

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of February 3, 2016</p>		
		February 5, 2016
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:03 p.m. by the Chair, Ms. Palmer. All BOS members were present. Also present were Larry Davis, Ella Jordan and Travis Morris. 		Link to video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Discussed the relationship of proffers and affordable housing. <p><u>Norman Dill:</u></p> <ul style="list-style-type: none"> Mentioned an article in <i>The Daily Progress</i> which stated that the National Venture Capital Association recently named Charlottesville the fastest growing venture capital ecosystem in the United States. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Mentioned the three month composting initiative at McIntire Recycling Center. Mentioned the Zika virus and expressed confidence that local public health officials will do their part. Announced that the planned residential housing development in Rivanna Village will start coming on line and have a significant impact on the County's tax base as it moves forward. Received word from Gary O'Connell that grading is targeted to begin on March 1; and tree clearing will need to be completed by April 15 in the Village of Rivanna. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced that she represented the Board at the 31st Annual Martin Luther King Jr., Community Celebration this past weekend. 		
<p>6. Recognitions:</p> <p>a. Travis O. Morris, Certified Municipal Clerk.</p> <ul style="list-style-type: none"> Recognized. 		
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>The following individuals spoke about the proposed through truck restriction on Earlysville Road:</u> <ul style="list-style-type: none"> Joseph Wallace, Rockydale Quarry, expressed opposition. David Willis, Rockydale Quarry, expressed opposition. Tom Wharton, White Hall District, Rockydale Quarry employee, expressed opposition. William Tomlin, Earlysville Road resident, expressed support. Donnie Forster, Earlysville Road resident, expressed opposition. 		

	<ul style="list-style-type: none"> • <u>Colleen Keller</u>, Charlottesville Free Clinic, spoke in support of Item 8.4 on consent agenda. • <u>Greg Smith</u>, Executive Director, VCCA, and Scottsville District resident, said he was one of the applicants for Item No. 9 and was available to respond to questions. • <u>Erika Viccellio</u>, Rio District, spoke about the Charlottesville-Albemarle Early Education Task Force status report. • <u>Gary Grant</u>, Rio District, expressed concerns about the Board going into Closed Meeting to discuss Board appointments to committees. • <u>Jeff Werner</u>, Piedmont Environmental Council, spoke about HB 770 and its impact on proffers. • <u>Neil Williamson</u>, Free Enterprise Forum, spoke about HB 770 and its impact on proffers. 		
8.2	<p>Resolution to designate Route 685, Bunker Hill Road, as Rural Rustic Road (Rivanna Magisterial District).</p> <ul style="list-style-type: none"> • ADOPTED Resolution. 	Clerk: Forward copy of adopted resolution to Joel DeNunzio, Gerald Gatobu and County Attorney. (Attachment 1)	
8.3	<p>Western Albemarle High School (WAHS) Kitchen Upgrade Capital Project.</p> <ul style="list-style-type: none"> • ADOPTED Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. 	Clerk: Forward copy of adopted resolution to OMB, Finance, FES and County Attorney. (Attachment 2)	
8.4	<p>Health Department – Charlottesville Free Clinic Renovation Project.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to authorize the interior renovations proposed by the CFC at the Health Department building and AUTHORIZED County Executive to sign the Memorandum of Understanding once approved as to form and content by the County Attorney. 	<p>Clerk: Forward copy of adopted resolution to County Attorney and FES.</p> <p><u>County Attorney</u>: Provide Clerk with fully executed copy of MOU. (Attachment 3)</p>	
8.5	<p>Resolution Authorizing the County Executive to Sign Emergency Medical Services (EMS) Cost Recovery Documents.</p> <ul style="list-style-type: none"> • ADOPTED Resolution authorizing the County Executive to execute any documents necessary for the cost recovery program, including but not limited to Medicare and Medicaid program enrollment documents, provided that such documents are approved as to form and content by the County Attorney. 	Clerk: Forward copy of adopted resolution to Fire/Rescue and County Attorney's office. (Attachment 4)	
8.6	<p>A Resolution Supporting General Assembly House Bill, HB 555 and Senate Bill 59, Congressional and State Legislative Districts.</p> <ul style="list-style-type: none"> • ADOPTED Resolution. 	Clerk: Forward copy of adopted resolution to County Attorney's office. (Attachment 5)	
8.7	<p>Resolution Supporting The Virginia Community College System (VCCS) Workforce Credentialing Initiative.</p> <ul style="list-style-type: none"> • Pulled for discussion until later in meeting. 		
8.7a	<p>Declaration of A Local Emergency in Albemarle County.</p> <ul style="list-style-type: none"> • ADOPTED Resolution. 	Clerk: Forward copy of adopted resolution to County Attorney's office. (Attachment 6)	

9.	<p>Applicant Requested Zoning Text Amendments - Impact on Work Program.</p> <ul style="list-style-type: none"> • CONSENSUS to continue discussion on February 10, 2016. 	<u>Clerk:</u> Add to February 10 agenda.
10.	<p>Fire/Rescue Personnel Over-hires.</p> <ul style="list-style-type: none"> • AUTHORIZED, by a vote of 5:1 (Sheffield), ACFR to over-hire two additional firefighter positions for a total of four over-hire positions above the current FTE count. 	<u>Fire/Rescue:</u> Proceed as approved.
11.	<p>Ivy Materials Utilization Center (MUC) Public Engagement Plan.</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the proposed public engagement plan with the clarification in the first goal that public engagement be included where possible but decisions and parameters already established by the Board would not be revisited. 	<u>Lee Catlin:</u> Proceed as approved.
Recess. Board recessed at 2:57 p.m., and reconvened at 3:11 p.m.		
12.	<p>Earlsville Road (Route 743) Through Truck Restriction.</p> <ul style="list-style-type: none"> • SET, by a vote of 6:0, public hearing for the proposed through truck restriction on March 9, 2016. 	<u>Clerk:</u> Advertise and schedule public hearing for March 9, 2016.
13.	<p>Progress Report on FY 15-17 Strategic Plan.</p> <ul style="list-style-type: none"> • CONSENSUS to continue discussion on February 10, 2016. 	<u>Clerk:</u> Add to February 10 agenda.
14.	<p>Department of Social Services Annual Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
15.	<p>Bright Stars Annual Report for FY15.</p> <ul style="list-style-type: none"> • RECEIVED. 	
16.	<p>Closed Session. Personnel and Legal Matters.</p> <ul style="list-style-type: none"> • At 5:01 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1): to consider appointments to boards, committees and commissions in which there are pending vacancies or requests for reappointments; and to discuss the retirement of a Board appointee; under section (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: the negotiation of easements on the County Office Building property; and the negotiation of an agreement for Court facilities. 	
17.	<p>Certified Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
18.	<p>Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> • APPOINTED Supervisor Liz Palmer to the Charlottesville/Albemarle/UVA Planning and Coordination Council with said term to expire December 31, 2016. • APPOINTED Ms. Betsy Baten to the Historic Preservation Committee with said term to expire June 4, 2018. • APPOINTED Mr. Ariel Daniels to the Natural Heritage Committee with said term to expire 	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.

<p>September 30, 2019.</p> <ul style="list-style-type: none"> • APPOINTED Mr. Bill Palmer as the UVA representative to the Planning Commission with said term to expire December 31, 2016. • REAPPOINTED Mr. George Emmitt and Mr. Hamilton Moses to the Public Recreation Facilities Authority with said terms to expire December 13, 2018. • APPOINTED Ms. Alice Nye Fitch to the Route 250 West Task Force with said term to expire September 5, 2018. • REAPPOINTED Ms. June Tate and Ms. Bonnie Samuel to the Route 250 West Task Force with said terms to expire September 5, 2018. 		
<p>19. Recognitions:</p> <p>a. Tom Loach, White Hall District Representative, Planning Commission.</p> <ul style="list-style-type: none"> • Recognized. <p>b. Cal Morris, Rivanna District Representative, Planning Commission.</p> <ul style="list-style-type: none"> • Recognized. 		
<p>20. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Tom Eckman</u>, resident of the Rivanna District and member of the Church of the Reincarnation and IMPACT, spoke on Region Ten's plans to open up residential recovery center for women and children. 		
<p>21. <u>Pb. Hrg.: FY 2016 Budget Amendment and Appropriations.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to approve FY 2016 Budget Amendment in the amount of \$4,443,307.31 and to approve appropriations #2016054, #2016055, #2016056, #2016057, #2016058, #2016059, and #2016060 for local government and school division projects and programs. 	<p><u>Clerk:</u> Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 7)</p>	
<p>22. Update on Route 29 Solutions Business Assistance Plan.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>23. Route 29 Solutions Project Delivery Advisory Panel (PDAP) Monthly Update.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>24. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Mentioned that she is trying to get a Transit 101 for all Councilors and Supervisors scheduled. • Requested an update on the tree bond for Route 20 South between Monticello and the City limits to be planted by the Stewards. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> • Suggested a discussion on February 10, regarding the agenda for the upcoming joint meeting with City Council. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> • Announced that Albemarle Health and Rehabilitation Center will be opening up in the 	<p><u>Clerk:</u> Add to February 10 agenda.</p>	

Scottsville District on February 11 th .		
25.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Ella Jordan:</u></p> <ul style="list-style-type: none"> Announced her retirement effective June 1, 2016. <p><u>Tom Foley:</u></p> <ul style="list-style-type: none"> Discussed the timeline process for hiring a new clerk. a. Update on Pending Legislative Bills. Received. By a vote of 6:0, ADOPTED Resolution Supporting The Virginia Community College System (VCCS) Workforce Credentialing Initiative. By a vote of 6:0, ADOPTED Resolution Supporting General Assembly House Bill HB 191 and House Joint Resolution Composite Index. By a vote of 6:0, ADOPTED Resolution Opposing House Bill 770 and Senate Bill 549, Restricting Localities' Authority to Address the Impacts from New Residential Development Through Proffers. 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 8)</p> <p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 9)</p> <p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 10)</p>
	<p>Closed Session.</p> <ul style="list-style-type: none"> At 7:57 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: the negotiation of easements on the County Office Building property; and the negotiation of an agreement for courts facilities. 	
	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 8:33 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
26.	<p>Adjourn to February 10, 2016, 3:30 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> The meeting was adjourned at 8:35 p.m. 	

ewj/tom

Attachment 1 – Resolution - Route 685, Bunker Hill Road
Attachment 2 – Resolution – WAHS Capital Project
Attachment 3 – Resolution and MOU – Health Department
Attachment 4 – Resolution - EMS Cost Recovery Documents
Attachment 5 – Resolution Supporting General Assembly House Bill, HB 555 and Senate Bill 59
Attachment 6 – Resolution - Declaration of A Local Emergency in Albemarle County
Attachment 7 – Resolution to Approve Budget Amendment and Additional FY 16 Appropriations
Attachment 8 – Resolution Supporting the VCCS Workforce Credentialing Initiative
Attachment 9 – Resolution Supporting General Assembly House Bill HB 191 and House Joint Resolution 50 Composite Index
Attachment 10 – Resolution Opposing House Bill 770 and Senate Bill 549

The Board of Supervisors of Albemarle County, in regular meeting on the 3rd day of February, 2016, adopted the following:

RESOLUTION

WHEREAS, Section 33.2-332 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether Route 685 Bunker Hill Road, From: Route 616 Black Cat Road To: End of State Maintenance should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Resident Engineer.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower"), plans for the Western Albemarle High School Kitchen Upgrade (herein the Project) have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$770,000.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This resolution shall take effect immediately upon its passage.

RESOLUTION TO AUTHORIZE THE RENOVATION OF THE CHARLOTTESVILLE FREE CLINIC

WHEREAS, the County of Albemarle and the City of Charlottesville jointly own certain real estate, located at 1138 Rose Hill Drive, Charlottesville, Virginia, and lease that property ("Leased Property") to the Commonwealth of Virginia for use and occupancy by the Charlottesville/ Albemarle Health Department ("Health Department"); and

WHEREAS, the Charlottesville Free Clinic ("CFC") operates within the Leased Property pursuant to a written license agreement with by the Health Department, and the CFC and Health Department desire to construct certain improvements and alterations to the existing building located on the Leased Property; and

WHEREAS, the CFC agrees to fully fund and implement said improvements.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the renovation proposed by the CFC, and authorizes the County Executive to execute a Memorandum of Understanding between the County of Albemarle, the City of Charlottesville, and the Charlottesville Free Clinic regarding approvals required by the parties and the parties' roles and responsibilities in the construction process once approved as to form and content by the County Attorney.

MEMORANDUM OF UNDERSTANDING

THIS **MEMORANDUM OF UNDERSTANDING** (MOU) is made as of _____, 2016 by and between the COUNTY OF ALBEMARLE, VIRGINIA (hereinafter, the "County") the CITY OF CHARLOTTESVILLE, VIRGINIA (hereinafter, the "City"), and the CHARLOTTESVILLE FREE CLINIC (hereinafter, the "Free Clinic").

WHEREAS, the City and County (collectively, hereinafter, the "Owners") jointly own certain real estate, located within the City of Charlottesville, Virginia, at 1138 Rose Hill Drive, Charlottesville, Virginia, which is identified as Parcel 30.2 on City Real Property Tax Map 44, and the Owners lease that property ("Leased Property") to the Commonwealth of Virginia for use and occupancy by the Charlottesville/ Albemarle Health Department ("Health Department"); and

WHEREAS, the Free Clinic operates within the Leased Property pursuant to a written license agreement granted by the Health Department, and the Free Clinic and Health Department desire to construct certain improvements and alterations to the existing building located on the Leased Property; and

WHEREAS, the Free Clinic desires to fully fund and implement said improvements;

NOW, THEREFORE, in consideration of the premises and covenants herein set forth, the parties hereby set forth their agreement and understanding for construction of said improvements:

A. AUTHORIZATION BY OWNERS

1. **Approval by Owners.** Execution of this MOU does not constitute authorization to proceed with any application for a building permit or commencement of any work or alterations at the Leased Property. Formal approval by the Charlottesville City Council and Albemarle County Board of Supervisors must be granted prior to any such activities by the Free Clinic.
2. **Approval by Property Managers.** Subsequent to approval by the Owners, and prior to submitting any construction plans to the City's building official, the Free Clinic shall submit to the City's Office of Facilities Development (i) a written consent from and endorsement of such plans by the local health director, and (ii) copies of the construction drawings and documents intended to be submitted with an application for a building permit ("Construction Plans") for review and approval. The City's Office of Facilities Development may direct such changes to the scope of work and drawings which, in its sole discretion, it deems necessary for the protection of the Owners' interests in the Leased Property.
3. **Approval by City Building Official.** Following approval by the Owners and approval by the City's Office of Facilities Development, the Free Clinic may submit an application for a building permit to

the City's Building Official, accompanied by the Construction Plans approved by the City's Office of Facilities Development. The Free Clinic shall not commence work without an approved building permit.

B. CONSTRUCTION

1. **Oversight by Owners' Representatives.** In addition to any inspection(s) required or performed by the City's Building Official, the City's Office of Facilities Development shall have the authority to inspect the work in progress for deviations from the approved Construction Plans.
2. **Unforeseen Conditions.** The Free Clinic shall notify the City's Office of Facilities Development in the event of unforeseen circumstances which may require deviation from the approved scope of work or threaten the health or safety of occupants. The City shall review proposed solutions, and must approve in writing any subsequent alteration to the scope of work.
3. **Final Approval of Work.** The City's office of Facilities Development shall be included in any substantial completion inspection(s), and shall provide formal notice to all parties to this Agreement when it accepted the work as finally complete.

C. MISCELLANEOUS

1. **Notices.** Any notice, demand, request or other instrument which may be, or are required to be given under this MOU, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:
 - a. if to the Owners, at
City of Charlottesville
Office of Facilities Development
Charlottesville, Virginia 22902
or at such other address as the City shall designate by written notice; and
 - b. if to the Free Clinic, at
Charlottesville Free Clinic
Colleen Keller, Executive Director
1138 Rose Hill Drive #200, Charlottesville, Virginia 22903
or at such other address as the City shall designate by written notice; and

COUNTY OF ALBEMARLE, VIRGINIA

This MOU is executed on behalf of the County of Albemarle by Thomas C. Foley, County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

By: _____
Thomas C. Foley, County Executive

By: _____
Maurice Jones, City Manager

CHARLOTTESVILLE FREE CLINIC

By: _____
Colleen Keller, Executive Director

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN
DOCUMENTS FOR THE EMS COST RECOVERY PROGRAM
ON BEHALF OF THE COUNTY**

WHEREAS, on September 9, 2009, the Albemarle County Board of Supervisors 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 Albemarle County to charge fees for emergency medical services (EMS) vehicle transports; and

WHEREAS, the County procures the services of private companies to act as the County's billing agent for its EMS vehicle transport cost recovery program; and

WHEREAS, the County must enroll in the Medicare and Medicaid programs in order for the County's billing agent to bill Medicare and Medicaid for EMS vehicle transports, and updated enrollment forms must be filed when the billing agent changes or when there are changes in the contact information of the billing agent or Albemarle County Fire Rescue staff; and

WHEREAS, the enrollment documents require the signature of an authorized official who has been authorized by the Board to enroll the County in the programs; and

WHEREAS, the efficiency of government is improved by delegating to the County Executive the authority to sign any documents necessary for the cost recovery program, including but not limited to Medicare and Medicaid program enrollment documents.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute, on behalf of Albemarle County, all documents for the cost recovery program, including but not limited to Medicare and Medicaid program enrollment forms, provided that such documents are approved as to form and content by the County Attorney.

**A RESOLUTION SUPPORTING GENERAL ASSEMBLY HOUSE BILL HB 555 and SENATE BILL 59
CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS**

WHEREAS, the Albemarle County Board of Supervisors strives to promote and support ideas that improve the democratic process and citizens' representation and engagement in civic life; and

WHEREAS, the current redistricting process has rendered up to 90 percent of Virginia General Assembly and Congressional districts noncompetitive, including those held by both parties representing parts of Albemarle County; and

WHEREAS, the need is critical to restore trust, compromise and fair competition to Virginia politics; and

WHEREAS, General Assembly House Bill 555 and Senate Bill 59 provide criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest and would prohibit use of political data or election results unless necessary to determine if racial or ethnic minorities can elect candidates of their choice.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors fully supports the goals of HB 555 and SB 59 to draw state legislative and Congressional lines based on specified and consistent criteria and requests that HB 555 and SB 59 be enacted into law.

**DECLARATION OF A LOCAL EMERGENCY
IN ALBEMARLE COUNTY**

WHEREAS, a severe winter storm was predicted to occur on January 22 through January 24, 2016 in Albemarle County, with a projection of 18 to 30 inches of snow accumulation; and

WHEREAS, due to the potential of high snow accumulation, the likelihood of a condition of extreme peril to life and property necessitated the proclamation of the existence of a local emergency; and

WHEREAS, a local emergency was declared by the Albemarle County Director of Emergency Services throughout Albemarle County beginning on January 21, 2016 to address the public safety needs.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Virginia Code § 44-146.21, the Albemarle County Board of Supervisors hereby confirms the January 21, 2016 declaration of a local emergency.

BE IT FURTHER RESOLVED, that during the existence of the local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency services organizations of Albemarle County were those prescribed by state law and the ordinances, resolutions, and approved plans of Albemarle County to mitigate the effects of the local emergency.

BE IT FURTHER RESOLVED, that the local emergency declaration ended on January 26, 2016.

**RESOLUTION TO APPROVE BUDGET AMENDMENT
AND ADDITIONAL FY 16 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 16 Budget is amended by \$4,443,307.31;
- 2) That Appropriations #2016054, #2016055, #2016056, #2016057, #2016058, #2015059, and #2016060 are approved; and
- 3) That the appropriations referenced in Paragraph #2, 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, 2016.

A RESOLUTION SUPPORTING THE VCCS WORKFORCE CREDENTIALING INITIATIVE

WHEREAS, Albemarle County is home to Piedmont Community College, a campus which is part of the Virginia Community College System, and the Albemarle County Board of Supervisors strives to promote and support opportunities to diversify the County's economy and boost its competitiveness; and

WHEREAS, increasingly, workforce development equates to economic development and a large and increasing disparity between the job-filling needs of enterprise and available training and certification exists; and

WHEREAS, the need is critical to establish a determined, effective, performance-based program to train and prepare an adequate, on-going and growing number of our citizens with industry-recognized credentials; and

WHEREAS, the Virginia Community College System Workforce Credentialing Initiative offers a specific plan to expand the number of workforce training credentials and certifications to a level needed to meet the demands of Virginia's workforce; and

WHEREAS, General Assembly Senate Bill 575 establishes the Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Program, to be administered by the Virginia Community College System (System), and requires, among other things, the System to approve a plan and funding formula to support capacity building for and development and expansion of noncredit workforce credential programs at comprehensive community colleges that prepare students for in-demand noncredit workforce credentials that are aligned with the knowledge and skill sets that are required for the available occupations in each region;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors fully supports SB 575 and the implementation of the VCCS Workforce Credentialing Initiative as an innovative approach to building Virginia's existing workforce through an effective program to train and prepare citizens with such industry-recognized credentials and best position the Commonwealth to meet the demands of a diversifying, dynamic global economy and requests that SB 575 be enacted into law.

**A RESOLUTION SUPPORTING GENERAL ASSEMBLY HOUSE BILL HB 191 and HOUSE JOINT
RESOLUTION 50 COMPOSITE INDEX**

WHEREAS, the Albemarle County Board of Supervisors strives to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds; and

WHEREAS, the current Composite Index Funding Formula utilizes the true value of real property rather than the tax value of property under land use taxation; and

WHEREAS, the purpose of the Composite Index is to determine a locality's ability to pay for the costs of the Standards of Quality (SOQ) for education; and

WHEREAS, the Albemarle County Board of Supervisors supports legislation to amend the Composite Index Funding Formula by redefining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program to more fairly reflect a locality's ability to pay SOQ costs; and

WHEREAS, General Assembly House Bill 191 provides criteria for the General Assembly to amend the Composite Index Funding Formula to include the land use taxation value of real property rather than the fair market assessed value for localities which provide for the use valuation and taxation of real estate devoted to agricultural use, horticultural use, forest use and open-space use, and HJ 50 requests the Department of Education to undertake a study of the same.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors fully supports the goals of HB 191 and HJ 50 to amend and study the Composite Index Funding Formula and requests that HB 191 and HJ 50 be enacted into law.

A RESOLUTION OPPOSING HOUSE BILL 770 AND SENATE BILL 549, RESTRICTING LOCALITIES' AUTHORITY TO ADDRESS THE IMPACTS FROM NEW RESIDENTIAL DEVELOPMENT THROUGH PROFFERS

WHEREAS, the General Assembly has declared in Virginia Code § 15.2-2283 that the purposes of zoning regulations include reducing or preventing congestion in public streets, facilitating the creation of convenient, attractive, and harmonious communities, and facilitating the provision of adequate police and fire protection, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; and

WHEREAS, the Albemarle County Board of Supervisors fully supports these State purposes and recognizes that proffers accepted in conjunction with zoning map amendments (rezoning) allow the County to address, in whole or in part, the impacts resulting from a rezoning for new residential development in order to achieve the purposes of zoning stated above; and

WHEREAS, under current State law, proffers must be *reasonable*, and under Constitutional principles, *reasonableness* is determined by whether there is an *essential nexus* between the proffer and the identified impact, and the obligation created by the proffer is at least *roughly proportional* to the impact to be addressed; and

WHEREAS, the Board of Supervisors strongly opposes all legislation that would restrict local governing bodies from accepting proffers under current standards of reasonableness that address the impacts resulting from a rezoning because such legislation would make it more difficult to achieve the purposes of zoning in Virginia Code § 15.2-2283.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors opposes HB 770 and SB 549 because those bills would restrict the scope of public facilities for which proffers may be accepted and establish a new standard for evaluating whether proffers are *reasonable* that would require a level of certitude that may not be achievable, thereby exposing any future approved rezoning or denied rezoning to challenge on that basis; and

BE IT FURTHER RESOLVED that HB 770 and SB 549 are unduly punitive to not only localities but also their taxpayers because, in a legal challenge, those bills eliminate the longstanding presumption of validity that applies to legislative actions such as rezonings where proffers have been accepted, shift the evidentiary burden to localities, and if the challenge is successful, expose the locality to liability for compensatory damages (under SB 549 only) and attorneys fees, even where the locality merely *informally suggested* a particular proffer later found to be unreasonable under the new standard.