chesapeake Bay Act, but she would reiterate that she believed they should adopt as much of that legislation as possible in order to wholly protect their water.

Mr. Pohl added that they did have some RMA (Resource Management Area) components already in place, such as floodplains, critical slopes, and steep slopes. He said that they also had ordinances and overlays in place for those. Regarding SMZs (streamside management zone), they had adopted the Chesapeake Bay standard back in 2019, which had been incorporated into their Water Protection Ordinance. He said that to remain exempt, SMZs must still provide those standards. He said that he simply wanted to clarify that they had adopted this standard.

Ms. McKeel said that she appreciated the performance standards approach and would like to commend staff on that. She said that she would like to mention a couple of other points. She said that she would like to address Mr. Pruitt directly regarding kudzu, which although had been around for a very long time, was universally acknowledged as an invasive species in Virginia. She said that it had been imported to be used as a groundcover in the late 1800s but quickly became invasive and remained so today. She

said that however, she did appreciate his point about being clear about definition of terms.

Ms. McKeel said that during the AC44 discussions, they had established criteria for not reducing the amount of development area, but rather for switching it out for developable land in the rural area. She asked if the riparian buffers resulted in further loss of development area land mass and how that would need to be addressed.

Mr. Pohl said that this proposed ordinance did not alter the existing standards for buffers on development area properties. He said that the current ordinance did acknowledge buffers when land disturbance exceeded 10,000 square feet, and buffers were still required for perennial streams, or intermittent streams within a watershed area, including drinking water watershed areas. He believed the only change was for projects under 10,000 square feet.

Mr. Pohl said that if a site plan was approved prior to 2004, which was when the common plan definition was adopted, or a subdivision, it triggered a no lower limit threshold for stormwater management and erosion and sediment control. This meant that even smaller developments with a 5,000 square foot addition, if they had a site plan approved 10 years ago, would still need to account for stormwater and erosion and sediment control, as well as buffers if they had them on the property. Given that most of their projects already exceeded 10,000 square feet and had buffers in place for perennial streams, he did not believe there was an increase in buffers. He said that they were not adding intermittent streams within development areas, either.

Ms. McKeel said that she believed the Board of Supervisors needed to consider potential reduction of the development area as a result of some of their new ordinances, even if this one did not have that effect. She was concerned that they were losing developable land from a variety of factors, which could cause further strain on the development area.

Mr. Pruitt said that he wanted to ensure that he accurately understood Mr. Andrews' point regarding clearance of invasives as a standalone activity. He said that to confirm, if he had a stream filled with invasive species, such as bittersweet, and he wanted to remove it, that would be considered a land disturbance activity. He said that however, it was also a permitted activity under subsection (b) of 7 and further specified in subsection (b)8 as an exempted disturbance activity, which came with additional procedures that must be followed. He asked if this was the correct framework for someone who wanted to remove existing invasive species.

Mr. Pohl said that he believed that was correct. He said that it was a permitted activity. According to what he had stated, they would be looking at Section 8(c), which covered permitted replacement and restoration activities. He said that this section, under the permitted structures, improvements, and activities section (b), outlined what was included.

Mr. Pruitt asked if the planner narrative could be a paragraph from a homeowner.

Mr. Clark said that the reason the plan was left fairly general and not set to the same standards as a mitigation plan was that the requirements would vary widely depending on the property and the activities involved. This gave the RBA the flexibility to establish what was needed. He said that consequently, if it was a small lot in a single house and someone simply removed invasive species, the process could be relatively brief.

Mr. Pruitt said that he would present a specific hypothetical scenario in his district to ensure he provided accurate advice. He said that he had a constituent situated across from the intersection of Thomas Jefferson Road and Route 20. He said that on the side facing the City, there was an intermittent stream that flowed parallel to the road. He said that a constituent of his had a dead tree in this stream, covered in bittersweet, which he wished to remove. He asked for confirmation that this would be considered a disturbance activity, requiring him to develop a plan or narrative that was approved by the Riparian Buffer Administrator, and possibly additional plantings.

Mr. Pohl said that he thought staff could potentially do a better job in making that clearer. He said that he would need to review it more closely with their team to clarify. He said that for example, removing a single tree would not necessarily require any invasive measures, as long as they avoided destroying anything else in the process. This could be a straightforward plan, such as simply not causing any additional harm. He said that they did allow for narratives like this for simple, reasonable instances, such as when a situation like this arose.

Mr. Pruitt said that he was not trying to suggest that the process was unreasonable; he simply wanted to ensure that the process was fairly streamlined for that particular situation. He said that this was why he kept revisiting the paragraph, wondering if an email to the relevant parties would suffice. He said that he noticed that they allowed for a streamlined process for single-family home developments to not require an independent mitigation plan, which could be included in the building permit for the home or any other activity that required a permit.

Mr. Pruitt said that his concern was that there may be land disturbance activities that single-family homeowners could perform without a building permit but still required a mitigation plan. He said that he was asking this as an open-ended question because he was trying to understand if there were any such activities that would not be exempted or associated with a building permit and therefore would not be able to include a streamlined mitigation plan in the building permit. He said that his worry was that these individuals may not have a straightforward way to meet the mitigation plan requirements, and would

instead have to submit a full, engineer-designed mitigation plan.

Mr. Pohl said that he could review that. He said that the idea was that if they did not have a building permit, they would fall under the other section that did not exempt single-family homes. He said that to ensure consistency, they could consider setting a similar and/or option. He said that they could look into that.

Mr. Pruitt said that he was wondering about something like a treehouse that may not require a building permit but could still be considered a land-disturbing activity.

Mr. Pohl said that he believed that a treehouse would not be allowed in a buffer zone because it was a structure. He said that he may need to consult with their Zoning Administrator to research it more. He said that regardless, he understood Mr. Pruitt's concern.

Mr. Andrews stated that he thought this was a great initiative to update and change the regulations to expand the buffer zones beyond just land disturbing activities. He said that he was aware that there would be additional work on this, and he believed it was essential to help people understand the complexities involved. He said that perhaps they could create a flyer or an education program to assist individuals in navigating these regulations.

Mr. Andrews said that he understood that, in many cases, the buffer zones were complaint-driven and involved judgment calls, especially when it came to building in a buffer zone on a farm. He said that for instance, a neighbor may disagree with a decision, saying it was not allowed, but then there may be situations where a buffer zone was necessary to protect a stream, and the argument might be that mowing the area was necessary to prevent invasive species from entering a hayfield. He said that he thought there was a lot to work through here, and he believed it was crucial to find a balance between regulations and the needs of landowners and the environment.

Mr. Pohl said that in the case of the example provided, if it was an agricultural practice, they would accept that. He said that he believed that was a reasonable accommodation, as it was under agriculture. With regards to other activities, if they were not specifically listed, they were not permitted. He said that the ordinance distinguished between land disturbance, which they had addressed, and other activities that were listed as uses. Therefore, it was not just land disturbance.

Mr. Andrews asked if staff had received adequate feedback from the Board.

Mr. Pohl replied that he believed so.

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**Recess.** The Board adjourned its meeting at 3:15 p.m. and reconvened at 3:30 p.m.

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Agenda Item No. 10. **Work Session:** Proposed 2026 Legislative Program.

The Executive Summary forwarded to the Board states that each year, the Board considers and approves a set of legislative priorities to pursue in the upcoming General Assembly session. The Board then discusses these priorities with the County's General Assembly delegation and submits the priorities to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML).

At its July 16 meeting, the Board reviewed the 2025 General Assembly session and discussed legislative priorities for 2026. During this meeting, staff proposed to the Board that the Legislative Positions and Policy Statements document should be substantially revised around higher-level legislative principles, as the document in its current form included items that were esoteric, not contemporary, and not helpful to the County during the General Assembly session.

During its work session, the Board of Supervisors will review the proposed legislative program (Attachment A), which includes both legislative priorities and a new legislative principles section. Based on Board feedback, the draft legislative priorities now include proposed legislation to enable localities to enforce elements of the Virginia Residential Landlord Tenant Act.

Staff has also developed a legislative principles section, which could replace the legislative positions and policy statements document used in prior years. The legislative principles reflect the high-level organizational goals. These legislative principles are meant to supplement the County's specific legislative priorities and provide guidance for staff and legislators in determining whether the County supports certain legislation.

Though staff would recommend moving to a legislative principles model, staff has also drafted a proposed 2026 legislative positions statement (Attachment B), scaled back significantly from prior years, in the event the Board wishes to retain such a statement.

David Blount, Deputy Director of TJPDC, is also scheduled to participate in the presentation to the Board. Final action on the Board's Legislative Program is scheduled for the Board's meeting on September 25.



There are no specific, identifiable budget impacts.

Staff recommends that the Board review the proposed 2026 legislative program, identify areas that have Board support, and provide guidance to staff in finalizing the 2026 legislative program for Board consideration on September 17.

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Ms. Emily Kilroy, Director of Economic Development, stated that this was the Board's second work session of three for the Legislative Priorities heading into the 2026 General Assembly session. She explained that for local governments, it was that time of year where they were wrapping up Fiscal Year (FY) 25 work in Fiscal Year 26 and planning for Fiscal Year 27. She said that joining her today to discuss this item were Andy Herrick, County Attorney, David Blount with the Thomas Jefferson Planning District Commission (TJPDC), and James Douglas, a major contributor to their legislative priorities work.

Ms. Kilroy said that staff's goal was, after today's discussion with the Board, to have a final round of edits by next month, at which point the Board would be in a position to adopt their 2026 Legislative Priorities. They would subsequently brief the local delegation and have a dialogue about the challenges and opportunities for Albemarle. She said that today, they would discuss 2026 strategy updates since their last meeting a month ago, and then Mr. Herrick would review the draft documents for 2026, which were included in today's Board packet, and finally the next steps for this process.

Ms. Kilroy stated that they previously discussed focusing on local programs, leveraging TJPDC for regional items, and partnering with state organizations, such as the Virginia Association of Counties (VACo) and the Virginia Municipal League (VML). She said that the intent was to put the right priorities in the right place for advocacy in order to achieve success. She said that a particular item they previously discussed was Rivanna Futures. Last year, their Legislative Priorities included a budget amendment request for site readiness work at Rivanna Futures.

Ms. Kilroy said that they had been hoping to hear from the Commonwealth about the outcome of the Virginia Business Ready Sites grant program, and towards the end of July, they received news that they were successful in an award of \$9.7 million for site readiness work there. For context, the number of requests this year for the program was around \$250 million, the budget was \$40 million, and Albemarle was successful in getting just under \$10 million. They were proud of the work that went into this from the team of staff that participated.

Ms. Kilroy said that primarily, the site readiness funding would be used for extending water and sewer utility services to approximately 105 acres within the rezoned area of 172 acres of light industrial and office space. Additionally, they would be clearing and grading a portion of the property. Their initial application requested approximately \$14 million but they were awarded \$9.7 million, and as a result, they were currently adjusting the scope of the project to determine their final deliverable. The performance period for this project was 12 months, and it was scheduled to begin in the coming weeks as they refined the scope. Given the information, they had a substantial amount of work ahead of them on a relatively tight timeline.

Ms. Kilroy said that the staff recommendation at this point was not to submit a state budget request for this year, but to continue some of the work they had done over the past several years, raising awareness and advocacy among members of the General Assembly, both locally and across the Commonwealth for this project.

Mr. Herrick stated that as previously discussed, they had made an effort to transition away from lengthy documents that had historically been used by the County. These documents had been found to be overly lengthy and had detracted from the effectiveness of their work, making it difficult for the County and their legislators to focus on the truly important issues. Their goal with this draft of the legislative program was to adopt a philosophy of "less is more."

Mr. Herrick explained that last year's document had 49 positions, which they had summarized with principles instead. The provided slide highlighted the differences between the two approaches. Principles provided a broad, macroscopic articulation of general priority areas, whereas positions were more specific and required more frequent refreshing, and they also left gaps in emerging issues not previously considered. Over time, their position statements had followed the course of least resistance, with additional positions being added without removing outdated information.

Mr. Herrick said that as part of this proposed document, they were focusing on fewer principles rather than more positions. If they proceeded, Attachment A to this item included their proposed legislative program, which consisted of Legislative Priorities, including proposed amendments to the code, budget amendments, and a statement of Legislative Principles. Attachment A also included a breakdown of the specific items in the program. They were requesting three code amendments.

Mr. Herrick said that based on the Board's discussion at their prior work session, they were adding the ability to enable localities to enforce the Virginia Landlord Tenant Act, which was a stated priority for the Board. They were also asking to expand the authority to use photo speed monitoring devices, a legislative priority for the County in past years. Additionally, they were proposing a referendum for the \$0.01 sales tax for school division capital projects, which had gained traction in the General Assembly in past sessions. They were also proposing a budget amendment for state funding for Biscuit Run Park.

Mr. Herrick reiterated that they were not recommending that Rivanna Futures continue to be part of their funding request this year, but they were requesting that State funding for Biscuit Run Park be a continued part of the County's legislative program. This, too, had made some progress in the 2025 General Assembly, but unfortunately, it was vetoed by the Governor. Moving forward, Attachment A also provided a more concise statement of the County's legislative principles.

Mr. Herrick said that at the outset, they explicitly stated that they were supporting the programs of the Virginia Association of Counties, the Virginia Municipal League, and the TJPDC, led by Mr. Blount and his team, in terms of the legislative program. Attachment A included eight basic principle statements, covering broadband to the Internet, economic development, growth management, environmental protection, land use, transportation, health and human services, housing, local government finance, public safety, and solid waste. He said that staff recommended that the Board adopt a variation of Attachment A as a succinct statement of the County's position.

Mr. Herrick said that however, if the Board was not prepared to move forward with Attachment A, they also prepared Attachment B, which outlined individual requests that the Supervisors deemed important in their past work sessions. Attachment B was organized similarly to attachment A, with 28 positions, a reduction from last year's 49. He said that if the Board was not comfortable with Attachment A, having a separate statement of legislative positions was also an option. He said that before proceeding to the next steps, he would pause to gather the Board's input on the draft program and positions outlined in Attachments A and B.

Mr. Gallaway said that he was comfortable with the new approach, as he believed it was a smart and understandable method. He said that he was happy to see a change, even if it was just to present something different to their eyes. However, he wanted to caution that if they were going to do things differently, they needed to consider the implications. He said that VACo had dealt with this to some degree.

Mr. Gallaway said that as a Dillon Rule state, some of the proposals being considered at the State level would actually erode local control. He said that at VACo, while some state initiatives may expand affordable housing, for example, localities acknowledged that a one-size-fits-all approach across the state would not work, as what worked for one County may not work for another; this was why local control was essential.

Mr. Gallaway said that he was concerned that if the State required something, the County must ensure that they made it clear that they were not supporting unfunded mandates. He said that if the State forced something on Counties, the State must also provide the necessary funding to support its local implementation. This should be a general requirement, and then they could examine each individual item to identify potential conflicts. For example, the affordable housing priority would be a prime example of this. Otherwise, he supported the approach.

Mr. Herrick said that regarding unfunded mandates, the local government finance principle did state that they supported fully funding State mandates. He said that this was already addressed as a broad statement within the existing program.

Mr. Gallaway said that in his view, his comments on transportation would be similar to that point. He stated that VACo struggled with individual topics or issues that required specific types of legislation that they either supported or did not support. He said that then, the principle of unfunded mandate or local control could create a competition to that specific issue. He said that in some cases, it was necessary to forego local control if it meant securing better transportation funding.

Mr. Gallaway said that for example, they had stated in previous versions of their legislative program that they did not want to take on the responsibility of maintaining funding and paying for road projects. This was a clear example of where they were saying they did not want local control for roads, and instead, they wanted the State to handle it. He said that recognizing this was very important. He said that in terms of the Biscuit Run funding request, it was a specific funding item they wanted to prioritize in general for the County. He said that regarding transportation, the current state of the issue was not just about funding Albemarle projects; it was about providing adequate resources for all citizens.

Mr. Gallaway stated that they could not keep piecing together funding for individual projects, leaving some areas underfunded and ignoring the totality of the situation. He said that they needed to work together to build a coordinated effort of at least the other TJPDC jurisdictions to present a unified message to the General Assembly in order to secure funding. He said that it was inexplicable that the State had refused to address the \$30 billion in requests from localities. He said that he would be very supportive of spearheading that effort as part of their legislative strategy, gaining support from more people than just their three State representatives.

Mr. Gallaway said that they needed to focus on the transportation aspect and gain that support. He said that he would like their packet to convey that, whether they received support from other jurisdictions or not, this was a significant issue and the State needed to take action. He said that he was not trying to criticize their local delegates and senators, he was simply stating what he knew about their priorities, and he was unsure of how they handled transportation issues at General Assembly.

Ms. LaPisto-Kirtley said that she wanted to support the priorities of VACo, VML, and TJPDC, but also wanted to ensure they specifically knew those organizations' goals were not in conflict with

Albemarle's priorities. With regard to staff's recommendation, she was very supportive of the legislative principles that kept things at a more general level and allowed for Albemarle to consider supporting other localities' efforts. She said that she also was supportive of the three priorities as listed. She said that regarding transportation, she was wondering if Mr. Gallaway was considering going beyond collaboration with the Regional Transit Authority.

Mr. Gallaway stated that Albemarle needed to work with other localities to call out the funding mechanism for roads in the state as inadequate and in need of improvement. He said that the State lacked sufficient revenue to complete all the projects that were currently underway, which was a challenge that must be addressed. He said that in their County, they had faced a similar issue with funding for fire and police services, and they had had to make a difficult decision.

Mr. Gallaway said that they had decided to raise taxes to cover the costs, and while they could have found alternative solutions, such as reducing expenses by \$13 million, they chose to proceed with the tax increase. He said that this was the point he wanted to make. He said that the State must contend with this decision, and whether it was referred to as a tax or a fee, it was essential that they find a more effective way to maintain and build road projects in the Commonwealth.

Ms. Mallek said that Mr. Gallaway had started the conversation off with the technicalities, which was tricky. She said that the Legislative Principles were a really great idea. She had been focusing on those four key points at the beginning, which she thought were the most important aspects. Within that framework, they could work on other details. She had been thinking about how Schuyler VanValkenburg might react to this, and she thought it was a clever approach. She said that all the concerns they had over the past few years were coming back this year, so they would need to learn from their previous experience. Her question to Mr. Blount was whether the positions they had developed for their lobbyists would be useful in specific situations.

Ms. Mallek said that she would not want them to be shared with their legislators, as she did not think they would be interested. They should be able to manage a one-pager that could fit on a pocket card, which was what the Roanoke people had done effectively. She saw those cards being used all the time by people and she would like for them to copy that. She would like for them to create an archive of useful information, like a file that they could access at 11:00 p.m. at night to review bills and know what to do with them. She added that thought Mr. Gallaway's transportation idea was great, and she hoped they could effectively and proactively advocate for that to be included on the agenda and program. She said that in order to address the State surplus, the State first needed to pay for the currently unfunded mandates and get education funding back to what it was before 2008. She stated that she was supportive of staff's recommendation at this point.

Ms. McKeel said that she liked the new format for this legislative program, which she hoped would be effective. She asked for clarification regarding the two priorities that were vetoed by the Governor last year.

Mr. Herrick said that the State sales tax and the Biscuit Run funding were vetoed.

Ms. McKeel said that she just wanted to emphasize that the measures were passed through the House and Senate but ultimately were vetoed by the Governor.

Ms. McKeel agreed with Mr. Gallaway that they needed to secure more funding for transportation projects. She said that the two largest areas that required funding from the State were transportation and education. She said that any savings they could make in transportation and education could be redirected to other areas. She said that Mr. Gallaway was correct in pointing out that the way they had been funding transportation since the Allen administration was outdated.

Ms. McKeel said that they needed to find a new approach, and she thought that was a good idea from Mr. Gallaway. However, when discussing education, she wanted to ensure that they were not losing sight of the fact that Albemarle County Public Schools had its own legislative packet. She thought it would be very beneficial to make sure their two legislative programs were as unified as possible in order to improve success.

Mr. Pruitt asked if it was correct that the proposal was for the Legislative Principles, the one-pager, was sitting in lieu of Attachment B, the Legislative Positions.

Mr. Herrick confirmed that was correct; Attachment B was only for the Board's consideration as an option. He said that if the Board agreed to jettison Attachment B, then that would be the staff's recommended course of action.

Mr. Pruitt said that he understood the principle and could support it, but he had two concerns. He said that one was that he was recalling their initial discussion on the housing section, where they had a single line stating that they would support what was conducive to the Housing Albemarle plan. He said that at the time, there was concern that this statement was too vague and did not effectively articulate their vision. He said that he was seeking feedback from Mr. Blount, who was actively lobbying on their behalf, to determine whether having specific policy positions would be beneficial.

Mr. Pruitt said that specifically he wanted to know if having particularized policy positions would be helpful for Mr. Blount in his work and if it would inform the actual work being done at the General Assembly. He said that he was uncertain whether the principles alone were sufficient to achieve their

goals, and he would appreciate Mr. Blount's insight before making a decision on this matter.

Mr. David Blount, TJPDC Legislative Liaison, stated that Mr. Pruitt and Ms. Mallek had both raised a good point. He said that he was not going to provide a definitive answer, probably, because he believed there was value in having both specific positions and broader statements that offered flexibility to advocate for or against something. He said that the idea was to have these positions, which could be referred to and had backing from the Board, without necessarily distributing them.

Mr. Blount said that in any given day, when he was in Richmond, he would reach out to County Attorney staff, other members of County staff, and localities in the PDC region to determine the position the Board would like to take on a bill, based on adopted position statements, the regional legislative program, and his past work with the Boards. He believed there was value in being able to be flexible and have principles that allowed the Board to operate effectively in the hectic pace of the General Assembly. He said that knowing whether the Board had a position or could determine one through consultation was crucial. He said that he recommended reviewing past position statements, which he did every year when he reviewed the regional legislative program, to ensure consistency and relevance.

Mr. Pruitt said that he saw a possibility if they were to eliminate Attachment B, there was a strong possibility of a principle agent problem, where the will carried out on their behalf may not align with their own. He said that for example, their principles were in line with enabling legislation for local rent stabilization, but that was counter to the Board's expressed will to only study it and not enable legislation for it. He said that Mr. Blount would then be in a position to determine whether the Board would accept such a measure. He said that he would need to reach out to Mr. Herrick or Ms. Kilroy to gauge the Board's will on the matter, which he found concerning.

Ms. McKeel asked Mr. Pruitt if there were any other topics that raised that same concern.

Mr. Pruitt said that it was one he was thinking about, but he would like to emphasize that if they did not have a comprehensive list, their representatives would be in a difficult position. He said that he would have to interpret the implications of this list, which encompassed almost every topic, and provide direction on how they felt about them. He said that this, in turn, would force Mr. Blount to take a stance on almost every bill in the General Assembly, which would limit his ability to focus on specific issues. He said that Mr. Blount would have to interpret broad principles, which may not be clear, and work with counsel to determine the Board's position.

Mr. Pruitt said that this lack of direction and clarity was concerning to him. He said that he had a long-standing concern that specific bill positions should be a channeling function for their community. He said that unfortunately, they had a political disengagement problem, and he believed that they should be receiving more input from organizations like the League of Women Voters, Sierra Club, and NAACP, which could provide them with their legislative positions. He said that he would expect Mr. Williamson to provide them with a list of recommended positions, and he said that he would also like to see Piedmont Environmental Council take a more active role in this process.

Mr. Pruitt said that he believed that if they were only considering principles that permanently closed the door on this opportunity, and his opinion was that they should ensure there was still opportunity for citizen input, even if it was not being utilized. He said that he thought it was essential to maintain this opportunity for engagement, as it allowed for a more inclusive and participatory process. That was his position, and he only asked the Board to reflect on it. He said that he could see the value in having this opportunity, and he would rather present it to their delegation rather than a list of specific items. However, without the list being approved and ratified by the Board, they were in a problematic position.

Mr. Pruitt said that he would also echo Ms. LaPisto-Kirtley's sentiments in terms of ensuring the County's priorities were not in conflict with VACo and VML. He noted that he had disagreed with many of VACo's positions, particularly one that he actively lobbied against. He personally was not comfortable automatically rubber-stamping everything that came out of organizations such as VACo. He said that on a more specific note, he was excited about the Monacan Indian connector trail park, but the project was matured, so it would be a retroactive payment for costs incurred at this point. He asked if this potentially harmed their narrative, and he wanted to know if they wanted a differently matured project.

Ms. Kilroy said that staff had updated the description in the packet for this project. She said that as a result, the overall cost had increased slightly this year, and the project scope had been revised based on the Board's and the Facilities and Environmental Services' stream restoration project in a similar section of the park. She said that this project had altered the anticipated trail design in that portion of the park. Consequently, the scope of work and its associated cost had been adjusted. She said that these changes had been reflected in the updated packet.

Mr. Pruitt said that made sense. He said that he agreed with the emphasis on transportation. He said that many people assumed it was the County's responsibility; however, it was essential to recognize that the County did not have the authority to fund transportation projects. He said that this should be a priority for their funding requests. He said that circumstances had set them up for challenging times in their first year. He said that he had found it difficult to discuss funding with Senator Deeds without him immediately sharing concerns about Medicaid gaps. He said that their Medicaid expansion was at risk of being clawed back unless they significantly increased State funding.

Mr. Pruitt said that from what he ascertained, it would be very difficult to shift the focus from

Medicaid to other issues such as transportation, and this would ultimately affect whether Albemarle's priorities were heard and addressed at the state level. He said that additionally, he would prefer their line in Section B related to rent stabilization to be changed from just a study and instead worded as supporting legislation that would extend local authority concerning rent stabilization.

Mr. Andrews asked for clarification as to where the rent stabilization policy would be implemented, rather than being part of a study.

Mr. Pruitt said that he believed it was Delegate Clark's bill from two years ago that was legislation was tied to Consumer Price Index (CPI) growth, which meant that it effectively limited rent increases to no more than 7% plus CPI in a given year. He said that he was looking for it to be changed from a study to supporting implementation of that legislation.

Mr. Andrews said that with the legislative program they had here, he fully supported it. He said that he believed it did what they needed it to do, and it was focused and specific. He said that regarding the Legislative Principles, had some of the same concerns expressed by Mr. Pruitt. Upon reviewing it, he felt that he could get behind all of this, but it lacked specificity. He said that he did not have a crystal ball, and he did not know what legislation would be proposed, or how it would relate to their Board's positions.

Mr. Andrews said that for example, in the environmental area, it stated that they should reduce waste generation, but they specifically mentioned extended producer responsibility legislation. He said that if that were introduced, would this solid waste statement be sufficient for someone to understand that their Board was in favor of extended producer responsibility legislation? He thought this was similar to rent stabilization and other issues, where the Board's specific ask had been lost in the general principles.

Mr. Andrews said that nevertheless, given the practicalities, he did not think legislators would want to read their list of positions. However, he thought it was a great idea to update their Board's positions every year and review them to ensure they were conscious of the particulars. If they went through this process, they may want to revisit their positions and eliminate any that became redundant with the principles.

Mr. Andrews said that, for example, local authority and land use matters were already stated in their principles, priorities, and he questioned whether they needed to restate them again unless they were more specific that they could get behind. Similarly, under housing, the Locality Enforcement of Landlord-Tenant Act was already in their updated positions, but it was now in their priorities. He said that it did not need to be there again, as it did not add much value to the document.

Mr. Andrews said that although, he would note that the Landlord-Tenant Act likely included more than just safety violations, and their program specifically addressed what constituted a fire hazard or serious threat to the life, health, safety of tenants or occupants. They were more narrowly focused on those provisions of landlord-tenant relations, rather than just enforcing any tenant right that might be being abused by a landlord. In summary, he thought the exercise of reviewing Attachment B, even if they had not fully fleshed it out for their meeting with the legislators, was still worth their time. It could even be something they revisited as legislation was proposed and they needed to react to it, because they did not have a crystal ball, and it was helpful to know that the Board had looked at some of these specific ideas and stated their positions on issues that may become bills in the future.

Mr. Gallaway said that he did not disagree with Mr. Pruitt's perspective on the principles and the piece, but ultimately, it was a marketing campaign. He said that therefore, they needed to do what was necessary for it. He said that if they wanted to have the more comprehensive information that came with the palm card, for example, they could direct people to their website to learn more about those three key points.

Mr. Gallaway said that this approach was acceptable as long as they could draw connections between the principles and the piece, as Mr. Andrews had stated. He said that regarding VACo, he wanted to clarify that there was no requirement for individual Supervisors to support VACo's stance. He said that however, as a member of VACo, Albemarle County had a committee structure that they could participate in, and it had its own process. For instance, during the land use meeting a few weeks ago, they saw a range of opinions, from Ms. Mallek's strong environmental priorities to another member who was in complete denial over climate change.

Mr. Gallaway said that despite the differing views, the conversation remained professional, and a vote was taken. He said that in essence, he believed that in any General Assembly session, individual Supervisors could still advocate for their own positions, as long as they were not speaking on behalf of the Board when the Board had already taken a stance. He said that this was one area where Supervisors could maintain some individuality, as they could express their opinions as a citizen of the Commonwealth, rather than as a representative of the Board.

Mr. Gallaway said that he had seen Supervisors over the years advocate for and against various issues that may not be aligned with the Board's position, and they had consistently managed to navigate the nuance of expressing their individual opinions while maintaining their role as a supervisor and citizen of the Commonwealth.

Mr. Pruitt stated that he believed in his capacity as an individual Supervisor, he thought it would be inappropriate for himself to speak before the General Assembly in a fashion that would undermine a decision or stated position of the Board.

Mr. Gallaway said that Mr. Pruitt still had the right to speak before the General Assembly as a citizen of the Commonwealth of Virginia, and no one would try to infringe on that right. He said that it was acceptable for him to use his gravitas as an elected official.

Mr. Pruitt said that while he appreciated the sentiment, he thought it was important to avoid undermining the unified voice they presented as a Board. He said that in a similar vein, he would be concerned that if this Board endorsed everything VACo proposed, he would be bound by a similar duty.

Mr. Gallaway said that he would be able to do so, whether he chose to or not, and that decision would be his to make. He said that there was a way for sitting Supervisors to get involved in the VACo process, which would allow an individual Supervisor to opt out if he was not comfortable with it. He said that it was not a requirement for Supervisors who were not involved with VACo, but rather a way to navigate the situation professionally and appropriately. He said that ultimately, the decision was his to make.

Ms. LaPisto-Kirtley said that many proposals came from VACo committees and discussions, and she would not be comfortable with endorsing them without knowing specifically what the proposals were seeking to achieve. She said that many of the proposals were good, but she would not assume that they all were appropriate for Albemarle to endorse. She said that regarding the stated principles, she was wondering if Mr. Blount had enough information about the Board's priorities in order to confidently determine what future legislation would align with them.

Mr. Blount said that one thing they did not discuss earlier was James' role in tracking bills and monitoring their impact, both at the General Assembly and in Albemarle. He said that he did a good job of this, and they believed he was also responsible for identifying specific interests in Albemarle that may influence the County's or individual members' positions on certain bills. He said that this may involve reaching out to various departments within the county to gather more information and assess the potential impact of a bill. He said that as a result, he may be able to provide guidance on whether to support, oppose, or take a neutral stance on a particular bill, or suggest alternative courses of action.

Ms. McKeel asked if it was accurate to say there was some redundancy to the process by having someone else looking at the information.

Mr. Blount agreed that having multiple eyes on the same issue was beneficial. He said that different people could bring varying perspectives yet still arrive at the same conclusions. He said that the Board had previously mentioned that VACo and TJPDC followed similar legislative processes. He said that he would provide more information on this process when this legislative package was brought back to the Board in September. He said that he would also bring back the regional legislative program for their approval in the fall.

Mr. Blount said that their designated representatives to VACo would also have a vote on the legislative program. He said that they were also a member of VML, so the same was true there. He appreciated Mr. Galaway's point about individual members being able to address issues outside of the majority Board position. He said that he did not intend to suggest that VACo or VML did this, but he believed that the Board could take a different stance if it so desired.

Mr. Blount said that, for example, there was one locality in the planning district region that approved its own legislative package in addition to what they did. He said that there were some positions in the TJPDC regional legislative program that the locality did not agree with, and the locality explicitly stated this in their approved package. This information would enable him to effectively represent the differing views when it came before the General Assembly.

Ms. Kilroy said that when reviewing the positions and policy statements, as they had updated them over the past several years, they often drew from other approved plans to identify crosswalks and State-level issues. She said that for instance, when discussing housing bills, staff would examine the adopted and approved housing plan to understand the Board's articulation of priorities for that area. She said that this body of work provided staff with a foundation to assess specific issues and determine if the Board had previously addressed them and what decisions had been made.

Ms. Mallek asked if what Ms. Kilroy had just described was documented in the file that supported these single statements in the positions they had taken in the past.

Ms. Kilroy said that it was part of how they approached suggesting edits and additions as they had updated their policies over the years. They were drawing from the Board's extensive body of work in specific, targeted policy areas and looking for opportunities to elevate those positions and policy statements. She said that if the Board were to shift its focus to principles, staff would still conduct the work of identifying and addressing emerging issues, such as when a bill was printed in January and Albemarle becomes aware of an issue that has significant legs in the Commonwealth. It may not have been on their radar initially, and as a result, conversations with legislators would begin, and Mr. Blount would reach out to their teams, including Housing and Health and Human Services, to explore how the Board's existing work could inform its stance on the issue; that work would continue.

Ms. Mallek said that she would like to be included on the email list for the wrap-up summaries that were sent to Mr. Blount, as she believed the Board members would find it valuable. She said that as someone who frequently wrote emails to Mr. Blount during late-night sessions, she thought it would be

beneficial for the Board to receive this information. She said that the impact of having multiple stakeholders, including sponsors and opponents, share their concerns and perspectives could be significant.

Ms. Mallek said that it could help to humanize the issue and prevent people from dismissing an organization as a single entity. She said that for example, if 125 individuals expressed their concerns, it could be more persuasive than a single email or two. She said that she shared her notes to help others find relevant information and to emphasize key points, as she often pulled together multiple sources to create a cohesive message. She said that she believed this approach could lead to a more effective communication of the issue.

Ms. McKeel said that she was very happy with the simple principles and believed having their basic requests stated clearly would be the most effective. She said that it was difficult to keep up with bills because they frequently changed. She said that she would trust that their staff would let them know when something significant happened and update the Board accordingly.

Mr. Pruitt said that he believed they needed to adopt the positions whether or not they were broadcast. He said that they needed to ensure the positions were accurately reflective of the Board's intentions.

Mr. Andrews said that he agreed with the idea of updating those guidelines for their purposes, to ensure they understood the changes. He said that this meant streamlining and doing what they had done, possibly even more so, to the extent of overlap. He said that he appreciated that when discussing VACo, VML, and TJPDC, they had tried to focus on their priorities and offer support for others' priorities that overlapped with theirs. This approach allowed them to take a more collaborative stance, rather than taking individual positions on every issue. He said that he believed this approach was being implemented fairly well. He said that while he thought it was essential to keep things simple for legislators, he believed that having these discussions and revisiting them would be helpful.

Mr. Andrews said that he trusted that their liaisons and representatives would represent their positions based on the Housing Albemarle model and other relevant documents. Additionally, he thought it would be beneficial to provide a report at the end of the legislative session, highlighting the bills they had weighed in on and the guidance that influenced their decisions. This would be helpful for Boards to understand their thought process and the factors that guided their decisions.

Mr. Herrick said that if the Board had concluded its discussion, he would like to review the slide that showed the big picture of this process. He believed this aligned with the Chair's previous comments regarding the discussion on the positions of VML and VACo. He said that the main reason staff had included those positions was not necessarily to achieve 100% unanimous agreement with VML and VACo's positions.

Mr. Herrick said that in his observation, VML and VACo generally spoke on most occasions and did a good job of representing the interests of localities in Virginia. He said that most of the issues the County advocated for in Richmond were shared by the vast majority of other localities in similar situations. His point was reflected in the pie chart on slide four, which aimed to shift the focus of the legislative program to the top left corner, focusing on Albemarle-specific provisions while allowing VML and VACo to handle Statewide issues and TJPDC to handle regional issues.

Mr. Herrick said that he would like to explain staff's thinking on this matter, not necessarily endorsing all of VML and VACo's positions, but rather providing context. He said that staff's next steps were to return with the Board's input and make further adjustments to the materials based on the Board's feedback, and they would be back before the Board on September 17, 2025, for final adoption of the Board statement.

Mr. Herrick said that they were also working on scheduling a meeting with legislators, with a target date in late September or early October and would provide updates on this in the coming weeks. They would also be presenting legislative priorities, including transportation funding, and would have the opportunity to engage with legislators and share local priorities.

Ms. Mallek asked who participated in policy development at VML. She said that she had never been involved, so she was unsure of how thorough their process was.

Mr. Blount said that similarities to VACo existed, where VML utilized policy committees. He said that at the beginning of the summer, they held a meeting of their legislative committee. He said that different items were referred to policy committees for further discussion. He said that each policy committee reviewed these items and, in addition to position statements, recommended several priorities from the subject area to the legislative committee for inclusion in the legislative program.

Mr. Blount said that in VML, the legislative program was presented and front and center, representing the top-tier priorities for major topical areas. He said that, however, behind this, there were lengthy policy documents that delved into specific positions on issues. He said that members of the legislative committee also sat on policy committees, with the chair and vice chair of policy committees potentially serving on the legislative committee as well.

Ms. Mallek said that it was important for the County to be aware of what was going on at VML because Counties and Cities often had differing priorities.

Agenda Item No. 11. **Presentation:** Strategic Plan Execution Analysis & Reporting (SPEAR) FY25.

The Executive Summary forwarded to the Board states that the Board of Supervisors adopted the FY24-28 Strategic Plan in October 2022. Since the adoption of this plan, staff have been working to track and report on the County's efforts, challenges, and successes related to the Strategic Plan goals through a performance measurement program titled SPEAR: Strategic Plan Execution Analysis & Reporting. Many similar high-performance organizations (the University of Virginia, the City of Richmond, and the City of Harrisonburg) do this kind of analysis and reporting as part of their long-range planning, and the Board of Supervisors and staff determined that it is important for Albemarle County to do the same. The FY25 SPEAR report will be the second report presented to the board, with the FY24 report having been the first.

SPEAR operates on a revolving yearly cycle, culminating in an annual status report at the end of every fiscal year. Staff created targets and metrics that align with each goal and objective for FY25. This presentation informs the Board about the County's second yearly cycle of the SPEAR (Strategic Plan Execution Analysis & Reporting) program.

SPEAR's FY25 annual report highlights the intention, transparency, triumphs, and challenges of the organization, and above all, shows County staff's dedication to service. For each of our Strategic Plan goals, there are areas where we have hit our targets, and there are areas where we have fallen short of our targets. We feel that this represents a transparent approach to SPEAR reporting, and we would stress that overall, the County has met or exceeded expectations in its work towards achieving the Strategic Plan goals in FY25.

There is no budget impact associated with this item.

Staff recommends that each Board member share feedback and ask questions about the SPEAR FY25 report.

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Ms. Kristy Shifflett, Chief Operating Officer, stated that she would be introducing the Strategic Plan Execution Analysis & Reporting (SPEAR) for Fiscal Year 25. She said that she would first like to acknowledge the team behind this data, particularly Gabe Giacalone, their Performance Analyst, who has done extensive work on this project, and her other peers and colleagues.

Ms. Shifflett emphasized the importance of the Board's leadership and vision, as well as the hundreds of staff members who worked tirelessly to implement this vision every day. She stated that they could not do this without them. She said that she had presented similar information last year, but she would provide a brief overview of the program, report, and what would come next. This report aimed to provide transparency and communicate their progress and performance to the public. They were committed to measuring and reporting their progress, and this was their second year of presenting this data.

Ms. Shifflett said that today, they would go through the report, goal by goal, and discuss what was next. She explained that the reason for this report was to achieve improved accountability and better decision-making. They had used strategic planning for many years to inform policymaking and financial decisions. While they had pockets of excellence, they were building an organization-wide program to ensure continuous improvement. They believed that measuring their performance was key to taking informed actions.

Ms. Shifflett stated that she would like to borrow a slide from last week's presentation, which highlighted the importance of aligning their plans and structures. These plans were not separate entities, but rather interconnected and interdependent. As they would see, they would be reporting on these plans through the SPEAR reporting, which was part of their process improvement efforts. They were working to make their progress and data more succinct and accessible to their community. With that, she would proceed with the report. She clarified that she would not cover every metric in the report.

Ms. Shifflett said that as with last year, staff had created visually appealing reports that they believed their community would find interesting, along with a comprehensive list of data that supported these findings. Both of these would be available online and were already accessible to anyone interested. Today, she would focus on a few key points due to time constraints and the importance of transparency and credibility. She wanted to acknowledge that they did not always get it right, and it was essential to recognize that they were doing a lot of great work.

Ms. Shifflett said that they were on track in many areas, but there were also areas that required attention. She would like to highlight the importance of safety and well-being, which had remained a priority for public safety and their community's well-being. One notable improvement was the Child Protective Services (CPS) data point, and the referrals to CPS also improved from 87% to 94% of the target being met.

Ms. Shifflett said that during the March 10, 2025, work session on the public safety budget, Colonel Reeves, their Chief of Police, discussed the challenges the Police Department faced in meeting their response time targets. She explained that the overall volume of priority 1 calls had increased 29%



compared to the three-year average, with most patrol time and resources spent responding to calls in urban areas. She said that prior to this year, the department had been working to address the issue of officer shortages, and they had made significant progress in recruiting and retaining officers. One of the challenges they faced was complex in nature, requiring a responding officer to come from another beat, thus increasing travel time. While these results were not unexpected, they had begun laying the groundwork to strengthen these essential services.

Ms. Shifflett stated that the Board had been working on the FY25 and FY26 budget processes, increasing taxes to address the need for additional staffing and local funding in both Police and Fire Rescue. Although the benefits would take some time to fully realize, they were constantly working to address these needs. She wanted to emphasize that these areas required attention not because they were surprised, but because they were committed to improving them. In addition to data and targets, there was also qualitative performance that could be discussed.

Ms. Shifflett said that she would like to share some of the amazing work that had been done, such as ACFR joining fire departments from across the country to promote the National Fire Protection Association's Fire Prevention Week campaign. This campaign had educated over 1,800 residents on simple but important actions to keep themselves and those around them safe. She said staff also had a successful project last year, implementing an in-house pharmacy system. It was a new state and federal regulation that required Albemarle County to develop a system to control and secure medications used by paramedics in the field, rather than relying on pre-stocked kits provided by hospitals.

Ms. Shifflett said that in order to adapt, the County built its own in-house pharmacy system, which ensured safe access to medications, met federal and state regulations, and reduced legal exposure. The County mobilized a cross-departmental team and launched the system in November 2024, well ahead of the mandated deadline. She would like to take a moment to brag about their achievement, as they received a VACo Award for this initiative. She was also proud of the cross-departmental work that went into making this happen, but she wanted to acknowledge that the ACFR team had led the way.

Ms. Shifflett said that the Public Safety Staffing Study was launched in February of this year. The study assessed existing staffing levels and allocations, as well as operational and administrative staff, to develop an implementation plan for deploying public safety resources to drive improved visibility and response thresholds. The vendor would deliver the study in the fall of this year. The intention was to use the resources they had to their fullest potential, while also thinking about the future.

Ms. Shifflett said that next, they would discuss Strategic Goal 2, which focused on a Resilient, Equitable, and Engaged Community. They were doing a good job meeting the expectations laid out in goal two, although they were slightly behind on climate action goal. However, they had made significant progress across the County, not just in their Facilities Environmental Services group, but as an organization as a whole. They had developed a leadership team that was intentional about their priorities, and they were committed to making progress on this work.

Ms. Shifflett said that their work on engaging their community had been substantial, as well as their stormwater management efforts to ensure resilience in climate action and storm-related issues. They had had several events, including the Batesville flood risk and response. In September 2024, Batesville experienced its highest monthly rainfall in 10 years, leading to impactful flooding. In response, County engineers and Environmental Services staff worked with Batesville residents to establish a flood resilience and response plan. The County team conducted a community town hall to educate residents and strategize mitigation measures.

Ms. Shifflett stated that the team also employed drone mapping to construct and submit an application for U.S. Department of Agriculture (USDA) funds to re-engineer and enhance stream beds in the six properties with the highest flood risk. She said that the launch of the Climate Action Leadership Team was a key step in making this shift, ensuring that every department was looking at how they could impact this. She said that identifying all the factors that impact climate action was a broad topic, and as a result, they had notated it in various areas of the report rather than segregating them into a single category.

Ms. Shifflett said that the team had been meeting monthly since January to provide guidance on the County's climate action work, including Resilient Together. She said that they had offered valuable guidance and input on several strategic and interdepartmental climate action projects. This high-level coordination was intended to make the climate action work more coordinated, strategic, and adequately resourced. She said that next, she would present the community risk assessment, which was completed internally for the first time this year, rather than hiring an external consultant.

Ms. Shifflett explained that the assessment included a detailed analysis of the County's emergency call volume, hazard distribution, and density. The results of this assessment informed the Standards of Cover agreement, which the County formally set emergency response goals. For accreditation purposes, the benchmarks and standards of cover must be informed by the risk assessment before they were approved by the Board of Supervisors.

Ms. Shifflett said she would move on to Goal 3, which was Infrastructure and Placemaking. She stated that staff were on track with several initiatives. She said that they had made tremendous progress in their broadband work, with 99.9% of the County was currently served under a grant. The transportation updates included notable projects such as Crozet Square, Oak Street improvements, Library Avenue extension to Parkside Village, Commonwealth Drive, Dominion Drive sidewalk improvements, Berkmar

Drive bicycle and pedestrian improvements, and hydraulic road intersection improvements.

Ms. Shifflett stated that the urban drainage infrastructure completion rate was due to a focus on implementing repairs and improvements to infrastructure identified in past assessments. This looked at annual progress, not cumulative. She said staff were not conducting new assessments this year but completing the ones from the prior year. The program had completed 20 separate repair projects in FY25, addressing critical repair needs at the Mint Springs dams, which required diverting drainage program funding to dam safety funding. The estimated construction cost for that project was \$2.3 million, and FES had applied for and received awards. She said that staff were continuing to work on that infrastructure project.

Ms. Shifflett stated that they had celebrated the opening of the Freebridge Lane Promenade, which was guided by the Pantops Master Plan. The Promenade was closed to vehicle traffic in November and was part of Albemarle County's commitment to multimodal transportation, improving public spaces, and making recreational areas safer and more enjoyable. Located along the Rivanna River between Darden Towe Park and Route 250, the new Promenade allowed pedestrians and cyclists to enjoy the area without vehicle traffic.

Ms. Shifflett said that they had also worked hard with the Board to update zoning policies for utility-grade solar arrays, which were a relatively new technology. Albemarle County was updating its zoning policies to ensure proper guardrails for allowing the establishment of utility-grade solar on land within Albemarle County. The zoning updates were presented to the Planning Commission in January and were approved by the Board this fiscal year.

Ms. Shifflett said that finally, they had the completion of Phase 1 of the Courts Renovation Project. This was a significant multi-year effort that they had discussed for a long time, and staff were pleased to have this progress as a major initiative in partnership with the City of Charlottesville to expand and modernize the area's court facilities to better meet the community's needs. Phase 1, completed in June 2025, included the construction of the new General District Court facilities and the renovation of the historic Levy Opera House to house the Albemarle Commonwealth's Attorney's Office. The modernized facilities provided improved security, new waiting areas, dedicated meeting rooms, and increased storage.

Ms. Shifflett stated that Goal 4, Quality of Life, included initiatives for the Parks and Recreation Department, as well as their Economic Development achievements, were to be a major part of their success stories. One area where they were slightly behind was affordable housing, although the staff assured her that they were still on track to achieve their goal of 10,070 new units by 2040, especially with the strengthening of the Affordable Housing Fund. The opening of Biscuit Run, which opened on December 14, 2024, at 1,190 acres in size, made it the largest park in Albemarle County.

Ms. Shifflett said that the park featured extensive natural areas, heritage resources, 8.5 miles of signed and maintained trails, 75 parking spots, restrooms, and scenic landscapes that were uncommon so close to Albemarle County's development area, making Biscuit Run Park a valuable new asset for their local community, their region, and their visitors. She said that the second item, focusing on the past fiscal year, was the competitive benchmarking assessment done with their economic development strategic planning work.

Ms. Shifflett explained that the consultant synthesized demographic and economic trends impacting the county, using 50 plus metrics to compare the county to 12 peer regions, as well as the Commonwealth of Virginia and the United States. The analysis allowed the Economic Development Office team and consultants to inform stakeholder discussions with quantitative data and provided key takeaways that informed the overall economic development strategy that the Board and the EDA had just adopted.

Ms. Shifflett said that strengthening the Affordable Housing Investment Fund in May 2025, the Board of Supervisors agreed to transform the County's Affordable Housing Investment Fund (AHIF) into a housing trust fund by dedicating a percentage of real property taxes collected to the AHIF each year. This dedication guaranteed the AHIF as a stable source of funding that did not rely on appropriations of County revenue to the fund through the annual budget process. She said that other changes to the AHIF included the ability to offer low-cost loans, grant funding to developers, and the implementation of a competitive application process to select the projects that received financial support through the AHIF.

Ms. Shifflett said that she would now move into Goal 5, which was Education and Learning. This goal was a little different because it focused on county partnerships and the support of organizational partners that were more milestone-based. She said that Albemarle County had launched two new employee primary care clinics in early 2025 to provide dedicated access to medical and wellness services to employees, retirees, eligible dependents from county schools, local government, and their service authority. Operated by CareATC and staffed by licensed medical professionals, the clinics were designed to improve employee well-being, ensure equitable access to care, and manage rising healthcare costs. She said that organizational cost savings obtained from reduced medical insurance costs would support future clinic operations.

Ms. Shifflett stated that Albemarle County broke ground on February 7, 2025, on the first new elementary school since 2002, the Southern Feeder Pattern Elementary School. She said that the new Mountain View Upper Elementary School, at 72,500 square feet, would accommodate up to 500 students, alleviating current and future overcrowding. She said that the state-of-the-art facility would feature

abundant natural lighting and bike and pedestrian connectivity. She said that ground was also broken on February 25, 2025, on the Albemarle Career Exploration Academy (ACE). She said that this 60,000-square-foot facility was set to open for the 26-27 school year and was located on the same campus as Albemarle High School. She said it would provide labs, studios, seminar spaces, technology, and tools for students.

Ms. Shifflett continued that Goal 6, Workforce and Customer Service, was an area of strength for the County. She said that she wanted to draw attention to the positive news around employee retention. Keeping the vacancy rate low was crucial for achieving organizational consistency and decreasing the costs associated with hiring and training new staff. She said that this year, they implemented two new systems, which had a significant impact across the organization. She said that they were beginning to see the benefits of these changes in customer service, and they intended to collect more data on this category next year to measure the return on investment for their efforts.

Ms. Shifflett said that as part of their five-year system modernization effort, they launched the new Community Development system in January 2025. She said that this cloud-hosted system integrated Planning and Zoning, Engineering, Building Inspections, and Code Enforcement, enhancing the customer service experience for the community through internal processing efficiencies, mobile inspections, and increased transparency. She said that they were in the process of refining this system, as they continued to learn and improve.

Ms. Shifflett said that they were also modernizing the County office space, with the goal of using space efficiently and effectively to support the organization's mission while minimizing the impact on taxpayer dollars. She said that between 2017 and 2019, they conducted office space studies, and now they were in the process of developing procedures and policies to ensure that their office space could adapt as they grew and their work evolved. She said that following the questions from the Board, she would provide information on how to access the relevant data and outline their next steps.

Mr. Gallaway said that he would like to express his appreciation for this report, particularly in terms of why it was being done, and the value it would hold for their community. This was a critical aspect, and he was glad to see it was already resonating with their community, as evident from their budget town halls this year. He said that he would like to commend everyone involved in delivering this report. He was directing this to Ms. Shifflett, but he knew it was a team effort. For public safety, including fire and police, he was assuming that some of the underlying reasons for the numbers they were looking at would be revealed in the fall report.

Ms. Shifflett confirmed that was correct.

Mr. Gallaway said that he did not want to delve into the details today, as it could get complex. However, he believed there was a need for improvement specifically in terms of police responses and fire service delivery. He was aware that both Chief Reeves and Chief Eggleston were striving for excellence, but he was assuming the issues they were currently facing were not due to the people or the work being done, but rather with resource allocation. He believed it was essential to address this, as it required transparency and accountability.

Mr. Gallaway said that the responsibility for those particular metrics may rest with the Board rather than the departments delivering the services. He said that he believed this was what they would learn once they received that future report. He thought there were things outside of the control of these departments that the Board would have to contend with at that time.

Mr. Gallaway said that they should be celebrating the needs and attention that they had identified, as they could confidently say that they knew what they were doing. He said that they had a plan in place, as outlined in their Strategic Plan. Ultimately, the Board had to make decisions about what would be funded from a resource standpoint to achieve these goals. He said that he was proud of everyone who had put in the work to make this happen. He said that he was reminded of a concept from Julia Cameron's book, *The Artist's Way*, which talked about the importance of vulnerability in order to stand confidently; it was their vulnerability that made them strong.

Mr. Gallaway said that when he looked at reports, he thought about how recognizing and admitting their needs and attention was crucial to being a strong organization. He said that staff had already expressed this idea in different words today. Therefore, he was celebrating this aspect in some ways more so than the successes they had already achieved and surpassed their targeted metrics.

Ms. LaPisto-Kirtley said that she believed these metrics would be very important and useful to their Community Advisory Committees and other concerned citizens and organizations. She expressed her appreciation to staff and encouraged them to keep up the good work.

Ms. Mallek said that she wanted to recognize that this report was done in addition to the regular work of staff, which was a tremendous accomplishment. She commented that she was surprised to see the 10-minute rural area response time goal, because she did not see how it would be possible considering geography. However, she appreciated the efforts and looked forward to getting more information.

Ms. McKeel said that she appreciated the report and was very grateful to the team for this dedication. She said that she looked forward to the next discussion.

Mr. Pruitt said that he had no questions, but he imagined that there were numerous external factors that would influence whether their goals could be achieved in a given year. He said that for instance, he could think of various locations in Ms. Mallek's district, Mr. Andrews' district, and his own district where a crew could be stationed in a fire engine, idling, and waiting to respond to emergencies, but there would still be places they could not reach within 10 minutes. He said that the reality was that it was a matter of chance whether or not a priority 1 call was required in those areas, and it was a matter of luck whether or not the response time was within the 10-minute threshold.

Mr. Andrews stated that he appreciated this process, as it was a great way to demonstrate their actions and also evaluate their priorities. He said that Mr. Gallaway stated that if something needed attention, it fell on the Board's shoulders, and if it was done well, it was the staff's accomplishment. He said that he also thought it was also important to acknowledge that not all issues could be addressed, and recognizing what was achievable was crucial. He appreciated the suggestion to consider metrics to determine what could be accomplished.

Ms. Shifflett said that she would discuss next steps. She said that this would not be the only time they would discuss these metrics; the departments would review them, and their executive team would also be reviewing them. She said that there were several reasons why they may not be meeting their targets, and one was that core services may have taken on more demand. They would review how they were managing their team and prioritizing work, and this would come through their budget process and future conversations.

Ms. Shifflett said that they had had a promotional campaign last year, which they would repeat this year. All the information was available on the County website, including a QR code and a link to their website where they broke down each goal with supporting metrics. The report they had today was a highlight; they had a full report available with more detailed data. Last year, they had 200 metrics, but this year they had around 80, mainly due to refining their metrics and focusing on core services, which they were still tracking and monitoring. She said she would get the Board a full report of the data, and they would also be promoting it through their webpage and with the help of Community and Public Engagement (CAPE) to ensure the community was aware and could provide input.

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Agenda Item No. 12. Closed Meeting.

At 5:00 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under subsection (5) to discuss and consider a prospective business or industry or the expansion of an existing business or industry in the vicinity of Seminole Trail in the Rivanna Magisterial District where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community;
- Under subsection (6) to discuss and consider the investment of public funds related to a performance agreement with Bonumose, Inc., where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County;
- Under subsection (8), to consult with legal counsel regarding specific legal matters, including both a performance agreement with Bonumose, Inc. and the powers and duties of certain police officers, requiring the provision of legal advice by such counsel; and
- Under subsection (29), to discuss the negotiation or re-negotiation of a public contract with Bonumose, Inc., involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County and the Board

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Agenda Item No. 13. Certify Closed Meeting.

At 6:03 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Agenda Item No. 14. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, stated that he would provide the Progress Albemarle August 2025 report, which was a report he brought to the Board on a monthly basis. Tonight's report was packed with information, including introductions and celebrations. However, he would like to focus the Board's attention on public safety, as their Chief of Fire Rescue, Dan Eggleston, was with them this evening.

Mr. Richardson said that Chief Eggleston and their public safety team had been extremely busy over the past 24 hours. He said that he would like to invite Chief Eggleston to approach the Board and provide an update on the situation. He said that Chief Eggleston could walk the Board through the current situation, where they were, and what was in store for them as they moved forward, and then they could address any questions the Board may have.

Mr. Dan Eggleston, Chief of Fire Rescue, said that as Mr. Richardson mentioned, approximately 24 hours ago, around 6:00 p.m., they received a notification of a major explosion in the Glenmore community. He said that the Fire Rescue staff at Glenmore Station, East Rivanna Station 2, reported feeling and hearing the blast and were on their way to respond when they were dispatched. Teams arrived on the scene within about four minutes, providing a rapid response, and found a house completely leveled and a debris field approximately one mile in diameter. He said that they conducted a quick search and located one victim, a man who was alive but critically injured.

Mr. Eggleston said that the victim was extricated from the debris, treated, and transported to the University of Virginia Medical Hospital, where he was also taken soon after to the VCU Medical Center's burn unit. He said that they suspected he had burns over significant portions of his body. Following the initial search, they continued to investigate the homes adjacent to the damaged residence, but approximately 12 homes were severely damaged, possibly requiring condemnation. He said that they were able to determine that one additional person was missing. Crews continued to search the debris and remove some of the debris.

Mr. Eggleston said that he would like to mention that their newly staffed heavy rescue team was involved in the incident last night. This team consists of four highly trained individuals who played a crucial role in locating the last victim, unfortunately, who was deceased. He said that they worked with the Medical Examiner's Office to transport the deceased to Richmond. They initiated the investigation last night and continued it this morning. He said that they received excellent support from regional agencies, including members from the Alcohol, Tobacco, and Firearms Division out of Washington, D.C. He met with them today, and they will be sending additional agents tomorrow.

Mr. Eggleston said that they would also be utilizing heavy equipment and focusing on the point of origin in the home. Concurrently, they were working with the community to facilitate the return of residents to their homes and collaborating with the Community Development Department (CDD) to assist those damaged beyond repair. They were also working with the Homeowners Association to disseminate information to the affected community. He believed progress was being made. They reopened the road this afternoon at 5:00 p.m. He said that tomorrow staff would provide updated information and pertinent details related to the investigation.

Mr. Richardson thanked Chief Eggleston for the update. He said that at one point in time during the scene last night, they had over 80 staff members present to assist in the response. He said that with the new school year, they had new School Resource Officers, and he wanted to review the safety strategies they were utilizing to keep students and families safe. The community expected a high-quality school system and safe learning environments. The SRO program reflected their commitment to meeting those expectations.

Mr. Richardson said that they were funding three SRO positions at each high school, and ACPD would continue to fund and staff an additional certified SRO in the Special Operations Division, supporting their three units. Their SROs served as mentors, role models, and trusted partners, dedicated to the safety and well-being of every student, staff member, and visitor in Albemarle County Public Schools. He said the SROs would be stationed at Western Albemarle High School, Monticello High School, and Albemarle High School. As students returned to campus, they would also focus on their safety while traveling to and from school.

Mr. Richardson said that they would discuss speed cameras and stop-arm cameras. This school year, speed cameras were installed at Rockfish Gap Turnpike near Western Albemarle High School, Henley Middle School, and Brownsville Elementary School. The location was in addition to the existing one on Hydraulic Road. Last school year, Albemarle County observed a 49% decrease in speeding events on the northbound side and a 42% decrease on the southbound side of Hydraulic. This program was fully self-funded through violation fees, with any surplus supporting traffic safety initiatives in Albemarle County.

Mr. Richardson said that also new this year, Albemarle County Police Department and Albemarle County Schools had partnered to equip four school buses with stop-arm cameras to catch illegal passings, a significant safety risk to children. After a 30-day warning period, camera violations would carry a \$250 fine, similar to those at Hydraulic. Any revenue beyond program costs was paid to Albemarle County Public Schools. He explained that the goal of automated traffic enforcement was to encourage a change in driver behavior and increase driver awareness of speed-related crashes. These initiatives were made possible through partnerships with Albemarle County Public Schools Transportation and the Police

Department, working together to ensure students and families arrived at schools and home safely.

Mr. Richardson said that also related to public safety, he would like to discuss their Sugar Hollow flood siren. The Rivanna Water and Sewer Authority had installed a new high-water alert siren at Sugar Hollow Dam. The system provided an audible alert when a high-water issue may occur, allowing those nearby to move away from the water. The siren would be tested monthly to confirm reliability, with public notice provided to nearby residents to distinguish a test from an actual emergency. He said that the alert system added another layer of protection alongside existing emergency communications, reflecting the Rivanna Water and Sewer Authority's commitment to public safety and environmental stewardship.

Mr. Richardson said that next, he would discuss Emergency Management. He said over the past few years, the Office of Emergency Management had expanded through training, exercises, and partnerships with agencies such as Rivanna Water and Sewer, VDOT, the City of Charlottesville, the University of Virginia, Dominion Energy, and others. He said that strong collaboration had contributed to the Office of Emergency Management's success and capacity for incident management and community preparedness. Some highlights included establishing the County's first continuity of operations program, ensuring services remained available during disruptions, building and hardening the County's first emergency operations center, and forming the County's first incident management team. This team provided organized, scalable leadership during emergencies.

Mr. Richardson said that additionally, the Office of Emergency Management had launched an initiative with Albemarle County Public Schools to enhance coordinated response to active threats by strengthening crisis policies and tactics. Training had been conducted in partnership with schools, with state and federal experts involved to keep Albemarle County schools safe.

Mr. Richardson said he wanted to take a moment to recognize their Emergency Management Director, Mr. John Oprandy, who was present with his wife, Claudine, who also worked for Albemarle County Public Schools. He said Mr. Oprandy had been instrumental in their success, both with their key partner agencies and with Albemarle County, as they continued to improve their emergency management capabilities. After 26 years of dedicated service to Albemarle County, Mr. Oprandy would retire from Albemarle County Fire Rescue. He had played a crucial role in strengthening regional public safety coordination and building trusted partnerships across jurisdictions. He was instrumental in a cultural shift within Fire Rescue, prioritizing hiring based on character and values, rather than just certifications.

Mr. Richardson said that the shift continued to shape their Fire Rescue's identity today, as they hired dedicated public servants who were trained in-house to serve the community as firefighters and EMTs. During his tenure, Mr. Oprandy witnessed and supported the department's growth from fewer than 20 people to over 200. He held various leadership positions, including operations, training division, community risk and resilience division, and Office of Emergency Management. He invited Mr. Oprandy to say a few words to the Board. He thanked Mr. Oprandy for his dedication and hard work.

Mr. John Oprandy, Deputy Chief of Emergency Management, said that he stood before them today with mixed emotions, reflecting on the past 26 years. He said that working with Mr. Eggleston, his mentor and friend, had been truly phenomenal. He said that he felt that they had accomplished so much together. He said that they could not have done it without the support of many people, but particularly the County Executive's Office and the Board, who had worked tirelessly alongside him to achieve their goals.

Mr. Oprandy said that when he first arrived, he had not intended to continue a career in emergency management, but working day-to-day, alongside Mr. Eggleston and the team, had rekindled his passion for public service. He said that he had been there ever since, and he was grateful to have had the opportunity to serve. He thanked them all very much.

Mr. Gallaway said that these departures were always difficult, even when they were happy to see someone move on to the next phase of their journey. He said that it was a gut punch to lose someone who had been so valued and respected in their community. He said that he wanted to sincerely express his gratitude for everything Mr. Oprandy had done for the County and the Fire Department. He said that he would be deeply missed, and he wished him all the best as he moved forward with their next endeavors, as he certainly had earned it.

Ms. LaPisto-Kirtley said that it was a bittersweet moment, as they had not known it was coming. They loved the Fire Department, and he had been an integral part of it. She said that Mr. Oprandy's dedication and commitment to the community, saving lives, had been truly remarkable. She said that he had always been there, never shirking his duties, and her colleagues, including Mr. Eggleston and the other firefighters, had appreciated his hard work. They were so grateful for the time he had spent with them. She congratulated Mr. Oprandy on his retirement and wished him all the best.

Ms. Mallek said that she felt like she had known Mr. Oprandy since he was 12, and she knew that Pete was incredibly proud of all that he had accomplished. However, she wanted to acknowledge the contributions of the two fellows who had been instrumental in establishing their combined system. She said that they were once volunteers who had grown up and gone on to achieve great things. She said that she was not sure everyone was aware of the incredible work he had done, but she would like to highlight that Mr. Oprandy had been in his new emergency role for only 48 hours when the January snow occurred several years ago.

Ms. Mallek said that as a result, 55 units of her residences were without landlord assistance for 72 hours. She said that Mr. Oprandy's swift action and coordination with the volunteers, emergency

responders, and community members who came to help shovel out the snow, and even breaking into the community building to restore power, were truly remarkable. This was just one example of the wonderful things he had done. She said that she was grateful and hoped he would stay in the County for a long while.

Ms. McKeel said that Mr. Oprandy looked remarkably young for someone who had witnessed so much change in the department. She said that Mr. Oprandy would be greatly missed, and she knew they had all worked with him at one point or another to resolve issues in their districts. She congratulated Mr. Oprandy on this achievement and hoped they would continue to see him.

Mr. Pruitt said that although they did not have as storied of a working relationship as his peers, he would undoubtedly miss Mr. Oprandy as part of the County organization. He thanked Mr. Oprandy for all his contributions to the County and hoped he would enjoy his retirement.

Mr. Andrews said that it was indeed bittersweet, because Mr. Oprandy was such a great person and deserved his retirement but would be very missed by everyone in the County. He wished him all the best and thanked him.

Mr. Richardson said that in addition to Mr. Oprandy's retirement, Mr. Eggleston would be with them for approximately two more months, and they had time to plan and prepare for his departure. While he would not delve into his accomplishments tonight, he did want to recognize the significance of this announcement in their community. Chief Eggleston, along with Mr. Oprandy, would be very missed. The County staff had time to work through how to appropriately celebrate his career before his retirement date.

Mr. Richardson said that moving forward, he wanted to introduce their next special guest. Before they did that, he wanted to take a moment to discuss mental health calls and the time officers spent on these calls. A few years ago, their Police Department identified that officers were spending a significant amount of time on mental health-related calls. These calls required long wait times at hospitals, complex coordination with service providers, and taking officers away from patrol, delaying the need for support during individual crises.

Mr. Richardson explained that in response, the County developed the Human Services Alternative Response Team (HART), an interdisciplinary partnership between their Police, Fire, and Human Services, and designed to provide specialized on-scene support for mental health crises. HART ensured individuals received quicker access to appropriate care while allowing patrol officers to return to their normal duties. He said the results were clear; in the first half of 2025, police officers spent 24% less time on mental health calls compared to the three-year average. This demonstrated how identifying an operational issue, piloting a target solution, and investing in partnerships could produce measurable improvements for both public safety and community well-being.

Mr. Richardson said that he wanted to take a moment to point out that they measured the effectiveness of their initiatives. Ms. Shifflett mentioned earlier that their metrics had decreased from over 220 to 80. He said while they were still refining what was most important to measure, it was essential that they focused on measuring things that mattered to their community and determining how efficiently they were using their resources.

Mr. Richardson thanked the Board members for participating in Putt-Putt with their Police Department during National Night Out. This year's event drew over 1,000 community members, who enjoyed mini golf, met ACPD's canine officers, explored police vehicles, and interacted with officers from throughout the department. He wanted to extend his gratitude to the Albemarle County Police Foundation and their community partners for their generosity. They were truly amazing. The giveaways and school supply distributions were particularly noteworthy, as they helped local kids prepare for the start of school.

Mr. Richardson said that events like this were more than just enjoyable; they were about building relationships and trust between law enforcement officers and the community they served. The turnout demonstrated strong community support for public safety, and it highlighted the Police Department's commitment to connecting with their residents in meaningful ways. He said that with the final slide, he would like to turn the presentation over to Mr. Henry.

Mr. Trevor Henry, Deputy County Executive, stated that he was honored and privileged to introduce their newest team member, Heather Hilliard, Executive Director of their 911 Emergency Communication Center (ECC). He said that the Center was a regional ECC managed and funded by the City, County, and UVA, and they were celebrating their 40th year of a joint powers agreement that created it. He said that Ms. Hilliard brought extensive experience from the New Orleans area, where she had been involved in both emergency management and ECC for several decades.

Mr. Henry said that having navigated complex issues in her previous role, she was well-attuned to preparedness, communications, and emergency management. Originally from western Pennsylvania, Ms. Hilliard held an MBA from the University of Pittsburgh and Tulane. She began her tenure on July 7, 2025, and had quickly immersed herself in the role, having already responded to multiple significant emergency situations in their community. In fact, she was on the scene at Glenmore just last night, supporting her staff during a major event and demonstrating exceptional leadership during a time of high call volume.

Ms. Heather Hilliard, Executive Director of the Charlottesville-UVA-Albemarle Emergency Communications Center, thanked the Board for the warm welcome. She said that it had been a wonderful

seven weeks. She said that she had moved into the area just two days prior to starting her new job. She said that she was familiar with 911 systems and a collaborative leadership model and consolidated agencies. She said that Chief Eggleston and his team, as well as others, supported their efforts. She said that in her first week they had the road wash out, and the team had been very supportive.

Ms. Hilliard said that they did have a system in place that could get inundated, as had been mentioned. She said that on the emergency response scene last night, they only rolled calls for six and a half minutes, and they were able to catch up again. She said that at that time, they had already had Fire on the scene and other agencies rolling in to assist. She said that the team was fantastic. She said that the night crew came in early to support, and the day crew wanted to stay just to help with the transition.

Ms. Hilliard said that it was really great to see, as she was giving updates to Mr. Henry and their Board members, so they had full awareness of what was happening and what the system was handling at that point. It had been a pleasure. She said that she was looking forward to continuing to settle into this role. She said that she had moved very close to this building, although she was technically in the City. However, she had thought that in case of snow, she could walk here to work as she was not yet prepared to drive in the winter.

Ms. Hilliard said that she was eager to support the team in a positive capacity, but she was particularly looking forward to contributing to the team's growth and success. She said that they had some excellent media interactions, and they postponed today's event out of concern for the community, but also to recognize the outstanding efforts of some team members who have made significant contributions to savings. She said that as a team, they were there for everyone's worst day, and they were the ones who received their most challenging calls. She said that their team members were truly exceptional, and she was grateful to be leading them. She thanked the Board for the opportunity to work here.

Mr. Andrews said that the Board was truly grateful to Ms. Hilliard for leading the Emergency Communications Center and joining the County.

Ms. Mallek said that she was very impressed with the media coverage the ECC had published regarding training academies and job postings.

Ms. McKeel said that she would like to discuss Albemarle County Public Schools career academy educational opportunities with Ms. Hilliard at some point in the near future.

Mr. Pruitt welcomed Ms. Hillard to the team and said that community members often interact first with Fire Rescue and Police and form their opinions based on those interactions. He said he had confidence in her team to set the standards.

Ms. Hilliard said that she would very much appreciate that. She said that she was thrilled that this community was so focused on learning, training, and improving emergency services.

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Agenda Item No. 15. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Ms. Alicia Lenahan, Scottsville District, said that she had been speaking at Board meetings regularly since April of this year, focusing on the imminent threat to their refugee and immigrant neighbors, and by extension, to each of them. She said that a resolution entitled Condemning Non-Transparent Federal Immigration Enforcement Tactics and Affirming Community Safety Principles was submitted to the Board on August 6. She followed up with each Supervisor, seeking comments and guidance. One member responded yesterday.

Ms. Lenahan said that at this point, it was worth reviewing the landscape as they knew it. The County had signed two Memoranda of Understanding with Homeland Security and ICE, one in 2021, and the other in January of this year. Both cooperation agreements were still in effect. In May, she had raised concerns about the County's receipt of grant money from the federal government for a data acquisition system called Analyst's Notebook. She also noted the County's use of surveillance cameras called ALPRs. Her question was, was it possible that the data collected by both systems was being shared with ICE as part of the cooperation agreements?

Ms. Lenahan said that the federal administration's attacks on democracy now included using the military as law enforcement. The National Guard was deployed at ICE facilities in Caroline and Farmville, patrolling the streets of the nation's capital. To date, over 1,000 people had signed the petition in support of the resolution. She urged the County to explain what measures would be taken when masked ICE agents returned, possibly accompanied by the military. She also requested that the County outline the steps it would take to ensure the safety and civil rights of the people who lived and worked there.

Ms. Lenahan said that if the institutions built to protect democracy remained silent, then the burden fell on ordinary citizens, pro-democracy advocates, and independent voices willing to speak up. For them, silence was not an option, as it would normalize the unacceptable. The warning signs were flashing, and the alarm bells were ringing. The question was not whether the federal administration was serious, but whether they would take the threats seriously enough to stop them before it was too late.

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Mr. Gary Grant, Rio District, said that he would like to extend his appreciation to Dan Eggleston, who unfortunately had left the meeting. He said that he believed Dan Eggleston was working at the County in 2009 when his son got his first career firefighter's job in Albemarle County. He said that he now worked in Henrico County. He said that the results of the 2023 Community Survey, conducted by the UVA Center for Research and historically available to the public for input on annual budget discussions, were finally made public yesterday, two years late, and conveniently after the current budget was approved by the six of the Supervisors three months ago.

Mr. Grant said that the survey results were as follows: 52% of County residents believed the quality of life in Albemarle would worsen over the next five years. He said that only 11% of residents were very satisfied with the value of Albemarle government services they received for their tax dollars. He said that 31% of residents rated customer service from Albemarle employees as only fair or poor. He said that 62% of residents rated the County Executive's leadership as fair or poor, and 65% rated the leadership of the six Supervisors as fair or poor.

Mr. Grant said that the survey report highlighted several concerns, including mismanagement by local government, high taxes, onerous regulations, and a lack of fiscal responsibility. Furthermore, the County was perceived as becoming too liberal and progressive in its policies. He said that delaying or hiding valid and reliable information was the responsibility of the Board, and ultimately, the responsibility for voting for the leadership rested with some of the constituents.

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Mr. Dylan Taylor, resident of Petersburg, Virginia, said that he was representing Energy Right, a clean energy nonprofit that aimed to help communities and citizens navigate the clean energy landscape. He said that they were partnering with the American Solar Grazing Association through a grant funded by the Charlottesville Area Community Foundation to host a film event at the Common House, showcasing solar grazing.

Mr. Taylor said that this event would feature a diverse group of solar grazers from across the state, including Graze Landscaping from Pittsylvania County, John Campbell, and Matt English, who were prominent solar grazers in Virginia. He said that they were inviting the Board of Supervisors to attend this event, as it was located very nearby in Charlottesville. He said that the film would be followed by a panel discussion with the solar grazers, where they would have the opportunity to ask questions.

Mr. Taylor said that several organizations, including the Cville Renewable Energy Alliance (REA), Piedmont Environmental Council, C3, Farm to Power, and Farm Bureau, would also be in attendance, along with representatives from Madison, Greene, Nelson and Fluvanna Counties, and others. He said that the event was free, and they would provide complimentary food and drinks. He said that it would take place from 5:00 p.m. to 8:00 p.m. on September 3, 2025.

Mr. Taylor said that he had also left some flyers on the table for your reference. He said that their goal was to educate and promote the benefits of dual-use development, which allowed farmers to continue their work while also incorporating solar grazing. He said that they believed this approach could help preserve farmland while promoting clean energy. He said that he hoped to see the Supervisors there.

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Agenda Item No. 16. **Public Hearing: Virginia Community Development Block Grant.** To review the County's intention to apply for Federal funds from the Community Development Block Grant (CDBG) program. Albemarle County proposes to utilize the requested funds to carry out the following activities for the CDBG program: Approximately \$2 million dollars to support the construction of sewer infrastructure in Phase 2 in the Southwood Redevelopment Project. All interested citizens are urged to attend.

The Executive Summary forwarded to the Board states that the Community Development Block Grant (CDBG) program is a federally-funded grant program administered by the Virginia Department of Housing and Community Development (DHCD). Since 1982, the DHCD has provided funding to eligible units of local government (in non-entitlement communities only) for projects that address critical community needs, including housing, infrastructure, and economic development. Albemarle County has received numerous grants in previous years to support housing and community improvement initiatives.

The CDBG application process requires that two local public hearings be conducted. The first public hearing was held on August 6, 2025, at which time information was provided on eligible activities that may be funded by a CDBG grant, the amount of funding estimated to be available, past activities undertaken with CDBG funds, and the process for applying for funding. The purpose of this public hearing is to provide information on the proposed project application.

As part of the ongoing redevelopment of the Southwood Mobile Home Park, Habitat for Humanity of Greater Charlottesville (Habitat) is requesting the County submit a CDBG application to support the installation of new public sewer infrastructure in the Southwood community. The proposed activities include a new sewer line in the northeast east corner of the park to replace an inefficient, aging private sewer line currently serving 34 Southwood households, as well as installation of new connections to an existing public sanitary line for 33 mobile home pads currently dependent on septic systems. The total amount of grant funding to be requested is \$2 million, which includes \$1.875 million in project funding, and \$125,000 to cover the costs of grant administration services provided by County.

If awarded, the County would receive \$125,000 to administer this grant. The balance of grant funds would support the infrastructure development. If awarded, the Board would be asked to appropriate the grant funding received. CDBG projects include various levels of funding to offset administrative costs by awarding such funds based on performance. Staff would administer the grant using a performance-based budget.

Staff recommends that the Board adopt the attached Resolution (Attachment A) approving the County's submission of the CDBG application for new infrastructure in the Southwood Redevelopment Project Phase 2 and authorizing the County Executive to execute the application package, as well as any supporting or related contracts or documents required to obtain or accept this grant, once such package, contracts, and/or documents have been approved as to form and substance by the County Attorney, and to take any further action required for this application.

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Ms. Stacy Pethia, Director of Housing, stated this was the second public hearing for the County's Community Development Block Grant (CDBG) application. Tonight, she would provide a brief overview of the CDBG grant program and the proposed project they were seeking funding for. She noted that the resolution the Board would need to take action tonight was written prior to having a finalized project proposal, and they should have received a revised one that better reflects the application.

Ms. Pethia stated that the CDBG program was a federally funded grant program administered in Virginia by the Virginia Department of Housing and Community Development (DHCD). She said that the program provided funding for projects that meet one or more of three national objectives: activities that benefit low- and moderate-income persons, the prevention or elimination of slums or blight, and activities designed to meet community needs with a particular urgency. This could include emergency situations such as a dam burst or a fire.

Ms. Pethia said that the program required two public hearings, and tonight's hearing was to present a project for the Board's consideration. She said that in Calendar Year 2025, the Virginia Department of Housing and Community Development was making \$16.3 million available for the CDBG program, and Albemarle County was eligible to apply for up to \$2 million. She explained that the proposed project was a partnership with Habitat for Humanity of Greater Charlottesville, known as the Southwood Sanitary Services Project. She said that the project involved installing approximately 3,000 linear feet of new sanitary sewer main, connecting three existing public sewer mains, and serving 63 households of existing Southwood residents, or approximately 233 individuals.

Ms. Pethia said that a map was available showing the project area, which included connecting existing trailers to the new sewer main and replacing a privately run sanitary sewer that had been in place for approximately 40 years and was failing. She said that the proposed budget and timeline for the project included \$2 million in CDBG funds. She said that \$1.8 million of the total funding would be allocated towards the construction of the project, while \$125,000 would be allocated to the County to administer the grant.

Ms. Pethia stated that Habitat was contributing \$1.7 million towards the project, bringing the total project budget to \$3,735,000. She said that Habitat anticipated that the engineering design for the project would be completed by the end of this year, and the project was expected to be completed by April 2028. She summarized that staff recommended that the Board approve the submission of this application.

Mr. Andrews asked if the Board had any questions for Ms. Pethia.

Mr. Pruitt said that he was wondering if the individual homes in the final phase of Southwood did not need to pay the costly sewer hookup fee.

Ms. Pethia replied no; that was included in the rent the residents paid to Habitat. She said that Habitat wanted to replace the private sewer system now, rather than waiting for the final construction of those phases, due to the increasing cost of maintenance. She said that if they did not address this issue, they would need to raise the rent. She said that, however, Habitat had stated that they would not raise the rents for the mobile home pads throughout this project, and residents would not be responsible for connection fees.

Mr. Pruitt asked if the new sewer would be private or public.

Ms. Pethia clarified that it would be public sewer and Habitat for Humanity would pay for the associated costs.

Ms. LaPisto-Kirtley said that her understanding was that this work would need to be done in ten years anyway, but it was being done now to proactively improve the wastewater management for these households and reduce potential costs.

Ms. Pethia confirmed that was correct.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and the matter rested with the Board.

Mr. Pruitt **moved** that the Board of Supervisors adopt the Resolution (Attachment A) approving the County's submission of the CDBG application for new infrastructure in the Southwood Redevelopment Project Phase 2 and authorizing the County Executive to execute the application package, as well as any supporting or related contracts or documents required to obtain or accept this grant, once such package, contracts, and/or documents have been approved as to form and substance by the County Attorney, and to take any further action required for this application.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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## RESOLUTION

**WHEREAS**, the County of Albemarle is committed to ensuring that safe, decent, affordable, and accessible housing is available for all residents, and to improving the livability of all neighborhoods; and

**WHEREAS**, the County of Albemarle has recognized the redevelopment of the Southwood Mobile Home Park as a strategic priority; and

**WHEREAS**, the County of Albemarle executed a public/private partnership agreement with the Habitat for Humanity of Greater Charlottesville (Habitat) in July 2019 to provide resources to Habitat to assist with redevelopment initiatives; and

**WHEREAS**, after holding public hearings on August 6, 2025 and August 20, 2025, the County wishes to apply for up to \$2,000,000 in Community Development Block Grant (CDBG) funds to support the construction of 3,000 linear feet of new sanitary sewer main, and the installation of three lateral connections to public sewer main in Phase 2 of the Southwood Redevelopment Project; and

**WHEREAS**, the projected benefits of the Project are improved living conditions for 63 low- and moderate-income households currently residing in the Southwood Mobile Home Village.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby endorses the County's submission of the CDBG grant application for the Southwood Sanitary Sewer Services Project, and authorizes the County Executive to execute the application and any required certifications and assurances, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application.

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Agenda Item No. 17. **Public Hearing: Spot Blight Declaration - 2632 Hydraulic Road, Parcel ID 06100-00-00-04110 (Jack Jouett District)**. To receive comments on a proposed ordinance to declare the Property located at 2632 Hydraulic Road, (Parcel ID 06100-00-00-04110) a blighted property. This ordinance would authorize the County Executive or his designee, on behalf of the Board, to acquire, hold, clear, repair, manage, or dispose of the Property and to recover the costs of any repair or disposal of such Property from the owner or owners of record, in accordance with Virginia Code 36-49.1:1.

The Executive Summary forwarded to the Board states that The presence of blighted and deteriorated properties can have negative economic and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances.

On March 19, 2025, the Board of Supervisors approved the scheduling of a public hearing to consider adoption of a spot blight ordinance for 2632 Hydraulic Road, Parcel ID 06100-00-00-04110, in the Jack Jouett District. A map is provided as Attachment A and property photos are provided as Attachment B.

Staff received a complaint regarding the conditions of this property and determined through an investigation that the house is uninhabited and unsafe. Staff then initiated the spot blight abatement process, as outlined below.

As the County Executive's designee, the Community Development Director made a preliminary determination (Attachment C) that the property was blighted and sent notice to the property owner of the reasons supporting this preliminary determination:

- 1) The structure is open, allowing the entry of exterior elements, such as weather and animals, which are detrimental to the health, safety, and welfare of the public.
- 2) The structure is falling down and unsafe and therefore detrimental to the health, safety and welfare of the public and emergency responders.

The County requested an abatement plan from the owner. Pursuant to Virginia Code § 36-49.1:1 (Attachment D), the property owner had 30 days to respond in writing. Because the property owner did not respond within 30 days with a written abatement plan acceptable to the County, staff recommended that the Board schedule a public hearing to consider an ordinance declaring this property to be blighted. Staff engaged with the property owner to summarize the items to be corrected in the County-generated Abatement Plan (Attachment E).

Staff has developed a scope of work to implement the abatement plan, including razing the structures and associated site work.

The estimated total cost of the County's abatement plan is approximately \$30,000 (Attachment F). Approximately \$56,541 remains in the Community Development Department's budget line item allocated to spot blight remediation.

Staff recommends the Board adopt an ordinance (Attachment G) declaring this property blighted and authorizing staff to implement the County's abatement plan.

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Mr. Bart Svoboda, Deputy Director of Community Development, stated that they had a presentation prepared for the Board tonight, but they would not be presenting it as they did not want to give the impression that they were moving forward with the blight ordinance. He said that the property owners had made substantial improvements in the interim. Therefore, staff were requesting a deferral to the November 5, 2025, meeting, which would allow staff to complete any outstanding compliance issues. He said that this would give them sufficient time to review the progress made by the property owners and ensure that all necessary steps were taken.

Mr. Svoboda noted that he had sent out an email earlier today with photographs of the progress made as of Monday. He stated that the property owners had made significant improvements over the weekend, and they were now at a point where they needed to take a step back and review the situation without taking further enforcement action.

Mr. Gallaway said that with the last spot blight hearing, the Board had discussed the end game of the County acquiring the property. He said that he understood this specific case would be deferred due to improvements, but he had a casual conversation yesterday that he thought would be helpful to the Board. He said that he wanted to understand the process, timeline, and what it would entail if the County were to take ownership of the property and decide its fate from there.

Mr. Gallaway said that this particular case did not come close to that, but he was bringing it up as an option for the Board and for staff to consider. He said that he was not looking for a response tonight, but he was looking for clarification on how they could start exploring the possibility of the County owning some of these blighted properties.

Ms. McKeel said that she was glad there were improvements being made to this property, especially since the house had been blighted for a long time. She agreed with Mr. Gallaway that the Board should consider a process for allowing the County to take ownership in order to improve blighted properties.

Mr. Andrews asked if Ms. Filardo could address this item before they opened the public hearing.

Ms. Jodie Filardo, Director of Community Development, stated that staff had been researching the options available to the County regarding Mr. Gallaway's suggestion. She said that they would be glad to bring those options back to the Board at a later date.

Mr. Gallaway noted that at VACo, there was a discussion about this topic and exploring what other Counties were doing. He said that he wanted to gain a deeper understanding of this issue.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and the matter rested with the Board.

Ms. McKeel **moved** that the Board of Supervisors defer the matter until November 5, 2025, at 6pm. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek said that she had shared some information from the VACo Board meeting with the Supervisors for their reference. She said that the Joint Legislative Audit and Review Commission (JLARC) study discussed consolidating all of their elections, with the goal of increasing voter turnout. She said that she wanted to ensure they had the latest information available.

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Agenda Item No. 19. **Discussion:** Regarding Ordinance to Control Running Bamboo..

Ms. McKeel said that she had sent an email to everyone, and she believed she had discussed this with most of the Supervisors previously. She said that she was requesting today to explore the possibility of an ordinance to control running bamboo. She said that she was not asking for a vote on a specific ordinance tonight. She said that she was simply asking if they could schedule a work session at a later date, where staff could present information on a possible ordinance under the Code of Virginia, in the Public Health and Safety, Nuisance section, to help them address the issue of running bamboo in their community.

Ms. McKeel said that she had noted that several locations in Virginia already had ordinances in place. She said that when they were granted permission by the General Assembly in 2017, a draft ordinance had been provided at that time, but Fairfax, Loudoun, and Fauquier Counties had already developed ordinances tailored to their individual localities. She said that she had learned a great deal in this process, particularly about the distinction between cluster bamboo and running bamboo.

Ms. McKeel explained that cluster bamboo was not a problem, as it simply sat in a cluster, whereas running bamboo spread through rhizomes, which was the problematic species they faced. She said that she was eager to learn more about this, and she was opening this up for discussion with the Board. She said that she was requesting the Board to direct staff to return to the Board at a future date to provide more information on what this might entail. Interestingly, this Board had already addressed this issue in the past, although she believed it was in 2018, after the State permission had been established. She said that the problem at that time was that there was insufficient staff time to handle it. She said that she would like to revisit this issue now to see what staff might be able to provide with their expertise.

Ms. Mallek said that it was a great idea, and she hoped that soon there would be more bandwidth to address it as some of the other major projects were completed.

Mr. Gallaway asked if the State ordinance was specific to running bamboo.

Ms. McKeel replied yes; it was specific to running bamboo.

Mr. Gallaway said that he had no issue with this initiative, as he could think of multiple locations where this was a problem in the County.

Ms. LaPisto-Kirtley asked if running bamboo looked different than other types of bamboo.

Ms. McKeel said that it was all over Preston Avenue. She said that the only difference was that this type of bamboo spread through rhizomes. She added that one of the reasons she was particularly interested in this ordinance was that it related to a personal experience she had with a constituent from the Hessian Hills neighborhood, a very urban area. She said that the constituent had explained to her that a neighbor had planted bamboo in their yard, and since that time the bamboo had spread across their yard under the fence and was attacking his house's foundation.

Ms. McKeel said that the constituent asked if they had an ordinance against bamboo and how they could address the issue. She said that they did not have an ordinance, and all she could offer was advice to hire a lawyer and potentially go to court. She said that the constituent did go to court and was awarded \$2,000 by the judge, but the constituent felt it was a small amount compared to the cost of repairing their foundation. She said that this experience had made her realize the impact that this ordinance could have on residents in her own area, and she was eager to explore its potential benefits.

Mr. Pruitt asked for clarification on the enforcement mechanism in place in Loudoun and Fauquier.

Ms. McKeel said that she could not recall from the top of her head, but she had shared all the relevant ordinances in the email she had previously sent to the Board.

Mr. Herrick clarified that the State enabling authority specified a \$50 civil penalty for the first violation, a \$200 civil penalty for subsequent violations, with a maximum total penalty of \$3,000 within a 12-month period.

Ms. McKeel said that the issue was to prevent the project from extending beyond the property lines and onto neighboring properties.

Ms. Mallek said that a do-not-plant directive would be the most helpful.

Ms. McKeel agreed that would be the best option, but the General Assembly had not supported it as of yet.

Ms. Mallek said that a noxious weed ordinance would be a separate issue from this.

Mr. Andrews said that he was open to hearing additional information from staff, even if it was unclear where they would go with it.

Ms. LaPisto-Kirtley said that she would be bringing forward information from the Solid Waste Alternatives Advisory Committee regarding regulation of Styrofoam.

Mr. Andrews said that they could add that as an agenda item at a later date.

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Agenda Item No. 20. Adjourn.

At 7:11 p.m., the Board adjourned its meeting to September 3, 2025, 1:00 p.m. in Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902.

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Chair

Approved by Board
Date: 01/21/2026
Initials: CKB