

ACTIONS		
Board of Supervisors Meeting of September 7, 2022		
		September 8, 2022
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:02 p.m., by the Chair, Ms. Price. All BOS members were present with the exception of Ms. LaPisto-Kirtley who participated remotely. Also present were Jeff Richardson, Steve Rosenberg, Claudette Borgersen and Travis Morris. 		Link to Video
<ul style="list-style-type: none"> By a vote of 5:0 APPROVED request to allow Supervisor LaPisto-Kirtley to participate remotely in accordance with applicable Board Rules of Procedure enacted pursuant to the Freedom of Information Act, given that he is unable to attend the meeting in person due to a medical reason. 		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> ADDED to consent agenda - Change start time of September 21, 2022 meeting from 1 p.m., to 2 p.m. ADDED discussion on buffer protection for Albemarle streams to item #22. ADDED discussion on the County's participation in the Safe Streets for All grant program to occur after the adoption of the consent agenda. By a vote of 6:0, ADOPTED final agenda as amended. 		
5. Brief Announcements by Board Members. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Mentioned she had requested a list of immunization requirements to enroll in ACPS and noted that there were breakthrough diseases occurring. Commented that there were many news articles regarding the impact of changing climate and suggested examining the businesses in the community that were economic drivers but were at risk of disruption from climate change. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Announced that the County was a finalist in the Destiny Awards for Discover Black C-Ville and the Road Less Traveled. Commented that Virginia was the 10th largest producer of wines in the country. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Honored former Supervisor Duane Snow who had recently passed away. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Honored former Supervisor Duane Snow. Announced the presence of the new local government reporter, Hawes Spencer, for the <i>Daily Progress</i>. Announced that September was Recovery Month and a time to focus on the needs of people living with a substance use disorder. She added that the County was working to develop a mobile crisis unit that would help connect individuals with mental health and 		

<p>substance use concerns to local crisis and treatment services.</p> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Honored and remembered former Supervisor Duane Snow. Announced that at the most recent Thomas Jefferson Planning District Commission (TJPDC) meeting, an update on the regional cigarette tax was received and would later provide the figures for how much tax revenue each individual county in the region received. Commented that at the end of the meeting he would ask questions about the archive search on the website. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Honored the memory of former Supervisor Duane Snow. Recognized new Daily Progress reporter Hawes Spencer. Echoed Supervisor McKeel's comments regarding climate change. Mentioned that on August 19 the Department of Environmental Quality (DEQ) held a meeting in Charlottesville focused on industrial solar installations and on August 25, 2022, the Secretary of Energy was at the UVA Chemistry lab and presented on prospects for hydrogen-based fuel. Commented that on August 28, Seas the Day was held at Walnut Creek Park, and which recognized and honored those who served in or with, or who accompany the military. Noted that the Virginia Arts Festival was being hosted in the fall and encouraged people to participate and attend. 		
<p>6. Proclamations and Recognitions.</p> <p>a. Proclamation Recognizing September 15 as International Day of Democracy.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation and presented to Kirk Bowers. 	(Attachment 1)	
<p>7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> There were none. 		
<p>8.1 Fiscal Year 2022 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED resolution to approve appropriations #2022055; and #2022056 for local government projects and programs. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and County Attorney's Office. (Attachment 2)	
<p>8.2 Fiscal Year 2023 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED resolution to approve appropriations #2023012; #2023013; #2023014; #2023015; #2023016; and #2023017 for local government projects and programs. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and County Attorney's Office. (Attachment 3)	
<p>8.3 Sick Leave Supplement.</p> <ul style="list-style-type: none"> APPROVED the Sick Leave Supplement program. 	<u>Human Resources:</u> Proceed as approved.	
<p>8.4 Delegation of Authority to Sign Certain Insurance Documents.</p> <ul style="list-style-type: none"> ADOPTED Resolution authorizing the Chief 	<u>Clerk:</u> Forward copy of signed resolution to Finance & Budget	

	Financial Officer or their designee to execute a release of liability for auto physical damage claims to expedite the insurance recovery process.	and County Attorney's office. (Attachment 4)
8.5	Amendment of the County's Purchasing Manual. <ul style="list-style-type: none"> • ADOPTED resolution to amend and re-adopt the Albemarle County Purchasing Manual by revising Chapters 5 and 11. 	<u>Clerk:</u> Forward copy of signed resolution to Finance & Budget and County Attorney's office. (Attachments 5-7)
8.6	Tax Refund Approval Request. <ul style="list-style-type: none"> • ADOPTED resolution to approve a tax refund for a taxpayer as required by State Code. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 8)
8.7	Petty Cash Resolution. <ul style="list-style-type: none"> • ADOPTED resolution to amend the existing petty cash funds. 	<u>Clerk:</u> Forward copy of signed resolution to Finance & Budget and County Attorney's office. (Attachment 9)
8.8	Emergency Medical Service Cost Recovery Rates. <ul style="list-style-type: none"> • ADOPTED Resolution to Establish an Increase of Fees for Emergency Medical Services Vehicle Transport Services 	<u>Clerk:</u> Forward copy of signed resolution to Fire Rescue and County Attorney's office. (Attachment 10)
8.9	Resolution Supporting the Albemarle Charlottesville Regional Jail (ACRJ) Request for State Funding for Jail Renovation Project. <ul style="list-style-type: none"> • ADOPTED resolution seeking State support for 25% reimbursement of total eligible costs for the planned ACRJ renovation project. 	<u>Clerk:</u> Forward copy of signed resolution to Jail Authority and County Attorney's office. (Attachment 11)
8.10	SE202200039 Skyline Ridge Apartments Special Exception - Building Stepback Waiver. <ul style="list-style-type: none"> • ADOPTED resolution to approve the special exception on the condition that development of the use is in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plan titled, "Skyline Ridge Apartments, Initial Site Plan" (SDP202200039) prepared by Collins Engineering, dated June 6, 2022. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 12)
8.11	SE202200022 DS Tavern. <ul style="list-style-type: none"> • ADOPTED Resolution to approve the special exception, subject to the condition below: <ol style="list-style-type: none"> 1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plan titled, "DS Tavern" major site plan amendment (SDP202200025) prepared by Woolley Engineering, dated August 9, 2022. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 13)
	Discussion: Safe Streets for All Grant. <ul style="list-style-type: none"> • By a vote 6:0, AUTHORIZED Albemarle County to participate in the Safe Streets for All grant program, at a cost not to exceed \$60,000, and AUTHORIZED the County Executive and/or the Chair of the Board of Supervisors to sign any documentation required to participate in the program, after approval by the County Attorney, with the source of funding to come from the Boards Strategic Reserve. 	
9.	SE2022-45 1699 Colle Lane Homestay. (Scottsville Magisterial District) <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve the special exception. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 14)

10.	SE2022-36 5600 Turkey Sag Road Homestay. (Rivanna Magisterial District) <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve the special exception as submitted. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 15)
11.	Financial Management Policies Update. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the revised Financial Management Policies as set forth by staff. 	<u>Staff</u> : Forward information to the Board regarding School Divisions request to keep additional fund over 2%. (Attachment 16)
12.	Fiscal Year 2024 Operating and Capital Budget Calendar and Recommended Process Modifications. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the preliminary budget calendar and APPROVED staff's recommendation for modifications to the upcoming budget development process. 	<u>Clerk</u> : Add to Board meeting schedule and post. (Attachment 17) <u>Finance and Budget</u> : Proceed as approved.
Recess. At 3:46 p.m., the Board recessed and reconvened at 3:57 p.m.		
13.	Work Session: Proposed Legislative Priorities 2023. <ul style="list-style-type: none"> HELD. 	<u>County Attorney</u> : Proceed as discussed.
14.	Presentation: Board-to-Board, August 2022, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors. <ul style="list-style-type: none"> RECEIVED. 	
15.	Closed Meeting. <ul style="list-style-type: none"> At 4:37 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: under subsection (1) to discuss and consider appointments to boards and commissions, including, without limitation, five Community Advisory Committees, the Rivanna River Basin Commission and the Route 250 West Task Force; and under subsection (7) to consult with legal counsel and receive a briefing by staff members pertaining to actual litigation of the Board against Scottsville Volunteer Rescue Squad, Inc.; and under subsection (8) to consult with legal counsel employed or retained by the County regarding specific legal matters involving regulatory compliance and requiring the provision of legal advice. 	
16.	Certify Closed Meeting. <ul style="list-style-type: none"> At 6:08 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
Non-agenda.		
<ul style="list-style-type: none"> By a vote of 6:0 ADOPTED the resolution to approve the settle agreement in the matter of the Board of Supervisors, et al., v. the Scottsville Volunteer Rescue Squad, Inc. 		<u>Clerk</u> : Forward copy of signed resolution to the County Attorney's office. (Attachment 18) <u>County Attorney</u> : Forward signed copy of agreement to the Clerk.
17.	Boards and Commissions: a. Vacancies and Appointments. <ul style="list-style-type: none"> REAPPOINTED, Mr. Nathan Holland, Robert Finley, Shawn Brydge, and Thomas Thorpe to the 5th & Avon Community Advisory Committee with said terms to expire September 30, 2024. 	<u>Clerk</u> : Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.

<ul style="list-style-type: none"> • REAPPOINTED, Mr. Ron Brownfield to the Pantops Community Advisory Committee with said term to expire June 30, 2024. • APPOINTED, Mr. Rudy Fernandez to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire August 5, 2024. • REAPPOINTED, Mr. William McLaughlin, Ms. Susan Friedman and Mr. James Dean to the Places 29 (North) Community Advisory Committee with said terms to expire August 5, 2024. • APPOINTED, Ms. Janet Moran to the Places 29 (North) Community Advisory Committee with said term to expire August 5, 2024. • REAPPOINTED, Mr. Brian MacMillan, Ms. Judy Schlusel, and Mr. Lee Kondor to the Places 29 (Rio) Community Advisory Committee with said terms to expire September 30, 2024. • REAPPOINTED, Mr. James Sofka to the Route 250 West Task Force with said term to expire September 5, 2025. 		
<p>18. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> • There were none. 		
<p>19. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> • There were none. 		
<p>20. <u>Pb. Hrg.: ZMA202200003 Firdyiwiek-Deal Rezoning.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance to approve ZMA202200003 Firdyiwiek-Deal Rezoning with the proposed proffers. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachments 19-20)</p>	
<p>21. <u>Pb. Hrg.: ZMA202100011 The Heritage on Rio.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance to approve ZMA202100011 The Heritage on Rio. • By a vote of 6:0, ADOPTED resolution to approve SE202100041, the special exception to waive the setback requirements. 	<p><u>Clerk:</u> Forward copy of signed ordinance and resolution to Community Development and County Attorney's office. (Attachments 21-22)</p>	
<p>22. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. Discussion: Buffer Protection for Albemarle Streams.</p> <ul style="list-style-type: none"> • HELD. <p>b. Other Matters. <u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Referenced and article in the Richmond Times-Dispatch noting a \$1 million grant that the Hampton Roads workforce council was using for a pilot program to train members of their area's ALICE members in skilled trades. • Requested information regarding the County's ability to adopt an ordinance requiring landowners to remove or dispose of trash, garbage, refuse, litter, clutter, and 	<p><u>Staff:</u> Forward copy of report from the Army Corp of Engineers to the Board once received.</p>	

<p>other substances, as permitted by Virginia Code 15.2-901.</p> <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> • Commented that ABBA continued to oversee the VATI programs and announced that DHCD was coming for a site visit the following day to see their work. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Commented on the difficulties of searching archive material through the County's website. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> • Compliment Mr. Richardson and the Human Resources Department for item #8.3 on the Consent Agenda, Sick Leave Supplement. 		
<p>23. Adjourn to September 21, 2022, 2:00 p.m. Lane Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 7:58 p.m. 		

ckb/tom

- Attachment 1 – Proclamation Recognizing September 15, 2022 as International Day of Democracy
- Attachment 2 – Resolution to Approve Additional FY 2022 Appropriations
- Attachment 3 – Resolution to Approve Additional FY 2023 Appropriations
- Attachment 4 – Resolution to Authorize the Director of Finance to Sign Release of Liability Forms on Behalf of the County
- Attachment 5 – Resolution to Amend and Re-adopt the Albemarle County Purchasing Manual
- Attachment 6 – County Purchasing Manual Chapters 5
- Attachment 7 – County Purchasing Manual Chapters 11
- Attachment 8 – Resolution Requesting Tax Refund
- Attachment 9 – Resolution to Amend the Existing Petty Cash Funds
- Attachment 10 – Resolution to Establish an Increase of Fees for Emergency Medical Services Vehicle Transport Services
- Attachment 11 – Resolution
- Attachment 12 – Resolution to Approve SE 2022-00039 Skyline Ridge
- Attachment 13 – Resolution to Approve SE 2022-00022 DS Tavern
- Attachment 14 – Resolution to Approve SE2022-00045 1699 Colle Lane Homestay
- Attachment 15 – Resolution to Approve SE2022-00036 5600 Turkey Sag Road Homestay
- Attachment 16 – Revised Financial Management Policies
- Attachment 17 – Fiscal Year 2024 Operating and Capital Budget Calendar
- Attachment 18 - Resolution to Approve the Settle Agreement: Board of Supervisors, et al., v. Scottsville Volunteer Rescue Squad, Inc.
- Attachment 19 – Ordinance No. 22-A(11) ZMA 2022-00003 Firdyiwek-Deal Rezoning
- Attachment 20 – Proffers – ZMA 2022-00003
- Attachment 21 – Ordinance No. 22-A(10) ZMA 2021-00011 The Heritage on Rio
- Attachment 22 – Resolution to Approve SE 2021-00041 The Heritage on Rio

**Proclamation Recognizing September 15, 2022
as International Day of Democracy**

WHEREAS, the United Nations observes the 15th of September as the International Day of Democracy with the purpose of promoting the principles of democracy and to commemorate the day in a manner that contributes to raising public awareness of Universal Human Rights; and

WHEREAS, the Universal Declaration of Human Rights emphasizes that the will of the people is the basis for the authority of government; and

WHEREAS, political and public participation rights are crucial to the advancement of all human rights and are essential for democratic governance, the rule of law, social inclusion, and economic development and the empowerment of individuals and groups to eliminate discrimination and marginalization, peaceful assembly and association, freedom of opinion and expression, and access to information and education; and

WHEREAS, the International Day of Democracy provides an opportunity to review the state of our democracy, promote its principles for the protection and effective realization of human rights, and create an environment for greater citizen participation, equality, security and sustainable development; and

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby recognize and celebrate the 15th day of September, 2022 as International Day of Democracy to remind us of, and exhort our continuing protection of, the governing principles by which the freely expressed will of the people is exercised and respected in this great country.

Signed this 7th day of September 2022.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2022 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2022055; and #2022056 are approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2022.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2023012; #2023013; #2023014; #2023015; #2023016; and #2023017; are approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2023.

RESOLUTION TO AUTHORIZE THE DIRECTOR OF FINANCE TO SIGN RELEASE OF LIABILITY FORMS ON BEHALF OF THE COUNTY

WHEREAS, the Board of Supervisors recognizes the County's need to authorize the release of liability and associated documents for auto physical damage claims only as a condition of payment by a third-party insurance carrier: and

WHEREAS, the Director of Finance of the County, in consultation with the County Attorney's Office, requests the Board to authorize the Director of Finance or their designee to sign a release of liability for auto physical damage claims as a condition of payment in the insurance recovery process.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors authorizes the Director of Finance or their designee to execute a release of liability and associated documents as a condition of payment by a third-party insurance carrier in the insurance recovery process.

**RESOLUTION TO AMEND AND RE-ADOPT
THE ALBEMARLE COUNTY PURCHASING MANUAL**

WHEREAS, the County of Albemarle Purchasing Manual (“Manual”) delineates not only the requirements of the Virginia Public Procurement Act, but also the methods and procedures that best enable the County to procure the highest quality goods and services at a reasonable cost and in an efficient, fair, and competitive manner; and

WHEREAS, the Manual was last amended on August 4, 2021; and

WHEREAS, the Board finds it is in the best interests of the County to amend the Manual to reflect the County’s ability to accept bids and proposals electronically and to make other minor changes to increase the efficiency of the procurement process.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby amends and re-adopts the Albemarle County Purchasing Manual by amending Chapter 05 and Chapter 11.

Chapter 5. Competitive Sealed Bidding: Procedure

Summary

This chapter provides an overview of the procedure for procuring goods and nonprofessional services using the competitive sealed bidding procedure. Where the cost of the goods or services to be procured is expected to exceed \$100,000, the competitive sealed bidding procedure is the applicable procedure, unless another procedure is expressly authorized.

Essential Information in this Chapter
<p>The five key procedural steps in the competitive sealed bidding procedure are:</p> <ul style="list-style-type: none"> • <u>Preparation of the invitation for bids</u>: The preparation of an invitation for bids which contains or incorporates by reference the specifications and contractual terms and conditions applicable to the procurement and a statement of any requisite qualifications of potential contractors. • <u>Issuance and public notice of the invitation for bids</u>: The public notice of the invitation for bids is given at least ten days prior to the date set for the receipt of the bids by posting the notice in a public area, publishing the notice in a newspaper of general circulation, or both. The purchasing agent also may solicit bids directly using the County's "bidder list" which includes businesses selected from a list made available by the Virginia Department of Small Business and Supplier Diversity. • <u>Public opening and announcement of all bids timely received</u>: All bids timely received are opened in public at the time, date, and place stated in the public notice, and the bid prices are read aloud. • <u>Evaluation of the bids</u>: The bids and the qualifications of the bidders are examined by the purchasing agent for compliance with the requirements set forth in the invitation for bids. • <u>Award to the lowest responsive and responsible bidder</u>: After the evaluation of all bids and the bidders, the award is made to the lowest responsive and responsible bidder who meets the requirements set forth in the invitation for bids.
Key References to the Code of Virginia Applicable to this Chapter
<p>Section 2.2-4301: Definitions of competitive sealed bidding and other key terms</p> <p>Section 2.2-4303(A): When competitive sealed bidding required, generally</p>

5-1 General

The competitive sealed bidding procedure may apply if the cost of the goods, nonprofessional services, construction or insurance is expected to exceed \$100,000. See Chapter 4 for a discussion of when goods, nonprofessional services, construction, and insurance may be procured by the competitive sealed bidding procedure.

Table 5-1

The Eleven Steps in the Competitive Sealed Bidding Procedure	
1.	Identify the goods or services to be procured
2.	Prepare the invitation for bids
3.	Establish the procurement schedule
4.	Compile a list of vendors
5.	Issue the invitation for bids and provide public notice thereof
6.	Conduct pre-bid conferences or site visits, if warranted
7.	Submit bids
8.	Receive bids
9.	Open bids
10.	Evaluate bids
11.	Award the contract

The remaining sections of this chapter are a step-by-step outline of the competitive sealed bidding procedure. The procedure to be used for a particular procurement may need to be modified to fit that procurement.

5-2 Identify the Goods or Services to be Procured

The using department must identify the goods or services to be procured. It is important to develop a comprehensive definition of the goods or services. Goods should be defined using the procedure identified in Chapter 6. Services should be defined using the procedure identified in Chapter 12.

5-3 Prepare the Invitation for Bids

The invitation for bids shall be prepared by the using department and the purchasing agent. Before drafting a complex invitation for bids, particularly one for the procurement of services, it is recommended that the using department prepare a work statement. The work statement should identify the required goods or services (broken down by tasks) to be procured in a logical sequence, assist in establishing realistic milestones or delivery schedules, and help determine supplier cost realism. Each task of the work statement should be coordinated with the invitation for bids, and the numerical coding of tasks in the work statement and task descriptions should be identical or cross-referenced. Development of the work requirements should be closely coordinated between the using department and the purchasing agent to ensure complete definition of the requirements in written terms that are clear.

The invitation for bids should be as comprehensive as possible because the more complete it is, the better the chances are that the vendors will understand what the County desires to procure and what relevant experience and qualifications it should include in its bid. The invitation for bids must, at a minimum:

- Contain or incorporate by reference the specifications.

- Contain or incorporate by reference the contractual terms and conditions applicable to the procurement.
- Contain a statement of any requisite qualifications of the potential vendors.

A comprehensive description of the elements of an invitation for bids is set forth in Chapter 6.

5-4 Establish the Procurement Schedule

The purchasing agent and the using department should establish a schedule that will ensure that the procurement is completed on or before the date the goods or services are required. To do so, the purchasing agent and the using department should consult and determine the completion date and then identify the milestones and the dates by which each milestone should be achieved in order to ensure that the procurement is timely completed. The key milestones and the minimum amount of time that should be allowed for each milestone are:

- Preparation of the bid documents: Allow sufficient time for the preparation of bid documents—including a deliberative process during which desired requirements, evaluation criteria, and stakeholder review can all be thoughtfully considered --and the timely publication of a written invitation for bids.
- Public notice period and the date for receipt of bids: Allow at least ten calendar days for the public notice of the invitation for bids prior to the date set for the receipt of bids.
- Evaluation of bids and issuance of notice of intent to award: Allow sufficient time for evaluation of bids, determination of vendor responsibility, and, if necessary, in the event all bids received are above the project budget, negotiation with the lowest bidder prior to publication of the notice of intent to award. A notice of intent to award must be posted for 10 calendar days before a contract can be executed.
- Execution of contract: Allow sufficient time for any issues that may require resolution prior to signing a contract. At least 10 calendar days after notice of intent to award shall pass before execution of the contract. Factors that may affect timing include verification or resolution of vendor's status with the Virginia State Corporation Commission, amendment to a certificate of insurance, or similar considerations.

The purchasing agent and the using department should allow more time at each stage identified above for procurements of goods or services that are not ordinarily procured by the County, procurements that are complex, and procurements that require bidders to submit substantial amounts of information for evaluation.

5-5 Compile a List of Vendors

The purchasing agent and the using department should compile a list of vendors from staff knowledge of local vendors and through directories and lists of vendors. The purchasing agent should send invitations for bids directly to these vendors, in addition to the public notice of the invitations for bids that will otherwise be provided. Any additional solicitations shall include certified businesses selected from a list made available by the Virginia Department of Small Business and Supplier Diversity.

5-6 Issue the Invitation for Bids and Provide Public Notice Thereof

Public notice of an invitation for bids shall be given as provided below:

- Manner of giving public notice: The purchasing agent shall provide public notice of an invitation for bids by posting on the Purchasing Office's current solicitation website and on the Virginia Department of General Services' central electronic procurement website. Posting may also be made in a newspaper of general circulation. In addition, the purchasing agent may solicit bids directly from potential vendors. Any additional solicitations shall include businesses selected from the list provided by the Virginia Department of Small Business and Supplier Diversity.
- Notice period: The public notice shall be given at least ten days prior to the date set for receipt of bids.
- Contents of the notice: The notice shall contain, at a minimum, the following information: (1) the name of the purchasing entity; (2) a brief description of the goods or services to be procured; (3) the date and time of the bid opening; (4) the requisite qualifications for bidders, if applicable; (5) the date and time of the pre-bid conference, if applicable; (6) sample contract or general contract terms and conditions that will be applicable to the eventual contract; and (7) where bid documents can be obtained.

These are minimum requirements, and the purchasing agent may provide any additional notice that he deems appropriate.

5-7 Conduct Pre-bid Conferences or Site Visits, if Warranted

A pre-bid conference is a meeting among the purchasing agent, the using department and prospective vendors during which the purchasing agent and the using department review the specifications in detail explain the scope and objectives of the procurement, emphasize critical elements of the invitation for bids, and encourage input from the vendors. A site visit allows the vendors to observe physical characteristics of the land or of structures that are relevant to the procurement. A pre-bid conference and site visit are hereafter collectively referred to as a "pre-bid conference."

A pre-bid conference may resolve ambiguities, unforeseen and nonessential restrictiveness in the specifications, or technical errors. For purposes here, a pre-bid conference may include a site visit, if necessary.

- When a pre-bid conference should be held: Pre-bid conferences may be particularly helpful when the County seeks to procure goods that are highly technical or complex.
- Notice of the pre-bid conference: If a pre-bid conference is conducted, the invitation for bids must provide the time, date and location of the conference. The conference should be held as soon as possible after the invitation for bids is issued.
- Attendance at a pre-bid conference: Attendance of vendors at pre-bid conferences should generally be discretionary, not mandatory, in order to ensure that qualified vendors who are unable to attend are not excluded from bidding. If attendance is mandatory, only those bids from vendors represented at the pre-bid conference shall be accepted. The purchasing agent, based on information from and discussions with the using department, shall determine whether attendance at the pre-bid conference is mandatory.
- Oral representations at the pre-bid conference: A written record of all inquiries and objections raised by prospective bidders should be kept by the purchasing agent to ensure an accurate response can be provided by addendum to the solicitation. Oral representations made at the pre-bid conference by the purchasing agent or the using department shall not be binding on the County. All material clarifications of any provision of the invitation for bids or the amendment of a specification or condition of the invitation for bids must be made in writing as an addendum, as provided herein.

These are minimum requirements. The purchasing agent may add any additional requirements to a pre-bid conference that he deems appropriate.

5-8 The Submittal of Bids

Bids submitted shall comply with the following:

- Use of bid form: All bidders shall use the bid form included in the invitations for bids when submitting their bid prices.
- Changes to the bid form: All erasures, interpolations, and other changes in the bid form shall be signed or initialed by the bidder.
- Oral, telephonic, or faxed bids not acceptable: The purchasing agent shall not accept oral bids nor bids received by telephone or fax.
- Deviations: Bids containing conditions, omissions, erasures, alterations, or

items not called for in the bid may be rejected by the County as being incomplete.

- Bid form must be signed: The bid form must be signed in order to be considered. If the bidder is a corporation, the bid must be submitted in the name of the corporation, not the corporation's trade name. The bidder must indicate the corporate title of the individual signing the bid.
- Bid must be submitted in sealed opaque envelope: If a paper bid is submitted, the bid form and all other documents are required to be submitted as part of the bid shall be enclosed in a sealed opaque envelope. The envelope containing the bid should be sealed and marked with the invitation for bids number, the hour and date upon which the bid must be received, and the bidder's Virginia contractor registration number (if required).

5-9 The Receipt of Bids

The purchasing agent shall receive bids only as provided as follows:

- Bids must be timely received: All sealed bids shall be received as required in the relevant solicitation, until, but no later than, the time and date set for the receipt of bids in the invitation for bids. The date and time automatically recorded by the Office's bid submission system, for bids submitted electronically, or the time stamp affixed to paper bids, will determine whether a bid is timely received.
- Timely receipt of bids sole responsibility of vendors: It shall be the sole responsibility of the vendor under all circumstances to ensure that its bid is timely received. The County assumes no responsibility in ensuring that bids and proposals will be timely received .
- Bids must be kept in secure location until opened: All bids received and time stamped will be kept in a secure location until the time and date set for the opening of bids.
- Identity of bidders confidential: Prior to the time and date of opening, the identity of the vendors submitting bids and the number of bids received is confidential, and may be disclosed only to County officials only when disclosure is considered necessary for the proper administration of the bidding process.
- Inadvertent opening of bid: If a bid envelope does not contain the proper identification, and it is inadvertently opened in advance of the prescribed bid opening, the purchasing agent should write an explanation of the inadvertent opening on the envelope, with the invitation number, time and date of opening. The envelope should be resealed and deposited with the other bids.

- Late bids: Late bids shall not be considered under any circumstances and may be returned unopened to the sender or retained unopened in the Office of Procurement.

5-10 The Opening of Bids

The purchasing agent shall open bids according to the following procedure:

- Bids opened and read aloud: Except for bids for construction contracts, all bids timely received in the Office of Procurement shall be opened and publicly read aloud at the time and date established for the opening in the invitation for bids. Bids for construction contracts may be opened one day following the date and time established for the receipt of bids, if provided for in the invitation for bids.
- Information recorded: The purchasing agent should, depending on the requirements of the solicitation, record the following information for each competitive sealed bid received and opened: (1) name of vendor; (2) bid prices, delivery, and payment terms; (3) acknowledgment of addenda, if any; (4) bid security received or not, if required; (5) contractor registration number, if required; (6) exceptions taken by the vendor, if allowed; and (7) any other information the purchasing agent deems pertinent.
- Transmittal of bids: The purchasing agent should promptly transmit to the using department the recorded information for each bid and at least one copy of each bid received for evaluation. The purchasing agent should allow sufficient time for the evaluation of the bids, which should be based upon the number of bids received, the complexity or number of items being evaluated, and any time constraints that have to be met.

5-11 The Evaluation of Bids

The bids timely received shall be examined by the purchasing agent for compliance with the requirements set forth in the invitation for bids. The purchasing agent should first review each bid to determine whether it has facial deficiencies that preclude it from being further considered.

Bids are evaluated to determine the lowest responsive and responsible bidder. The evaluation is based upon the requirements set forth in the invitation for bids, which may include special qualifications of potential vendors, life cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability.

The procedure for evaluating bids is discussed in more detail in Chapter 9.

5-12 The Contract Award

After the bids have been evaluated, the contract is awarded to the lowest responsive and responsible bidder according to the following procedure:

- Notice of intent to award: The purchasing agent shall post in a public place, which may include the purchasing office's website, a written announcement of the decision to award, which may be identified as a notice of intent to award. The notice of intent to award shall also include a statement that the public records pertaining to the procurement have been and are available for inspection by those vendors participating in the procurement process. The purchasing agent is not required to provide individual notice of the intent to award to any participating vendor; it is each vendor's duty to ascertain when the notice of intent to award is issued and posted.
- Protest period: The posting of the notice of intent to award to a vendor shall commence a ten-day period in which a vendor who desires to protest the decision to award a contract may do so, as provided in Chapter 24.
- Contract award if no timely protest received: The purchasing agent shall not award a contract until the protest period has expired. After the protest period has expired, and, if no vendor has protested the decision to award, the purchasing agent shall award the contract to the vendor identified in the notice of intent to award.
- Contract award if timely protest received: If a written bid protest is timely received, the purchasing agent shall take no further action to award the contract unless, upon prior consultation with the county attorney, the purchasing agent determines in writing that proceeding without delay is necessary to protect the public interest or unless the bid would expire. The written determination shall be placed in the contract file.
- Contract award if legal action brought: If a legal action is brought by a vendor, actual or prospective, as provided in *Virginia Code* § 2.2-4364, the purchasing agent shall take no further action to award the contract unless, upon prior consultation with the county attorney, the purchasing agent determines in writing that proceeding without delay is necessary to protect the public interest or unless the bid would expire. The written determination shall be placed in the contract file.

If time is of the essence, the purchasing agent may award a contract without first posting a notice of intent to award. The purchasing agent may consult with the county attorney as to any matter pertaining to the decision to award a contract.

Chapter 11. Competitive Negotiation: Procedure

Summary

This chapter provides an overview of the procedure for procuring goods and services using the competitive negotiation procedure. The competitive negotiation procedure is permitted for the procurement of goods and services other than professional services (“nonprofessional services”) if the cost of the goods or services is expected to exceed \$100,000. The competitive negotiation procedure is required for the procurement of professional services if the cost of the services is expected to exceed \$80,000.

Essential Information in this Chapter
<p>The three key procedural steps in the competitive negotiation procedure are:</p> <ul style="list-style-type: none"> • Preparation of the request for proposals: The preparation of a request for proposals (“RFP”), which states in general terms that which is sought to be procured, specifies the factors which will be used in evaluating any proposal, including any unique capabilities or qualifications which will be required of the vendor, and contains or incorporates by reference other applicable contractual terms and conditions. • Issuance and public notice of the RFP: The public notice of the RFP is given at least ten days prior to the date set for the receipt of the proposals by posting the notice in a public area, or publishing the notice in a newspaper of general circulation, or both. • Negotiation and award: The purchasing agent or the selection committee negotiates with vendors who are determined to be qualified, responsible, and suitable. The negotiation procedure for the procurement of goods and nonprofessional services is different from that for the procurement of professional services.
Key References to the Code of Virginia Applicable to this Chapter
<p>Section 2.2-4301: Definitions of competitive negotiation and other key terms Section 2.2-4303(A): When competitive negotiation required, generally Section 2.2-4303(C): Alternate procurement, insurance Section 2.2-4303(D): Availability in lieu of competitive sealed bidding, construction</p>

11-1 General

The competitive negotiation procedure for goods and nonprofessional services may be used if the cost of the goods or services is expected to exceed \$100,000.

The competitive negotiation procedure is required for the procurement of professional services if the cost of the services is expected to exceed \$80,000.

Table 11-1

The Thirteen Steps in the Competitive Negotiation Procedure
1. Identify the goods or services to be procured
2. Create the selection committee and prepare the request for proposals
3. Establish the procurement schedule
4. Compile a list of vendors
5. Issue the request for proposals and provide public notice thereof
6. Conduct pre-proposal conferences or site visits, if warranted
7. Proposals submitted
8. Proposals received
9. Proposals evaluated
10. Develop a list of vendors with whom to negotiate
11. Conduct negotiations
12. Rank vendors of professional services
13. Negotiate a contract

The remaining sections of this chapter are a step-by-step outline of the competitive negotiation procedure. The procedure to be used for a particular procurement may need to be modified to fit that procurement.

11-2 Identify the Goods or Services to be Procured

The using department must identify the goods or services to be procured. It is important to develop a comprehensive definition of the goods or services to be procured. Goods should be defined using the procedure identified in Chapter 6. Services should be defined using the procedure identified in Chapter 12.

Table 11-2

Comparison of Procedures for Negotiations and Contract Award	
Professional Services	Goods and Nonprofessional Services
Discussions emphasize professional competence to provide the required services	Discussions emphasize qualifications and suitability, based on the factors in the request for proposal
May discuss nonbinding estimates of total project costs	Price may be considered, but need not be the sole determining factor
Offerors ranked by qualifications and proposed services	Offerors not ranked
Negotiations begin with the offeror ranked first	Negotiations conducted with each offeror deemed fully qualified and best suited
Award to the offeror ranked first if a contract satisfactory and advantageous to the County can be negotiated at a fair and reasonable price; if not, begin negotiations with offeror ranked second, etc.	Award to offeror who, in County's opinion, has made the best proposal
County may determine only one offeror fully qualified or clearly more highly qualified, and may negotiate and award contract to that offeror	County may determine only one offeror fully qualified or clearly more highly qualified, and may negotiate and award contract to that offeror

11-3 Create the Selection Committee and Prepare the Request for Proposals

A selection committee should be established, composed of competent individuals who are able to make an intelligent selection decision based on factual information. The three key roles of the selection committee are to assist in developing the request for proposals ("RFP"), evaluate the proposals and conduct interviews, and negotiate with vendors.

The RFP shall be prepared by the using department and the purchasing agent, and then be reviewed by the selection committee. Before drafting a complex RFP, it is recommended that the using department prepare a work statement. The work statement should identify the required goods or services (broken down by tasks) to be procured in a logical sequence, assist in establishing realistic milestones or delivery schedules, and help determine supplier cost realism. Each task of the work statement should be coordinated with the RFP, and the numerical coding of tasks in the work statement and task descriptions should be identical or cross-referenced. The selection committee should critically review the description of the goods or services to be procured and the evaluation criteria and determine how, if at all, the evaluation criteria should be weighted.

The RFP should be as comprehensive as possible because the more complete it is, the better the chances are that the vendors will understand what the County desires to procure and what relevant experience and qualifications it should include in its response and highlight during discussions and negotiations.

The RFP must, at a minimum:

- State in general terms the goods or services that will be procured.
- Specify the criteria that will be used to evaluate the proposals, including any unique capabilities or qualifications that will be required of the vendor.
- Contain or incorporate by reference the contractual terms and conditions applicable to the procurement.

A comprehensive description of the elements of an RFP is set forth in Chapter 12.

11-4 Establish the Procurement Schedule

The purchasing agent and the using department should establish a schedule that will ensure that the procurement is completed on or before the date the goods or services are required. To do so, the purchasing agent and the using department should consult and determine the completion date and then identify the milestones and the dates by which each milestone should be achieved in order to ensure that the procurement is timely completed. Seven to ten weeks should be allowed for the entire procurement process in order to allow proper planning and administration at each step of the selection process.

The key milestones and the minimum amount of time that should be allowed for

each milestone are:

- Preparation of the RFP documents: Allow sufficient time to prepare the RFP documents—including a deliberative process during which desired requirements, evaluation criteria, and stakeholder review can all be thoughtfully considered-- and issue a written RFP.
- Public notice period and the date for receipt of proposals: Allow at least ten calendar days to provide public notice of the RFP prior to the date set for the receipt of proposals.
- Evaluation of proposals, negotiation and issuance of notice of award: Allow sufficient time to evaluate proposals, conduct interviews, engage in negotiations, and issue a notice of the award.
- Execution of contract: Allow sufficient time for any issues that may require resolution prior to signing a contract. At least ten calendar days after notice of intent to award shall pass before execution of the contract. Factors that may affect timing include verification or resolution of vendor's status with the Virginia State Corporation Commission, amendment to a certificate of insurance, or similar considerations.

The purchasing agent and the using department should allow more time at each stage identified above for procurements of goods or services that are not commonly procured by the County, procurements that are complex, and procurements that require the vendors to submit substantial amounts of information for evaluation.

11-5 Compile a List of Vendors

The purchasing agent and the using department should compile a list of vendors from staff knowledge of local vendors and through directories and lists of vendors. The purchasing agent should send RFPs directly to these vendors, in addition to the public notice of the RFP that will otherwise be provided. Any additional solicitations shall include certified businesses selected from a list made available by the Virginia Department of Small Business and Supplier Diversity.

11-6 Issue the RFP and Provide Public Notice Thereof

Public notice of an RFP shall be given as provided below:

- Manner of giving public notice: The purchasing agent shall provide public notice of an RFP by posting on the Purchasing Office's current solicitation website and on the Virginia Department of General Services' central electronic procurement website. Posting shall also be made by publication in a newspaper of general circulation. In addition, the purchasing agent may solicit proposals directly from potential vendors. Any additional solicitations shall include businesses selected from a list made available by the Virginia Department of Small Business and Supplier Diversity.

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- Notice period: The public notice shall be given at least ten calendar days prior to the date set for receipt of proposals.
- Contents of the notice: The notice shall contain, at a minimum, the following information: (1) the name of the purchasing entity; (2) a brief description of the goods or services to be procured; (3) the date and time set for receipt of proposals; (4) the requisite qualifications for vendors, if applicable; (5) the factors that will be used in evaluating the proposal, including an indication of whether a numerical scoring system will be used and point values assigned to each criteria; (6) the location where RFP documents can be obtained; and (7) the sample contract or general contract terms and conditions that will be applicable to the eventual contract.

These are minimum requirements, and the purchasing agent may provide any additional notice that he deems appropriate.

11-7 Conduct Pre-proposal Conferences or Site Visits, if Warranted

A pre-proposal conference is a meeting among the purchasing agent, the selection committee, and prospective vendors during which the purchasing agent and the selection committee review the specifications or the work statement in detail, explain the scope, objectives, and techniques of the procurement, emphasize critical elements of the RFP, and encourage input from prospective vendors. A site visit allows prospective vendors to observe physical characteristics of the land or of structures that are relevant to the procurement. A pre-proposals conference and site visit are hereafter collectively referred to as a "pre-proposal conference."

A pre-proposal conference may resolve ambiguities, unforeseen and nonessential restrictiveness in the specifications or the work statement, or technical errors. The following are several principles that shall govern pre-proposal conferences and issues related thereto:

- When a pre-proposal conference should be held: Pre-proposal conferences may be particularly advisable when the County seeks to procure goods that are highly technical or complex or for consultant services contracts.
- Notice of the pre-proposal conference: If a pre-proposal conference is conducted, the public notice and the RFP must provide the time, date, and location of the conference. The conference should be held as soon as possible after the RFP is issued, but after sufficient time is allowed for offerors to have read the solicitation.
- Attendance at a pre-proposal conference: Attendance of prospective vendors at pre-proposal conferences should be discretionary as a general rule, not mandatory, in order to ensure that qualified vendors who are

unable to attend are not excluded from submitting a proposal. If attendance is mandatory, only those proposals from prospective vendors represented at the pre-proposal conference shall be accepted.

- Oral representations at the pre-proposal conference: The purchasing agent should make a written note of all inquiries and points of contention raised by the prospective vendors. Clarification may be provided at the pre-proposal conference so long as the specifications or conditions are not altered. Oral representations made at the pre-proposal conference by the purchasing agent or any member of the selection committee shall not be binding on the County. All material clarifications of any provision of the RFP, or the amendment of a specification or condition of the RFP, shall be made only be in writing and documented as an addendum, as provided herein.

These are minimum requirements. The purchasing agent may add any additional requirements to a pre-proposal conference that he deems appropriate.

11-8 The Submittal of Proposals

Proposals submitted shall comply with the following:

- Proposal in standard format: All proposals shall be in the format prescribed by this manual, as set forth in Chapter 12.
- Changes to the proposal: All erasures, interpolations, and other changes in a proposal shall be signed or initialed by an authorized representative of the vendor.
- Delivery of proposal: The purchasing agent shall not accept oral proposals nor proposals received by telephone or fax.
- Deviations: Proposals containing conditions, omissions, erasures, alterations, or items not called for in the RFP may be rejected by the County as being incomplete or may be clarified by the offeror upon request if, in the opinion of the purchasing agent, doing so will be in the best interests of the County.
- Proposal must be signed: A proposal must be signed by an authorized representative of the vendor in order to be considered. If the vendor is a corporation, the proposal must be submitted in the name of the corporation, not the corporation's trade name. The vendor must indicate the corporate title of the individual signing the proposal.
- Proposal must be submitted in sealed opaque envelope: A proposal and all other documents required to be submitted as part of the proposal shall be enclosed in a sealed opaque envelope.

- Identification of proposal: The envelope containing the proposal should be sealed and marked with the RFP number, the hour, and date upon which the bid must be received and the vendor's Virginia contractor registration number (if required). If an envelope does not contain the proper identification, and it is inadvertently opened in advance of the prescribed date and time for which the proposals are to be received, the purchasing agent should write an explanation of the inadvertent opening on the envelope, with the RFP number, time, and date of opening. The envelope should be resealed and deposited with the other proposals.

11-9 The Receipt of Proposals

The purchasing agent shall receive proposals according to the following procedure:

- Proposals must be timely received: All proposals shall be received as required in the corresponding solicitation, until, but no later than, the time and date set for the receipt of proposals in the RFP. The date and time automatically recorded by the Office's bid submission system, for proposals submitted electronically, or the time stamp affixed to paper proposals, will determine whether a proposal is timely received..
- Timely receipt of proposals sole responsibility of vendors: It shall be the sole responsibility of the vendor under all circumstances to ensure that its proposal is timely received. The County shall assume no responsibility in ensuring that proposals will be timely received and time-stamped in the Purchasing Office.
- Proposals kept in secure location until opened: All proposals received and time stamped will be kept in a secure location in the Purchasing Office until the time and date for their receipt has passed.
- Identity of vendors confidential: Prior to the time and date that proposals are to be received, the identity of the vendors and the number of proposals received is confidential, and may be disclosed only to County officials and only when disclosure is considered necessary for the proper conduct of the RFP process.
- Late proposals: Late proposals shall not be considered under any circumstances, and shall be returned unopened to the sender or retained unopened in the Office of Procurement.

The purchasing agent may impose additional requirements pertaining to the receipt of proposals if these requirements are set forth in the RFP and are consistent with this manual and the Virginia Public Procurement Act.

11-10 The Evaluation of Proposals; Development of a Negotiation List

The proposals that are timely received shall be examined by the purchasing agent to identify each vendor. The selection committee is then convened to review and score each proposal based on the evaluation criteria specified in the RFP. After the committee reviews the proposals, it chooses two or more vendors who are qualified, responsible, and suitable. The committee may choose a single vendor, but only if the purchasing agent documents in writing that the vendor is the only one qualified or is clearly the most qualified.

The evaluation process should consist of feature-by-feature comparisons of the proposals to the evaluation criteria set forth in the solicitation, and, if goods or nonprofessional services are being procured, cost comparisons. The selection committee should review and evaluate proposals as they affect committee members' areas of interest and expertise. All findings should be shared among the committee members. During this step the selection committee also should check references. The committee may check references other than those listed by the vendor.

The procedure for evaluating proposals is discussed in more detail in Chapter 15.

11-11 Conduct Negotiations

After proposals for goods or nonprofessional services are evaluated, the selection committee begins negotiations with all of those vendors deemed by the selection committee to be fully qualified and best suited among those submitting proposals.

After proposals for professional services are evaluated and before negotiations are conducted, the selection committee engages in individual discussions with all of those vendors deemed by the selection committee to be fully qualified and best suited among those submitting proposals.

After the discussion stage, the selection committee negotiates only with those vendors whose professional qualifications and proposed services are deemed most meritorious, based on not only the vendors' proposals, but also the information learned during the discussions. In the case of procurement of professional services, the vendors selected for negotiations are ranked, and the selection committee may negotiate only with the top-ranked vendor first, and, if a contract satisfactory and advantageous to the selection committee cannot be negotiated at a price considered fair and reasonable, the selection committee then moves to the second-ranked vendor and attempts to negotiate a contract with that vendor, and so on. A detailed discussion of the nature, scope and conduct of the negotiations is set forth in Chapter 16.

11-12 Contract Award

After the negotiations are completed with each vendor for the procurement of goods and nonprofessional services, the purchasing agent, upon the

recommendation of the selection committee, selects the vendor that has made the best proposal, and awards the contract to that vendor. For the procurement of professional services, if a contract satisfactory and advantageous to the County can be negotiated at a price considered fair and reasonable, the contract award is made to that vendor. If a contract award cannot be made, the County then moves to the second-ranked vendor and attempts to negotiate a contract with that vendor, and so on.

The procedure to award a contract when the competitive negotiation procedure is used shall be as follows:

- Notice of intent to award: The purchasing agent shall post in a public place a written announcement of the decision to award, which may be identified as a notice of intent to award. The notice of intent to award shall also include a statement that the public records pertaining to the procurement have been and are available for inspection by those vendors participating in the procurement process. The purchasing agent is not required to provide individual notice of the intent to award to any participating vendors; rather, it is each vendor's duty to ascertain when the notice of intent to award is issued and posted.
- Protest period: The receipt of the notice of intent to award by a vendor shall commence a ten-day period in which any vendor who desires to protest the decision to award a contract may do so, as provided in Chapter 24.
- Contract award if no timely protest received: The purchasing agent shall not award a contract until the protest period has expired. After the protest period has expired, and if no vendor has protested the decision to award, the purchasing agent shall award the contract to the vendor identified in the notice of intent to award.
- Contract award if timely protest received: If a written protest is timely received, the purchasing agent shall take no further action to award the contract unless, upon prior consultation with the county attorney, the purchasing agent determines in writing that proceeding without delay is necessary to protect the public interest or unless the offer would expire. The written determination shall be placed in the contract file.
- Contract award if legal action brought: If a legal action is brought by a vendor, actual or prospective, as provided in *Virginia Code* § 2.2-4364, the purchasing agent shall take no further action to award the contract unless, upon prior consultation with the county attorney, the purchasing agent determines in writing that proceeding without delay is necessary to protect the public interest or unless the offer would expire. The written determination shall be placed in the contract file.

In their discretion, and if time is of the essence, the purchasing agent may award a contract without first posting a notice of intent to award. The purchasing agent may consult with the county attorney as to any matter pertaining to the decision to award a contract.

**RESOLUTION
REQUESTING TAX REFUND**

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;

WHEREAS, Tax refunds resulting from erroneous assessment over \$10,000 must be approved by the Board of Supervisors, after being certified by the Director of Finance and the County Attorney;

NOW, THEREFORE, BE IT RESOLVED that a refund in the amount of \$14,077.05 has been reviewed and certified by the Director of Finance, and consented to by the County Attorney;

BE IT FURTHER RESOLVED that this refund shall be remitted to Mr. John Hart, Jr. to conform with Virginia Code § 58.1-3981.

RESOLUTION TO AMEND THE EXISTING PETTY CASH FUNDS

WHEREAS, Virginia Code §15.2-1229, provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

WHEREAS, the Board of Supervisors adopted a Resolution on November 1, 2017 establishing petty cash funds; and

WHEREAS, the Board of Supervisors now desires to amend the November 1, 2017 Resolution by eliminating the \$150 fund for the Department of Fire Rescue, eliminating the \$100 fund for the Department of Community Development, reducing the fund for Department for Finance and Budget by \$50, increasing the fund for Department of Parks and Recreation from \$100 to \$700 to fund the summer activities, and adding a fund for the Office of Housing for the Moving Home Grant Program.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia re-establishes or establishes, as applicable, the following petty cash funds:

Finance & Budget	\$4,300
Office of Housing	3,000
Police Department	2,500
Parks & Recreation	700
	<hr/>
Total	\$10,500

**RESOLUTION TO ESTABLISH AN INCREASE OF FEES FOR
EMERGENCY MEDICAL SERVICES VEHICLE TRANSPORT SERVICES**

WHEREAS, on September 9, 2009, the Board enacted Chapter 6, Article V of the Albemarle County Code, which authorizes the Albemarle County Department of Fire and Rescue and any volunteer rescue squad that obtains a permit from the County to charge fees for emergency medical services (EMS) vehicle transports; and

WHEREAS, on December 2, 2009, the Board established a schedule of fees for EMS vehicle transport services; and

WHEREAS, on March 7, 2012, and May 4, 2016, the Board amended the schedule of fees based on the market review of those fees; and

WHEREAS, based on a market review of current fees for EMS vehicle transport services, the Board has determined that an increase in fees is reasonable.

NOW, THEREFORE, BE IT RESOLVED that the following EMS vehicle transport service fees are hereby increased, and a new schedule of fees is established, effective October 1, 2022, for all EMS vehicle transport services provided in accordance with Chapter 6, Article V of the County Code:

1. For Basic Life Support (BLS) transport services: \$600. BLS is defined as the emergency response and transport of a patient that requires assessment and treatment by a BLS Technician and no Advanced Life Support procedures.
2. For Advanced Life Support Level 1 (ALS1): \$720. ALS1 is defined as the emergency response and transport of a patient that requires assessment and treatment by an ALS Technician and one or more Advanced Life Support procedures.
3. For Advanced Life Support Level 2 (ALS2): \$1,020. ALS2 is defined as the transport of a patient that requires defibrillation, pacing, intubation, or the administration of 3 or more Schedule IV medications.
4. For Ground Transport Miles (GTM): \$18.00/mile. GTM is defined as the charge per patient transport mile.

BE IT FURTHER RESOLVED THAT no person shall be denied transport services due to his or her inability to pay.

RESOLUTION

WHEREAS, the “Standards for Planning, Design, Construction, and Reimbursement of Local Correctional Facilities”, 6VAC15-81-100 requires that a resolution be submitted to the Board of Local and Regional Jails requesting approval of the Community Based Corrections Plan Needs Assessment and Planning Study and reimbursement for eligible construction expenses; and

WHEREAS, the Albemarle-Charlottesville Regional Jail Authority adopted and submitted the required resolution to the Board of Local and Regional Jails; and

WHEREAS, Moseley Architects has submitted a Community Based Corrections Plan Needs Assessment and Planning Study on behalf of the Albemarle-Charlottesville Regional Jail Authority for a jail expansion and renovation project as required by the Standards; and

WHEREAS, the total project budget estimate for this project is approximately \$49 million; and

WHEREAS, the Albemarle-Charlottesville Regional Jail Authority is eligible for reimbursement of eligible construction costs pursuant to Section 53.1-81 of the Code of Virginia (1950), as amended; and

NOW THEREFORE, BE IT RESOLVED THAT THE ALBEMARLE COUNTY BOARD OF SUPERVISORS, supports the request of the Albemarle-Charlottesville Regional Jail Authority that the Board of Local and Regional Jails gives its approval for the Community Based Corrections Plan Needs Assessment and Planning Study and funding for reimbursement of 25% of all eligible costs subsequent to Governor and General Assembly approval and funding relative to the expansion and renovation of existing space as identified in the Community Based Corrections Plan Planning Study submitted to the Board of Local and Regional Jails pursuant to Section 53.1-81 of the Code of Virginia (1950), as amended.

**RESOLUTION TO APPROVE
SE 2022-00039 SKYLINE RIDGE**

BE IT RESOLVED, that upon consideration of the staff reports prepared for SE2022-00039 Skyline Ridge and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.19(5), 18-18.8, and 18-33.9, the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot setback requirement of County Code § 18-4.19 and § 18-18.8 on Parcel ID 06000-00-00-040C8, on the condition that development of the use is in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plan titled, "Skyline Ridge Apartments, Initial Site Plan" (SDP202200039) prepared by Collins Engineering, dated June 6, 2022.

**RESOLUTION TO APPROVE
SE 2022-00022 DS TAVERN**

WHEREAS, upon consideration of the staff reports prepared for SE2022-00022 DS Tavern and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-21.7(c) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- (i) grading or clearing is necessary or would result in an improved site design;
- (ii) minimum screening requirements would be satisfied; and
- (iii) existing landscaping in excess of minimum requirements would be substantially restored.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the use buffer requirement on Parcel ID 05900-00-00-015A0, subject to the condition attached hereto.

* * * * *

SE202200022 – DS Tavern Special Exception Condition

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plan titled, "DS Tavern Major Site Plan Amendment" (SDP202200025), prepared by Woolley Engineering, last revised August 9, 2022.

**RESOLUTION TO APPROVE
SE2022-00045 1699 COLLE LANE HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00045 1699 Colle Lane Homestay Application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the applicable requirement, and that the requested special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 1699 Colle Lane Homestay, the Albemarle County Board of Supervisors hereby approves a special exception to permit a resident manager to fulfill the residency requirements for a homestay use.

**RESOLUTION TO APPROVE
SE2022-00036 5600 TURKEY SAG ROAD HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00036 5600 Turkey Sag Road Homestay Application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§18-5.1.48(b)(2) , 18-5.1.48(d)(3) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the applicable requirement, and that the requested special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 5600 Turkey Sag Road Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit a resident manager to fulfill the residency requirements for a homestay use.

FINANCIAL MANAGEMENT POLICIES

STATEMENT OF PURPOSE

The County of Albemarle has a responsibility to its taxpayers to account for public funds, to manage its finances wisely, and to allocate its resources efficiently, effectively, and equitably, in order to provide the services desired by the public. The primary objective of establishing Financial Management Policies is to provide a framework wherein sound financial decisions may be made for the long-term betterment and stability of Albemarle County.

POLICY GOALS

A fiscal policy that is adopted, adhered to, and regularly reviewed is recognized as the cornerstone of sound financial management. An effective fiscal policy should:

- Insulate the County from fiscal crises;
- Enhance the County's ability to obtain short-term and long-term financial credit by helping to achieve the highest credit rating and bond rating possible;
- Promote long-term financial stability by establishing clear and consistent guidelines;
- Provide the total financial picture of the County rather than concentrating on single issue areas;
- Provide a link between long-range financial planning and current operations; and
- Provide a framework for measuring the fiscal impact of government services against established fiscal parameters and guidelines.

OPERATING BUDGET POLICIES

The annual budget will be prepared consistent with requirements established by the Virginia Code, guidelines established by the Government Finance Officers Association (GFOA) and in accordance with budgeting best practices.

The budget must be structured so that the Board and the public can understand the relationship between revenues, expenditures, and the achievement of service objectives.

The budget will be structurally balanced, where ongoing revenues equal or exceed ongoing expenditures. The goal of the County is to fund all recurring expenditures with ongoing revenues, not one-time revenues.

The County will develop and annually update a long-range five-year Financial Plan. The Financial Plan will include a review of revenue trends and expenditures from the prior years' projections of revenues and expenditures, as well as future costs and the financing of the Capital Improvement Plan.

When revenue shortfalls are anticipated in a fiscal year, spending during that fiscal year must be reduced sufficiently to offset the projected revenue shortfalls.

The County shares the increase or decrease in available shared revenues among the County Government and Public Schools operating, debt service, and capital budgets.

- When developing the budget, the County calculates the increase or decrease in General Fund local tax and State non-categorical aid revenues.

- This amount is adjusted for changes in expenses that reduce available shared revenue: City of Charlottesville revenue sharing, Tax Relief programs, Economic Development Authority tax-related performance agreements, and the designated transfer to the Water Resources Fund.
- The remaining amount is allocated 54% to the Public Schools operating budget, 36% to the County Government operating budget, and 10% for the joint County Government and Public Schools debt service and capital budgets.

This guideline may be reviewed annually with Board of Supervisors approval.

The operating budget preparation process is conducted to allow decisions to be made regarding anticipated resource levels and expenditure requirements for the levels and types of services to be provided in the upcoming fiscal year.

- The County Government operating budget is approved and appropriated by the County Board of Supervisors. Each year the County Board of Supervisors' annual resolution of appropriations dictates the level of appropriation authority for all funds. Total expenditures cannot exceed total appropriations of any department within the General Fund. The annual resolution of appropriations will also establish how the budget may be amended.

The Board of Supervisors appropriates Public Schools funding in accordance with Virginia Code § 22.1-115.

The Board of Supervisors will adopt and appropriate the budget in accordance with Virginia Code requirements and the Board of Supervisors' annual budget calendar.

The County will annually seek the GFOA Distinguished Budget Presentation Award.

CAPITAL BUDGET AND ASSET POLICIES

The County will approve a one-year capital budget, which is the first year of the Capital Improvement Plan.

County Government will collaborate with the Public Schools and Planning Commission regarding the development and coordination of the capital budget and Capital Improvement Plan. The processes and procedures related to this collaboration, whether joint Board meetings, designated committees, or other activities will be determined as part of the annual budget calendar or as otherwise directed by the Board of Supervisors.

The County will coordinate the development of the capital budget with the development of the operating budget so that future operating costs, including annual debt service associated with new capital projects, will be projected and included in operating budget forecasts.

The County believes in funding an appropriate portion of its capital improvements on a cash basis to provide budgetary flexibility, to support those capital expenses not eligible for debt financing, and to reflect useful life considerations. The appropriate level and funding goal of ongoing and one-time cash provided to the capital budget in a fiscal year will be determined in the context of the budget processes.

Financing plans for the five-year capital program will be developed based upon a five-year forecast of revenues and expenditures.

The County maintains a capital assets inventory and estimates remaining useful life and replacement costs.

The County will maintain a system for maintenance, replacement, and enhancement of the County Government's and Public Schools' physical plant. This system will protect the County's capital investment and minimize future maintenance and replacement costs:

- The operating budget will provide for minor and preventive maintenance;
- Within the Capital Improvement Plan, the County will maintain a capital plant and equipment maintenance/replacement schedule, which will provide a five-year estimate of the funds necessary to provide for the structural, site, major mechanical/electrical rehabilitation, or replacement of the County Government's and Public Schools' plant.

DEBT POLICIES

The County will not fund current operations from the proceeds of borrowed funds.

The County's debt offering documents will provide full and complete public disclosure of financial condition and operating results and other pertinent credit information in compliance with municipal finance industry standards for similar issues.

Recognizing the importance of long-term financial obligations, including total tax-supported debt, lease, and financing payments, to its overall financial condition, the County will set target debt ratios, which will be calculated annually and published as part of the budget and bond issuance processes

- Total long-term obligations, as defined above, as a percentage of the estimated market value of taxable property should not exceed 2%; and
- The ratio of debt service expenditures to General Fund and School Fund revenues, less General Fund transfers to the School Fund, should not exceed 10%.

The County intends to maintain a 10-year payout ratio at or above 60% at the end of each adopted five-year Capital Improvement Plan for tax-supported debt and lease payments. When the County finances capital improvements or other projects through bonds or capital leases, it will repay the debt within a period not to exceed the expected useful life of the projects.

The County will not entertain the use of derivatives as a method of financing debt unless and until such time as the Board of Supervisors adopts a specific derivatives-related policy.

REVENUE POLICIES

Re-assessment of real property will be made every year and will be performed in accordance with Generally Accepted Appraisal Practices and guidelines established by the International Association of Assessing Officers (IAAO).

The County will maintain sound appraisal procedures to keep property values current. The County's goal is to achieve a 100% median assessment to sales ratio using valid sales from the calendar year prior to the tax year in question. This percentage varies from the Virginia State ratio study analysis that uses sales within the year after the assessment is determined.

The County will maintain a diversified and stable revenue structure to shelter it from short-term fluctuations in any one year. To the extent possible, the County shall attempt to decrease its dependency on real estate taxes to finance the County's operating budget.

The County will project its annual revenues and generate its five-year forecasts by using an objective, analytical process that is consistent with Government Finance Officers Association (GFOA) best practices.

The County will monitor all taxes to ensure that they are equitably administered and that collections are timely and accurate.

The County will follow an aggressive policy of collecting tax revenues. The annual level of collected current property taxes should be at least 96%, unless caused by conditions beyond the County's control.

The County will, where possible, institute user fees and charges for specialized County programs and services based on benefits, and/or privileges granted by the County or based on the cost of a particular service. Rates will be established to recover operational as well as capital or debt service costs and considering the equitable access to services with a goal to review user fee charges at least every three years.

Local tax dollars will not be used to make up for losses of inter-governmental aid without first reviewing the program and its merits as a budgetary increment.

PROCUREMENT POLICIES

The County will adhere to the procurement policies articulated in the County's Purchasing Manual which is informed by the Virginia Public Procurement Act.

Contractual consolidated banking services will be reviewed regularly and procured in accordance with the Virginia Public Procurement Act.

INVESTMENT POLICIES

The County will invest County revenue in accordance with the County's Investment Policy Document, which is overseen by a staff investment committee, to maximize the rate of return while maintaining a low level of risk. The County will invest in conformance with the Virginia Security for Public Deposits Act and all other applicable laws and regulations.

The County will conduct an analysis of cash flow needs at least on an annual basis. Disbursements, collections, and deposits of all funds will be scheduled to ensure maximum cash availability and investment potential.

The Chief Financial Officer shall maintain a system of internal controls for investments, which shall be documented in writing and subject to review by the County's independent auditor.

ACCOUNTING, AUDITING, AND FINANCIAL REPORTING POLICIES

The County will establish and maintain a high standard of internal controls and accounting practices in conformance with the Uniform Financial Reporting Manual of Virginia and Generally Accepted Accounting

Principles (GAAP) for governmental entities as promulgated by the Governmental Accounting Standards Board.

An independent firm of certified public accountants will perform an annual financial and compliance audit according to generally accepted auditing standards; Government Auditing Standards issued by the Comptroller General of the United States; and Specifications for Audit of Counties, Cities and Towns issued by the Auditor of Public Accounts of the Commonwealth of Virginia. The County will hold a request for proposal process for audit services every five-years.

The County will maintain an audit committee comprised of the County Executive, or designee, the Superintendent of Schools, or designee, the Chief Financial Officer, two Board of Supervisors members and one School Board member. The committee's responsibility will be to review the financial statements and results of the independent audit and to communicate those results to the Board of Supervisors.

The County will annually seek the GFOA Certificate of Achievement for Excellence in Financial Reporting.

The County will provide the Board of Supervisors with quarterly General Fund and School Fund financial reports.

FUND BALANCE OR RESERVE POLICIES

The fund balance is built over years from savings to provide the County with working capital to enable it to finance unforeseen emergencies without borrowing. The County will maintain a fund balance for cash liquidity purposes that will provide sufficient cash flow to minimize the possibility of short-term tax anticipation borrowing.

At the close of each fiscal year, the unassigned General Fund's fund balance, plus the committed fund balance available for fiscal cash liquidity purposes, should be equal to no less than 10% of the County's total operating revenues, which includes the General Fund plus the School Fund, less the General Fund transfer to the School Fund.

The County does not intend, as a common practice, to use General Fund equity (unassigned fund balance) to finance current operations. If circumstances require the use of the unassigned fund balance that causes the balance to fall to a point below the 10% target level, the County will develop a plan during the annual budget adoption process to replenish the unrestricted fund balance to the 10% target level as quickly as reasonably possible.

In addition to maintaining the 10% target level as described above, at the close of each fiscal year, a target amount equal to 2% of the County's total operating revenues, which includes the General Fund plus the School Fund, less the General Fund transfer to the School Fund, shall be reserved as an unassigned Budget Stabilization Reserve. The Budget Stabilization Reserve is intended to be among the strategies available in a difficult budget year or unanticipated situation. This reserve may be used from time to time as necessary to meet unanticipated one-time emergencies and unanticipated expenditures required to pay costs necessary to maintain the quality or level of current services or to smooth/offset revenue fluctuations occurring within a fiscal year. The Budget Stabilization Reserve is not meant to be an ongoing source of funding for the operating budget and balances utilized should be replenished as quickly as reasonably possible.

The Board of Supervisors may appropriate funds in excess of the unassigned 10% General Fund's fund balance policy level and the Budget Stabilization Reserve to the Capital Improvement Plan in support of "pay-as-you-go" funding; or for other one-time uses. Appropriations to the Capital Improvement Plan are intended to provide flexibility in meeting debt service and capital requirements and to mitigate tax rate increases related to future capital projects

At the close of each fiscal year before the County's audit is complete, all non-appropriated School Operating Fund's fund balance will be transferred into the General Fund-School Reserve Fund. The Board of Supervisors will maintain in the General Fund-School Reserve Fund an amount not greater than 2% of the current year's Public Schools adopted operating revenues. These funds will be available for Public Schools' purposes subject to appropriation by the Board of Supervisors. The Board of Supervisors will transfer any funds in excess of that 2% to the CIP on an annual basis unless otherwise determined by the Board of Supervisors.

The County will also establish targeted fund balances for other County funds, such as the Healthcare Fund and the Children's Services Act Fund (CSA), to meet cash flow needs and to address unexpected expenditure or revenue shortfalls.

GRANTS POLICIES

The County shall seek to obtain grants that are consistent with County priorities.

The County will review and update the Grants Administrative Policy on a regular basis, and departments shall follow the procedures contained therein. The purpose of the Grants Administrative Policy is to ensure the efficient administration, operation, and financial management of grant programs, including related systems, internal controls, sub-recipient monitoring, communications, reporting, and auditing.

Before applying for or accepting either state or federal funding, the County will assess the merits of the program as if it were to be funded with local dollars. No grant will be accepted that will incur management and reporting costs greater than the grant and the County will work with Grantees to fully offset administrative costs when possible.

The County will attempt to recover all allowable costs – direct and indirect – associated with the administration and implementation of programs funded through inter-governmental aid. In the case of state and federally mandated programs, the County will attempt to obtain full funding for the service from the governmental entity requiring that the service be provided.

Policies Adopted: October 5, 1994 Amended: October 11, 2000; August 1, 2012; March 13, 2013; September 6, 2017, November 1, 2017, January 6, 2021, and September 7, 2022.



Recommended FISCAL YEAR 2024 BUDGET CALENDAR

August 2022	
24 (Wed.)	Board of Supervisors Strategic Planning Retreat
September 2022	
7 (Wed.)	Board of Supervisors Meeting - Review of Financial Policies and FY 2024 Budget Calendar
October 2022	
5 (Wed.)	BOS Regular Meeting - County Financial Outlook: Economic Report
November 2022	
2 (Wed.)	Work Session – Long-Range Financial Planning
December 2022	
7 (Wed.)	Work Session – Long-Range Financial Planning: Public Schools, Operating and Capital
14 (Wed.)	Work Session – Long-Range Financial Planning
February 2023	
22 (Wed.)	County Executive’s presentation to Board – Recommended Budget and Capital Improvements Program
March 2023	
01 (Wed.)	Public Hearing on County Executive’s Recommended Budget and CIP
08 (Wed.)	Work Session #1
09 (Thur.)	<i>Tentative</i> - School Board adopts Public Schools budget request
13 (Mon.)	Work Session #2 – To include School Board funding request and CIP
15 (Wed.)	Work Session #3 – Board proposes Budget and sets maximum tax rate for advertisement
22 (Wed.)	If needed - Work Session #4
29 (Wed.)	If needed - Work Session #5
April 2023	
Week of 3-7	Spring Break
12 (Wed.)	If needed - Work Session #6
26 (Wed.)	Public Hearing on the CY 22 tax rate and Board’s Proposed Budget
May 2023	
3 (Wed.)	Board approves and appropriates FY 24 Budget and sets tax rate
11 (Thur.)	<i>Tentative</i> - School Board adopts Public Schools Final budget

**RESOLUTION TO APPROVE SETTLEMENT AGREEMENT:
BOARD OF SUPERVISORS, et al., v. SCOTTSVILLE VOLUNTEER RESCUE SQUAD, INC.**

WHEREAS, Scottsville Volunteer Rescue Squad, Inc. (SVRS) is a volunteer company that provided emergency medical services in the southern Albemarle County, Virginia, and surrounding areas; and

WHEREAS, on April 17, 2019, by action of the Board of Supervisors of the County of Albemarle Virginia (Board), the agency relationship and authorization to provide emergency medical services in the County were terminated; and

WHEREAS, the Board and the County of Albemarle, Virginia (collectively, the County) instituted a legal action against SVRS as a corporate entity, in part, to determine the disposition of real and personal property that had been purchased previously with public funds;

WHEREAS, the legal action is currently pending in the Circuit Court of the County of Albemarle, Virginia, and trial is scheduled in November 2022; and

WHEREAS, the County and SVRS have negotiated the disposition of the property at issue by settlement agreement presented to the Board; and

WHEREAS, the Board finds it is advisable to enter into the settlement agreement;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board that the settlement agreement is approved in the form presented to the Board, and the Chair of the Board is authorized to sign the settlement agreement, with such modifications and in final form as approved by the County Attorney, after the agreement is timely signed by an authorized representative of SVRS.

BE IT FURTHER RESOLVED that the County Executive and County staff are authorized to execute any instruments, if necessary and approved as to form by the County Attorney, to transfer the County's interests in title to or accept SVRS's interests in title to the vehicles that are the subject of the settlement agreement, in accordance with the agreement.

BE IT FURTHER RESOLVED that the County Executive is authorized to execute any instruments or deeds, approved as to form by the County Attorney, to acknowledge and accept the conveyance to the County of SVRS's fee simple interest in the real estate and improvements at 805 Irish Road, Scottsville, Virginia (parcels 13000-00-00-007B0, 13000-00-00-007B1; Albemarle County, Virginia, Deed Book 1560, p. 81), in accordance with the settlement agreement.

BE IT FURTHER RESOLVED that the County Attorney is directed to pursue whatever actions, if necessary, to effectuate the wishes of the Board consistent with this Resolution, including dismissal of the legal action, after all conditions of the settlement agreement are met.

**ORDINANCE NO. 22-A(11)
ZMA 2022-00003 FIRDIWEK-DEAL REZONING
AN ORDINANCE TO AMEND THE ZONING MAP
FOR PARCEL ID 09000-00-00-003A0**

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2022-00003 and their attachments, the proffers signed June 2, 2022, the information presented at the public hearing, any comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-14 and 18-33.6, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2022-00003 with the proffers signed June 2, 2022.

* * *

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA No. **202200003**

Tax Map and Parcel Number(s): **09000-00-00-003A0**

Owner(s) of Record: **Yitna Firdyiwek and Sharon Deal**

Date of Proffer Signature: **June 2, 2022**

2 acres to be rezoned from RA Rural Areas to R-2 Residential

Yitna Firdyiwek, is the owner (the "Owner") of Tax Map and Parcel Number **09000-00-00-003A0** (the "Property") which is the subject of rezoning application ZMA No. **202200003**, a project known as "Firdyiwek-Deal Rezoning" (the "Project").

Pursuant to Section 33.7 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

- 1. **Condition: The property will be divided into two one-acre lots for a total of two single family dwelling units only.**
- 2.

OWNER

Yitna Firdyiwek
Sharon Deal

Yitna Firdyiwek
Sharon Deal

**ORDINANCE NO. 22-A(10)
ZMA 2021-00011 THE HERITAGE ON RIO**

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR PARCEL IDs 04500-00-00-026A2, 04500-00-00-026B2, 04500-00-00-026B3,
04500-00-00-026B4, AND 04500-00-00-026B5**

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00011 and their attachments, including the application plan last revised on June 6, 2022, the information presented at the public hearing, any comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-19 and 18-33.6, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2021-00011 with the application plan last revised on June 6, 2022.

* * *

**RESOLUTION TO APPROVE
SE 2021-00041 THE HERITAGE ON RIO**

WHEREAS, upon consideration of the staff reports prepared for SE2021-00041 The Heritage on Rio (in conjunction with ZMA202100011) and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.19(5), 18-8.2(b)(3), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) would be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfy all other applicable requirements of Albemarle County Code § 18-8;
- (ii) would be consistent with planned development design principles; and
- (iii) would not adversely affect the public health, safety or general welfare

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot setback requirement of County Code § 18-4.19 on Parcel IDs 04500-00-00-026A2, 04500-00-00-026B2, 04500-00-00-026B3, 04500-00-00-026B4, and 04500-00-00-026B5.