

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 5, 2015, at 1:00 p.m., Room 241, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, and Clerk, Ella W. Jordan.

Agenda Item No. 1. The meeting was called to order at 1:03 p.m., by the Chair, Ms. Dittmar.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Dittmar introduced County staff present.

**Motion** was offered by Mr. Sheffield to adopt the final agenda as presented. Ms. McKeel **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

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

Mr. Sheffield reported there is a bit of a delay with the Carrsbrook storm water improvement, due to issues with securing an easement.

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Ms. Mallek stated the Board had talked a year or so earlier about having a “Do Not Pave” list, in the context of the Six-Year Secondary Road Plan, so that neighbors defending a gravel road would not have to come before the Board.

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Mr. Sheffield asked Mr. Foley if he has any information on VDOT’s surface treatment process, as constituents asked about that when they saw the gravel being laid first. Mr. Foley said he would find a link to VDOT’s information.

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Mr. Boyd stated he had sent an email from the Jail Authority about inmates picking up trash from the roads, which has already started, and there is a number for citizens to call to make requests for trash pickup.

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Ms. Palmer said she often passes vehicles that have pets in the car, with just the windows cracked, and encourages people not to do that.

Ms. Mallek stated it is a prosecutorial offense to leave pets, children or the elderly in a hot vehicle, and the best thing to do is call 911.

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Ms. Dittmar said she had attended National Night Out in Dorrier Park in Scottsville the night before, and had seen a demonstration with trained police dogs, and one on underwater rescue recovery and search teams.

Ms. Dittmar reported she and Ms. Mallek had attended a meeting on the courts project and partnership with the City, with nothing new to report.

Ms. Dittmar stated she and Ms. Palmer had been working on the broadband project, with a number of events over the last month, including a grant application that will help to move the plan along very nicely, and they should know the answer in September.

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Agenda Item No. 6. Proclamations and Recognitions:

Item No. 6a. Proclamation recognizing August 26, 2015 as Women’s Equality Day.

Ms. Dittmar presented the following proclamation:

## PROCLAMATION

**WHEREAS**, this is the **95th Anniversary** of the Nineteenth Amendment to the U.S. Constitution giving women the right to vote in 1920; and

**WHEREAS**, in 1848, 166 years ago in Seneca Falls, the need was recognized and proclaimed, but after great effort there is still more work to be done to ensure reliable protection in the U.S. Constitution for women against sex discrimination in general; and

**WHEREAS**, in many other ways the tasks of providing equal opportunities to women and men, and the tasks of removing burdens which fall unjustly on women as compared with men remain uncompleted.,

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia, does hereby proclaim

**August 26, 2015,**  
as  
**WOMEN'S EQUALITY DAY**

in remembrance of all those women and men who have worked to develop a more equitable community, which acknowledges both the real similarities and the important differences between women and men, with liberty and justice for all; and

Signed and sealed this 5<sup>th</sup> day of August 2015.

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**Motion** was offered by Ms. Mallek to adopt the proclamation recognizing August 26, 2015 as Women's Equality Day. Ms. McKeel **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.

NAYS: None.

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Ms. Tobin Zakin addressed the Board and stated the Charlottesville Chapter of the National Organization for Women has been asking local bodies to recognize this day, as part of an effort to have women be full, equal citizens.

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Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Robert Walters, a resident of Forest Lakes in the Rivanna District, addressed the Board and stated he is before them to support the Regional Greenhouse Gas Initiative, a voluntary collaborative effort among nine states to reduce carbon pollution in a cost-effective manner, involving mass caps on pollution. He stated the EPA has just come out with mass caps for states to meet carbon quotas, and explained that when producers have more than 25 megawatts of carbon, they must purchase an allowance, with money going back to states for legislators to allocate. Mr. Walters said this will be good for consumers, but probably not for power companies. He also stated that June was the hottest month in history, and that trend will likely continue. Mr. Walters said he also wants to comment on the separation of business personal property valued at under \$250, which he was involved in moving forward, and strongly supports a separate classification to benefit small businesses.

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Ms. Jessica Maslaney, a resident of the White Hall District, addressed the Board on behalf of the Piedmont Family YMCA at McIntire Park, and said she was present with their board chair, Kurt Krueger. Ms. Maslaney stated the facility will be named "The Brooks Family YMCA," after lead donors Rob and Suzanne Brooks, with other key donors secured, including the Perry Foundation with a \$300,000 gift and \$200,000 pledge match, with a December 1 deadline. She said they have raised more than \$2.5 million this year and needs just \$1 million more, and they have launched a community support campaign to help reach this goal. Ms. Maslaney stated they have been in discussions with five different banks and are negotiating a term sheet with one for a construction and permanent loan. She said they have made some interior modifications to accommodate programming needs, and will be receiving plans back from their architects on August 14, with the hope that the interior changes will be offset by programming changes. Ms. Maslaney stated that project budget, including soft costs, is \$18.745 million, and they have already pulled the building permit from the City and have posted the necessary bonds. She noted they will be going before City Council on September 8 with an updated financial plan per the ground lease, and to give their 60-day notice to proceed. She stated that groundbreaking is expected for November, with a 16 to 18 month construction timeframe anticipated and opening slated for summer 2017.

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Mr. John Martin addressed the Board, stating that he is a resident of Free Union and has distributed an updated graph from what he had submitted in July, and it is current as of this meeting. He reported the fill for the Ragged Mountain Reservoir is three-tenths of a foot short of the 10 MGD threshold, and it is expected to reach that within the next few days. Mr. Martin stated that flow in the Mechum's River averaged over the last three days will increase an instream flow in the Moorman's by reaching the 10 MGD threshold, the lesser of the natural inflow or 10 MGD, so it will be a significant increase. He referenced the low levels at the Sugar

Hollow Reservoir, stating that on its present course it is projected to be empty of usable storage the following week, and per the permit the flow to the Ragged Mountain Reservoir will be cut off, which means that the reservoir will also decline within days. Mr. Martin noted that once it dips below the 10 MGD threshold, the instream flow in the Moorman's will revert to 2 MGD. He said the Department of Game and Inland Fisheries is also examining the reservoir for water quality and a possible danger to the fish, and there may be some kind of action to cut off flow to Ragged Mountain soon. Mr. Martin stated these events underscore the fact that they have known all along that they must have the pipeline from the Sugar Hollow Reservoir to Ragged Mountain to make this work. He said there was discussion of having it done in the 2030s, but they will need it before then.

Ms. Palmer noted a correction that the pipeline would be from the South Fork Rivanna Reservoir, not Sugar Hollow.

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Ms. Muriel Grimm of the Rio District addressed the Board, stating she had moved to Branchlands three years ago because she could walk to lots of things, limited only by her ability to cross Route 29, Rio Road and Hydraulic Road. Ms. Grimm said she has seen some near misses at Branchlands Boulevard and Hillsdale Drive, with cars making left turns onto Branchlands from Hillsdale. She stated she uses the crosswalks frequently and has seen that the traffic does not always stop for people, and without some kind of stop mechanism on Hillsdale, conditions will be really bad there.

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Ms. Nancy Hunt, President of the Branchlands Property Association, addressed the Board and stated the residents there were dismayed to learn that VDOT had eliminated the traffic signal at the new proposed Hillsdale and Greenbrier intersection, apparently the decision was based solely on vehicular traffic warrants. Ms. Hunt said in the Branchlands area there are 157 homes, 69 independent living units, 90 assisted living units pending, Rosewood Village, the Laurels, the Senior Center, JABA, Our Lady of Peace, and two childcare facilities. She stated that VDOT can and should take into account the senior population and the many residents with visual impairments or other disabilities, and emphasized the intersection needs a traffic light.

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Ms. Hansir Haier addressed the Board, stating that she is a resident of Branchlands and is concerned about the residents in that area, as there is a lot of confusion about stop signs. She stated she would love to see stoplights instead of signs.

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Agenda Item No. 8. Consent Agenda.

**(Discussion:** Ms. Mallek, Ms. Palmer and Ms. Dittmar stated that they would need to pull their assigned minutes.

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Ms. Mallek asked if the resolution associated with Item 8.5 had been corrected. Mr. Davis responded "yes".)

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**Motion** was offered by Ms. Mallek to approve Items 8.1 (as read) through 8.8 on the consent agenda. Mr. Sheffield **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

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Item No. 8.1. Approval of Minutes: October 1, 2014, January 7, February 18, February 19, February 23 and February 24, 2015.

Ms. Mallek pulled her assigned minutes of October 1, 2014, pages 36(begin with Item #10) – end, and February 23, 2015, and carried them forward to the next meeting.

Ms. Palmer pulled her assigned minutes of January 7, 2015, pages 1-31 (end at Item #18), and carried them forward to the next meeting.

Ms. McKeel pulled her assigned minutes of January 7, 2015, pages 31 (begin with Item #18) – end, and carried them forward to the next meeting.

Mr. Sheffield had read the minutes of February 18, 2015, and found them to be in order.

Ms. Dittmar had read the minutes of February 19, 2015, and found them to be in order.

Mr. Boyd had read the minutes of February 24, 2015, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes as read.**

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Item No.8.2. FY 2016 Appropriations.

The executive summary forwarded to the Board states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 16 budget due to the appropriation itemized below is \$(709,288.86). A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of ten (10) appropriations as follows:

- One (1) appropriation (#2016009) to re-appropriate \$11,315.00 for intern wages in the Office of Management and Budget and the County Executive's Office;
- One (1) appropriation (#2016010) to appropriate \$(1,342,325.00) pursuant to the Board's action related to the approval of the FY16-20 Capital Improvement Program on July 1, 2015;
- One (1) appropriation (#2016011) to appropriate \$61,261.17 in proffer revenue for the Crozet Avenue North and South Pantops Drive/State Farm Boulevard Sidewalk project;
- One (1) appropriation (#2016012) to appropriate \$125,910.00 for a Department of Criminal Justice Services grant awarded to the Albemarle County Police Department;
- One (1) appropriation (#2016013) to appropriate \$300,000.00 for a Department of Criminal Justice Services grant awarded to Offender Aid and Restoration with the County acting as fiscal agent;
- One (1) appropriation (#2016014) to re-appropriate \$38,164.00 in grants to the Police Department;
- One (1) appropriation (#2016015) to re-appropriate \$43,000.00 from Emergency Communication Center (ECC) fund balance to the ECC;
- One (1) appropriation (#2016016) to appropriate local revenue recovered from project partners for three ECC projects from the County's General Government CIP fund to the ECC capital project fund. This will not increase the total County budget;
- One (1) appropriation (#2016017) to re-appropriate \$13,385.97 in grants in the Sheriff's Office; and
- One (1) appropriation (#2016018) to appropriate \$80,000.00 to the Economic Development Authority for disbursing funding to 20 Paces and Kelly Turkeys pursuant to the Board's authorization on June 3, 2015 to match the \$40,000 grant from the Department of Agriculture and Consumer Services Agriculture and Forestry Industries Development Fund. The \$40,000.00 County match will be provided from the Economic Opportunity Fund and will not increase the total appropriated County budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2016009, #2016010, #2016011, #2016012, #2016013, #2016014, #2016015, #2016016, #2016017, and #2016018 for local government and projects and programs as described in Attachment A.

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<b>Appropriation #2016009</b>		<b>\$11,315.00</b>
Source:	General Fund fund Balance	\$ 11,315.00

This request is to re-appropriate \$11,315.00 of the balance remaining at the end of FY 15 in the Fellowship Program. Funds will be used for intern wages in the Office of Management and Budget and County Executive's Office to support efforts related to the Office's summer/fall work plan items including support for the Joint Local Government/School Division internal review committee and the Citizens Resource Advisory Committee.

<b>Appropriation #2016010</b>		<b>\$(1,342,325.00)</b>
Source:	Borrowed Proceeds	\$(1,323,448.00)
	General Gov't CIP Fund fund Bal	\$ (18,877.00)

Pursuant to the Board's action on July 1, 2015 related to the approval of the FY 16-20 Capital Improvement Plan (CIP), this request is to apply the dedicated revenue of FY 16 that is currently appropriated for the capital program reserve as cash equity for projects, thereby reducing the amount of borrowed proceeds planned for the 2016 bond issuance. Upon approval of this appropriation, the capital program reserve will be reduced by \$1,342,325.00, borrowed proceeds will be reduced by \$1,323,448.00, and the use of General Government CIP Fund fund balance monies will be reduced \$18,877.00.

<b>Appropriation #2016011</b>		<b>\$61,261.17</b>
Source:	Proffers	\$ 61,261.17

This request is to appropriate:

- a. The currently appropriated revenues for the Crozet Avenue North Sidewalk project and the South Pantops Drive/State Farm Boulevard Sidewalk project to a combined sidewalk project called Crozet Avenue North and South Pantops Drive/State Farm Boulevard. The Virginia Department of Transportation (VDOT) considers this as a single project and one account based on the awarded revenue sharing funds. Combining the two projects into one aligns with VDOT's

program and will make the project administration, reimbursement requests, and project accounting less complicated.\

- b. \$61,261.17 in Martha Jefferson Hospital at Peter Jefferson Place proffer revenue for the Crozet Avenue North and South Pantops Drive/State Farm Boulevard Sidewalk project. The increase supports the cost of an unanticipated waterline relocation, additional consultant costs related to easement acquisitions, and updated construction costs based on current market conditions. The project has been bid and the schedule anticipates completion of the Crozet Avenue North Sidewalk by December 2015 and completion of the South Pantops Drive/State Farm Boulevard Sidewalk project by July 2016.

<b>Appropriation #2016012</b>		<b>\$ 125,910.00</b>
Source:	Federal Revenue	\$ 125,910.00
	Grants Leveraging Fund*	\$ 13,990.00

\*The Grants Leveraging Fund component of this appropriation will not increase the County Budget.

This request is to appropriate \$125,910.00 in grant funding from the Department of Criminal Justice to the Albemarle County Police Department, as well as the local match of \$13,990.00, for a total of \$139,900.00. The purpose of this grant is to provide for the development of a Problem Oriented Policing (POP) Unit and it will fund a new Police Sergeant position and overtime and operating costs related to the Unit. This grant has the potential of three annual renewals with increasing local match requirements. As described in the Board of Supervisor's monthly grants report, each year the County will assess the requirements of the grant, along with other budget priorities, before further commitment is made. The local match funds are being provided by the County's Grant Leveraging Fund.

<b>Appropriation #2016013</b>		<b>\$ 300,000.00</b>
Source:	Federal Revenue	\$ 225,000.00
	Revenue from Central VA Regional Jail	\$ 75,000.00

This request is to appropriate \$225,000.00 in grant funding from the Department of Criminal Justice Services awarded to Offender Aid and Restoration (OAR) with the County acting as fiscal agent, as well as the local match of \$75,000.00 being provided by the Central Virginia Regional Jail located in the Town of Orange for a total of \$300,000.00. Through this grant, OAR will continue to provide pretrial services in the rural counties serving the Central Virginia Regional Jail.

<b>Appropriation #2016014</b>		<b>\$ 38,164.00</b>
Source:	Federal Revenue	\$ 36,615.00
	Grants Fund Balance	\$ 1,549.00

This request is to re-appropriate the following Police grants from FY15 to FY16:

- \$9,996.00 to complete the U.S. Department of Justice grant #2014-DJ-BX-0751 to assist in funding overtime hours by current officers in support of reducing crime.
- \$4,617.00 in to complete the Commonwealth of VA-DMV grant. The purpose of this grant is to reduce motor vehicle accidents through increased speed enforcement along with other traffic safety enforcement, including DUI and safety restraint usage. This is being accomplished through grant funded, overtime hours for speed enforcement and saturation patrols.
- \$17,074.00 to complete the Commonwealth of VA-DMV grant. The purpose of this grant is to reduce DUI accidents through increased DUI enforcement along with other traffic safety enforcement, including speeding and safety restraint usage. This is being accomplished through grant funded, overtime hours for DUI patrols, DUI checkpoints, and saturation patrols.
- \$6,477.00 to complete a Virginia Department of Emergency Management Police grant. The grant is to help maintain Homeland Security capabilities. This is a one-time equipment purchase grant, including funds for equipment training, with no local match required.

<b>Appropriation #2016015</b>		<b>\$43,000.00</b>
Source:	ECC Fund Balance	\$ 43,000.00

The Emergency Communications Center (ECC) requests that the County, acting as fiscal agent for the ECC, reappropriate from FY15 to FY16 \$43,000.00 from the ECC fund balance for the demolition and repair of the sewage and water lines in the two shower/restrooms on the first floor of the Emergency Communications Center. This amount is the balance of the project that began in June 2015.

<b>Appropriation #2016016</b>		<b>\$0.00</b>
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This appropriation will not increase the County Budget.

Source:	Local	\$ 150,495.00
	Borrowed Proceeds \$	(150,495.00)

This appropriation is to properly budget the Emergency Communication Centers (ECC) capital projects within the ECC capital funds. During the County's most recent audit process, the Finance Department determined that a correction was necessary to properly budget and account for expenditures and revenues of ECC projects pursuant to Governmental Accounting Standards Board (GASB) Statement 14 and as amended by GASB No. 39. Instead of budgeting the projects expenditures and revenues in the County's General Government CIP fund, the projects expenditures and revenues will be budgeted in ECC capital

funds. In order to properly implement the GASB requirement, this request is to appropriate one currently appropriated ECC project and two ECC projects carried forward from the County's General Government CIP fund to their respective ECC capital fund as outlined below.

- 1) ECC Emergency Telephone System: Appropriate \$1,321,131.48 in local revenue recovered from the various project partners for the ECC Emergency Telephone System capital project in the ECC capital project fund and reduce the currently appropriated local revenue and project budget in the County's General Government CIP fund by \$757,404.68. Upon approval of this appropriation, the remaining balance in the County's General Government CIP fund is the County's share of the project (\$563,726.80), which will be expended when project costs are incurred.

The project partner shares are the City of Charlottesville (40.58%) \$536,115.16, the University of Virginia (16.75%) \$221,289.52, and the County of Albemarle (42.67%) \$563,726.80.

- 2) ECC Integrated Public Safety Technology Project: Appropriate \$4,446,240.96 in local revenue recovered from the various project partners for the ECC Integrated Public Safety Technology Project in the ECC capital project fund and reduce the currently appropriated local revenue and project budget in the County's General Government CIP fund by \$2,352,061.47. Upon approval of this appropriation, the remaining balance in the County's General Government CIP fund is the County's share of the project (\$2,094,179.49), which will be expended when project costs are incurred.

The project partner shares are the City of Charlottesville (39.77%) \$1,768,270.03, the University of Virginia (13.13%) \$583,791.44, and the County of Albemarle (47.10%) \$2,094,179.49.

- 3) ECC Regional 800 MHz Communication System: Appropriate \$18,808,000.00 in local revenue recovered from the various project partners for the ECC Regional 800 MHz Communication System capital project in the ECC capital project fund and reduce the currently appropriated local revenue by \$9,309,959.00 and reduce borrowed proceeds revenue by \$150,495.00 for a total project reduction of \$9,460,454.00 in the County's General Government CIP fund. Upon approval of this appropriation, the remaining balance in the County's General Government CIP fund is the County's share of the project (\$9,347,576.00), which will be expended when project costs are incurred. The partners shares are proportional to their use and this appropriation allocates the shares to reflect a revised estimate:

- o County of Albemarle (49.7%) \$9,347,576.00
- o City of Charlottesville (24.4%) \$4,589,152.00
- o University of Virginia (15.5%) \$2,915,240.00
- o Albemarle Charlottesville Regional Jail (3.8%) \$714,704.00
- o Regional Airport (2.3%) \$432,584.00
- o Rivanna Water and Sewer Authority (2.4%) \$451,392.00
- o Albemarle Service Authority (1.9%) \$357,352.00

Appropriation #2016017		\$13,385.97
Source:	Federal Revenue	\$ 13,385.97

This request is to re-appropriate the following grants in the Sheriff's Office from FY15 to FY16:

- 4) **Offender Aid and Restoration (OAR) Drug Court Grant:** This request is to re-appropriate \$10,359.62 in federal grant funds for a part-time drug court officer to work under the direction of the Sheriff's Office to assist in the administration and monitoring of Offender Aid and Restoration's Drug Court cases. Data from other Virginia localities with similar arrangements indicates that the ongoing presence of an officer for program participants yields positive outcomes. Expenses such as part-time wages and vehicle fuel, maintenance and repair costs will be funded through federal grant revenues received from OAR.
- 5) **DMV Grant (#SC-2014-54376-5624):** This request is to re-appropriate the remaining \$3,026.35 balance of a Virginia Department of Motor Vehicles grant awarded to the Sheriff's Office. The purpose of this grant is to decrease speed-related fatalities through speed enforcement efforts.

Appropriation #2016018		\$40,000.00
Source:	State Revenue	\$ 40,000.00
	Economic Opportunity Fund*	\$ 40,000.00

\*The Economic Opportunity Fund component of this appropriation will not increase the County Budget.

Pursuant to the Board's authorization on June 3, 2015, this request is to appropriate \$40,000.00 in grant funding from the Virginia Department of Agriculture and Consumer Services (VDACS) and \$40,000.00 from the Economic Opportunity Fund for a total of \$80,000.00 to the Economic Development Authority (EDA) for disbursement to 20 Paces and Kelly Turkeys. Of the \$80,000.00 total funding, 20 Paces was awarded \$22,000.00 (\$11,000.00 from VDACS and \$11,000.00 from the Economic Opportunity Fund) and Kelly Turkeys was awarded \$58,00.00 (\$29,000.00 from VDACS and \$29,000.00 from the Economic Opportunity Fund).

**By the above-recorded vote, the Board adopted the following resolution to approve appropriations #2016009, #2016010, #2016011, #2016012, #2016013, #2016014, #2016015, #2016016, #2016017, and #2016018 for local government and school division projects and programs:**

**RESOLUTION TO APPROVE  
ADDITIONAL FY 16 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- That Appropriations #2016009, #2016010, #2016011, #2016012, #2016013, #2016014, #2016015, #2016016, #2016017, and #2016018 are approved; and
- 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, 2016.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2016009	4-1000-12150-412150-130000-1001	9000.00	SA2016009 Citizen Committee assistance
2016009	4-1000-12150-412150-210000-1001	700.00	SA2016009 Citizen Committee assistance
2016009	4-1000-12010-412010-130000-1001	1500.00	SA2016009 Batten Fellow stipend
2016009	4-1000-12010-412010-210000-1001	115.00	SA2016009 Intern assistance
2016009	3-1000-51000-351000-510100-9999	11315.00	SA2016009 Intern assistance
2016010	4-9010-11010-411010-999999-1110	-1342325.00	SA2016010 Apdopted CIP
2016010	3-9010-41400-341000-410530-9999	-1323448.00	SA2016010 Apdopted CIP
2016010	3-9010-51000-351000-510100-9999	-18877.00	SA2016010 Apdopted CIP
2016011	3-9010-51000-351000-512075-9999	61261.17	SA2016011 Merged Sidewalks: Crozet/S.Pantops/St Farm
2016011	4-9010-41350-441200-950514-9999	-916207.24	SA2016011 Merged Sidewalks: Crozet/S.Pantops/St Farm
2016011	4-9010-41350-441200-950510-9999	-742962.59	SA2016011 Merged Sidewalks: Crozet/S.Pantops/St Farm
2016011	4-9010-41350-441200-950038-9999	1720431.00	SA2016011 Merged Sidewalks: Crozet/S.Pantops/St Farm
2016011	3-8529-51000-351000-510100-9999	61261.17	SA2016011 Merged Sidewalks: Crozet/S.Pantops/St Farm
2016011	4-8529-93010-493010-930010-9999	61261.17	SA2016011 Merged Sidewalks: Crozet/S.Pantops/St Farm
2016012	3-1521-33000-333000-330412-1003	125910.00	SA2016012 Grant Revenue - Federal
2016012	3-1521-51000-351000-512004-9999	13990.00	SA2016012 Grant Leveraging Fund - General Fund
2016012	4-1521-31013-431010-110000-1003	69667.00	SA2016012 Salary
2016012	4-1521-31013-431010-120000-1003	28980.00	SA2016012 Overtime Wages
2016012	4-1521-31013-431010-210000-1003	7546.00	SA2016012 FICA
2016012	4-1521-31013-431010-221000-1003	9398.00	SA2016012 VRS
2016012	4-1521-31013-431010-231000-1003	8416.00	SA2016012 Health Insurance
2016012	4-1521-31013-431010-232000-1003	242.00	SA2016012 Dental Insurance
2016012	4-1521-31013-431010-241000-1003	920.00	SA2016012 VRS Life Insurance
2016012	4-1521-31013-431010-270000-1003	1831.00	SA2016012 Worker's Compensation
2016012	4-1521-31013-431010-550100-1003	8712.00	SA2016012 Travel/Training/Education expenses
2016012	4-1521-31013-431010-800100-1003	4188.00	SA2016012 Equipment
2016012	4-1000-99900-499000-999974-9999	-13990.00	SA2016012 Grants Leveraging fund
2016012	4-1000-93010-493010-930200-9999	13990.00	SA2016012 transfer to new fund
2016013	3-1520-19000-319000-190216-1003	75000.00	SA2016013 190216-CENTRAL VA. REGIONAL JAIL
2016013	3-1520-24000-324000-240440-9999	225000.00	SA2016013 240440-DCJS-COMMUNITY CORRECTION
2016013	4-1520-29406-421090-566120-1003	300000.00	SA2016013 Offender Aid and Restoration
2016014	3-1527-33000-333000-300001-1003	9996.00	SA2016014 JAG Local Award Grant Revenue - Federal
2016014	4-1527-31013-431010-120000-1003	9283.00	SA2016014 Overtime Wages
2016014	4-1527-31013-431010-210000-1003	713.00	SA2016014 FICA
2016014	3-1604-33000-333000-330011-1003	4286.00	SA2016014 Grant Revenue - DMV Federal
2016014	3-1604-51000-351000-510100-9999	331.00	SA2016014 Transfer From - Grant Leveraging Fund
2016014	4-1604-31013-431010-120000-1003	4286.00	SA2016014 Overtime
2016014	4-1604-31013-431010-210000-1003	331.00	SA2016014 FICA
2016014	3-1603-33000-333000-330011-1003	15856.00	SA2016014 Grant Revenue - DMV Federal
2016014	3-1603-51000-351000-510100-9999	1218.00	SA2016014 Transfer From - Grant Leveraging Fund
2016014	4-1603-31013-431010-120000-1003	15856.00	SA2016014 Overtime
2016014	4-1603-31013-431010-210000-1003	1218.00	SA2016014 FICA
2016014	3-1605-33000-333000-330412-1003	6477.00	SA2016014 Federal Revenue - DHS thru VDEM
2016014	4-1605-31013-431010-800100-1003	1000.00	SA2016014 machinery and equipment
2016014	4-1605-31013-431010-550100-1003	5477.00	SA2016014 Training expenses
2016015	3-4100-51000-351000-510100-9999	43000.00	SA2016015 App ECC fund balance
2016015	4-4100-31040-435600-331800-1003	43000.00	SA2016015 water and sewer repairs
2016016	3-9010-19000-319000-190321-9999	-12419425.15	SA2016016 ECC Projects-Partner Shares
2016016	4-9010-31000-431000-800715-9999	-1321131.48	SA2016016 ECC Phone System
2016016	4-9010-31000-431000-312210-9999	-4446240.96	SA2016016 ECC IPS Technology Project
2016016	4-9010-31000-431000-950185-9999	-18808000.00	SA2016016 ECC Regional 800 MHz
2016016	3-9010-41400-341000-410530-9999	-150465.00	SA2016016 ECC Regional 800 MHz
2016016	4-9010-31055-435600-800715-9999	563726.80	SA2016016 ECC Phone System
2016016	4-9010-31055-435600-800306-9999	2094179.49	SA2016016 ECC IPS Technology Project
2016016	4-9010-31055-435600-800305-9999	9347576.00	SA2016016 ECC Regional 800 MHz
2016016	3-4105-19000-319000-160502-9999	536115.16	SA2016016 ECC Phone System-City
2016016	3-4105-19000-319000-160503-9999	563726.80	SA2016016 ECC Phone System-County
2016016	3-4105-19000-319000-160512-9999	221289.52	SA2016016 ECC Phone System-UVA
2016016	4-4105-31059-435600-800715-1003	1321131.48	SA2016016 ECC Phone System
2016016	3-4117-19000-319000-160502-9999	1768270.03	SA2016016 ECC IPS Technology Project-City
2016016	3-4117-19000-319000-160503-9999	2094179.49	SA2016016 ECC IPS Technology Project-County
2016016	3-4117-19000-319000-160512-9999	583791.44	SA2016016 ECC IPS Technology Project-UVA
2016016	4-4117-31061-435600-310000-1003	986390.00	SA2016016 ECC IPS Technology Project
2016016	4-4117-31061-435600-312700-1003	57056.91	SA2016016 ECC IPS Technology Project



2016016	4-4117-31061-435600-312710-1003	774461.58	SA2016016 ECC IPS Technology Project
2016016	4-4117-31061-435600-332100-1003	1612917.00	SA2016016 ECC IPS Technology Project
2016016	4-4117-31061-435600-550100-1003	54522.87	SA2016016 ECC IPS Technology Project
2016016	4-4117-31061-435600-800150-1003	100000.00	SA2016016 ECC IPS Technology Project
2016016	4-4117-31061-435600-800700-1003	436291.00	SA2016016 ECC IPS Technology Project
2016016	4-4117-31061-435600-999996-1003	3000.00	SA2016016 ECC IPS Technology Project
2016016	4-4117-31061-435600-999999-1003	421601.60	SA2016016 ECC IPS Technology Project
2016016	3-4110-19000-319000-160502-9999	4589152.00	SA2016016 ECC Regional 800 MHz-City
2016016	3-4110-19000-319000-160503-9999	9347576.00	SA2016016 ECC Regional 800 MHz-County
2016016	3-4110-19000-319000-160512-9999	2915240.00	SA2016016 ECC Regional 800 MHz-UVA
2016016	3-4110-19000-319000-181314-9999	714704.00	SA2016016 ECC Regional 800 MHz-ACRJ
2016016	3-4110-19000-319000-160534-9999	432584.00	SA2016016 ECC Regional 800 MHz-Airport
2016016	3-4110-19000-319000-160627-9999	451392.00	SA2016016 ECC Regional 800 MHz-RWSA
2016016	3-4110-19000-319000-160633-9999	357352.00	SA2016016 ECC Regional 800 MHz-ASA
2016016	4-4110-31058-435600-950185-1003	18808000.00	SA2016016 ECC Regional 800 MHz
2016017	4-1601-21070-421070-120000-1002	2811.29	SA2016017
2016017	4-1601-21070-421070-210000-1002	215.06	SA2016017
2016017	3-1601-33000-333000-330011-1002	3026.35	SA2016017
2016017	4-1000-21078-421070-130000-1002	3864.62	SA2016017 Part-Time Wages
2016017	4-1000-21078-421070-580000-1002	1595.00	SA2016017 Misc. Expenses/Uniforms, etc.
2016017	4-1000-21078-421070-600800-1002	1700.00	SA2016017 Vehicle & Equip. Fuel
2016017	4-1000-21078-421070-600900-1002	3200.00	SA2016017 Vehicle & Equip. Repairs
2016017	3-1000-33000-333000-330240-1002	10359.62	SA2016017
2016018	4-1000-99900-499000-999987-9999	-40000.00	SA2016018 Economic Development Fund
2016018	4-1000-93010-493010-930222-9999	40000.00	SA2016018 Transfer to EDA Fund
2016018	3-6850-51000-351000-512004-9999	40000.00	SA2016018 Transfer from General Fund
2016018	3-6850-24000-324000-240219-9999	40000.00	SA2016018 State revenue - Dept of Agriculture
2016018	4-6850-91095-491095-301200-1008	80000.00	SA2016018 Contractual Services - Other
TOTAL		22,822,889.20	

Item No.8.3. FY 2015 Appropriations.

The executive summary states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. There is no increase to the FY 15 budget due to this appropriation. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of one (1) appropriations as follows:

- One (1) appropriation (#2015110) to appropriate local revenue recovered from project partners for two ECC projects from the County’s General Government CIP fund to the ECC capital project fund. This will not increase the total County budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriation #2015110 as described in Attachment A.

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**Appropriation #2015110** **\$ 0.00**  
This appropriation will not increase the County Budget.

Source:	General Government CIP	\$ (6,908,025.60)
	ECC CIP	\$ 6,908,025.60

This appropriation is to properly budget the Emergency Communication Centers (ECC) capital projects within the ECC capital funds. During the County’s most recent audit process, the Finance Department determined that a correction was necessary to properly budget and account for expenditures and revenues of ECC projects pursuant to Governmental Accounting Standards Board (GASB) Statement 14 and as amended by GASB No. 39. Instead of budgeting project expenditures and revenues in the County’s General Government Capital Improvement Program (CIP) fund, project expenditures and revenues will be budgeted in ECC capital funds. In order to properly implement the GASB requirement, this request is to appropriate two currently appropriated ECC projects from the County’s General Government CIP fund to the ECC capital fund as outlined below:

- 1) ECC Emergency Telephone System: Appropriate \$1,343,208.00 in local revenue recovered from the various project partners for the ECC Emergency Telephone System capital project in the ECC capital project fund and reduce the currently appropriated local revenue and project budget in the County’s General Government CIP fund by \$786,448.00. Upon approval of this appropriation, the remaining balance in the County’s General Government CIP fund will be the County’s share of the project (\$556,760.00), which will be expended when project costs are incurred.

The project partners are the City of Charlottesville (40.56%) \$544,805.00, the University of Virginia (17.99%) \$241,643.00, and the County of Albemarle (41.45%): \$556,760.00.



- 2) ECC Integrated Public Safety Technology Project: Appropriate \$5,564,817.60 in local revenue recovered from the various project partners for the ECC Integrated Public Safety Technology Project in the ECC capital project fund and reduce the currently appropriated local revenue and project budget in the County's General Government CIP fund by 2,943,788.72. Upon approval of this appropriation, the remaining balance in the County's General Government CIP fund will be the County's share of the project (\$2,621,029.28), which will be expended when project costs are incurred.

The project partners are the City of Charlottesville (39.77%) \$2,213,128.29, the University of Virginia (13.13%): \$730,661.43, and the County of Albemarle (47.10%): \$2,621,029.28.

**By the above-recorded vote, the Board adopted the following resolution to approve appropriation #2015110:**

**RESOLUTION TO APPROVE  
ADDITIONAL FY 15 APPROPRIATION**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

1. That Appropriation #2015110 is approved; and
2. That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2015.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2015110	3-9010-19000-319000-190321-9999	-3730236.32	SA2015110 ECC Projects-Partner Shares
2015110	4-9010-31000-431000-800715-9999	-1343208.00	SA2015110 ECC Phone System
2015110	4-9010-31000-431000-312210-9999	-5564817.60	SA2015110 ECC IPS Technology Project
2015110	4-9010-31055-435600-800715-9999	556760.00	SA2015110 ECC Phone System
2015110	4-9010-31055-435600-800306-9999	2621029.28	SA2015110 ECC IPS Technology Project
2015110	3-4105-19000-319000-160502-9999	544805.00	SA2015110 ECC Phone System-City
2015110	3-4105-19000-319000-160503-9999	556760.00	SA2015110 ECC Phone System-County
2015110	3-4105-19000-319000-160512-9999	241643.00	SA2015110 ECC Phone System-UVA
2015110	4-4105-31059-435600-800715-1003	1343208.00	SA2015110 ECC Phone System
2015110	3-4117-19000-319000-160502-9999	2213127.96	SA2015110 ECC IPS Tech Project-City
2015110	3-4117-19000-319000-160503-9999	2621029.09	SA2015110 ECC IPS Tech Project-County
2015110	3-4117-19000-319000-160512-9999	730660.55	SA2015110 ECC IPS Tech Project-UVA
2015110	4-4117-31061-435600-310000-1003	986390.00	SA2015110 ECC IPS Tech Project
2015110	4-4117-31061-435600-312700-1003	142286.00	SA2015110 ECC IPS Tech Project
2015110	4-4117-31061-435600-312710-1003	1577256.58	SA2015110 ECC IPS Tech Project
2015110	4-4117-31061-435600-332100-1003	1612917.00	SA2015110 ECC IPS Tech Project
2015110	4-4117-31061-435600-550100-1003	60000.00	SA2015110 ECC IPS Tech Project
2015110	4-4117-31061-435600-800150-1003	100000.00	SA2015110 ECC IPS Tech Project
2015110	4-4117-31061-435600-800700-1003	657366.42	SA2015110 ECC IPS Tech Project
2015110	4-4117-31061-435600-999996-1003	7000.00	SA2015110 ECC IPS Tech Project
2015110	4-4117-31061-435600-999999-1003	421601.60	SA2015110 ECC IPS Tech Project
<b>TOTAL</b>		<b>6,355,578.56</b>	

**Item No.8.4. Amendments to the Albemarle County Purchasing Manual.**

The executive summary states that Albemarle County's Purchasing Manual, as adopted by the Board of Supervisors, governs and guides local government and school purchases in accordance with the Virginia Public Procurement Act (VPPA).

The 2015 General Assembly enacted several changes to the VPPA that affect the purchase process of local governments and schools. These changes include:

1. Localities are no longer required to make written findings that competitive sealed bidding is disadvantageous before using competitive negotiation.
2. Non-transportation construction may now come within a public body's small purchase procedures.
3. Unauthorized change orders are voidable, and the unauthorized approval of a change order cannot be the basis of a contractual claim.
4. Requests for Proposals are required to specify if and how numerical scoring will be used to evaluate responsive proposals.

Most of the proposed changes to the Purchasing Manual are in response to these new *Virginia Code* provisions.

However, unrelated to recent changes in state law, staff is also recommending two additional revisions to the procedures for debarring a vendor:

- (a) requiring advance notice to the County Executive of any proposed debarment, and

- (b) setting the debarment period for a vendor from ninety (90) days to three (3) years at the discretion of the purchasing agent, subject to lifting or suspension in the best interest of the County.

As a result of the 2015 amendments to the Virginia Public Procurement Act, staff is recommending the following changes to Chapters 4, 11, 13, 22, and 26:

- Competitive Negotiation - Delete the requirement for written justification for competitive negotiation from Chapters 4 and 11, as public bodies are no longer required to make advance written determinations prior to procuring goods, services, or insurance by competitive negotiation.
- Numerical Evaluation of RFP's - Add criteria for the use of a numerical scoring system in a Request for Proposal in Chapter 13.
- Small Purchase Procedure - Add "non- transportation-related construction" to the list of purchases allowed under the County's small purchases procedures in Chapter 22.
- Unauthorized Change Orders - Add a provision in Chapter 26 that change orders that do not comply with Section 26-4 are voidable by the Board of Supervisors or the County Executive, and any unauthorized approval of a change order cannot be the basis of a legal claim.

In addition, staff recommends the following changes to Chapter 23:

- (a) requiring advance notice to the County Executive of any proposed vendor debarment, and
- (b) setting the debarment period for a vendor from ninety (90) days to three (3) years at the discretion of the purchasing agent, subject to lifting or suspension in the best interest of the County.

No budget impact is expected other than increased efficiencies.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to amend and re-adopt the Albemarle County Purchasing Manual by amending:

- Chapter 4 (Determining Which Procedure Applies),
- Chapter 11 (Competitive Negotiation Procedure),
- Chapter 13 (Competitive Negotiation: Evaluation Criteria),
- Chapter 22 (Small Purchases),
- Chapter 23 (Qualification of a Vendor), and
- Chapter 26 (The Contract).

**By the above-recorded vote, the Board adopted the following resolution to amend and re-adopt the Albemarle County Purchasing Manual by amending: Chapter 4 (Determining Which Procedure Applies); Chapter 11 (Competitive Negotiation Procedure); Chapter 13 (Competitive Negotiation: Evaluation Criteria); Chapter 22 (Small Purchases); Chapter 23 (Qualification of a Vendor); and Chapter 26 (The Contract):**

#### **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 April 2, 2014; and

**WHEREAS**, the Board finds it is in the best interests of the County to amend the County's procedures for small purchases and competitive negotiation in accordance with the Virginia Code.

**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 4, Determining Which Procedure Applies, Chapter 11, Competitive Negotiation: Procedure, Chapter 13, Competitive Negotiation: Evaluation Criteria; Chapter 22, Small Purchases, Chapter 23, Qualification of a Vendor and Chapter 26, The Contract.

#### **Chapter 4. Determining Which Procedure Applies**

##### **Summary**

This section briefly examines the several procedures available for the procurement of goods and services and establishes the methodology to be used to determine which procedure applies to a particular procurement.

Essential Information in this Chapter
<ul style="list-style-type: none"><li>Generally, the procurement of goods or services requires using the competitive sealed bidding or competitive negotiation procedure if the costs are expected to exceed \$50,000. If the costs are not expected to exceed \$50,000, one of the three small purchase procedures applies.</li><li>If there is only a sole source, an emergency exists, or if the goods may be procured at public auction, the competitive sealed bidding or competitive negotiation procedure need not be followed even if the costs are expected to exceed \$50,000.</li><li>There are several types of goods and services that are exempt from the competitive sealed bidding or competitive negotiation procedure even if the costs are expected to exceed \$50,000. Legal services are the most notable goods or services in this exempt class.</li><li>When determining which procedure applies, begin by assuming that the competitive sealed bidding procedure applies, and then determine the expected cost of the goods or services, classify what is being procured, and determine whether an excuse or exemption applies.</li></ul>
Key References to the Code of Virginia Applicable to this Chapter
Section 2.2-4301: Definitions used in the Virginia Public Procurement Act Section 2.2-4343(B): Compliance with conditions on federal grants or contracts Section 2.2-4304: Cooperative procurement Section 2.2-4303(A): When competitive sealed bidding and competitive negotiation required, generally Section 2.2-4303(B): Competitive negotiation required for procurement of professional services Section 2.2-4303(D): When competitive negotiation available in lieu of competitive sealed bidding Section 2.2-4303(E): Procurement from a sole source Section 2.2-4303(F): Procurement in an emergency Section 2.2-4303(H): Small purchases Section 2.2-4303(J): Reverse auctioning Section 2.2-4305: Competitive bidding on state-aid projects Section 2.2-4344: Exceptions to the requirement for competitive procurement

**4-1      General**

There are several possible procedures that may apply to a particular procurement. If the expected costs of the goods or services are expected to exceed \$50,000, most procurements require a competitive procedure such as the competitive sealed bidding procedure or the competitive negotiation procedure. The small purchase procedures set forth in chapter 22 apply when the expected costs of the goods or services are expected to be \$50,000 or less.

There are certain circumstances, such as emergencies, and certain goods or services, such as legal services, which are excused or exempted from these competitive procedures.

**4-2      The Formal Competitive Procedures**

There are three formal competitive procedures available: competitive sealed bidding, competitive negotiation for professional services, and competitive negotiation for goods or nonprofessional services. Each are briefly described below, and discussed in more detail in parts 2 and 3.

**4-2.1    Competitive Sealed Bidding for Goods or Nonprofessional Services**

Competitive sealed bidding is a method of vendor selection that is used when the cost of the goods or nonprofessional services is expected to exceed \$50,000. This procedure has five elements: (1) the issuance of an invitation for bids; (2) public notice; (3) public opening of sealed bids; (4) evaluations of bids; and (5) award. This procedure is described in more detail in part 2, beginning with chapter 5.

**4-2.2    Competitive Negotiation for Professional Services**

Competitive negotiation for professional services is the method of vendor selection used only for the procurement of services within the scope of the practice of accounting, actuarial services, architecture, dentistry, land surveying, landscape architecture, law, medicine, optometry, pharmacy, or professional engineering where the cost of the services is expected to exceed \$50,000. This procedure has four elements: (1) the issuance of a request for proposals; (2) public notice; (3) negotiations; and (4) award. These elements are described in more detail in part 3, beginning with chapter 11.

**4-2.3    Competitive Negotiation for Goods or Nonprofessional Services**

Competitive negotiation for goods or nonprofessional services is the method of vendor selection that may be used in lieu of the competitive sealed bidding procedure for the procurement of goods or services, other than professional services, where the cost of the goods or services is expected to exceed \$50,000. This procedure has four elements: (1) the issuance of a request for proposals; (2) public notice; (3) negotiations; and (4) award. These elements are described in more detail in part 3, beginning with chapter 11.

Table 4-1

Thresholds for Applicability of the Competitive Sealed Bidding And Competitive Negotiation Procedures	
Competitive Sealed Bidding	Competitive Negotiation
Goods or nonprofessional services, including insurance, expected to exceed \$50,000	Professional services expected to exceed \$50,000
Construction expected to exceed \$50,000	Goods or nonprofessional services, including insurance, where expected to exceed \$50,000
	The construction of highways and any draining, dredging, excavation, grading or similar work on real property

**4-3     Procurements Excused from Formal Competitive Procedures**

There are three circumstances when compliance with the competitive sealed bidding or competitive negotiation procedure is excused, even though the cost of the goods or services are expected to exceed \$50,000.

**4-3.1     Sole Source**

The sole source procedure may be used in lieu of either the competitive sealed bidding or the competitive negotiation procedure when there is only one source practicably available for that which is to be procured. This procedure is described in more detail in chapter 19.

**4-3.2     Public Auction**

Goods, products and commodities may be procured at a public auction if the purchasing agent determines in advance and in writing that the procurement by public auction in the best interests of the County. The public auction procedure is described in more detail in chapter 20.

**4-3.3     Emergency**

The emergency procedure may be used in lieu of either the competitive sealed bidding or the competitive negotiation procedure when there is an emergency. Emergencies include, but are not limited to, natural disasters and situations when goods or services are needed immediately, even when the emergency is self-created by the using department. The emergency procurement procedure is described in more detail in chapter 21.

**4-4     Goods and Services Exempt from Formal Competitive Procedures**

The Virginia Public Procurement Act exempts several goods and services from the competitive sealed bidding and competitive negotiation procedures, even though the expected cost of the goods or services may exceed \$50,000. These exempt goods and services are:

- Legal services: Legal services, provided that the pertinent provisions of Virginia Code § 2.2-500 et seq. (pertaining to the legal services of the Attorney General) remain applicable.
- Litigation related services: Expert witnesses and other services associated with litigation or regulatory proceedings.
- Insurance purchased through an association: If insurance is purchased through an association of which the County is a member, if the association was formed and is maintained for the purpose of promoting the interest and welfare of, and developing close relationships with, similar public bodies. The association must obtain the insurance using competitive principles. The purchasing agent must make a determination in advance after reasonable notice to the public and state in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public and document the basis for this determination.
- Goods produced or services performed by the disabled: Goods produced or services performed by the disabled, if produced or performed by persons, or in schools or workshops under the supervision of the Virginia Department for the Visually Handicapped or by nonprofit sheltered workshops or other nonprofit organizations which offer transitional or supported employment services serving the handicapped.

- Goods or services for recipients of certain public welfare programs: Goods or services for an individual recipient of a public assistance program defined in Virginia Code § 63.1-87, the fuel assistance program, a person receiving services from a community services board as defined in Virginia Code § 37.1-1, or if the County is purchasing services under the Comprehensive Services Act for At-Risk Youth and Families under Virginia Code § 2.2-5200 et seq., may be procured without using a competitive procedure. However, the bulk procurement of goods or services for use by such recipients must be competitively procured.
- Extension of an existing contract: The purchasing agent may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.

Legislation may also exempt some goods and services from the Act (e.g., Virginia Code §2.2-4343(A)(12) (school boards that make purchases through educational technology foundation exempt from certain provisions of Procurement Act); Virginia Code § 2.2-4346(A) (certain election materials), Virginia Code § 2.2-4343(A)(4) (vehicles purchased by the local department of social services for TANF recipients) or makes the exemption optional (e.g., Virginia Code § 46.2-1217 (police-requested towing services).

**4-5     Determining Which Procedure Applies**

The following steps should be taken to determine which procurement procedure applies:

**4-5.1     Determine the Expected Cost of the Goods or Services**

The first step is to identify the expected cost of the goods or services to be procured. If the cost of the goods or services is expected to exceed \$50,000, then a formal competitive procedure applies unless the procurement is otherwise excused or exempted. If the expected cost of the goods or services is \$50,000 or less, then one of the small purchase procedures apply.

- Cost estimated by the using department: The using department shall determine the expected cost of the goods or services to be procured, and present that determination to the purchasing agent in writing.
- Review of cost estimate by the purchasing agent: The purchasing agent shall review the determination of expected cost made by the using department if the expected cost is determined to be greater than \$15,000, and may review any other determination of expected cost made by the using department. The purchasing agent should independently determine the expected cost of the goods or services.

**4-5.2     Classify What is Being Procured**

The second step requires that the purchasing agent classify what goods or services are sought to be procured, and identify whether professional services are sought. When determining which procedure applies, the purchasing agent should assume that the competitive sealed bidding procedure applies, and then identify the basis, if any, for another procedure, an excuse, or exemption, to apply.

- Goods: Goods are procured by the competitive sealed bidding procedure. However, goods may be procured by the competitive negotiation procedure for goods or nonprofessional services.
- Nonprofessional services: Nonprofessional services are procured by the competitive sealed bidding procedure. However, nonprofessional services may be procured by the competitive negotiation procedure for goods or nonprofessional services.

**Table 4-2**

<b>Factors to Consider in Determining Whether to Use the Competitive Sealed Bidding Procedure</b>
Whether the contract needs to be other than a fixed-price type
Whether oral or written discussions may need to be conducted with vendors concerning technical and price aspects of their proposals
Whether vendors may need to be afforded the opportunity to revise their proposals, including price
Whether the market will respond better to a solicitation permitting not only a range of alternative proposals, but evaluation and discussion of them before making the award
Whether the award may need to be based upon a comparative evaluation of differing price, quality, and contractual factors in order to determine the most advantageous offering to the County

Factors to Consider in Determining Whether to Use the Competitive Sealed Bidding Procedure
Whether the primary consideration in determining the award may not be price

- Professional services: Services to be performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, dentistry, land surveying, landscape architecture, law, medicine, optometry, pharmacy, or professional engineering, must be procured by the competitive negotiation procedure for professional services.
- Construction: Construction is procured by the competitive sealed bidding procedure; except that the construction of highways and any draining, dredging, excavation, grading or similar work upon real property may be procured by the competitive negotiation procedure for goods or nonprofessional services if the purchasing agent determines in advance and in writing that the competitive sealed bidding procedure is either not practicable or not fiscally advantageous to the public.

Table 4-3

Comparison of the Competitive Negotiation and Competitive Sealed Bidding Procedures	
Competitive Negotiation	Competitive Sealed Bidding
<p><i>Advantages</i> Evaluation, interview and negotiation processes allow in-depth analysis of every offeror's qualifications and capabilities</p> <p>If the price is too high, the scope of work or the specifications and price may be negotiated to meet the County's needs</p> <p>The ability to negotiate the price is an effective technique to offset potential inflated prices in a market with little or no competition</p> <p><i>Disadvantages</i> Evaluation and award process can be lengthy and complicated</p> <p>Vendors evaluated by proposals and negotiations; the process must be managed carefully to assure objective selection process</p> <p>County staff can be at a disadvantage in negotiations, particularly when dealing with experienced vendors with trained negotiators</p>	<p><i>Disadvantages</i> Only the lowest responsive and responsible bidder may be considered for award, regardless of the qualifications of the other bidders or how close their price may be to that of the lowest bidder</p> <p>If the price is too high, the County may either negotiate with the low bidder to reduce the price to the amount budgeted, or cancel the procurement</p> <p>The inability to negotiate the price, except when the bid price exceeds the amount budgeted, may result in paying inflated prices in a market with little or no competition</p> <p><i>Advantages</i> Evaluation and award process is simple; determination of lowest responsive and responsible bidder generally quickly determined, contract applying objective criteria</p> <p>Vendors evaluated by contents of bids only</p> <p>No negotiations except with lowest responsive and responsible bidder when the low bid exceeds available funds</p>

- Insurance: Insurance shall be procured by the competitive sealed bidding procedure. However, insurance may be procured by the competitive negotiation procedure for goods or nonprofessional services if the purchasing agent determines in advance and in writing that the competitive sealed bidding procedure is either not practicable or not fiscally advantageous to the public.

4-5.3 Determine Whether an Excuse Applies

The third step requires that the purchasing agent determine whether compliance with the competitive sealed bidding or competitive negotiation procedure may be excused as follows:

- Goods: Goods may be procured without complying with the competitive sealed bidding or competitive negotiation procedures if there is only a sole source, an emergency exists, or if it is determined to be in the best interests of the public to procure the goods at a public auction sale.
- Services, construction and insurance: Services, construction and insurance may be procured without complying with the competitive sealed bidding or competitive negotiation procedures if there is only a sole source or an emergency exists.

These excuses are described in more detail in section 4-3.

**4-5.4    Determine Whether an Exemption Applies**

The final step requires that the purchasing agent determine whether compliance with the competitive sealed bidding or competitive negotiation procedure may be exempted as follows:

- Goods: Goods produced by certain disabled persons, schools and workshops and goods for an individual recipient of certain public welfare programs may be procured without using a competitive procedure.
- Services: Services performed by certain disabled persons, schools and workshops, legal services, litigation related services, and the extension of existing contracts for services may be procured without using a competitive procedure.
- Insurance: Insurance purchased through an association to which the County is a member may be procured without using a competitive procedure.
- Other: Enabling legislation for the procurement of particular goods or services may authorize the goods or services to be procured without using a competitive procedure.

These exemptions are described in more detail in section 4-4.

**Table 4-4**

Circumstances When the Competitive Sealed Bid and Competitive Negotiation Procedures may be Excused	
Circumstances	Procedural Requirements
Insurance	Determine in writing in advance that competitive sealed bidding and competitive negotiation processes not practicable or fiscally advantageous; procure through broker or agent selected through competitive negotiation process
Sole source	Determine in writing that only one source practicably available; post public notice or publish notice in newspaper
Emergency	Determine in writing the basis for the emergency and the selection of the contractor; post public notice or publish notice in newspaper
Single-term contract less than or equal to \$50,000	Establish written purchase procedures which so provide
Goods, products or commodities purchased at public auction	Determine in writing in advance that the purchase is in the best interests of the public

**4-6    Cooperative Procurements and Procurements Using Federal or State Money**

The County may procure goods or services in cooperation with other public bodies, and may procure goods or services with the assistance of federal grants or contracts, or state-aid, as set forth below:

**4-6.1    Cooperative Procurements**

The purchasing agent may enter into a procurement agreement with one or more public bodies or agencies of the United States for the cooperative procurement of goods or services. The procedures of the Virginia Public Procurement Act and this manual or the procurement manual of another party public body shall apply.

**4-6.2    Procurements Funded by Federal Grants or Contracts**

The purchasing agent may procure goods or services that involve the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations inconsistent with the Virginia Public Procurement Act and this manual.

Prior to issuing a notice of the invitation for bids or request for proposals, the purchasing agent shall obtain from the Board of Supervisors or the County School Board, as applicable, a written determination: (1) that acceptance of the grant or contract funds under the applicable conditions is in the public interest; and (2) identifying the specific provisions of the Virginia Public Procurement Act that are in conflict with the conditions of the grant or contract.



4-6.3    **State-Aid Projects**

The purchasing agent may procure the construction of any building or for an addition to or improvement of an existing building for which state funds of \$50,000 or more, either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of construction, using either the competitive sealed bidding procedure or the competitive negotiation procedure for goods or nonprofessional services. The Virginia Public Procurement Act and this manual apply to these procurements.

4.7        **Reverse Auctioning**

Reverse auctioning is a procurement method where bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder.

During the bidding process, bidders’ prices are revealed and bidders have the opportunity to modify their bid prices for the duration of the time period established for bid opening.

**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 \$50,000. The competitive negotiation procedure is required for the procurement of professional services if the cost of the services is expected to exceed \$50,000.

Essential Information in this Chapter
<p>The three key procedural steps in the competitive negotiation procedure are:</p> <ul style="list-style-type: none"><li>•        <u>Preparation of the request for proposals</u>: 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.</li><li>•        <u>Issuance and public notice of the RFP</u>: 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. The purchasing agent also may solicit proposals directly using the County’s “offeror list,” which includes businesses selected from a list made available by the Department of Minority Business Enterprise.</li><li>•        <u>Negotiation and award</u>: 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.</li></ul>
Key References to the Code of Virginia Applicable to this Chapter
<p>Section 2.2-4361: Definitions of competitive negotiation and other key terms Section 2.2-4303(A):When competitive negotiation required, generally Section 2.2-4303(C): Availability in lieu of competitive sealed bidding, generally Section 2.2-4303(C)(1): Availability in lieu of competitive sealed bidding, insurance Section 2.2-4303(C)(2): 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 \$50,000.

The competitive negotiation procedure is required for the procurement of professional services if the cost of the services is expected to exceed \$50,000.

**Table 11-1**

The Fourteen Steps in the Competitive Negotiation Procedure
<ol style="list-style-type: none"><li>1. Identify the goods or services to be procured</li><li>2. Create the selection committee and prepare the request for proposals</li><li>3. Establish the procurement schedule</li><li>4. Compile a list of vendors</li><li>5. Issue the request for proposals and provide public notice thereof</li><li>6. Conduct pre-proposal conferences or site visits, if warranted</li><li>7. The submittal of proposals</li><li>8. The receipt of proposals</li></ol>

The Fourteen Steps in the Competitive Negotiation Procedure
9. The evaluation of proposals 10. Develop a list of vendors with whom to negotiate 11. Arrange a tour of the site or the facility, if applicable 12. Conduct negotiations 13. Rank vendors of professional services 14. 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.

**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 negotiations 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 assure 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 assure 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 at least fifteen work days to prepare the RFP documents 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 at least fifteen work days to evaluate proposals, conduct interviews and negotiations, and issue a notice of the award.
- Execution of contract: Allow at least ten work days to execute the contract after the notice of award of the contract.

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.

#### **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 in a designated public area, or publication in a newspaper of general circulation, or both. In addition, the purchasing agent may solicit proposals directly from potential vendors, and shall include businesses selected from a list made available by the Department of Minority Business Enterprise. Public notice may also be published on the Virginia Department of General Services' central electronic procurement website and other appropriate websites.
- 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 date and time of the pre-proposals conference, if applicable; (6) the name of the purchasing agent; (7) the location where RFP documents can be obtained; and (8) the legal authority for the procurement.

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.
- Attendance at a pre-proposal conference: Attendance of prospective vendors at pre-proposal conferences should be discretionary, not mandatory, in order to assure 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 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, fax, or other form of electronic transmission.
- Deviations: Proposals containing conditions, omissions, erasures, alterations, or items not called for in the RFP may be rejected by the County as being incomplete.
- 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 in purchasing office: All proposals shall be received in person, through the mail, or by parcel service, in the purchasing office, until, but no later than, the time and date set for the receipt of proposals in the RFP. The time stamp clock in the purchasing office shall be the sole clock used to 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 assure that its proposal is timely received. The County shall assume no responsibility in assuring that proposals sent by mail or by parcel service and delivered to the County Office Building will be timely received and time-stamped in the purchasing office.
- Proposals must be time stamped: The time for the receipt of proposals shall be determined by the time clock stamp in the purchasing office. Vendors are responsible for assuring that their proposals are stamped by purchasing office personnel by the time and date for which proposals are to be received.
- 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.

The purchasing agent may impose additional requirements pertaining to the receipt of proposals if such 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, the evaluation of trade-offs among competing proposals, 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 should check references other than those listed by the vendor.

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

#### **11-11 Arrange a Tour of the Site or the Facility**

For design projects, a site or facility visitation prior to the negotiations or discussions will allow the vendors to observe the situation and ask questions before they finalize their presentation for the negotiations or discussions. The tour provides vendors with an important first-hand look at the County's needs and allows for a further exchange of information about the project. Tours are recommended for all but the simplest and most straightforward projects.

The tour should take place at least two weeks prior to the negotiations or discussions.

#### **11-12 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. 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.

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, and so on	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

11-13 **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 his 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.

**Chapter 13. Competitive Negotiation: Evaluation Criteria**

**Summary**

This chapter discusses the procedure for developing relevant and material evaluation criteria and methods to weight the criteria to score a proposal.

Essential Information in this Chapter
<ul style="list-style-type: none"><li>• The RFP must identify those criteria determined by the purchasing agent, the using department and the selection committee to be relevant and material to properly evaluate a proposal.</li><li>• The criteria may include the vendor’s plan for providing the goods or services, qualifications, experience with similar projects, past performance, availability, reputation and familiarity with the County.</li><li>• If criteria are weighted, it should be done with caution to assure that they are properly weighted in accordance with the importance of each criterion.</li><li>• The RFP should indicate the relative importance of the criteria by describing the decisional logic that the selection committee intends to use to make the selection decision.</li></ul>
Key References to the Code of Virginia Applicable to this Chapter
Section 2.2-4301: Definitions of competitive negotiation and other key terms Section 2.2-4303(A): When competitive negotiation required, generally Section 2.2-4302.2: Process for competitive negotiation

**13-1    General**

The RFP must identify those criteria determined by the purchasing agent, the using department and the selection committee to be relevant and material to properly evaluate a proposal. The number of evaluation criteria should not be so numerous so as to make it impossible for the selection committee to determine whether a vendor has satisfied them all. As noted in chapter 12, for the procurement of goods and services other than construction and professional services, the evaluation criteria may include best value concepts, which allow consideration of the overall combination of quality, price and other elements that in total are optimal relative to the County’s needs.

**13-2    Types of Evaluation Criteria**

Evaluation criteria can be divided into three primary categories: (1) technical capability; (2) managerial capability; and (3) competitiveness and reasonableness of cost:

- Technical criteria: Technical criteria include the vendor’s understanding of the procurement; the vendor’s management plan; the quality of the proposed design for certain goods; the experience and qualifications of key personnel; and vendor resources.
- Management criteria: Management criteria include the vendor’s experience on similar projects; the vendor’s performance on similar projects; the vendor’s available facilities and resources for the project; and the vendor’s plan for management and control of the project.
- Cost criteria: For the procurement of goods and nonprofessional services only, cost criteria include the vendor’s proposed price (for fixed-price contracts); the realistic expected cost of performance, plus any proposed fixed fee (for cost-reimbursement contracts); and other costs, such as that of ownership, including transportation costs, and life-cycle costs (installation, operation, maintenance, security and disposal).

**13-3    Evaluation Criteria to be Included in a Request for Proposals**

The evaluation criteria that should be included in an RFP are listed below. The criteria at the top of the list are relatively more important than those at the bottom of the list.

- Plan for performing services: When services are being procured, the vendor’s plan for performing the required services.
- Qualifications of the vendor: The qualifications and experience of the vendor and, in particular, the project team members, including the consultants, proposed to be assigned to the project.
- Experience with similar projects: A record of recent past performance of similar projects of similar scope.



- Past performance: The past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of the work, and the ability to meet schedules.
- Availability of the vendor: The personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting. This criterion should include considering the current and projected workloads of the vendor that would affect its ability to perform the required work on schedule, and the availability of key personnel to be assigned to the project.
- Reputation: The vendor's reputation for personal and professional integrity and competency.
- Familiarity with the County: The familiarity of the vendor with the County and, if services are being procured, familiarity with the problem to be addressed by the procurement as it exists in the County.

This list is not exhaustive, though it does address the technical and management criteria that should be included in all procurements using the competitive negotiation procedure. Although the list of criteria may be expanded for a particular procurement, the purchasing agent, the using department, and the selection committee should avoid creating sub-criteria that will make it difficult to apply the criteria.

Table 13-1

Sample Evaluation Criteria for a Consultant	
•	The methodology proposed
•	Qualifications and experience of assigned workers
•	Understanding of the project and its objectives
•	The degree of completeness of the vendor's response to the specific requirements of the RFP
•	Experience and history of the vendor in the disciplines covered by the RFP
•	Availability of personnel and whatever else is necessary for the performance of the work
•	The cost of the services to be provided

13-4    **The Relative Importance of the Evaluation Criteria**

The RFP should indicate the relative importance of the criteria by describing the decisional logic that the selection committee intends to use to make the selection decision. This may be accomplished in various ways, including the following:

- List by relative importance, differences small: List the criteria by relative importance, without assigning a specific weight to each; state in the RFP that the difference between the importance assigned to any one criterion and the criteria immediately preceding or following is small.
- List in descending order, predominant criteria: List the criteria in descending order of importance; identify which criteria are predominant.
- Identify most important class of criteria: State which class of criteria is most important; for example, state that the technical criteria is more important than the cost criteria.
- Identify the relative emphasis to be placed on classes of criteria: State that primary emphasis will be placed on one class of criteria, a lesser degree of importance will be placed on other classes, and include descriptions of the relative weight to be given by identifying that criterion within a class where satisfaction is mandatory, highly desirable, or desirable.
- Numerical weighting: Identify the weight given to each criterion by assigning a numerical value to that criterion. A Request for Proposal must indicate whether a numerical scoring system will be used in evaluation of the proposal. In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria must be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals.

Whether criteria should be weighted and how they should be weighted are addressed in sections 13-5 and 13-6.

### **13-5    Whether to Weight the Criteria**

The purchasing agent and the selection committee may use its discretion in determining how to score proposals, provided that it is not arbitrary. There are advantages and disadvantages to weighting the evaluation criteria listed in an RFP. If criteria are weighted, it should be done with caution to assure that they are properly weighted in accordance with the importance of each criterion.

Weighting criteria can be a problem if the selection committee later wants to elevate the importance of a particular criterion that initially was given a lower weight. The selection committee should consider to not weight the evaluation criteria until the interview.

### **13-6    Methodologies for Weighting Criteria**

Following are several methodologies that can be used to weight the criteria. In selecting any of these or any other methodologies, the key is to have a method for evaluating proposals that is reasonable, fair and objective to the extent practicable.

- Fixed weights: This is a simple mathematical weighting system. The selection committee assigns weight to each evaluation criterion by percentage distribution.
- Variable weights: This weighting system allows more flexibility in the weighting of criteria where it is determined that, as to satisfying certain criteria, proposals are of relatively equal merit. In such a case, the selection committee could give greater weight to other criteria. For example, the weight given to cost as a criterion could increase as the selection committee determines that the proposals are relatively equal based on other certain criteria evaluated.
- Trade-off analysis: This weighting system requires the selection committee to evaluate the value of technical differences between proposals in order to determine if these differences justify paying the cost or price differential. The technical criteria are point scored and the differences between technical proposals are then traded off against the differences in price or cost. For example, the RFP may inform vendors that an award will be made on the basis of a cost-technical trade-off, with technical being of more relative importance than cost. The selection committee has a great deal of discretion when using this system. When this system is used, the RFP must inform vendors that the selection committee will determine the weight to be accorded cost or price criteria after determining the relative merits of the technical proposals. The cost or price criteria are not scored because the weight to be accorded them can only be judged after the relative merits of the proposals have been determined from a technical standpoint.
- Go, no-go: This weighting system is frequently used in situations in which goods are being procured and are to be subjected to testing. The technical and management criteria are scored on a go, no-go basis, which means that a technical or management element of a proposal is either adequate (go) or inadequate (no-go). If the element is inadequate, the vendor may be asked to revise its proposal; if the factor is adequate, it is no longer relevant in the evaluation process and an award is made on the basis of the other criteria. If this weighting system is used for the procurement of goods, the RFP should provide for the award to the vendor with the lowest overall price among those proposals found acceptable in the technical and management areas.

As an alternative or in addition to the weighting systems described above, the selection committee should also consider adopting decision rules. A decision rule tells the committee how to deal with a criterion under varying conditions. For example, a decision rule might be: "if management is rated anything less than satisfactory, the entire proposal is unacceptable" or, "if the proposed price is 30 percent higher than the using department's estimate, it will be judged as being potentially unrealistic and the vendor's proposal will be reevaluated to determine if there is a misunderstanding of the requirements."

### **13-7    Scoring Proposals**

After the system for weighting the criteria is determined, the selection committee must also determine how the proposals will be scored. There are several methods by which proposals may be scored, including by adjective (excellent, good, fair . . .), numerical (10, 9, 8 . . .), narrative and ranking. A narrative evaluation may be the most effective scoring procedure in situations where the selection committee must present its results to the board of supervisors. Narratives can communicate specific information that adjectives and numbers cannot.

## **Chapter 22. Small Purchases**

### **Summary**

This chapter establishes the procedures to be followed when the cost of the goods or services to be procured is not expected to exceed \$50,000. If goods, nonprofessional services, or non-transportation-related construction are sought to be procured, one of the three following procedures shall apply, depending on the expected cost of the procurement: (1) procurements up

to and including \$5,000; and (2) procurements greater than \$5,000 up to and including \$50,000. A separate procedure applies when professional services are being procured.

Essential Information in this Chapter
<ul style="list-style-type: none"><li>The using department shall make a good faith determination as to whether the cost of the procurement is expected to exceed \$50,000.</li><li>Neither the purchasing agent nor the using department shall procure goods or services in a piecemeal manner in order to avoid formal procurement procedures that would otherwise apply.</li><li>The receipt of written quotations is preferred, even if verbal or telephone quotations are authorized.</li><li>If goods, nonprofessional services, or non-transportation-related construction are sought to be procedural, one of three informal procurement procedures applies. A separate procedure applies when professional services are sought to be procured.</li></ul>
Key References to the Code of Virginia Applicable to this Chapter
Section 2.2-4303(G): Small purchases for goods, nonprofessional services, and non-transportation-related construction

22-1 **General**

This chapter establishes the procedures to be used for single or term contracts when the aggregate or the sum of all phases is not expected to exceed \$50,000.

The following general principles apply to all procurements made pursuant to this chapter:

- Determination of estimated cost of procurement: The using department shall make a good faith determination as to whether the cost of the procurement is expected to exceed \$50,000 as provided in section 4-5.
- Providing for competition: These small purchase procedures are intended to provide for competition whenever practicable, and shall be applied to further this intent.
- Piecemealing of procurement prohibited: Neither the purchasing agent nor the using department shall procure goods or services in a piecemeal manner, otherwise split a procurement into multiple procurements, or request or require that the selected vendor invoice the County at intervals, for the purpose of reducing the estimated cost of the procurement to below the \$50,000 threshold.
- Written price quotations are preferred: The receipt of written quotations is preferred, even if verbal or telephone quotations are authorized, in the event that a dispute arises after the order is placed regarding terms or pricing.
- Travel and training expenses whose costs not expected to exceed \$50,000 exempt: Travel and training expenses whose costs are not expected to exceed \$50,000 are exempt from the procedures set forth in sections 22-2, 22-3 and 22-4. These costs, which may include those for job-related training, continuing education, and associated meals, lodging and other related and authorized expenses, are subject to the approval of the using department and the purchasing agent.
- Purchase Order required over \$5,000: A Purchase Order is required on any purchase over \$5,000.

22-2 **Goods, Nonprofessional Services, or Non Transportation-Related Construction: Cost Not Expected to Exceed \$5,000**

- Where the estimated cost of goods, nonprofessional services, or non-transportation-related construction is \$5,000 or less unless exempted (see Part 4), purchases may be made upon receipt of a minimum of one (1) written or telephone (oral) quotation. Additional sources may also be solicited. Other quotes received that were not solicited shall be considered. If more than one quote is received, the award shall be made to the lowest responsive and responsible bidder. A record of the quotation must be kept with the file. If a telephone quote is solicited, a record shall be kept of the name and address of the vendor(s) contacted, the item description or service offered, price quoted, delivery dates and terms, names of persons giving and receiving the prices and the date the information was obtained. Notation on the requisition form is considered to be an adequate record.
- Additional competition should be sought whenever there is reason to believe a quotation is not a fair and reasonable price.

**22-3 Goods, Nonprofessional Services, or Non Transportation-Related Construction: Cost Expected to be Greater Than \$5,000 up to and including \$50,000**

If the cost of the goods, nonprofessional services, or non-transportation-related construction is expected to be greater than \$5,000 up to and including \$50,000, the following procedure shall apply:

- Scheduling: The using department should allow at least five business days to complete a procurement.
- Price quotation: The using department shall obtain at least three (four, if the cost is expected to exceed \$30,000) written price quotations from vendors. When soliciting a price quotation, the using department shall describe the goods or services desired, the quantity, the date by which delivery or performance is expected to be made, that the County is seeking competitive quotations, and the date by which written price quotations must be received in the office of the using department.
- Posting of public notice: Purchases under this section that are expected to exceed \$30,000 shall require the posting of a public notice on the County's website, the Virginia Department of General Services' central electronic procurement website, and/or other appropriate website(s).
- Contents of written price quotation: A written price quotation submitted by a vendor shall contain the following information: (1) the name of the vendor quoting the price; (2) the name of the individual quoting the price; (3) the manufacturer and model of the goods or a description of the services; (4) the unit price; (5) the payment terms; (6) the promised delivery or performance date; and (7) the date the quotation was made.
- Selection of vendor: The using department shall select the vendor providing the lowest price quotation. However, if the vendor fails to provide a written price quotation which contains all of the information required by the preceding paragraph or if the purchasing agent determines that the vendor is not responsible, then the purchasing agent shall select the vendor providing the next lowest price quotation and shall state the basis for the decision in writing and place it in the procurement file.

The purchasing agent may require that any procurement of goods or services otherwise subject to this section comply with the competitive sealed bidding or competitive negotiation procurement procedures set forth in parts 2 or 3.

**22-4 Professional Services: Cost Not Expected to Exceed \$50,000**

If the cost of professional services (as defined in section 1-5 of this Manual) is not expected to exceed \$50,000, the following procedure shall apply:

- Scheduling: The purchasing agent should allow at least five business days to complete the procurement.
- Negotiation with one or more vendors: If the cost is not expected to exceed \$15,000, the using department is authorized to negotiate with one or more vendors. If the cost is expected to be greater than \$15,000 up to and including \$50,000, the using department shall contact and interview a minimum of three vendors. The negotiations may be conducted either in person or by telephone, and shall consist of identifying the services desired, the date by which performance is expected to be made, the qualities of the vendor described in the following paragraph, and the cost for such services.
- Selection of vendor: The using department shall recommend to the purchasing agent the vendor to be selected. If the using department negotiated with more than one vendor, the using department shall recommend the vendor it determined to be the most qualified, responsible and suitable; cost shall not be the sole determining factor. The purchasing agent shall notify the selected vendor, whose selection shall be contingent upon the County and the vendor entering into a written agreement.
- Written agreement: The purchasing agent shall prepare a written agreement approved by the county attorney which shall contain, at a minimum, the following information: (1) the name of the selected vendor; (2) a detailed description of the services to be provided; (3) the cost of the services to be provided; (4) the payment terms; and (5) the promised performance date.

The purchasing agent may require that the procurement of professional services otherwise subject to this section comply with the competitive negotiation procedure set forth in part 3.

**Chapter 23. Qualification of a Vendor**

**Summary**

This chapter establishes the procedures to be used to determine whether a vendor is qualified to fully participate in the procurement process. The three procedures are: (1) determining whether a vendor is responsible; (2) prequalifying prospective vendors prior to commencing the competitive sealed bidding or competitive negotiation procedures; and (3) debaring a vendor.

Essential Information in this Chapter
<ul style="list-style-type: none"><li>A responsible vendor is one who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance.</li><li>The purchasing agent may, and at the request of the using department or the selection committee shall, require that vendors be prequalified.</li><li>The purchasing agent is authorized to debar a prospective vendor from participating in a procurement under the procedures set forth in this chapter.</li><li>Determinations as to whether a vendor is not responsible, not qualified, or should be debarred shall be in writing, based upon a consideration of all available information, and be made only after the vendor has had an opportunity to rebut or respond to the purchasing agent's preliminary determination.</li></ul>
Key References to the Code of Virginia Applicable to this Chapter
Section 2.2-4301: Definition of responsible bidder or offeror Section 2.2-4317: Prequalification of a vendor Section 2.2-4321: Debarment of a vendor Section 2.2-4357: Notice to vendor of ineligibility; rights and remedies Section 2.2-4359: Notice to vendor of nonresponsibility; rights and remedies

**23-1 General**

It is the goal of the County to procure goods or services only from responsible vendors. This chapter establishes the procedures to be used to determine whether a vendor is qualified to participate in the procurement process. These procedures provide mechanisms for dealing with vendors who are not responsible, and are exercised at different times in the procurement process.

In the competitive negotiation procedure, responsibility must be determined prior to the commencement of negotiations. In the competitive sealed bidding process, responsibility need not be determined at bid opening, but must be determined after bid opening but before award. Therefore, the determination of whether a vendor is not responsible need only be made for the apparent low bidder.

**23-2 Determining Whether a Vendor is Responsible**

A responsible vendor is one who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance. Put another way, responsibility includes the capacity to perform, the financial ability to perform, and the integrity, perseverance and tenacity of the vendor to perform.

**23-2.1 Criteria to Consider**

In determining whether a vendor is responsible, the purchasing agent or the selection committee, as the case may be, shall consider, but not be limited to, the following criteria:

- Sufficient financial ability: Whether the vendor has sufficient financial ability to perform the contract. If a bond is required to ensure performance of the contract, evidence that the vendor can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the amount and type required by the County shall be sufficient to establish the financial ability of the vendor to perform the contract.
- Experience: Whether the vendor has appropriate experience to perform the contract.
- Judgments against the vendor for breach of contract: Whether the vendor or any officer, director or owner thereof has had a judgment entered against him within the past ten (10) years for breach of either a governmental or nongovernmental contract.
- Noncompliance with terms and conditions of previous contracts: Whether the vendor has been in substantial noncompliance with the terms and conditions of any prior contract with the County or any other public body, without good cause. This criterion shall apply only if the facts underlying the prior substantial noncompliance were documented in

writing in the prior contract file and the information related thereto was given to the vendor at that time, with the opportunity to respond.

- Criminal conviction arising from contracting: Whether the vendor or any officer, director, owner, project manager, procurement manager or chief financial officer has been convicted within the past ten (10) years of a crime related to governmental or nongovernmental contracting, including but not limited to, a violation of: (1) Virginia Code § 2.2-4367 et seq. (Ethics in Public Contracting); (2) Virginia Code § 18.2-498.1 et seq. (Virginia Governmental Frauds Act); (3) Virginia Code § 59.1-68.6 (Conspiracy to Rig Bids in Government); or (4) any substantially similar law of the United States or another state.
- Debarred: Whether the vendor or any officer, director or owner thereof is currently debarred from bidding or contracting by any public body or agency of any state, or by an agency of the federal government, pursuant to an established debarment procedure.
- Failure to provide information: Whether the vendor has failed to provide the purchasing agent or the selection committee, as the case may be, any information relevant to the other criteria identified in this section that is required by the purchasing agent or the selection committee, as the case may be, or by the invitation for bids or request for proposals.

An affirmative answer to any of the criteria identified in this section, or otherwise set forth in the applicable invitation for bids or request for proposals, shall be cause to determine that a vendor is not responsible. The purchasing agent is authorized to require a vendor to provide any additional assurances of responsibility, including but not limited to, requiring the vendor to provide a guarantee by a financially stronger parent company, requiring the County's prior approval of all subcontractors used, requiring the County's prior approval or designation of a particular project manager or superintendent, and requiring a guarantee from the vendor that management will be present at the job site during specified times.

### **23-2.2 Conducting the Investigation**

The purchasing agent shall obtain all information reasonably relevant to conducting an inquiry as to whether a vendor is responsible. Of course, comprehensive information relevant to a vendor's responsibility should be solicited in the invitation for bids or request for proposals. Nevertheless, additional information may be required from a vendor in a particular case.

The investigation may include the following:

- Vendor qualifications: The purchasing agent may require a vendor to submit such evidence of its qualifications as deemed necessary.
- Consider all information available: The purchasing agent should consider any and all evidence available concerning the financial, technical, and other qualifications and abilities of a vendor. The purchasing agent should obtain all information reasonably relevant to the inquiry, and not only information that is adverse to the vendor.
- Require assurances from the vendor: The purchasing agent should ask the vendor to give the County additional assurances as to its responsibility. These assurances may include, but are not limited to, a guarantee by a financially stronger parent company, the approval of subcontractors used, the designation of a particular project manager or superintendent, and a guarantee that management will be present at the job site during specified times.
- Qualification questionnaire: The purchasing agent may require the vendor to complete a qualification questionnaire, which should request information such as the names of officers and partners, experience and equipment, current contracts and future work, association memberships, trade union relationships, list of subcontractors utilized, resumes of key personnel, and the latest financial statement. If the review of the questionnaire of the vendor discloses that it may not be responsible, the vendor should be invited to meet with the purchasing agent or the selection committee to resolve or to explain the deficiencies. If a satisfactory explanation is not secured, the purchasing agent may determine the vendor to be nonresponsible.

After receipt of the additional information from the vendor and other sources, the purchasing agent shall determine whether the vendor is responsible.

### **23-2.3 Procedure if Vendor Determined to be not Responsible**

If the purchasing agent or the selection committee, as the case may be, makes a preliminary determination that a vendor is not responsible, the following procedure shall apply:

- Preliminary notice: Prior to issuing a written determination of nonresponsibility, the purchasing agent shall: (1) notify the vendor in writing of the results of the investigation and evaluation; (2) disclose the factual support for the determination of nonresponsibility;

and (3) allow the vendor an opportunity to inspect any documents which relate to the determination, if so requested by the vendor, within five (5) business days after receipt of the notice.

- Challenge to evaluation: Within ten (10) business days after receipt of the notice, the vendor may submit rebuttal information challenging the evaluation.
- Written determination of nonresponsibility: The purchasing agent shall issue a written determination of nonresponsibility based on all of the information in the possession of the County, including any rebuttal information. The written determination shall state the basis for the determination. The written determination shall be hand-delivered or sent by certified mail, return receipt requested, to the vendor. The written determination shall not otherwise be distributed to any other persons or vendors.
- Timing of determination of responsibility: The purchasing agent shall issue the written determination of nonresponsibility within five (5) business days following the date the purchasing agent received the rebuttal information. If the purchasing agent does not receive rebuttal information, the purchasing agent shall issue the written determination of nonresponsibility at any time after the ten (10) day period following the date the vendor was notified by the purchasing agent of the results of the investigation and evaluation, but prior to the purchasing agent issuing a notice of intent to award.
- Finality of written determination: The written determination of nonresponsibility shall be final unless the vendor institutes a legal action within ten (10) calendar days of receipt of the written determination, as provided by law.

In making a determination as to whether a vendor is responsible, the purchasing agent may consult with the using department and the county attorney.

### **23-3 Prequalifying a Vendor**

The procedure set forth in this section is intended to qualify prospective vendors as responsible vendors prior to the date established for the submittal of bids or proposals. The purchasing agent may, and at the request of the using department or the selection committee shall, require that vendors be prequalified.

#### **23-3.1 Procedure**

The purchasing agent shall prequalify vendors as follows:

- Notice of prequalification: The purchasing agent shall include in the invitation for bids or the request for proposals a provision that prequalification shall be required, and include a prequalification application form in the invitation for bids or request for proposal documents.
- Application due date: The invitation for bids or the request for proposals shall require that each application form be received in the office of the purchasing agent forty (40) days prior to the date established for the receipt of bids or proposals.
- Receipt of applications: Each application must be received by the purchasing agent. A prospective vendor whose prequalification application is not received by the application due date shall not be eligible to participate in the procurement.
- Determination and notice thereof: At least thirty (30) days prior to the date established for the receipt of bids or proposals, the purchasing agent shall provide a written preliminary determination to each prospective vendor as to whether it is qualified.

#### **23-3.2 Procedure if Vendor Determined to be not Qualified**

If the purchasing agent makes a preliminary determination that a vendor is not qualified, the following procedure shall apply:

- Preliminary notice: Prior to issuing a written determination that a vendor is not qualified, the purchasing agent shall: (1) notify the vendor in writing of the results of the evaluation; (2) disclose the factual support for the determination; and (3) allow the vendor an opportunity to inspect any documents which relate to the determination, if so requested by the vendor, within five (5) business days after receipt of the notice.
- Challenge to evaluation: Within ten (10) business days after receipt of the notice, the vendor may submit rebuttal information challenging the evaluation. If the purchasing agent determines that the rebuttal information reveals that the vendor should be allowed to participate in the procurement, he shall cancel the preliminary determination that the vendor is not qualified.
- Written determination that vendor not qualified: The purchasing agent shall issue a written determination that a vendor is not qualified based on all of the information in the



possession of the County, including any rebuttal information. The written determination shall state the basis for the determination. The written determination shall be mailed or hand-delivered to the vendor, but shall otherwise not be distributed to any other persons or vendors.

- Timing of determination that vendor not qualified: The purchasing agent shall issue a written determination that a vendor is not qualified within five (5) business days following the date the purchasing agent received the rebuttal information. If the purchasing agent does not receive rebuttal information, he shall issue the written determination that the vendor is not qualified at any time after the ten (10) day period following the date the vendor was notified by the purchasing agent of the results of the investigation and evaluation, but prior to the purchasing agent issuing a notice of intent to award.
- Finality of written determination: The written determination shall be final unless the vendor institutes a legal action within ten (10) calendar days of receipt of the notice, as provided by law.

In making a determination as to whether a vendor is qualified, the purchasing agent may consult with the using department or the county attorney.

#### **23-4 Debarring a Vendor**

The purchasing agent is authorized to debar a prospective vendor from participating in a procurement pursuant to the procedures set forth in this section.

##### **23-4.1 Criteria to Consider**

In determining whether a vendor should be debarred, the purchasing agent shall consider the following criteria:

- Fraud: Conviction of, or civil judgment arising from the commission of, fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract.
- Embezzlement, theft and other acts: Conviction of, or civil judgment arising from the commission of, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.
- Antitrust violations: Violation of federal or state antitrust statutes relating to the submission of offers.
- Acts indicating lack of integrity or honesty: Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of the vendor.
- Violation of contract terms: Violation of the terms of a government contract or subcontract so serious as to justify debarment, such as willful failure to perform in accordance with the terms of one or more contracts or a history of failure to perform, or of unsatisfactory performance of, one or more contracts.
- Other acts: Any other act that is of so serious or compelling a nature that it affects the present responsibility of the vendor.

An affirmative answer to any of the criteria identified in this section shall be cause to determine that a vendor is not responsible. However, the existence of any of the criteria listed above shall not necessarily require that a vendor be debarred.

##### **23-4.2 Debarment Procedure**

The procedures for the prompt reporting, investigating, and referral of matters appropriate for consideration of debarment by the purchasing agent are as follows:

- Notice: The debarment procedure is initiated when the purchasing agent notifies the prospective vendor, any specifically named affiliate, and the County Executive that debarment is being considered. The notice shall be in writing and state the reasons for the proposed debarment in terms sufficient to apprise the vendor of the conduct or transaction upon which it is based. The notice shall be hand-delivered or sent by certified mail, return receipt requested, to the vendor.
- Response to proposed debarment: The prospective vendor may submit to the purchasing agent a written response to the proposed debarment. The response may include both information and argument. If the proposed debarment is based upon a cause other than one based upon a conviction or civil judgment, the proposed vendor may request in the response that an informal hearing be conducted by the purchasing agent. The response shall be received, if at all, within thirty (30) calendar days after the date the notice of the proposed debarment was mailed.

- Hearing, if requested: If an informal hearing before the purchasing agent is requested by the prospective vendor, it shall be held within thirty (30) calendar days of the receipt of the proposed vendor's response. At the hearing, witnesses may be examined and cross-examined.
- Decision: If an informal hearing is not requested, the purchasing agent shall render a decision on the proposed debarment within fifteen (15) calendar days after receipt of the proposed vendor's response. If an informal hearing was conducted, the purchasing agent shall render a written decision within fifteen (15) calendar days after the conclusion of the hearing. The decision shall state the grounds for the decision and, if the proposed vendor is debarred, shall state the duration of the debarment. The purchasing agent may consider the seriousness of the vendor's acts or omissions and any mitigating factors in making a debarment decision.

In making a determination as to whether a vendor should be debarred, the purchasing agent may consult with the using department or the county attorney.

**23-4.3 Procedure if Vendor is Debarred**

The debarment shall be for a period of ninety (90) days to three (3) years, as determined by the purchasing agent in his sole discretion. Notwithstanding the prescribed duration of the debarment, at the discretion of the purchasing agent, a debarment may be lifted or suspended at any time if it is in the best interest of the County. A debarred individual or firm can apply for reinstatement at any time in writing to the purchasing agent, citing actions taken to remedy the reason for debarment or prevent recurrence of the situation that caused the debarment action to be taken and otherwise indicating that lifting or suspension of the debarment would be in the best interest of the County.

The decision of the purchasing agent debarring a prospective vendor shall be final unless the proposed vendor commences a legal action as provided by law.

**Chapter 26. The Contract**

**Summary**

This chapter identifies, in general terms, the required elements of a contract entered into for the procurement of goods or services. The specific elements of a contract are set forth in model contracts in the Appendix. This chapter also identifies the procedure for resolving contractual claims. Finally, this chapter establishes the procedure for reviewing and executing contracts.

Essential Information in this Chapter
<ul style="list-style-type: none"><li>• After a contract is awarded, a contract shall be prepared and circulated for review and signature by the vendor and county officers.</li><li>• Before forwarding a contract to the county attorney for review, the contract preparer shall confirm that all contract documents are included and that the certificate of insurance and all bonds or other forms of surety are provided and satisfy the requirements of the invitation for bids or request for proposals.</li><li>• The contract shall be in a form approved by the county attorney.</li><li>• Although a vendor's standard contract may be used if provided for in the invitation for bids or request for proposals, such a contract should be avoided.</li></ul>
Key References to the Code of Virginia Applicable to this Chapter
Section 2.2-4309: Modification of the contract Section 2.2-4311: Employment discrimination by contractor prohibited Section 2.2-4311.1: Compliance with federal, state, and local laws and federal immigration law; required contract provisions Section 2.2-4311.2: Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth Section 2.2-4312: Contractor required to maintain a drug-free workplace Section 2.2-4331: Contract pricing arrangements Section 2.2-4332: Workers' compensation for construction contractors and subcontractors Section 2.2-4333: Retainage on construction contracts Section 2.2-4334: Deposit of certain retained funds Section 2.2-4335: Construction contract provisions barring damages for unreasonable delays void Section 2.2-4350(B): Separate payment dates Section 2.2-4354: Payment clauses Section 2.2-4363: Contractual disputes Section 18.2-498.1: Certificate of no collusion

## **26-1    General**

After a contract is awarded, a contract shall be prepared and circulated for review and signature by the vendor and county officers. The contract shall be in a form approved by the county attorney, and shall contain the terms and conditions required by this chapter and by law.

The contract may be a short form contract. This contract specifies the procurement number, the date of execution, the parties to the contract, the contract term, the contract amount and payment terms. The contract documents, incorporated by reference, include the original invitation for bids or request for proposals, with all addenda, and the vendor's proposal.

Although a vendor's standard contract may be used if provided for in the invitation for bids or request for proposals, such a contract should be avoided. These contracts will likely contain clauses favoring the vendor. If such a contract is used, beware of clauses that govern mandatory arbitration, indemnification of the vendor by the County, the vendor's ownership of materials produced pursuant to the contract and delivered to the County, and the granting of broad powers of decision to the vendor.

## **26-2    Review of Contract and Contract Documents by County Attorney**

Before forwarding a contract to the county attorney for review, the contract preparer shall confirm that all contract documents are included and that the certificate of insurance and all bonds or other forms of surety are provided and satisfy the requirements of the invitation for bids or request for proposals.

The county attorney shall review a contract for the following matters, and any other matters identified during review:

### **26-2.1    The Contract**

The contract shall be reviewed by the county attorney for the following:

- Form and substance: The contract shall be in a form approved by the county attorney, except when the invitation for bids provides that the contract may be provided by the vendor, in which case the county attorney shall review the substance and the form of the contract.
- Identification of the parties: The County shall be identified as the "County of Albemarle, Virginia." The school division shall be identified as the "County School Board of Albemarle County, Virginia." The vendor shall be identified by its legal name.
- Legal status of the parties: The County and the school division each shall be identified as being "a political subdivision of the Commonwealth of Virginia." The legal status of the vendor shall be also stated (e.g., "a Virginia corporation").
- Term of the agreement: The term of the contract shall not commence prior to the date of the vendor's signature.
- Included documents: All of the documents listed in the "contract documents" section of the contract shall be included in the contract package.

### **26-2.2    Required Provisions**

State law requires the inclusion of certain provisions in public contracts. Those required provisions currently include:

- Employment discrimination by contractor prohibited (Virginia Code § 2.2-4311)
- Compliance with federal, state, and local laws and federal immigration law (Virginia Code § 2.2-4311.1)
- Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth (Virginia Code § 2.2-4311.2)
- Drug-free workplace to be maintained by contractor (Virginia Code § 2.2-4312)

All County and School Board contracts shall include all provisions required by and in the *Virginia Code*, and shall be subject to, and follow the required form of, subsequent amendment(s) to state law:

### **26-2.3    Certificate of Insurance**

If the invitation for bids or the request for proposals requires that the vendor have insurance during its performance of the contract, the certificate of insurance shall be reviewed for the following:

- Correct type of coverage: The certificate shall identify all of the types of insurance coverage (e.g., general liability, property damage, automobile liability,

workers' compensation) required by the invitation for bids or the request for proposals.

- Correct amount of coverage: The certificate shall identify the amount of each type of insurance coverage, which must meet or exceed the amount for that type required by the invitation for bids or the request for proposals. The amount of coverage may be satisfied by combining the amount of insurance for the particular type of coverage with the amount of excess liability or umbrella insurance identified on the certificate of insurance, but only if the insurer provides a written statement that the coverage and the eligibility requirements for the excess liability or umbrella insurance is the same as the primary insurance.
- Term of coverage: The term of the insurance coverage shall begin on or prior to the date of the term of the contract, and shall continue during the full term of the contract. A certificate of insurance that indicates that an insurance policy will expire prior to the end of the contract term may be approved, but the vendor must provide a new certificate of insurance prior to the expiration of that policy.
- County or school division named as an additional insured: The County or the school division, as the case may be, must be identified on the certificate of insurance as an additional insured for all types of insurance coverage except for workers' compensation and professional liability. The County shall be identified as the "County of Albemarle, Virginia." The school division shall be identified as the "County School Board of Albemarle County, Virginia."
- Form of the certificate: The certificate shall be on a form substantially similar to the sample certificate in the Appendix.
- Original certificate: The vendor shall provide an original certificate of insurance. A photocopy or facsimile of the certificate may be accepted when prompt review and approval of the contract is necessary and the vendor assures the County that the original certificate is forthcoming.
- Signature of insurance agent: The certificate of insurance shall be signed by an insurance agent licensed to do business in Virginia.

**26-2.4 Bonds and Other Forms of Security**

Security such as performance bonds, payment bonds, or other forms of security shall be reviewed to assure that they comply with the requirements for such security as set forth in sections 24-3.2, 24-4.2 and 24-5.

**26-2.5 Signature of Vendor**

The signature of the vendor shall be reviewed for the following:

- Signatory must be authorized to bind the vendor: The contract shall be signed on behalf of the vendor only by a person who is authorized to contractually bind the vendor. The vendor may be required to provide proof of such authority prior to approving the contract.
- Title or office of signatory must be identified: The title or office of the signatory shall be identified on a line immediately below his or her signature.
- Signature must be notarized: The signature of the signatory shall be notarized by a notary public in the state in which the contract is executed by the signatory.

**26-2.6 Authorized County/School Board Signatories**

The following officers are authorized to sign contracts on behalf of the County and/or School Board:

Tier	Maximum Amount	Authorized Signatories
I	\$5,000	Tier III & IV signatories, School Principals*
II	\$25,000	Tier III & IV signatories, School Principals*
III	\$50,000	Tier IV signatories, School Superintendent and Chief Operating Officer
IV	N/A	Purchasing Agent, Chief of Financial Management

\*School Principals are authorized to sign only form contracts prepared and approved by the County Attorney. Any modification of standard contract terms requires the separate review of the County Attorney and signature by a Tier III or IV signatory, depending on the amount.

**26-3 Contractual Claims and Dispute Resolution**

A contractual claim shall be made pursuant to the following procedure:

- Time to submit notice of intention to file a claim: The vendor shall submit to the purchasing agent written notice of its intention to file a claim within fifteen (15) calendar days after the date of the occurrence of the event on which the claim is based, or within fifteen (15) calendar days after the date of the beginning of the work upon which the claim is based, as the case may be.
- Time to submit claim: A contractual claim, whether for money or other relief, shall be received in the purchasing office no later than sixty (60) calendar days after final payment.
- Form and substance of claim: A claim shall be in writing, shall identify the date of the occurrence or the date of the beginning of the work upon which the claim is based, shall state the basis for the claim, and shall identify the relief sought.
- Investigation of claim: Upon receipt of a claim, the purchasing agent shall conduct an investigation and evaluation of the claim. As part of his investigation, the purchasing agent may request that the vendor submit additional information to support his claim, and may request the vendor, or a representative thereof, to appear before the purchasing agent to provide additional information. The purchasing agent also may consult the using department and the county attorney.
- Resolution of claim: The purchasing agent, with the advice and consent of the county attorney, may settle and resolve a claim by mutual agreement of the vendor and the County. If resolution of the claim requires that the County pay additional money to the vendor, the purchasing agent's authority to settle a claim is limited to an amount not exceeding twenty-five (25) percent of the amount of the contract, or fifty thousand dollars (\$50,000), whichever is greater. If resolution of the claim requires that the County pay an amount exceeding twenty-five (25) percent of the amount of the contract, or fifty thousand dollars (\$50,000), whichever is greater, the purchasing agent shall present the proposed settlement to the board of supervisors for its determination.
- Written decision by purchasing agent if claim not resolved: If a claim is not resolved by mutual agreement of the vendor and the County within thirty (30) calendar days of receipt of the claim, the purchasing agent shall notify the vendor in writing of his decision, which shall set forth the reasons for the action taken. The decision of the purchasing agent shall be final and conclusive unless the vendor timely appeals the decision as provided by law. Denial of a vendor's claim under a construction contract based on the vendor's alleged unreasonable delay requires the County to pay a penalty that is a percentage of the vendor's costs to investigate, analyze, negotiate, litigate and arbitrate the claim. A vendor may not institute legal action on the claim prior to receipt of the purchasing agent's written decision, unless the purchasing agent fails to render his decision within thirty (30) calendar days of receipt of the claim.
- Payment during pendency of claim: The pendency of a claim shall not delay payment of amounts agreed due in the final payment, provided that the goods or services contracted for have been provided and accepted. The acceptance of the final payment by the vendor shall not constitute a waiver of the vendor's right to timely submit a claim.

The purchasing agent may consult the using department and the county attorney during any stage of the claim process.

**26-4 Change Orders**

*Virginia Code* § 2.2-4309(A) provides in part: "[N]o fixed-price contract may be increased by more than twenty-five percent of the amount of the contract or \$50,000, whichever is greater, without the advance written approval of . . . the governing body, in the case of political subdivisions." The County Executive's Office shall act as the designee of the Board of Supervisors for purposes of this review and approval. Proposed change orders shall receive this review whenever the cumulative total of proposed changes first exceeds 25% of the amount of the contract or any multiple of 25% thereafter (such as 50%, 75%, etc.). Modifications that fail to comply with this section are voidable at the discretion of the Board of Supervisors or its designee, and the unauthorized approval of a modification cannot be the basis of a contractual claim.

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Item No.8.5. Resolution requesting discontinuance of maintenance for portion of Sugar Hollow Road (Route 614). White Hall Magisterial District.

**By the above-recorded vote, the Board adopted the following resolution:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of August, 2015, adopted the following resolution:

## R E S O L U T I O N

**WHEREAS**, Sugar Hollow Road (State Route 614) from End of State Maintenance east for a distance of 0.71 miles appears to no longer serve public convenience warranting its maintenance at public expense and should be discontinued as a part of the Secondary System of State Highways.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to take the necessary action to discontinue aforesaid portion of Sugar Hollow Road (State Route 614) as part of the Secondary System of State Highways, pursuant to § 33.2-908, Code of Virginia, 1950, as amended.

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

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Item No. 8.6. Enhanced Speeding Fines on Northfield Road, Old Brooke Road and Huntington Road. Rio Magisterial District.

The executive summary states that residents of the Carrsbrook Subdivision have expressed concern about cut through traffic and speeding in the subdivision. In an effort to evaluate and resolve speeding issues in the subdivision, the Virginia Department of Transportation (VDOT) conducted speed/traffic studies on Northfield Road, Old Brooke Road, and Huntington Road, which concluded that there is a speeding problem on all three neighborhood roads. Based on the study results, residents of the subdivision have requested that staff bring forward to the Board for its consideration a request for VDOT to install sign(s) on Northfield Road, Old Brooke Road, and Huntington Road alerting motorists that there will be a fine of up to \$200 for exceeding the established speed limit pursuant to Virginia Code § 46.2-878.2.

Virginia Code § 46.2-878.2 (see Attachment A) provides that "Operation of any motor vehicle in excess of a maximum speed limit established for a highway in a residence district of a County, City, or Town, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of \$200, in addition to other penalties provided by law."

It is the Commonwealth Transportation Board's policy (Attachment A) that VDOT, upon a formal request from the local governing body, will install signs on local residential streets, collector streets, and minor arterial streets with a posted speed limit of 35 miles per hour or lower advising motorists of a maximum punishment of \$200, in addition to other penalties provided by law, for exceeding the speed limit in certain residence districts.

Northfield Road, Old Brooke Road and Huntington Road are paved two (2) lane residential roadways with 30 miles per hour (mph) posted speed limits. VDOT conducted speed/traffic studies on Northfield Road, Old Brooke Road and Huntington Road on Tuesday June 23, 2015 through Wednesday June 24, 2015. Traffic was monitored in both Northbound and Southbound directions. The speed studies on all three roads found that vehicles at the study locations exceeded the posted speed limits with varying 85<sup>th</sup> percentile speeds (Attachments C, D, and E). Based on the count data results, VDOT found evidence of a speeding problem on Northfield Road, Old Brooke Road and Huntington Road. Additional speed studies on Northfield Road, Old Brooke Road and Huntington Road, lasting several days, will be conducted in the near future by the Albemarle County Police Department (ACPD) to confirm the data to justify additional fines along the three roads. Enhanced speeding signs shall not be placed along the three roadways until ACPD speed data is collected and reviewed to ascertain and corroborate already existing VDOT data that indicates a speeding problem exists.

To qualify for sign installation, a highway must meet the following criteria:

1. Meet the definition of local residential, collector, or minor arterial street as defined by VDOT (see Attachment A); and
2. Have a posted speed limit of 35 miles per hour or lower.

Northfield Road, Old Brooke Road and Huntington Road satisfy the above criteria. To establish an enhanced maximum fine on all three neighborhood roads, Northfield Road, Old Brooke Road and Huntington Road, the County must first request, by Resolution of the Board, that VDOT install the appropriate signs as required by Virginia Code § 46.2-878.2. The Resolution (Attachment F) and the following supporting data would then be submitted to VDOT:

1. Identification of the neighborhood and specific highway(s) where the signs are requested to be installed;
2. Confirmation that the highway(s) meet the definitions of local residential, collector, or minor arterial streets as defined by VDOT; and
3. Notification that a speeding problem exists and that the increased penalty has community support.

The requested sign(s) would be installed within 60 days after VDOT's approval.

VDOT will pay for providing and installing the signs. The ACPD will be responsible for enforcement, and ACPD staff estimates that this will have no impact on ACPD's staffing or budget.

Staff recommends that the Board adopt the attached Resolution (Attachment F) requesting that VDOT install signs to establish an additional maximum \$200 fine for exceeding the established speed limit on Northfield Road, Old Brooke Road, and Huntington Road, pursuant to Virginia Code § 46.2-878.2.

**By the above-recorded vote, the Board adopted the following resolution requesting that VDOT install signs to establish an additional maximum \$200 fine for exceeding the established speed limit on Northfield Road, Old Brooke Road, and Huntington Road, pursuant to Virginia Code § 46.2-878.2:**

**RESOLUTION TO REQUEST ADDITIONAL MAXIMUM \$200 FINE  
FOR SPEEDING ON NORTHFIELD ROAD, OLD BROOK ROAD,  
AND HUNTINGTON ROAD**

**WHEREAS**, Northfield Road (Route 854), Old Brook Road (Route 652) and Huntington Road (Route 1428) are local residential streets as defined by the Virginia Department of Transportation ("VDOT") with a posted speed limit of 30 miles per hour; and

**WHEREAS**, the County of Albemarle has received a request from the residents of the Carrsbrook Subdivision to request that VDOT install signs on Northfield Road (Route 854), Old Brook Road (Route 652) and Huntington Road (Route 1428) and to establish pursuant to Virginia Code § 46.2-878.2 an additional maximum fine of \$200.00 for exceeding the speed limit, in addition to other penalties provided by law; and

**WHEREAS**, VDOT collected speed data on Northfield Road (Route 854), Old Brook Road (Route 652), and Huntington Road (Route 1428), and has concluded that there is a speeding problem and acknowledges that it is impacting safety and quality of life for Carrsbrook Subdivision residents; and

**WHEREAS**, the Albemarle County Board of Supervisors finds that a speeding problem exists on Northfield Road (Route 854), Old Brook Road (Route 652) and Huntington Road (Route 1428), and that it creates a potential hazard for residents in the Carrsbrook Subdivision.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby requests that the Virginia Department of Transportation install sign(s) to establish an additional maximum \$200 fine for exceeding the speed limit on Northfield Road (Route 854), Old Brook Road (Route 652) and Huntington Road (Route 1428).

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Item No. 8.7. Amendment of the 1973 Four Party Agreement Between the City of Charlottesville, Albemarle County, the Rivanna Water and Sewer Authority and the Albemarle County Service Authority (*deferred from July 8, 2015*).

**By the above-recorded vote, the Board adopted the following resolution to approve Amendment No. 1 to Agreement to amend the Four Party Agreement dated June 12, 1973 and authorized the Chair to execute it on behalf of the County in a form approved by the County Attorney.**

**RESOLUTION APPROVING AMENDMENT NO. 1  
TO THE FOUR PARTY AGREEMENT DATED JUNE 12, 1973**

**BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves the Amendment No. 1 to Agreement to amend the Four Party Agreement dated June 12, 1973 and authorizes the Chair to execute it on behalf of the County in a form approved by the County Attorney.

\*\*\*\*\*

**AMENDMENT NO. 1 TO AGREEMENT**

THIS AMENDMENT NO. 1 TO AGREEMENT (this "Amendment No. 1") is made and entered into as of \_\_\_\_\_, 2015, by and among the CITY OF CHARLOTTESVILLE, a municipal corporation (the "City"), the ALBEMARLE COUNTY SERVICE AUTHORITY, a public body politic and corporate duly created pursuant to the Virginia Water and Waste Authorities Act (the "Service Authority"), the BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, acting for and on behalf of Albemarle County (the "County"), and RIVANNA WATER AND SEWER AUTHORITY, a public body politic and corporate duly created pursuant to the Virginia Water and Waste Authorities Act ("Rivanna"), parties to the Agreement dated as of June 12, 1973 (the "Service Agreement").

**RECITALS:**

The Service Agreement provides a method by which Rivanna is required to determine monthly rates for water produced and wastewater treated by Rivanna for the City and the Service Authority. The parties hereto desire to modify such method as set forth below.



AGREEMENT:

NOW, THEREFORE, the parties hereto agree to amend the Service Agreement as follows:

1. Amendment of Section 1.1. Section 1.1 of the Service Agreement is hereby amended by adding the following definition to such section:

“Debt Service Charges” with respect to a facility or project shall mean the charges for work performed and debt service owed with respect to such facility or project, including the budgeted costs of engineering, construction, legal and land costs, administrative costs, permit fees, debt service (including anticipated debt service in the period before bonds are issued or loans are obtained to finance such facility or project), and establishment of reserves and related expenses.

2. Amendment of Section 7.1. Section 7.1 of the Service Agreement is hereby amended to add the words “and charges” after the word “rates” in the heading and in the first and second sentences of such section, and to add the words “or provided” after the word “acquired” in the second sentence of such section.

3. Amendment of Section 7.2. Section 7.2 of the Service Agreement is hereby amended to add the words “and charges” after the word “rates” in the heading and in the third sentence of such section.

4. Amendment of Section of 7.2(a). Section 7.2 (a) of the Service Agreement is hereby amended to delete the words “, except as provided in subsection (c) below” in the first sentence thereof and to delete the third and fourth sentences in their entirety, and to substitute, in lieu thereof, the following:

Rivanna shall compute the Debt Service Charges as an aggregate monthly fixed charge for the existing water facilities that were acquired pursuant to Sections 3.2 and 3.4, and new water facilities or projects that either have been or are to be constructed pursuant to Section 4.1, Section 4.3 or otherwise (including projects for upgrade, rehabilitation, replacement and repair of such facilities). The Debt Service Charges for each facility or project requested solely by the City or the Service Authority and undertaken pursuant to Section 4.3 shall be determined and allocated to the requesting party. The Debt Service Charges for each facility or project undertaken pursuant to Section 4.1 or otherwise shall be determined and allocated to the City and the Service Authority as provided under any applicable cost allocation agreement, and in the absence of any such cost allocation agreement, shall be determined and allocated based on proportional usage estimated as a part of Rivanna’s normal annual budget process until such time as a cost allocation agreement between the City and the Service Authority is executed. The water rate per 1000 gallons shall be determined on the basis of the sum of the operational costs. A separate monthly fixed charge shall be determined as provided above based on the aggregate Debt Service Charges allocated to the City and the Service Authority.

5. Amendment of Section 7.2(b). Section 7.2(b) of the Service Agreement is hereby amended and restated in its entirety as follows:

(b) Wastewater treatment rates for the urban area shall be uniform. Rivanna shall compute the cost per 1000 gallons for the operation and maintenance of facilities for the interception and treatment of wastewater, which rate shall be the same for the City and the Service Authority. Rivanna shall compute the Debt Service Charges as an aggregate monthly fixed charge for the existing wastewater facilities that were acquired pursuant to Sections 3.3 and 3.5 and new wastewater facilities or projects that either have been or are to be constructed pursuant to Section 4.1, Section 4.3 or otherwise (including projects for upgrade, rehabilitation, replacement and repair of such facilities). The Debt Service Charges for existing facilities (as defined by Sections 3.3 and 3.5) and additional wastewater facilities described on Exhibit 6, shall be determined and allocated to the City and the Service Authority on a basis whereby the City pays a percentage of the Debt Service Charges equal to the City’s proportional share of Rivanna’s wastewater flow for the most recently completed and audited fiscal year divided by the sum of (i) the City’s proportional share of Rivanna’s wastewater flow plus (ii) two times the Service Authority’s proportional share of Rivanna’s wastewater flow for the same period, and the Service Authority pays the remaining percentage balance. The Debt Service Charges for each new or additional facility or project requested solely by the City or the Service Authority and undertaken pursuant to Section 4.3 shall be determined and allocated to the requesting party. The Debt Service Charges for each new or additional facility or project undertaken pursuant to Section 4.1 or otherwise shall be determined and allocated to the City and the Service Authority as provided under any applicable cost allocation agreement and in the absence of any such cost allocation agreement shall be determined and allocated based on proportional usage estimated as a part of Rivanna’s normal annual budget process until such time as a cost allocation agreement

between the City and the Service Authority is executed. The wastewater treatment rate per 1000 gallons shall be determined on the basis of the sum of the operational costs. A separate monthly fixed charge shall be determined as provided above based on the aggregate Debt Service Charges allocated to the City and the Service Authority.

6. Amendment of Section 7.2(c). Section 7.2(c) of the Service Agreement is hereby deleted in its entirety.

7. Amendment of Section 7.3. Section 7.3 of the Service Agreement is hereby amended and restated in its entirety as follows:

Section 7.3. Rates and Charges in Other Areas. Rivanna shall establish separate rates and/or charges, as may be agreed between Rivanna and the Service Authority from time to time, for service to areas in the County outside of and not connected to Rivanna facilities in the urban area to which Rivanna provides or in the future may provide water or from which it treats or may in the future treat wastewater. Such areas include Crozet, Red Hill and Scottsville for the provision of water and include Scottsville, the Village of Rivanna and Stone Robinson School for the treatment of wastewater.

8. Amendment of Section 7.4. Section 7.4 of the Service Agreement is hereby amended and restated in its entirety as follows:

Section 7.4. Uniformity in Debt Service Charges. The parties recognize that there will be variances from year to year in the cost for both water and wastewater treatment capital improvements on both existing facilities and new facilities. In an effort to maintain reasonable uniformity in adjustments to Debt Service Charges from year to year, the parties agree that Rivanna will, to the best of its ability, compute such Debt Service Charges using uniform adjustments to such charges throughout five to ten year periods. The parties understand and agree that this procedure will result in excess collections compared to actual expenditures in certain periods but in other periods the amount collected will be less than actual expenditures for such capital improvements. Rivanna agrees to apply the excess collections to make up deficiencies during periods where actual expenditures for such capital improvements exceed Debt Service Charges.

9. Amendment of Section 7.5. Section 7.5 of the Service Agreement is hereby amended and restated in its entirety as follows:

Section 7.5. Determination of Rates and Charges. Water and wastewater treatment rates per 1000 gallons within the urban area shall be determined by applying the rates determined pursuant to Sections 7.2(a) and 7.2(b) to the total estimated amount of water delivered to, or wastewater treated from, the City and the Service Authority as obtained by their respective customer meter readings and applied pursuant to the provisions of the 1983 Working Agreement on Urban Area Wholesale Flow Allocation and Billing Methodology between Rivanna, the Service Authority and the City. Water and wastewater treatment Debt Service Charges within the urban area shall be determined, allocated and aggregated pursuant to Sections 7.2(a) and 7.2(b) and the applicable cost allocation agreement, if any, with respect to such charges. Water and wastewater rates and/or charges for service to areas in the County outside of and not connected to Rivanna facilities in the urban area shall be determined pursuant to Section 7.3.

10. Effective Date. This Amendment No. 1 shall be effective upon the approval and execution by all parties hereto.

11. Miscellaneous. Except as expressly amended hereby, the Service Agreement shall remain in full force and effect in accordance with its terms. Bank of New York Mellon Trust Company, N.A., a New York banking corporation, executes this Amendment No. 1 solely in its capacity as successor Trustee (the "Trustee") to NationsBank, National Association under the Agreement of Trust dated as of October 1, 1979 between Rivanna and the Trustee, as amended and supplemented, pursuant to Section 8.1 of the Agreement of Trust.

IN WITNESS WHEREOF, the parties have duly executed this Amendment No. 1 as of the date first above written.

Date: \_\_\_\_\_

CITY OF CHARLOTTESVILLE  
By \_\_\_\_\_

Mayor

(SEAL)  
ATTEST:

\_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

(SEAL)  
ATTEST:

\_\_\_\_\_  
Secretary

ALBEMARLE COUNTY SERVICE AUTHORITY  
By \_\_\_\_\_  
Chair

Date: \_\_\_\_\_

(SEAL)  
ATTEST:

\_\_\_\_\_  
Clerk

BOARD OF COUNTY SUPERVISORS OF  
ALBEMARLE COUNTY  
By \_\_\_\_\_  
Chair

Date: \_\_\_\_\_

(SEAL)  
ATTEST:

\_\_\_\_\_  
Secretary

RIVANNA WATER AND SEWER AUTHORITY  
By \_\_\_\_\_  
Chair

Item No.8.8. Resolution to accept Brock's Mill Road into the State Secondary System of Highways. Rivanna Magisterial District.

**By the above-recorded vote, the Board adopted the following resolution:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of August, 2015, adopted the following resolution:

**R E S O L U T I O N**

**WHEREAS**, the street described below was established and currently serves at least three families per mile; and

**WHEREAS**, the Virginia Department of Transportation has deemed this County's current subdivision control ordinance meets all necessary requirements to qualify this County to recommend additions to the secondary system of state highways, pursuant to § 33.2-335(D), Code of Virginia; and

**WHEREAS**, after examining the ownership of all property abutting this street, the Albemarle Board of County Supervisors finds that speculative interest does not exist.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to §33.2-335(D), Code of Virginia:

**Brock's Mill Road** from Gilbert Station Road (State Route 640) to the end of Brock's Mill Road; Length: 0.48 miles; Right-of-Way Width: 40 feet; Nine (9) Plats Recorded with Deeds: Date: July 27, 2015; Deed Book 4653, Pages: 526, 536, 548, 566, 578, 591, 604, 616, and 630; and

**BE IT FURTHER RESOLVED** that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

**BE IT FURTHER RESOLVED** that the Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to § 33.2-335(C)(2), Code of Virginia; and

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

Item No.8.9. Office of Facilities Development (OFD) Capital Projects Status Report – 2<sup>nd</sup> Quarter CY 2015, ***was received for information.***

Item No.8.10. VDOT Culpeper District, Albemarle County Monthly Report, August 2015, ***was received for information.***

Item No. 8.11. County Grant Application/Award Report, ***was received for information.***

The executive summary states that pursuant to the County's Grant Policy and associated procedures, staff provides periodic reports to the Board on the County's application for and use of grants.

The attached Grants Report provides a brief description of three grant applications made and five grant awards received during the time period of June 13, 2015 through July 17, 2015.

The budget impact is noted in the summary of each grant.

This report is for information only.

**GRANT REPORT ACTIVITY – June 13, 2015 through July 17, 2015**

Applications were made for the following grants:

Granting Entity	Grant	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Department of Housing and Community Development	Planning Grant for Southern Albemarle Housing	Federal	\$30,000	\$0	None	Housing	These grant funds will provide support for a needs analysis for housing rehabilitation in coordination with the Albemarle Housing Improvement Program (AHIP) for southern Albemarle.
Virginia Department of Housing and Community Development	Planning Grant for Crozet	Federal	\$30,000	\$0	None	OMB/Economic Development	These grant funds will provide support to the Crozet Community Association, which spearheaded the “Downtown Crozet Initiative.” These grant funds will provide for a market study and design, and will support community engagement efforts associated with the initiative.
Department of Justice	Justice Assistance Grant, Community Policing	Federal	\$14,155	\$0	None	Police	These grant funds will provide support for Community Policing overtime activities provided by the Albemarle County Police Department such as bike patrols and participation in community events.

Awards were received for the following grants:

Granting Entity	Grant	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Commission for the Arts	Local Challenge Grant	State	\$5,000	\$5,000	Grants Leveraging Fund	Office of Management and Budget	These grant funds will support the Piedmont Council of the Arts. This grant was anticipated to be received and details were included in the Recommended FY 16 Budget on page 152.

Virginia Department of Criminal Justice Services	FY16 Pre-Trial Services	Federal	\$225,000	\$75,000	Central Virginia Regional Jail	Offender Aid & Restoration	These grant funds will be used to provide screening, interviews and investigations at the Central Virginia Regional Jail for the jurisdictions served by the Jail. The County serves as the fiscal agent for the Offender Aide and Restoration agency (OAR).
Virginia Department of Criminal Justice Services	Comprehensive Community Corrections Act (CCCA)	Federal	\$725,084	None	None	Offender Aid & Restoration	These grant funds will be used to provide local probation, supervision, risk assessment, case planning, and many other services to the OAR's nine-locality service area. The County of Albemarle acts as a fiscal agent for OAR. This grant is included in the County's FY 16 budget entitled “Criminal Justice Grant” and is described on page 185 in the Recommended FY16 Budget.
Virginia Department of Criminal Justice Services	FY16 Byrne/Justice Assistance Grant: Law Enforcement	Federal	\$125,910	\$13,990*	Grants Leveraging Fund	Police	<p>These grant funds will be used to provide a Police Sergeant position to form and lead the new Albemarle County Police Department Problem Oriented Policing (POP) Team. This award is the first year of funding in a four year program. For all four years, most of the grant funding will go to pay the salary and benefits of the Police Sergeant position. The remaining grant funds will be used for training and equipment costs.</p> <p>*This grant requires the local matching funds to increase each year. Due to these match requirements, this grant will be closely monitored. A decision on whether to continue or increase local funding for this grant will be discussed and determined during the five year financial planning process. Staff will also make a recommendation during the annual budget process for the Board's consideration. In addition, a determination will also need to be made as to whether the match comes from the Grants Leveraging fund or will be incorporated into the Police department's annual budget in the following fiscal year.</p>

Virginia Department of Criminal Justice Services	FY 16 Justice Assistant Grant – Crime Analyst	Federal	\$33,879	\$33,879*	FY16 Police Department Budget	Police	<p>These grant funds will be used to provide continued funding for the Crime Analyst position for FY16.</p> <p>*This 4-year grant requires a local match of \$33,879 in FY 16, the third year of the grant. In FY17, the local match will increase to \$50,819. A decision on whether to continue or increase local funding for this grant will be discussed and determined during the five year financial planning process, and staff will make a recommendation during the annual budget process regarding the continuation of the Crime Analyst position beyond FY17, at which point there will be no grant funding for this position.</p>
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Item No.8.12. Copy of letter dated July 15, 2015, from Mr. Ronald L. Higgins, Deputy Zoning Administrator, to WAO Land Trust, c/o William A. Orr, re: LOD201500007-OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS AND PARCELS - Tax Map 79A1, Parcels 41, 41A, 0E-1, 0E-21 and 0E-24 under Section 10.3.1 (Rivanna Magisterial District), ***was received for information.***

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Agenda Item No. 9. Albemarle County Debt Financing - 2015B.

The executive summary, as presented by staff, states that beginning in FY09, the County has issued debt on an every-other-year basis, using its cash as a source of funding until such time as the next debt is issued. As authorized by the annually adopted reimbursement resolution, the County reimburses itself from bond proceeds. On June 3, 2015, the Board of Supervisors adopted a reimbursement resolution setting forth the County's intent to use \$43,389,518 in tax exempt bond proceeds to reimburse the County for Capital Improvement Program expenditures. On June 4, 2014, a similar reimbursement resolution was adopted by the Board. On April 1, 2015, the Board approved financing \$9.5M specifically for purposes of funding the Schools' FY15 CIP for expenditures that had already been approved for financing and appropriated in the County's FY15 budget. Those projects were not included in the FY16 reimbursement resolution. This Executive Summary presents to the Board for its consideration a financing option for the County to finance FY16 capital projects and to reimburse the County for cash it expended for previous years projects.

On July 14, 2015, the County's Financial Advisors, Davenport and Company, presented an overview of the proposed plan of public facility bond financing to the Economic Development Authority of Albemarle County, Virginia (EDA), which is enabled to assist the County in financing local government facilities and equipment. If the Board approves moving forward with the proposed financing, the EDA Board would be asked to approve the financing plan at its August 11, 2015 meeting. Under the proposed strategy, the EDA, as a conduit issuer, would issue debt through a Public Sale in a principal amount not to exceed \$45,750,000 (project costs, cost of issuance, capitalized interest, and a reserve equal to up to one year's debt service, if required) and would loan the proceeds to the County. This bond sale would include capitalized interest because in order to take advantage of the nearly historical low interest rate environment, the County is undertaking this debt issuance earlier than was initially planned and budgeted. The EDA Bonds will be secured under a master trust agreement structure and master financing agreement structure described in Attachment A, prepared by Hunton & Williams LLP, the County's bond counsel. The security for the EDA Bonds will be the County's promise, subject to appropriation, to make payments to the EDA to enable it to make debt service payments associated with this debt issuance. Based on the County's excellent triple-AAA credit rating, but without the security of offering additional leased collateral, it is expected that the debt would be issued with credit ratings in the high AA category. The resolution necessary to advance this borrowing plan is also attached (Attachment B). All financial documents referenced are available for Board and public review in the Board Clerk's Office.

Interest rates at the time of preparing this Executive Summary are at favorably low levels. The County may realize budgeted debt service savings if interest rates remain favorable. This financing adheres to the County's financial policies regarding debt limits, debt capacity, debt affordability, and debt repayment standards.

Staff recommends that the Board adopt the attached Resolution (Attachment B) authorizing the proposed plan of financing through the EDA.

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Mr. Courtney Rogers of Davenport and Company addressed the Board, stating when they were talking about the school project earlier in the year, he had indicated he would return to talk about the CIP financing that happens every few years. Mr. Rogers said that given the possibility of the Federal Reserve raising interest rates in the fall, they are pushing the schedule up, and from a cash flow standpoint they will be moving that forward and hosting the rating agencies later in the month.

Ms. Mallek said it is always a learning process to have the rating agencies. Mr. Rogers said he looks forward to having them down and showing them some of the projects they have financed.

Ms. Dittmar asked if the EDA has to act on this again. Mr. Rogers responded that once the Board approves the documents, they are effectively asking the EDA to act on their behalf, and it will go back to them the following Tuesday.

**Motion** was then offered by Ms. Palmer to adopt the proposed resolution authorizing the proposed plan of financing through the EDA. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

**RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE  
COUNTY, VIRGINIA, APPROVING A PLAN TO FINANCE PUBLIC FACILITIES  
PROJECTS THROUGH THE ISSUANCE OF REVENUE BONDS IN AN AGGREGATE  
PRINCIPAL AMOUNT NOT TO EXCEED \$45,750,000**

**WHEREAS**, the Economic Development Authority of Albemarle County, Virginia (formerly the Industrial Development Authority of Albemarle County, Virginia) (the "Authority"), pursuant to the Industrial Development and Revenue Bond Act (the "Act"), under which it was created, is authorized to exercise all the powers set forth in the Act, which include, among other things, the power to make loans to, among others, a county in furtherance of the Act, to finance or refinance and lease facilities for use by, among others, a county, to issue its revenue bonds, notes and other obligations from time to time for such purposes and to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from the leasing by the Authority of such facilities or from any source, as security for the payment of principal of and interest on any such obligations;

**WHEREAS**, the Board of Supervisors (the "County Board") of Albemarle County, Virginia (the "County"), desires to finance, in conjunction with the Authority, the costs of certain projects in the County's Capital Improvement Plan including (without limitation) capital expenditures related to the following governmental and public purpose categories: (a) County administration, (b) judicial, (c) parks, recreation and cultural, (d) public safety, (e) public works, (f) schools, (g) technology and geographic information system and (h) water resources (collectively, the "Series 2015B Project");

**WHEREAS**, on August 5, 2015, the County Board adopted a resolution requesting the Authority to issue its Public Facility Revenue Bonds (Albemarle County Projects), Series 2015B (the "Bonds"), and use the proceeds to (a) finance or reimburse the costs of the Series 2015B Project, (b) pay as desired interest on the Bonds up to one year following completion of the Series 2015B Project, (c) fund as desired a reserve fund for the Bonds and (d) pay the related costs of issuing the Bonds;

**WHEREAS**, the Bonds will be secured by payments appropriated from time to time by the County Board and payable to the Authority in accordance with the terms of the Financing Agreement (as defined herein);

**WHEREAS**, the County administration has recommended that Hunton & Williams LLP, Richmond, Virginia, be approved as bond counsel;

**WHEREAS**, there have been circulated prior to this meeting drafts of the following documents (collectively, the "Documents"), proposed in connection with the issuance and sale of the Bonds:

- (a) a Fourth Supplemental Agreement of Trust, supplementing the Agreement of Trust dated as of March 1, 2003, as previously supplemented (collectively, the "Trust Agreement"), all between the Authority and U.S. Bank National Association, as successor trustee (the "Trustee"), pursuant to which the Bonds are to be issued;
- (b) a form of the Bonds (attached as Exhibit A to the Fourth Supplemental Agreement of Trust);
- (c) a Third Supplemental Financing Agreement, (the "Supplemental Financing Agreement"), supplementing a Financing Agreement dated as of March 1, 2003, as previously supplemented (collectively, the "Financing Agreement"), all between the Authority and the County, pursuant to which the Authority will loan the proceeds of the Bonds to the County and the County will undertake, subject to appropriation, to make payments to the Authority in amounts sufficient to pay the principal of and premium, if any, and interest on the Bonds and certain other related costs;
- (d) a Preliminary Official Statement relating to the public offering of the Bonds (the "Preliminary Official Statement");
- (e) a Notice of Sale (attached as Appendix H to the Preliminary Official Statement) (the "Notice of Sale") (applicable only if the Bonds are sold through a competitive sale);

**NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA:**

1. The following plan for the Bonds and the financing of the Series 2015B Project is hereby approved. The Authority will issue the Bonds in an aggregate principal amount not to exceed \$45,750,000. The Authority will use the proceeds of the Bonds to finance or reimburse the costs of the Series 2015B Project, to pay as desired interest on the Bonds up to one year following completion of the Series 2015B Project, to fund as desired a reserve fund for the Bonds and to pay the costs of issuing the Bonds. Pursuant to the Financing Agreement, the County will undertake to make certain Basic Payments and Additional Payments (each as defined in the Financing Agreement) to the Authority in amounts sufficient to amortize the Bonds, to pay the fees or expenses of the Authority and the Trustee and to pay certain other related costs. The obligation of the Authority to pay principal of and premium, if any, and interest on the Bonds will be limited to Basic Payments and Additional Payments received from the County. The Bonds will be secured by an assignment of the Basic Payments and certain Additional Payments due under the Financing Agreement, all for the benefit of the holders of the Bonds. The undertaking by the County to make Basic Payments and Additional Payments will be subject to the appropriation by the County Board from time to time of sufficient amounts for such purposes. The plan of financing for the Series 2015B Project shall

contain such additional requirements and provisions as may be approved by the County Executive and the Chairman or Vice-Chairman of the Authority.

2. Subject to Section 3, the Authority hereby authorizes the issuance of the Bonds pursuant to the Trust Agreement; provided that (a) the principal amount shall not exceed \$45,750,000, (b) the "true" or "Canadian" interest cost of the Bonds shall not exceed 5.0% (taking into account any original issue discount or premium), (c) the Bonds shall mature in installments or be subject to mandatory sinking fund redemption installments ending not later than December 31, 2036, (d) the Bonds shall be sold to the purchaser(s) thereof at a price not less than 98% of the aggregate principal amount thereof (without taking into account any original issue discount or premium) and (e) the Bonds shall be subject to optional redemption, if at all, at a redemption price not to exceed 102% of their principal amount. The Chairman and Vice-Chairman of the Authority, either of whom may act, are also authorized to approve, in collaboration with the County Executive, a lesser principal amount for the Bonds, a maturity schedule (including serial maturities and term maturities for the Bonds) and redemption provisions of the Bonds, all as such officer shall determine to be in the best interests of the Authority and the County.

3. The Authority approves the following terms of the sale of the Bonds:

- (a) The Bonds shall be sold through a competitive sale or a negotiated sale, as requested by the County Executive.
- (b) If the County Executive determines that the Bonds shall be sold by competitive sale, the County Executive is authorized, on behalf of the Authority, to receive bids for such Bonds and award such Bonds to the bidder providing the lowest "true" or "Canadian" interest cost, subject to the limitations set forth in Section 2. Following a competitive sale, the Chairman or Vice-Chairman of the Authority shall, in collaboration with the County Executive, file a certificate with the Authority and the County Board setting forth the final terms of the Bonds. The actions of the Chairman or Vice-Chairman of the Authority, in collaboration with the County Executive, in selling the Bonds by competitive sale shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Authority.
- (c) If the Bonds are sold by competitive bid, the County Executive, in collaboration with the Financial Advisor, is authorized and directed to take all proper steps to advertise the Bonds for sale substantially in accordance with the form of the Notice of Sale, which is hereby approved; provided that the County Executive, in collaboration with the Financial Advisor, may make such changes in the Notice of Sale not inconsistent with this Resolution as he may consider to be in the best interests of the County and the Authority.
- (d) If the County Executive determines that the Bonds shall be sold by negotiated sale, the County Executive is authorized, on behalf of the Authority and in collaboration with the Financial Advisor, to choose one or more investment banks or firms to serve as underwriter(s) for the Bonds and to negotiate and finalize the terms of such sale pursuant to a bond purchase agreement (the "Bond Purchase Agreement"). The Chairman and Vice-Chairman of the Authority, either of whom may act, are authorized to execute and deliver the final Bond Purchase Agreement, which shall be in a form approved by the Chairman or Vice-Chairman of the Authority, whose approval shall be evidenced by such officer's execution thereof. Following a negotiated sale, the Chairman or Vice-Chairman of the Authority shall file a copy of the Bond Purchase Agreement with the records of the Authority. No further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Authority.

4. The Chairman and Vice-Chairman of the Authority, either of whom may act, are hereby authorized and directed to execute the Documents (excluding the Preliminary Official Statement and the Notice of Sale), which shall be in substantially the forms circulated prior to this meeting, which are hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing them, his or her execution thereof to constitute conclusive evidence of such officer's approval of any such completions, omissions, insertions and changes.

5. The Authority authorizes the distribution of the Preliminary Official Statement in form deemed "near final" as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), to prospective purchasers of the Bonds, with such completions, omissions, insertions and changes as may be approved by the Chairman or Vice-Chairman of the Authority, in collaboration with the County and the Financial Advisor. Such distribution shall constitute conclusive evidence of the approval of the Chairman or Vice-Chairman as to any such completions, omissions, inserts and changes and that the Authority has deemed the Preliminary Official Statement to be "near final," within the meaning of the Rule, as of its date.

6. The Chairman and Vice-Chairman of the Authority, either of whom may act, are hereby authorized and directed to approve such completions, omissions, insertions and other changes to the Preliminary Official Statement as may be necessary to reflect the terms of the sale of the Bonds and the details thereof appropriate and to complete it as an official statement in final form (the "Official Statement") and to execute and deliver the Official Statement when the same has been approved by the County. The

County Executive is hereby authorized, on behalf of the Authority, to distribute the Official Statement to the purchaser(s) of the Bonds. Execution of the Official Statement by the Chairman or Vice-Chairman shall constitute conclusive evidence of his or her approval of any such completions, omissions, insertions and changes and that the Official Statement has been deemed "final" by the Authority as of its date within the meaning of the Rule.

7. The Chairman and Vice-Chairman of the Authority, either of whom may act, are hereby authorized and directed to execute the Bonds by manual or facsimile signature, the Secretary-Treasurer of the Authority is hereby authorized and directed to affix the seal of the Authority to or print a facsimile thereof on the Bonds and to attest the same by manual or facsimile signature, and the officers of the Authority are hereby authorized and directed to deliver the Bonds to the Trustee for authentication and delivery to the purchaser(s) thereof upon payment therefor.

8. All costs and expenses in connection with the financing of the Series 2015B Project and the issuance of the Bonds, including the Authority's fees and expenses and the fees and expenses of bond counsel, counsel for the Authority, and the Financial Advisor for the sale of the Bonds, shall be paid from the proceeds of the Bonds or other legally available funds of the County. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

9. The officers of the Authority are hereby authorized and directed to execute, deliver and file all certificates and documents and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Bonds, including without limitation (a) executing and delivering a certificate setting forth the expected use and investment of the proceeds of the Bonds to show that such expected use and investment will not violate the provisions of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations thereunder, applicable to "arbitrage bonds," (b) making any elections, at the request of the County, that such officers deem desirable regarding any provision requiring rebate to the United States of "arbitrage profits" earned on investment of proceeds of the Bonds, (c) providing for the County to pay any such rebate amount and (d) filing Internal Revenue Service Form 8038-G. The foregoing shall be subject to the advice, approval and direction of bond counsel.

10. The Authority consents to the recommendation by the County that Hunton & Williams LLP serve as bond counsel for the issuance and sale of the Bonds.

11. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto.

12. All other acts of the officers of the Authority that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are hereby approved and ratified.

13. This Resolution shall take effect immediately.

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Agenda Item No. 10. Pantops Fire Station (*deferred from July 1, 2015*).

Ms. Dittmar stated that the Board had reviewed this item in June and tabled it until July, and wanted to do some additional inquiry and research, so they tabled it to this meeting.

Mr. Dan Eggleston, Fire Chief, stated their conversation in July had been good, but there were questions regarding volunteer sharing and cost-sharing, and Ms. Palmer had come in and talked to fire rescue about these issues. He said all of the outstanding items have been addressed, and they are ready to move forward with funding the design of the station. Mr. Eggleston said he had taken this before the Executive Committee of the Fire EMS (FEMS) Board, and they have agreed that they need a long-term staffing committee, which will also be the same group to engage with Martha Jefferson Hospital.

Ms. Palmer said at this point, Martha Jefferson has expressed "great interest" in helping, but they have not committed to anything.

Ms. Dittmar said they have also learned they will use the Ivy Station design, and Director of Office of Facilities Development, Trevor Henry, will talk more about that.

Mr. Eggleston stated they anticipate the size will be about the same as Ivy, but given site constraints at Pantops, it could not be the exact same footprint.

Mr. Trevor Henry addressed the Board, stating he had not heard they were using the Ivy Fire Station design, and it is not what was proposed originally, and the Ivy station is an old warehouse, so it is apples and oranges in terms of being able to use that exact design. He clarified what they have estimated in the CIP request is \$225,000 for the design, which is approximately 10% of the construction budget. Mr. Henry said that work had been done to do some preliminary work on the site and the concept of the building, in order to get the parcel deeded to the County as part of the proffer donation, so what reflects the cost and design estimate is based off of proposals from a few years ago. He explained once they get the go-ahead for the project, they will ask for a revised proposal for the work. Mr. Henry stated the County's practice has been to budget 10-15% of the total CIP cost for design, based on factors of the hard cost of construction, which is consistent with industry standards. He said other cost factors are the type of project and complexity of it, the amount of public review, the layers of approval necessary, and so forth, and the \$225,000 figure was based



off of the architect's plan from 2010.

Ms. Palmer asked if the design for a certain fire station at a certain size with a certain number of bays can use a template-type design, since there are so many around the country. Mr. Henry responded that large areas like Northern Virginia had used a design- prototype for a fire station or school, and because of their capital needs and rate of construction, they implemented numerous facilities under this model. He stated it has not been customary in Albemarle to use the same design, given the lower pace of construction that a design-build model might suit better, and they also take cues from previous projects to inform the next project.

Ms. McKeel stated the schools have used a template model, as can be seen with some of the schools that exist now, but they are moving away from that approach as evidenced with Baker-Butler Elementary. She asked staff to describe more about the Ivy station.

Mr. Eggleston said in terms of a building, it is a very basic design, a two-bay station with living quarters, an office, locker rooms, and bedrooms; the Comp Plan stated that a community room would be included whenever possible, but the budget constraints for the station did not allow for that. He stated the station is relatively small at 8,500 square feet, with two bays, one for a fire engine, and one for an ambulance. Mr. Eggleston stated the Ivy Station operates 24/7 with the fire engine, but the ambulance only has a daytime crew, with a goal of staffing it 24 hours.

Ms. McKeel said in this case, there is one bay for each vehicle, but not all stations are that way. Mr. Eggleston stated this is correct, and to determine the size of the station and configuration, they look at the entire system, the risk profile in the community, what other units are responding, and smaller stations are more the norm these days. He said in many cases, a fire engine and ambulance can serve an area well, and he confirmed the bays are the same size.

Ms. Mallek said the exception is hook and ladder.

Mr. Boyd asked if they have a goal to eventually put a hook and ladder vehicle in the Pantops Station at some point. Mr. Eggleston responded it is a goal for the future, and they are also looking at where they can house something like that in an existing station, so all of these things are at play in the design process.

Mr. Boyd noted they have taken a lot of criticism about the "Taj Mahal" design of the Hollymead Station, but his understanding that the Pantops station will be more of a substation design that is not as elaborate. Mr. Eggleston confirmed they will be taking that into consideration.

Mr. Davis stated one of the conditions of the deed of gift was that the station must comply with the building standards of the other Worrell properties in that area, so there are architectural standards that will have to be met and approved by the Worrell Foundation.

Mr. Boyd asked if Mr. Eggleston has approached Stony Point about using some of the volunteers there at the Pantops Station, in the same way they had with the Ivy Station. Mr. Eggleston said Stony Point and other stations such as East Rivanna have expressed interest, which is something the subcommittee of the FEMS Board will be considering, and with the Ivy Station, they developed a comprehensive recruitment and retention plan.

Ms. McKeel stated she feels they have new information, such as a potential partnership with Martha Jefferson, and there are a lot of other businesses in that area also. She said she sees a need for rescue in that area, but not fire, and she feels they should take some time to talk to those businesses about volunteering to staff a rescue station there. Ms. McKeel stated she would even be interested in having a workgroup to explore this, and while they might eventually need a fire station, she does not see the need for it now. She expressed concern about the strain on the CIP as well as the operational budget, and said she would like to have an opportunity to look at this differently.

Mr. Eggleston said there is very little cost savings to be realized by only having a one-bay rescue station and come back later and add it. ACFR is ready to move forward with a two-bay station with the future in mind, and that does not commit them in any way to put a fire engine there. He stated their goal in the short term is to build a station and then move forward with a staffing plan.

Ms. Mallek stated the community and neighboring partners will be much more interested if there is a structure that is designed, and she would be very reluctant to have them design it, as that should be left to the professionals, to be built to County standards. She said they would not necessarily need to have the building ready for all of the equipment for a fire engine, and she would doubt the hospital and others will be interested in partnering on a piece of paper. Ms. Mallek said she appreciates the goal to have a volunteer station, and Ivy was approved for a volunteer station, which is her goal for Pantops as well, so they can develop community input. She stated she supports the design, and the living quarters at Station 12 would not be replicated here, which will take out a huge piece of the cost.

Ms. Palmer asked about the timeline for the station. Mr. Eggleston stated they would start on the design immediately, with construction beginning in 2016 and a station opening in 2017.

Ms. Palmer said training for rescue personnel should begin right away. Mr. Eggleston stated this is why he has already engaged with the FEMS Board about this, including working with Martha Jefferson.

Ms. Palmer said she likes the idea of having a committee that will include some Board members and

Martha Jefferson personnel, as well as representatives from some of the assisted living facilities in the area. Mr. Eggleston stated one of the challenges they ran into with Ivy was they started recruitment before the station was started, and it is difficult to recruit people without something to point to.

Ms. Palmer said she is interested in getting Martha Jefferson and other businesses to the table, and that is where the Board can help, not necessarily with recruitment and training.

Ms. McKeel stated it is critical to get involvement early on from those partners, rather than going to them after the station is built.

Ms. Dittmar said she agrees that it is important to have partners early on, and when they met with the new Martha Jefferson president, Jonathan Davis, he could not commit because the County does not have enough formation of an idea. She stated Mr. Davis had come from the Dallas, TX area, from a hospital that served five city rescue squads. Ms. Dittmar said Mr. Davis would like to be in on the ground floor, and the right people to go to him would be Mr. Foley and Mr. Eggleston. Ms. Dittmar said she feels it is important to have a community room in the facility to maximize that integration, so that should be fed into the actual design, running a parallel track on volunteer recruitment. She stated Mr. Davis is very interested in having the Martha Jefferson ER partner with the station in the way that UVA partners with the Crozet station. Ms. Dittmar said she had spoken with Captain Mainzer at National Night Out and they discussed the possibility of a police substation.

Mr. Eggleston stated he feels the timing is good for them to include the partners in a larger discussion around development of the station.

Mr. Boyd then **moved** to support proceeding with the design of the Pantops Fire Station in FY 2016. Ms. Mallek **seconded** motion.

Ms. McKeel asked if they can call it a rescue station, as she does not support a fire station at this point. Mr. Foley said the typical name will be fire/rescue station.

Mr. Boyd stated they are just proceeding with design at this point.

Ms. Mallek said it will be the same bricks and mortar. Mr. Eggleston stated he would consider it to be a "two-bay public safety building."

Ms. Mallek said it will be like Station 1, except on Pantops.

Mr. Sheffield asked if they want the motion to include any reference to the involvement with Martha Jefferson and partnerships. Mr. Foley said given all of the conversations and suggestions, he would like to have staff design a process for the design.

Ms. Mallek stated a parallel track will be working with the neighboring stations on staffing the station.

Ms. Palmer said they just want to be sure not to take volunteers out of other stations.

Ms. Mallek said the call volume is the driving factor, and there are different sets of skills among members, and perhaps Martha Jefferson can help offer some training. Mr. Eggleston stated this is the same concept they have with Ivy.

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

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.

NAYS: None.

Mr. Sheffield asked if they can get a more current estimate, as much of the information in the report is out of date, some of it gathered before the recession. Mr. Eggleston stated that ACFR has been working on a community risk analysis and standards of coverage for the region; and a staffing analysis to provide an idea of current and future staffing needs, in light of changing community needs.

Mr. Foley said it is a good time to do this, given the establishment of the Fire Rescue Services Fund.

Mr. Sheffield stated they will be moving away from capital and into operating for fire and rescue, which the study touches on.

Ms. Mallek asked if Mr. Sheffield is referring to the 2005 matrix study versus the 2007 City/County report, and she is not eager to revisit the extensive study. Mr. Sheffield said the expectations the report defines are out of date.

Ms. Mallek said they will be updating what is in 10.B. Mr. Sheffield said it is 10.A.

Mr. Foley stated that staff will look at both documents.

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Agenda Item No. 11. Community Effort to Address Pre-K Needs.

The executive summary, as presented by staff, states that on April 23, 2015, the United Way and Charlottesville Tomorrow co-hosted a summit focused on pre-Kindergarten needs in the region and in the Charlottesville and Albemarle communities specifically. With participation of approximately 80 community members representing businesses, non-profits, local schools and local governments, the summit concluded with a stated interest in undertaking work to address the current gap between the number of at-risk four-year olds currently receiving pre-K services in the City and County and those who would be eligible for pre-K but are not currently being served. This gap, estimated at about 250 to 300 children in the two localities combined, highlights the fact that current programs are not serving all at-risk children.

In response to the interest expressed by participants at the Pre-K Summit, the local United Way initiated a community-based effort to bring together a broad cross-section of stakeholder representatives from the City and County to pursue actively a vision for the community to provide access to high quality early education programs for every at-risk child. The United Way drafted a summary work plan including a stated purpose, vision and identification of specific outcomes as indicators of near term success. In forming the Charlottesville-Albemarle Early Education Task Force, the United Way recommended a specific compliment of local government, public school, non-profit and business representatives. Participants directly related to Albemarle County include Doug Walker, Deputy County Executive, Ann McAndrew, Bright Stars Coordinator for the Department of Social Services, and Dean Tisdadt, Chief Operations Officer for Albemarle County Public Schools. Tom Foley, County Executive, has also been identified as a member of an oversight committee referenced as "Key Advocates and Keepers of the Vision." The full draft of the organizing document is attached (Attachment A). Given that the intent of this effort is to compliment the investments already being made by the two localities, it is expected that primary focus on options and opportunities to close the identified pre-K gap will be on approaches not currently used and/or not fully utilized, such as available Virginia Preschool Initiative funding from the Virginia Department of Education that is not matched currently for the County's Bright Stars program. In this way, it is envisioned that it is possible to increase access to pre-K and close the gap without reliance on additional local tax dollars.

It is not expected currently that the participation in this community lead effort specifically will have a direct budget impact. Outcomes from this effort may impact future consideration of funding for pre-K programs and services. It is assumed that staff time dedicated for this effort will be reasonable.

It is recommended that the Board of Supervisors endorse the County's participation in and support of the Charlottesville-Albemarle Early Education Task Force.

Albemarle

Mr. Doug Walker, Deputy County Executive, addressed the Board, stating in the Board's packet is information from the Pre-K Task Force, including their vision statement and mission statement. He stated the Board has been interested in lifelong learning in general, and specifically pre-K learning, including dialogue with school representatives last fall and taking advantage of Virginia Preschool Initiative money to support another Bright Stars classroom. Mr. Walker said at the staff level, there have been numerous conversations about how to best use existing facilities, and there have been changes to the Head Start program at Esmont, with an effort to address the gap in their waiting list for preschool. He stated there had been a pre-K summit hosted by the United Way and Charlottesville Tomorrow in April, which set the stage for what could be done to address the preschool gap of about 300 students. Mr. Walker said the United Way is leading a collaborative effort among agencies, nonprofits, and the private sector, to help close that gap and meet the needs of all eligible children. He stated there had been one meeting of the group, and what is before the Board reflects those discussions as well as a brainstorming of ideas. Mr. Walker stated it is a noble effort, and one that seems consistent with the strategic plan of the Board, and staff's recommendation is the Board endorse it. He mentioned that both County government and schools are represented on the task force, and Mr. Foley is designated as a "keeper of the vision."

Ms. Palmer stated she is excited about the effort moving forward, and mentioned one typographical error in the graph. Mr. Walker agreed that he would take it back to the group for revision.

Mr. Boyd stated what he sees missing from this report is a focus on economic development, because if there are more career ladder jobs, people will be less likely to fall into this situation and will be in a better position to afford their own pre-K.

Ms. Mallek commented the Board has seen several applications for preschool at existing churches and other facilities, and there are likely empty seats there, so the task force needs to be focused also on how to provide funding for children who cannot afford to pay for those. She stated in a lot of cases, those places are closer to where people live.

Mr. Boyd stated he had been to a meeting at Cale Elementary School with then-Governor Tim Kaine, and he was talking about increasing public/private partnerships, and having faith-based groups participate in these discussions locally would be good.

Mr. Foley said the task force had talked about foundations, but less about faith-based groups.

Ms. Mallek stated it worries her that the large faith-based groups will try to franchise these pre-K centers, and her focus is more on the local facilities that know these families already.

Ms. McKeel stated UVA has three large daycare centers and lots of experience, and it would be appropriate to have someone from the University, in addition to the Curry School representative, would be great. She said she also appreciates a specific deliverable listed in the report.

Ms. Palmer asked if MACAA is involved in the task force. Mr. Walker responded that Head Start is under MACAA, and they are part of the group.

Ms. Dittmar commented that MACAA also has resources they are not using, and have considered a proposal to do an onsite preschool at Southwood, and it might be worth looking into to address even some of the gap.

Mr. Boyd stated the DIA also has a daycare facility onsite.

Ms. Dittmar stated she is thrilled with the progress being made with this, and better preschool involvement means better jobs and less crime.

Mr. Foley said this is the first time all of these players were at the table.

Ms. McKeel stated the Chamber of Commerce has been talking about this for a long time, and it is good to see something moving forward now.

Ms. McKeel then **moved** to endorse the County's participation in and support of the Charlottesville-Albemarle Early Education Task Force. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

Ms. Dittmar asked Mr. Walker to express the Board's gratitude to the task force.

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Agenda Item No. 12. Fiscal Impact Advisory Committee Recommendation on Cash Proffer Policy.

The executive summary, as presented by staff, states that in September 2014, the Board of Supervisors directed the Fiscal Impact Advisory Committee (FIAC) to provide a recommendation regarding potential revisions to the credits portion of the County's Cash Proffer Policy and to recalculate the maximum per unit cash proffer amount, by dwelling unit type, contained in the County's Cash Proffer Policy. The Board also approved a Resolution of Intent to amend the current policy, which is part of the Comprehensive Plan. FIAC has completed its charge and is forwarding its recommendation to the Planning Commission for consideration with a Comprehensive Plan Amendment.

The Committee has held a total of 18 meetings in order to address the charge of the Board. The Committee spent the majority of its meetings on the Board's request to recalculate the maximum per unit cash proffer amount. The Committee devoted less time to the discussion of potentially revising credits. The FIAC recommends that the recalculated maximum per unit cash proffer amounts, by dwelling unit type, should be as follows:

Single Family Detached (SFD) = \$4,918;  
Single Family Attached/Townhouse (SFA/TH) = \$3,845; and  
Multifamily (MF) = \$5,262.

The FIAC's major recommendations regarding credits are listed below.

1. Credits should be considered independently of the maximum per unit cash proffer amount; and
2. Credits for existing by-right units should continue, and should be included in the policy to the extent that the density proposed is consistent with the Comprehensive Plan.

For more detail about these recommendations, as well as a list of some additional minor recommendations developed by the Committee, please see Attachment A. Staff recommendations for changes to the Cash Proffer Policy are contained in Attachment B.

For additional information about the maximum per unit cash proffer amount figures, please see Attachment C. For a list of proffer revenues and expenditures, as of Q3 FY 15, please see Attachment D. This last attachment gives a perspective on the dollar scale of the County's current cash proffer program.

There is no budget impact related to this report. Staff will provide a budget impact analysis of specific Cash Proffer Policy revisions upon the Board's direction.

This is presented for information only. As the Board has approved a Resolution of Intent, the next step will be to present FIAC's recommendation to the Planning Commission and the Planning Commission to begin work on the Comprehensive Plan Amendment. Following this, the Planning Commission's recommended amendment will be brought to the Board for its consideration.

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Mr. Bill Fritz, Chief of Special Projects, reported that in 2014, the Board of Supervisors requested the Fiscal Impact Advisory Committee provide advice and recommendations on several issues, and to look at

possible credits for different types of development and to consider credits for by-right units. They were also asked to update the maximum per-unit cash proffer amount. He stated the committee held 18 one and a half hour meetings, and spent the majority of time updating the cash proffer amounts and less time devoted to discussing the credits.

Mr. Fritz stated he will review the topics separately, the first being to analyze possible credits for development in the targeted areas, mixed use development and development supported by the Comprehensive Plan. He said the committee stated that any credit offered should be considered independent of any cash proffer amounts, and noted that due to the limitations of the model used to develop the maximum per-unit cash proffer amount and lack of historical data, determining the fiscal impact of granting credits will be difficult. Mr. Fritz stated recommendations on changes to existing credits include, in order to qualify for credits, an applicant must demonstrate the number of by-right units that can be achieved, and this can be accomplished by submitting a concept plan showing lot layout, road alignments, steep slopes, floodplain and other features on the property that may limit or reduce by-right development. He said this is currently done for rural preservation developments. Mr. Fritz noted the budgetary impact of this credit is limited due to the fact that if developed by-right, the units would not be subject to the cash proffer policy.

Mr. Fritz presented the values based on eligible projects in the CIP and CNA, and said since the adoption of the cash proffer policy, the Code of Virginia has been amended to significantly reduce those items that can be considered in the cash proffer policy, to only those that will expand capacity. He said when the cash proffer policy was originally considered, a much wider range of projects were eligible for consideration, and the CIP and CNA has also been reduced to a maintenance program with limited capacity expansion. Mr. Fritz said the committee found that under the current proffer model as the County's capital budgets grow, so do the dollar values of the proffer amounts per unit.

Ms. Mallek asked if statutorily there is now a requirement they only do the five years, as opposed to the ten. Mr. Fritz responded the change in the statute is the only thing that can be considered now are projects that expand capacity, and building a new facility or adding onto it expands the capacity, whereas putting a new roof on does not.

Mr. Boyd noted for the last several years, there has been a maintenance-only CIP.

Ms. Mallek said if they are spending more in the CIP to do projects, they will have a higher number to be able to reclaim more.

Mr. Fritz stated that is correct in part, and if they increase the number of eligible projects, the numbers will go up, but the number of eligible projects is smaller now than it was when the policy was originally done, so if they increase the CIP and CNA capacity projects, the numbers will change.

Mr. Foley said even with a more fully fleshed-out future impact to the CIP, they would be nowhere near the numbers they previously had. He stated there has been some dramatic changes in state law, in addition to reduced County investment.

Ms. Mallek asked if it has to be a project that is completed in the 10 years in order to qualify. Mr. Fritz responded it has to be identified in the CIP and CNA – the 5 and the 10-year plan.

Ms. Palmer said the formula they are using is used because it has undergone legal scrutiny, and she wonders if other formulas have been looked at, or if there is any other formula that might prove to be a significant difference. Mr. Fritz stated the committee acknowledged the policy has limitations, and their existing charter from the Board provides they can and will continue looking at updating the CRIM model or even replacing it with a different model. He said this was considered in the context of both the accuracy of the model in capturing both the cost and the revenue side, because the CRIM model calculates both the impact of the unit and the real estate tax it will pay. Mr. Fritz said the committee also discussed secondary gains from a unit such as sales tax.

Ms. Palmer asked if there are limitations in the model that staff feels will result in substantially different numbers. Mr. Fritz responded that Mr. Steve Allshouse will be able to provide that detail.

Mr. Foley asked staff to clarify for the Board the degree to which the CRIM model is in use.

Mr. Steve Allshouse, Manager of Economic Analysis and Forecasting, responded that the CRIM model is a more comprehensive analytical tool for looking at the net cost of growth, and the committee pulled certain parameter values, such as the number of students in a household and number of vehicle trips per dwelling unit, and feed those into the CRIM model to calculate proffers. He stated state law is tying their hands in terms of what they can use it for, such as maintenance costs, and no other jurisdiction has used it for operating costs.

Mr. Davis stated state law prohibits its use for operations for existing facilities, and cash proffer money is one-time funding so it is not really appropriate for operating costs. He emphasized it is a facilities-based funding, designed to support infrastructure.

Ms. Palmer said what she is referencing is the next increment for capacity, such as in the case of police and fire. Mr. Allshouse stated she seems to be referring to a marginal cost approach, but the County is looking at an average cost approach based on countywide dollar cost and development scenario, and saying "per dwelling unit" as an average.

Ms. Palmer said she is confused between the answers they have given on use of this for operations costs for new facilities. Mr. Davis clarified it may be legally feasible, but it is impractical, because operating costs continue on, but proffers are one-time funds.

Mr. Boyd asked how long out they calculate operating costs, and perhaps they can cover a 10-year period. Ms. Mallek said other states do that, but Virginia does not.

Ms. McKeel asked if a different model might produce a substantially different number. Mr. Allshouse said they would not know without running the other models, but given the model they have and the legal constraints they are under, they are not going to get back where they are today with the \$20,000.

Ms. McKeel said even if they cannot get back to the high numbers, what they have in place now is so low, so maybe there would be something in between. She asked how fluid this is, and whether they will have to go back every year and re-look at this. Mr. Fritz responded that one of the recommendations from the committee in addition to them wanting to update the model is updating the numbers every two years as they readopt the CIP and CNA, as that would help take out wild swings up and down.

Mr. Fritz stated the Board has given the committee some very specific questions to answer, but during the conversations they identified some additional items and provided recommendations: a name change to better address the impacts, which can be done with cash, land or actual improvements; the actual production of affordable units advances the housing strategies of the counties, with the budgetary impact of the credit unclear; to update every two years; expansion of categories to include impacts such as jails, solid waste, and other government facilities to better assess per-unit impacts; acknowledgement of the inability to identify the fiscal impacts of granting new credits; allowing a better understanding of the budgetary impacts generated by development and how they are being offset by proffers; proffers discourage the higher development desired by the Comp Plan, and County-generated rezonings may increase revenues through increased property tax. He said as part of the Board's action last September, they requested the committee provide advice and recommendation to the Commission and the Board, and this information is now being presented to the Board as well as given to the Planning Commission. Mr. Fritz stated staff is recommending the Board request that the Planning Commission review the work of the committee and provide its own advice and recommendation on the same issues.

Ms. Dittmar stated that the committee the Board had appointed is looking at various revenue vehicles to see how to enhance the CIP, and she asked if a referendum for school or courts projects will create the swing that staff has talked about. Mr. Fritz responded if they radically changed the CIP/CNA, then that would happen.

Mr. Allshouse confirmed the last time this had been updated was 2007, and it has been subsequently updated only with inflation.

Ms. Palmer asked about the recommendation of "land in lieu of cash." Mr. Fritz stated if a person offers land for a school site, for example, instead of cash proffers, the County can accept that.

Mr. Davis noted the current policy allows for that.

Mr. Boyd pointed out this had been done at sites such as North Pointe for an elementary school, and Biscuit Run, which had also offered a school site.

Mr. Fritz clarified the recommended change is to update the language to reflect what the policy already says.

Ms. Mallek asked if the committee has discussed not allowing the "in lieu of" anymore, because it did not get them any units of affordable housing. Mr. Boyd responded it was discussed, but was deemed to be outside of their scope of review.

Mr. Davis said the cash proffer policy states that a cash proffer is not paid on an affordable unit produced, but "in lieu of" is not part of that, it is part of the Comp Plan provision for affordable housing, which is a separate policy that says a developer can either produce an affordable unit or make a payment in lieu of it.

Ms. Palmer asked if there is any way they can keep the affordable unit on the market longer than 90 days before reverting back to market rate. Mr. Davis responded it is a negotiation worked out over time with developers to try to have something that makes sense in the marketplace and for affordable housing, and it is not required by law; they are just trying to come up with something that makes financial sense.

Ms. Palmer said she would like to talk about how they advertise those and how often they actually get bought, because her understanding is they used to advertise them a bit more.

Ms. Mallek stated there is a whole program in terms of getting people qualified. Mr. Davis stated Mr. Ron White makes sure the units are utilized.

Ms. Palmer said she recalled there had been a point at which a house paid for itself. Mr. Allshouse stated he had not calculated that "break-even point" yet, but an outside evaluation done in 2011 put that figure at about \$668,000. He said this needs to be treated with some caution because it may not take into account associated non-residential development, multiplier impacts of growth, and other factors, as well as how that figure might impact the Board's actions.

Ms. Palmer said it would be interesting to get an idea of that as an estimate, as she receives a lot of comments and questions about “paying for growth.”

Ms. Mallek asked if there had been consideration of mixed-use elements in the formula, as those developments are bringing in jobs versus strictly residential. Mr. Fritz stated the committee had discussed providing some kind of credit for that, but has decided not to move forward with it.

Mr. Boyd said once the committee saw the significant drop in the proffer income, they were concerned about providing more credits. He stated the committees spent a significant amount of time in their meetings covering all of these issues.

Mr. Allshouse recognized two of the committee members were present, Mr. Jeff Werner of the Piedmont Environmental Council, and Professor James Savage from the Batten School at UVA.

Mr. Sheffield asked if they need to vote on this item to direct it to the Planning Commission. Mr. Davis stated they have already adopted a resolution of intent, and the Board’s action will just be to receive the report and have the Planning Commission provide input.

Board members asked about the timetable for these recommendations. Mr. Fritz responded it depends on the amount of time the Planning Commission needs to do their work.

Ms. Dittmar asked if the Board needs to revisit the charge of the committee. Mr. Boyd suggested that staff redraft the charge, and should wait until their joint session with the Planning Commission. Mr. Fritz noted it will be sometime in September.

Board members thanked the committee and staff for their work on this issue.

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#### Agenda Item No. 13. Proposed 2016 Legislative Priorities.

The executive summary, as presented by staff, states that each year the Board considers and approves its legislative priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Generally, the TJPDC’s legislative program incorporates the County’s legislative priorities. Other initiatives are sometimes added prior to the General Assembly session. This executive summary will provide a review of the Board’s 2015 Legislative Priorities (Attachment B) and request the Board to review and approve the 2016 Legislative Priorities (Attachment A).

A review of the County’s 2015 Legislative Priorities is provided in the attached “2015 Legislative Priorities Report” (Attachment B). The report includes details regarding previous action taken on the priorities, an assessment of what priorities should be continued in the future, and links to the final legislative reports of the TJPDC, VACo and VML. Many of the proposed 2016 Legislative Priorities (Attachment A) are carried forward from 2015. Three specific previous priorities have been removed as set out below due to legislation being approved by the General Assembly to address the request or a determination regarding the legality of the request.

### **Local Government Administration and Finance**

#### **Personal Property Tax**

The County supported legislation to amend Virginia Code § 58.1-3518 to provide that the commissioner of the revenue or Finance Director may elect not to require the reporting of property with an original cost of less than two hundred fifty dollars (\$250) on a business personal property tax return.

The General Assembly passed **HB 2098**, introduced by Delegate Toscano, which enables a locality to establish miscellaneous and incidental property used in a trade or business with an original cost of less than \$250 as a separate classification of tangible personal property for taxation purposes, and that a locality may allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under the classification in lieu of a specific, itemized list.

#### **Voting Precincts**

The County requested the General Assembly to eliminate split Virginia Senate precincts to the extent possible. The Virginia Senate redistricting plan has created split precincts in the Jack Jouett, Rio and Rivanna Magisterial Districts. The Jack Jouett precinct is split between the 17th and 25th Senate Districts in two places. The Woodbrook precinct is split between the 17th and 25th Senate Districts and the Stony Point precinct is split between the 17th and 25th Senate Precincts.

The General Assembly passed **SB 1237**, introduced by Senator Reeves, which would have exchanged two precincts and reunited two split precincts with the required district population remaining at less than two percent, however, Governor McAuliffe determined that the legislation was not legal and vetoed the bill.

### **Growth Management, Land Use and Transportation**

### **Storm Water Utility Waiver**

The County requested the General Assembly to amend Virginia Code § 15.2-2114 to provide that a public entity qualifies for a waiver under Virginia Code § 15.2-2114(C) from the imposition of stormwater utility charges where the public entity's real property is covered by a municipal separate stormwater system permit ("MS4"), even though the public entity is not the MS4 permit holder.

The General Assembly passed **SB 1047**, introduced by Senator Hanger, which provides for a waiver of stormwater utility charges for property owned by the school board of one locality and located in another adjoining locality if the localities have a revenue sharing agreement and the school board property is subject to an MS4 permit.

The County's legislative priorities seek to ensure that the state adequately funds its mandated responsibilities and does not jeopardize the County's ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary. There are no specific, identifiable budget impacts.

Staff recommends that the Board approve the proposed 2016 Legislative Priorities (Attachment A), and any additions it feels are appropriate, for submission to the TJPDC, VACo and VML.

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Mr. Davis stated this is the time to begin their review of legislative programs for the 2016 General Assembly, and what staff has prepared is basically a proposed legislative agenda, broad principles and policies the Board supports that are helpful for both VACO and TJPDC to establish what legislation the Board will support or oppose. Mr. Davis said there are three items to pull from last year's legislative agenda because of actions taken by the 2015 General Assembly, including the business personal property tax already discussed; the item related to voting precincts and changing the boundaries in between censuses, which the Governor has made clear is unconstitutional; and the stormwater utility waiver issue that will allow school property to be exempt from stormwater fees. He stated in Attachment B is an outline of the 2015 priorities, and it is annotated with the outcomes of those initiatives. Mr. Davis said in Attachment A is the proposed 2016 legislative priorities, but the School Board has not yet completed their discussion on the priorities. He stated there are also some issues related to workman's compensation and LODA that are not ready for discussion, and they will also consider items arising out of discussions from the Citizens Resource Advisory Committee, VaCo and VML this summer. Mr. Davis said staff will bring back a final legislative agenda of priorities for final adoption, which is their customary way to proceed, and at this point he would recommend the Board approve the proposed priorities, with the understanding they may change.

Ms. Dittmar asked fellow Board members if there are other legislative items to discuss.

Ms. Mallek said she had been at a meeting regarding water funding, biosolids came up again, to the outrage of almost everyone in the room, with the question as to why the state allows high-nitrogen content sewage from other states, so she wants that issue to stay in the legislative agenda. She stated she is pleased to see the Attorney General ruling that localities do have the right to make ordinances regarding hydraulic fracturing (fracking). Ms. Mallek stated she hopes a regional approach for the cigarette tax will make some progress, as individual efforts have not been embraced in Richmond. She stated she would like to see the noxious weeds statute expanded to include more invasive species such as ailanthus, and it would be helpful to have those added to the list to make local enforcement easier.

Ms. Mallek stated she had learned from local police that Albemarle County had been #1 in the state for highway fatalities in 2015, and every one of those deaths is related to not wearing seat belts, so she would like them to work with the TJPDC and others to make not wearing seat belts a primary offense.

Mr. Boyd said the longer the list is made, the less chance they have of getting it through.

Ms. Mallek stated it is hard to tell what will catch on, so sometimes the list needs to be expanded.

Ms. Palmer and Ms. McKeel asked how weeds get on the noxious weed list. Mr. David Blount, Legislative Liaison of the TJPDC, stated it is the Department of Agriculture and Consumer Services that regulate noxious weeds, and they have different lists, a tier one and a tier two, and they established the list within the confines of state-enabling legislation. He stated there have been efforts in Arlington County to get some other plants added to the list, and someone from Albemarle had weighed in on their behalf, but those efforts to get them added were denied by VDACS.

Ms. McKeel stated she receives a lot of complaints about bamboo.

Ms. Mallek said the three items on the list are Johnson grass, multiflora rose, and thistle.

Ms. McKeel stated that regarding the legislative agenda in general, the fewer the items the better, and it seems that given the change in the proffers this year, they could perhaps make a strong case for impact fees. Mr. Davis responded that the proffer legislation being discussed happened in 2013, and it has been four or five years since there had been a major effort with impact fees, requiring a lot of effort, and some bills were introduced.

Mr. Blount explained they are in a situation now of leaving that item alone, because there was a big push in 2007 by the homebuilders association to dramatically restrict the authority of localities to implement impact fees or take them away altogether. He stated that VML had contemplated inclusion of an item in their legislative agenda to prevent caps on impact fees, but they have decided against it.



Ms. McKeel suggested they take it off the list completely. Mr. Blount said he does not see any danger in leaving that item on the list.

Mr. Foley stated if something comes up, they will have a position.

Mr. Davis said the general policy is more of a shield than a sword, and it simply conveys the County supported impact fees but not anything that would take that away from them.

Mr. Boyd asked if Northern Virginia had greatly opposed that effort. Mr. Blount confirmed that was the case.

Mr. Davis said the same legislation is also going to eliminate proffers.

Ms. Palmer asked how long the land use taxation issue has been a legislative priority for the County and why it is something that cannot get through. Mr. Blount said it is an issue that has been addressed in their legislative priorities for a number of years, and is an issue from time to time that comes up for discussion, with last year being one of the most active because of several resolutions asking the Department of Education to study this component. He stated Ms. Mallek had testified on behalf of a land use bill, but it was defeated by a narrow margin. Mr. Blount explained land use is just one component of a complicated local composite index formula, so isolating specific facets bring up opposition and other issues to be addressed. He noted this is why the General Assembly is hesitant to address it, because they know it will divide rural versus urban communities, and legislators will vote based on whether their localities will lose or gain money.

Mr. Davis commented it is a zero sum game because every dollar coming from one place will have to be made up elsewhere.

Mr. Foley said Albemarle does not usually come out on the winning end when Northern Virginia is involved.

Ms. Mallek said she appreciated the bill's movement last year, as it had gotten much further than it had previously.

Mr. Blount stated he had followed up with VACo's Education Steering Committee on this issue, and they had an initial conference call meeting about it, and they will be meeting again next week.

Ms. Palmer asked if VACo had thought about looking at it comprehensively and making suggestions to the state. Mr. Blount responded he does not know, but it comes down to the legislators' willingness to look at it, which thus far they have been unwilling to do.

Ms. Dittmar said she would like to come back with additional wording on the full funding of state mandates. She also said she would like to know if VDOT can use certain metrics such as age of the population in making decisions about traffic calming measures. Ms. Dittmar stated her broadband research has showed that one barrier might be acquiring easements from property owners, so there may be a way to collocate with utilities in the VDOT right of way. She said thinking ahead by doing things like laying pipe would be one measure to address barriers ahead of time.

Mr. Davis asked if the Board wants to ask a legislator to carry forth the noxious weed and primary seat belt offense items, or just have them included in their agenda.

Ms. Palmer asked what the harm would be for having a longer list of legislative items. Mr. Davis explained that legislators have a limited number of bills they can introduce, but said the legislative agenda itself can remain longer.

Ms. McKeel stated she would like to know more about the broadband items that Ms. Dittmar has mentioned. Mr. Davis said it is not a legislative issue, nor is the traffic light density criteria issue, as that is VDOT's domain as an agency.

Ms. McKeel suggested they talk to Mr. DeNunzio about the criteria.

Ms. Dittmar said she had discussed this with him, and he indicated it is not possible to take age of population into account as a criteria for traffic calming.

Mr. Davis stated they can adopt the legislative agenda as presented, with the understanding that staff will do some further research on the items discussed and bring those back.

Ms. McKeel then offered **motion** to adopt the proposed 2016 Legislative Priorities. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

## **Albemarle County's Proposed 2016 Legislative Priorities**

### **Growth Management, Land Use and Transportation**

**Transportation Funding** - Support legislation to 1) establish a new dedicated funding source for a Charlottesville-Albemarle Regional Transit Authority; 2) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 3) direct funding efforts to expand transportation choices and engage in multimodal transportation planning; and 4) fund maintenance of rural road systems. The County also strongly opposes any legislation or regulations that would require the transfer of responsibility to counties for construction, maintenance or operation of new and existing secondary roads.

**Biosolids** - Support legislation enabling localities, as part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding land application of biosolids that protect the environment, public health and safety.

**Local Authority** - Support legislation to strengthen localities' authority by enabling them to utilize adequate public facilities ordinances, and encourage the General Assembly to refrain from passing legislation that preempts or circumvents existing local authority to regulate land use.

**Impact Fee Authority** - Support impact fee legislation that allows for 1) effective implementation through simple locally-based formulae and reasonable administrative requirements; 2) does not cap or limit localities' impact fee updates; and 3) does not diminish the existing proffer system.

**Conservation Easements** - Support legislation that augments local efforts in natural resource protection through 1) continued funding of the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) continued provision of matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; 3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 4) increased incentives for citizens to create conservation easements.

**Scenic Protection and Tourist Enhancement** - Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. Such legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County or state make land use decisions in designated areas.

### **Health and Human Services**

**Comprehensive Services Act (CSA)** - Request that the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA, and 2) encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

**Child Care for Low Income Working Families** - Request the legislature provide additional funds to local governments to assist low-income working families with childcare costs. Funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

**Local Department of Social Services (LDSS)** - Request the legislature increase funds for LDSS to match all available federal dollars to assist LDSS staffing needs in order to meet state mandated services and workloads.

### **Local Government Administration and Finance**

**Taxation** - Support legislation granting counties taxing powers equal to those granted cities and towns, without decreasing, limiting or changing city and town taxing authority.

**School Bus Video-Monitoring Systems** - Request the General Assembly to amend Virginia Code Section § 45.2-844 to allow for service of summonses by mail for violations of passing stopped school buses recorded by school bus video monitoring systems similar to the authority in Virginia Code Section § 15.2-968.1, for the service of summonses for running red lights recorded by a traffic signal enforcement program.

**Virginia Retirement System** - The County supports restoration of funds to the Virginia Retirement System to maintain the long-term solvency of the plan without further devolving the funding responsibility to localities.

**June Primary Elections** – Support legislation to move the annual date for June primary elections in the Commonwealth from the second Tuesday in June to the third Tuesday in June to avoid conflicts between local election administration and local school systems, where schools serve as voting precinct polling places.

**Composite Index** - Support legislation to amend the Composite Index Funding Formula by re-defining 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

**Community College Capital Costs** - Request the state to fund 100% of public funding required for community college costs. Currently, localities are required to fund a portion of operating and capital costs.

**Public Defender funding** - Request the state to adequately fund compensation for public defenders in Commonwealth jurisdictions.

**Full Funding of State Mandates** - Request full funding for state mandates in all areas of local government including the Standards of Quality (SOQs) and other mandates imposed on local school divisions, positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

**Drug Court Funding** - Request full funding for the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

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**Recess.** At 3:27 p.m., the Board recessed, and then reconvened at 3:42 p.m.

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Agenda Item No. 14. Board-to-Board, August 2015, ***A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.***

Mr. Ned Gallaway, School Board Chair, stated the schools were recently notified that Albemarle County will be one of the host sites for the Governor's Education Roundtable, and on October 5, beginning at 2:30 p.m. they have been asked to select 12 students to participate in the discussion. Mr. Gallaway said school will begin on August 19, with 120 new teachers welcomed to the school division. He stated this is the first year they have bid school buses through a competitively bid contract rather than the state contract, which was brought to their attention by the transportation department, and the schools have purchased 13 new buses at a savings of about \$250,000. Mr. Gallaway said there will likely be additional savings with maintenance because of standardization of equipment and parts, with a lock in on the specific bus model and type guaranteed from the selected company. He stated bus drivers specified safety items such as non-slip stairs to be part of their equipment.

Ms. Mallek asked if there is a lemon law for the busses. Mr. Gallaway responded this contract would not impact that, as the lemon law will apply anyway, and the warranty on the vehicles covers maintenance and parts.

Mr. Gallaway reported the schools will open their first multi-age classroom, one of the first of its kind in the Commonwealth, at Agnor-Hurt Elementary School later in August, and one class from every grade will meet together in the same space. He said the environmental studies and greenhouse classrooms will not be completed until the end of the calendar year, due to delays from a re-bid necessary to bring costs within line, and the new multi-purpose gymnasium at Henley Middle School will open in early 2016. Mr. Gallaway presented a video done by Edgetopia, a George Lucas foundation, regarding transformation of K-12 education in County schools through reshaping of learning spaces.

Ms. Mallek suggested the schools provide some tracking mechanism of the amount of screen time children are spending, as she noticed it was presented in about every frame of the video.

Ms. Palmer asked about those efforts in the middle schools. Mr. Gallaway said the video depicts some of the wiring going on in Sutherland Middle School, and that is also happening in the high schools.

Ms. McKeel stated some of the renovation expense in the CIP is from middle and high schools that have lab space needing to be reconfigured. Mr. Gallaway said when they talk about "modernizing classrooms," it is giving teachers the ability to make their space flexible, a lot of which has been evaluated with the modernization study. He encouraged Board members to get out and visit schools, and stated the modernization items in the CIP last year would be coming forward.

Ms. Dittmar mentioned they have a joint meeting with the School Board coming up regarding funding, and wants to ensure they have a good format for that.

Mr. Gallaway stated School Board members have a grasp on what the meeting will be about.

Ms. Dittmar asked when the Citizen Resources Committee is due to have a report. Mr. Foley responded it is scheduled for the first week in November.

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Agenda Item No. 15. Route 29 Solutions:

Item No. 15a. Monthly Update.

Mr. Mark Graham, Director of Community Development, reported that Transportation Secretary Aubrey Lane had attended the last Route 29 Solutions Panel meeting, and the state has announced they will be kicking in \$200,000 towards the business assistance program for marketing and publicity. Mr. Graham stated the other big item is the architectural enhancements for the Rio grade-separated interchange, and Mr.

Sheffield had shared some of the concepts that are circulating. He said they have also been shared with staff, with feedback provided to VDOT in the context of the County's ARB and Entrance Corridor guidelines. Mr. Graham said the one concern about the enhancements has been the maintenance of the landscaping, which Secretary Lane had said went beyond "what VDOT was good at." Mr. Graham said the Secretary has indicated the County will need to either do it on its own or find a partner like a garden club to assist, and there are no estimates at this point as to how that will proceed. He reported that VDOT has posted a set of 100% plans, which means they are complete although there will be a lot of revisions going forward, and there will likely be a 100% set of plans for Hillsdale soon and one for the northern part of Route 29, as well as a 60% set of plans for Berkmar Extended. Mr. Graham reported the contractors held the job fair for the small and disadvantaged businesses, as well as a general job fair, and he understands that participation was good but will learn more at the PDAP meeting on August 6. He stated VDOT has been continuing the work on the utility and duct work near the grade-separated interchange, which is expected to continue, and they have managed to get the 250/29 interchange overhead sign down and work on the retaining walls and the stormwater management in the area. He stated on August 12 from 5:00-7:00 p.m. there will be an open house at the Northside Library, which is an opportunity for the community to come out and see the project design and construction schedules, as well as provide input on signage changes and the business assistance plan.

Ms. Mallek asked if the drainage issue with Berkmar north of the river needs to have some containment or detention at the top of the hill, where all the water comes down the swale and into the wetland. She stated the changing of the chemical compounds of that water can obliterate the life forms there, and some of the creatures there are near the threatened species list.

Ms. Dittmar suggested the Charlottesville Business Council might be interested in helping, as they have expressed interest about beautification and trees in the past. She asked if the \$200,000 will be fed into the County's business assistance program for marketing. Mr. Graham responded that is what he has been told, but he has not seen any follow-up documentation on that money or whether there are strings attached.

Ms. Dittmar asked who will pin that down. Ms. Mallek said she assumes the County will develop a proposal with some specifics. Mr. Graham stated they will need to go back and figure out the best use of that money, because the size of their original marketing plan has effectively tripled.

Mr. Graham also noted the Hillsdale/Greenbrier intersection is on the agenda for Project Delivery Advisory Panel (PDAP).

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Item No. 15b. Neighborhood Impact Mitigation Plan Follow-up.

Mr. Doug Walker stated they had received a draft of a mitigation impact plan at a previous meeting, and there was interest in follow-up on the public outreach aspects of it, with the goal of communicating in advance of key milestones, highlighting the issues and mitigation work to date, and sharing the resources and contacts and solicit feedback on the plan and its implementation. He said some of the milestones had been reached previously: launching the Route 29 portal on [alblemarle.org](http://alblemarle.org); a Carrsbrook Homeowners Association presentation in May; a collaborative meeting of the communications and neighborhood mitigation subcommittees, with that work to continue; community meetings with Hillsdale and Woodbrook; and an FAQ mailing to area neighborhoods, which is being finalized.

Ms. McKeel asked for clarification as to what is meant by "neighborhoods." Ms. Emily Kilroy, Communications Specialist, stated the mailing is going out to 8,700 residential addresses and property owners in a two-mile buffer on either side of Route 29 from the City to beyond NGIC. She stated the business community has been a lot more engaged and a lot more proactive in reaching out to Supervisors and staff, so there will be a neighborhood event with formal presentations by VDOT and the mitigation team to take place in September.

Mr. Walker stated there will be a cadre of representatives related to the project that will be available at the meeting, but they will also be contacted independently.

Ms. Mallek said there may be some homeowners' association meetings in the August and September that will be an easy, already established gathering. Mr. Walker responded there are good contacts within those systems already, but asked the Board to provide any additional suggestions. He stated there have already been some mitigation steps taken, such as the speeding fines in Carrsbrook, and staff is looking into the portable blinking light systems to be used for traffic calming.

Ms. McKeel said there are projects going on at 250 and neighborhoods now being impacted by cut-through traffic as they try to avoid the Best Buy construction, and she does not want to lose sight of the issues in those areas.

Mr. Walker suggested they talk more broadly about these impacts when staff brings back more specifics about Carrsbrook.

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Item No. 15c. **Action:** Update and Position on Greenbrier Drive/Hillsdale Drive Signal.

Mr. Sheffield stated after the City had done their signal warrant analysis, they informed the County they were going to take the signal out of the plan for Hillsdale at Greenbrier. He said this came out of left field, and he and Ms. McKeel had met with residents in the area and talked about their concerns, and after

that meeting felt they should take a strong position about keeping the signal, as it is vital to the safety of the intersection. Mr. Sheffield stated he has asked the police to do their own assessment and provide feedback, because the safety issues pertain to pedestrians as well as vehicles. He said he would like to send a letter to the Secretary of Transportation expressing the County's strong desire to have the signal remain, and the Clerk has a copy of the draft letter.

Lieutenant Mike Wagner of the County Police Department addressed the Board and stated he agrees with Mr. Sheffield's assessment. He asked the Board to envision Greenbrier and Commonwealth without a traffic signal, as that intersection has similar characteristics with a mix of motor vehicle traffic, residential areas, and high pedestrian activity. Lt. Wagner said they also have convenience stores within walking distance to several communities, and Commonwealth actually stops at Berkley Subdivision, whereas the Hillsdale proposal will run from Hydraulic to East Rio, and will become a feeder road for those trying to avoid the 29 intersection. He stated the traffic volume will likely exceed what the study indicates, and that will only increase in the future.

Ms. Mallek said the planning from the last 10 years had quoted 10,000 vehicles per day on Hillsdale.

Mr. Joel DeNunzio, VDOT Resident Administrator, stated the initial study, which includes a warrant analysis, is an update of the projections of traffic and a signal warrant analysis. He said the problem with the analysis, which was done by the City of Charlottesville and not VDOT, is that it shows two years of study, 2014 and 2038, the year the initial projections were done for Hillsdale, and the design year. Mr. DeNunzio stated in 2014 they looked at warrants 1, 2 and 3, which looks at traffic over eight hour, four hour, and peak hour volumes. He said the problem with the study is that none of the warrants were met last year, but all three are met in 2038. Mr. DeNunzio explained what they do not know is when they crossed the threshold, and there is no supporting data in the report that provides that information. He said that 2014 was 5,600 with Hillsdale in place with a parallel road; and in 2038, it is about double that. Mr. DeNunzio stated VDOT may not be ready to have a stance on whether a signal is the best option here because they do not have enough information.

Ms. McKeel asked for an explanation of "warrants." Mr. DeNunzio responded that warrants are part of a national code, not VDOT standards, and they are part of an engineering study required for installation of a signal, but not necessarily the whole study. He said the code states as a national standard that in order to consider a signal under a federally funded project, an engineering study with a warrant analysis must be done. Mr. DeNunzio stated meeting one or more warrants does not necessarily mean putting a signal in, and there are other factors to consider in addition to meeting warrants. He said warrants are basically thresholds of vehicular, bicycle or pedestrian traffic, and when the threshold is crossed of meeting one or more of those warrants, you basically cross the threshold of where an intersection becomes safer. Mr. DeNunzio stated if you do not meet any of the warrants and there are no conditions that would make the engineering study recommend a signal above and beyond the warrants, it means that intersection will likely see more crashes, either vehicular, bicycle or pedestrian.

Ms. McKeel said based on that, the warrants are not about money. Mr. DeNunzio responded they have nothing to do with money, they are about safety. He stated VDOT and the City have a written agreement that in 2006, the City took over all of their construction projects for roads, with VDOT having oversight. He said VDOT did not produce this report, and it is lacking, with no consideration for warrant #4, which is a pedestrian warrant.

Mr. Sheffield stated this is a unique situation because the intersection is on County property, yet Hillsdale is a City project. Mr. DeNunzio said it is important to VDOT because they are responsible for maintaining the intersection, and he knows a signal will be warranted at some point, he just does not know when.

Ms. Dittmar asked what the timeline is for the study he is waiting for. Mr. DeNunzio responded that since the City is managing the project, he does not know what their timeline is. He said the initial study from the City came in March, and VDOT needs a revised study, and the warrant analysis will include every year between 2014 and 2038, so that VDOT can determine at what point the signal is needed.

Mr. DeNunzio explained they can look at a volume of pedestrians that is not there today because of their concerns about safety, so putting a signal in might actually attract more pedestrians because they feel safer. He stated a study can look at that, but they do not yet have that information.

Lt. Wagner stated that several years ago, VDOT had done a division of Branchlands to minimize as a separation of traffic, and there are several crosswalks in place now that already give people the impression that it is safe to cross there. He said at morning and afternoon/evening times, there is a lot of vehicular traffic there to pick up children from daycare centers on that road.

Mr. DeNunzio agreed it is important to consider those peaks, but they just do not have that information, adding there are variables to take into account regarding the specific demographics of the population of a certain area, and many of those are addressed in the design of the project, rather than the warrants. He stated the study is lacking in many ways, and once that is revised they will have a lot better idea of what is needed.

Ms. Mallek asked if VDOT has given direction to whoever is working on the study as to what is missing. Mr. DeNunzio responded the City has been made aware of the need for a sensitivity analysis.

Ms. McKeel said there will be another large Kroger expansion down the road, and asked if this study will take that into account. Mr. DeNunzio stated the counts used in the study were from 2003 and 2006, and some of those have actually decreased but are climbing back up, so they need to re-evaluate their projections and take into account the 1.5% growth rate.

Ms. Dittmar stated they still want Hillsdale to act as a parallel road, but one light that protects everything around there to improve the safety there is really important to the County. She said she would like to know the proper protocol for direction. Mr. DeNunzio responded the City is required to meet federal standards since the federal government is funding the project, and they are required to do a study before a signal is put in, and he does not think they have that study yet.

Ms. Dittmar asked if the VDOT Commissioner has any leverage over this project. Mr. DeNunzio responded he is the right person, since VDOT has the agreement with the City to oversee the project.

Ms. Palmer asked if they should wait for the traffic study. Ms. Mallek stated there is nothing rude in this letter and she feels they should send it with notice that the County expects a higher expectation than what has been done so far.

Mr. Foley noted this is not an unusual step for a Board to take with a concern like this.

Ms. Dittmar said they can add the language that they are waiting for this study but wants to register concern early on. Mr. DeNunzio stated he would like to see the safest possible intersection, and would like for that verbiage to be included in the letter.

Mr. Sheffield then offered **motion** to authorize the Chair to send a letter to VDOT requesting support of installation of signal at intersection of Hillsdale Drive and Greenbrier Drive. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.

NAYS: None.

**(The following letter was forwarded to VDOT from the Chair:)**

"The Honorable Charles Kilpatrick, P.E.  
Virginia Department of Transportation  
Central Office  
1401 East Broad Street  
Richmond, VA 23219

Dear Commissioner Kilpatrick:

Recently, the City of Charlottesville completed its update of the long standing Hillsdale Drive Extended project. As you know, this project is a key component of the Route 29 Solutions package, intended to remove local traffic from US29. Until a month ago, a traffic signal had been planned at the intersection of Hillsdale Drive and Greenbrier Drive; however, with the update from the City, that signal is now proposed to be removed. The Albemarle County Board of Supervisors opposes this change and asks that the traffic signal remain.

The Board wants to weigh in early to express our deep concern for public safety in and around the intersection should there not be a traffic light. Removal of this traffic signal will have significant safety impacts on the traffic conditions in this area. While the Board understands that the Virginia Department of Transportation (VDOT) must follow uniform methodology to analyze future traffic conditions to warrant signals, those methods exclude the human dynamic. The residential area surrounding this intersection is almost completely older residents, many retired and disabled. This large pocket of elderly residents cross this intersection hundreds of times a day, by car and as pedestrians. The lack of a traffic signal will cause serious issues for these residents' ability to navigate a new through corridor.

The Board understands VDOT is bound by many state and federal regulations, and that the City is working to re-analyze the data and traffic projections for this project to better understand the technical need. While we know that there are additional traffic studies being performed, the Board is asking that VDOT find a way to help the City account for the human dynamic and ensure this signal gets installed as previously planned.

Thank you for your assistance with this matter."

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Agenda Item No. 16. Closed Meeting.

At 4:42 p.m., Mr. Boyd **moved** that the Board go 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; under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice concerning agreements relating to the Ivy Landfill; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal advice relating to the negotiation of easements on the County Office Building property.

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

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

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Agenda Item No.17. Certify Closed Meeting.

At 6:22 p.m., Mr. Boyd **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion.

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

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Agenda Item No 18. Boards and Commissions: Vacancies and Appointments.

**Motion** was then offered by Ms. Palmer to make the following appointments:

- **appoint** Ms. Cynthia Neff, Ms. Kimberly Swanson, Mr. Saunders Midyette, Mr. John Lewis and Mr. Steven Teets to the Places 29 (Hydraulic) Community Advisory Committee with said terms to expire August 5, 2017.
- **appoint** Ms. Jane Fogleman, Mr. Scott VandePol, Mr. John Neal, Mr. Vito Cetta and Ms. Robyn Bolling to the Places 29 (Hydraulic) Community Advisory Committee with said terms to expire August 5, 2018.
- **appoint** Mr. Robert Eastman, Mr. Fred Hudson, Ms. Heather Stokes and Mr. Craig Kotarski to the Places 29 (North) Community Advisory Committee with said terms to expire August 5, 2017.
- **appoint** Mr. Steven Janes, Mr. Ron Morse, Ms. Nena Harrell and Mr. David Mitchell to the Places 29 (North) Community Advisory Committee with said terms to expire August 5, 2018.

Mr. Boyd **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

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Agenda Item No. 19. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There were none.

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Agenda Item No. 20. **Public Hearing: Old Trail Greenway Boundary Line Adjustment.** To consider the County's proposed conveyance of a .232 portion of TMP 055E0-01-00-000H0 to March Mountain Properties, L.L.C. in exchange for a .277 portion of TMP 055E0-01-00-000A1 on which a greenway trail will be constructed to connect the greenway trail in the Old Trail Village subdivision to three County schools in Crozet. White Hall Magisterial District. *(Advertised in the Daily Progress on July 27, 2015.)*

The executive summary, as presented by staff, states that the County acquired TMP 055E0-01-00-000H0 at Old Trail Village to be used as part of the greenway trail in Crozet through proffers associated with ZMA 2004-24 (Old Trail Village) on November 8, 2010. The greenway trail is consistent with and complements the Crozet master plan. One section of the trail connects the neighborhoods of Crozet with a safe, hikeable/bikeable, off-road route to three County schools in Crozet. The original plan for the route ensured a suitable alignment between the proposed Old Trail Village subdivision and the schools, with the greenway proffer including an agreement that the developer would build the trail and bridge needed to connect the neighborhood to the school properties. The original development plan for the Old Trail Village subdivision has subsequently been revised, prompting a proposed realignment of a section of the greenway trail.

In order to provide a suitable alignment between the revised development plan to the school properties, a boundary line adjustment is being proposed. Parks & Recreation staff has been involved in the proposed re-alignment and agrees that it is a much safer alignment for a bike/pedestrian route. The proposed boundary line adjustment would involve the County conveying TMP 055E0-01-00-000H0, a 0.232-acre parcel, to March Mountain Properties, L.L.C., in exchange for TMP 055E0-01-00-000A1, a 0.277-acre parcel, resulting in a net gain of 0.045 acre to be used for the greenway trail. The attached deed (Attachment A) and plat (Attachment B) depict the proposed exchange.

*Virginia Code § 15.2-1800* requires that the Board hold a public hearing prior to conveying this interest in County-owned real property.

This proposed exchange of greenway property has no fiscal impact.

Following a public hearing, staff recommends that the Board adopt the attached Resolution (Attachment C) approving the proposed real property exchange and authorizing the County Executive to execute a Deed and any other associated documents necessary for the exchange, once they have been approved as to substance and form by the County Attorney.

Mr. Davis stated the matter is before them for a public hearing, because it is required before the County can transfer any interest in its property. He stated in the rezoning of Old Trail there was a promise of a pedestrian trail network that would connect to the County middle school, and this was designed with property transferred to the County based on the original design. He said since that time there has been some redesign of one section of the subdivision, which would impact the trail system connecting to the back of Henley Middle School, and they have proposed a path in one small section that is a superior design for the trail system, based on staff analysis. Mr. Davis said this requires swapping a smaller piece of property that the County now owns for a larger one in a different location. He stated Mr. Dan Mahon has worked with this and is available to answer any questions, and staff's recommendation is for the Board to adopt the resolution for the adjustment.

The Chair then opened the public hearing. No one came forward to speak, so the public hearing was closed.

**Motion** was then offered by Ms. Mallek to adopt the proposed resolution approving the proposed real property exchange and to authorize the County Executive to execute a Deed and any other associated documents necessary for the exchange, once they have been approved as to substance and form by the County Attorney. Ms. McKeel **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.

NAYS: None.

**RESOLUTION APPROVING A DEED OF EXCHANGE AND DEED OF DEDICATION  
BEETWEEN THE COUNTY OF ALBEMARLE  
AND MARCH MOUNTAIN PROPERTIES, L.L.C.**

**WHEREAS**, the County of Albemarle owns Parcel 055E0-01-00-000H0 ("TMP 55E-01-H") and March Mountain Properties, L.L.C. owns Parcel 055E0-01-00-000A1 ("TMP 55E-01-A1"); and

**WHEREAS**, because of a change in the Old Trail Village development plans, a boundary line adjustment in which the County conveys a .232-acre portion of TMP 55E-01-H to March Mountain Properties, L.L.C. and March Mountain Properties, L.L.C. conveys a .277-acre portion of TMP 55E-01-A1 to the County is necessary in order to best provide a greenway trail between the Old Trail Village subdivision and three County schools in Crozet.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the boundary line adjustment, and authorizes the County Executive to sign a Deed of Easement and Deed of Dedication in which the County conveys a .232-acre portion of TMP 55E-01-H to March Mountain Properties, L.L.C. and March Mountain Properties, L.L.C. conveys a .277-acre portion of TMP 55E-01-A1 to the County after the Deed is approved in substance and form by the County Attorney.

\*\*\*\*\*

**This document prepared by:**

J. Alden English, Esq. (VSB No. 48262)  
Woods Rogers PLC  
123 East Main Street, 5<sup>th</sup> Floor  
Charlottesville, Virginia 22902

Exempt from recordation taxes pursuant to  
Virginia Code Sections 58.1-811(A)(3) and 58.1-  
811 (C) (4)

**Albemarle County**

Portions of  
TMP # 055E0-01-00-000A1  
TMP # 055E0-01-00-000H0

This **DEED OF EXCHANGE AND DEED OF DEDICATION** made this \_\_\_\_ day of July 2015, by and between **MARCH MOUNTAIN PROPERTIES, L.L.C.**, a Virginia limited liability company ("March Mountain"), a Grantor and Grantee, party of the first part, whose address is 1005 Heathercroft Circle, Suite 100, Crozet, Virginia 22932; and the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia ("Albemarle County"), a Grantor and Grantee, party of the second part whose address is 401 McIntire Road, Charlottesville, Virginia 22902.

**W I T N E S S E T H:**

**WHEREAS**, March Mountain is the owner in fee simple of that certain tract of land containing 0.277 acres, more or less, shown as Parcel B on a plat dated May 6, 2015, last revised June 22, 2015, prepared by Roudabush, Gale & Associates, Inc., which plat is more particularly described below (the "Boundary Line Adjustment Plat");



**WHEREAS**, Albemarle County is the owner in fee simple of that certain tract of land containing 0.232 acre, shown as Parcel A on the Boundary Line Adjustment Plat, which parcel is a portion of Old Trail Park, a publically dedicated greenway;

**WHEREAS**, March Mountain and Albemarle County desire to exchange the aforesaid parcels;

**WHEREAS**, March Mountain offers to grant, convey and dedicate Parcel B to Albemarle County in fee simple for public use, namely as a greenway, open space, storm water management and related improvements; and

**WHEREAS**, Albemarle County is willing to accept March Mountain's offer of dedication.

**NOW, THEREFORE**, in consideration of the exchange of the hereinafter described property, March Mountain Properties, L.L.C. does hereby GRANT, CONVEY and DEDICATE for public use to the County of Albemarle, a political subdivision of the Commonwealth of Virginia, its successors and assigns, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, the following described real property ("Parcel B"):

All that certain parcel of land, shown and designated as "Parcel B, A Portion of TMP 055E0-01-00-000A1" containing 0.277 of an acre, on a plat dated May 6, 2015, last revised June 22, 2015, prepared by Roudabush, Gale & Associates, Inc. entitled "Boundary Line Adjustment Plat Old Trail Village Greenway Area #3 and Tax Map 055E0-01-00-000A1, White Hall Magisterial District, Albemarle County, Virginia," which plat is attached hereto and recorded herewith **TO BE ADDED TO AND COMBINED WITH** Greenway Area #3 as shown on the aforesaid plat; **BEING** a portion of the same property conveyed to March Mountain Properties, L.L.C. by deed dated June 3, 2002, from March Mountain, L.L.C. of record in the Clerk's Office of the Circuit Court of Albemarle County, Virginia in Deed Book 2233, page 389.

March Mountain reserves for itself, its successors and assigns an easement over, under and across the entirety of Parcel B to grade, construct, maintain, repair, replace and extend trails comprising the County of Albemarle, Virginia greenway trail system, as well as stormwater management facilities in accordance with ZMA-2004-024, as proffered and amended.

This conveyance is subject to any easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by limitation of time contained therein or have not otherwise become ineffective and any lien, inchoate or otherwise for real estate taxes and assessments not yet due and payable.

Albemarle County, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts the conveyance of Parcel B pursuant to Virginia Code Section 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this deed.

And further for and in consideration of the foregoing conveyances, the County of Albemarle, a political subdivision of the Commonwealth of Virginia, does hereby GRANT and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto March Mountain Properties, L.L.C., the following described real property:

All that certain parcel of land, shown and designated as "Parcel A, A Portion of Greenway Area #3 TMP 055E0-01-00-000H0" containing 0.232 of an acre, on the aforesaid Boundary Line Adjustment Plat; **TO BE ADDED TO AND COMBINED WITH** March Mountain's existing property as shown on the Boundary Line Adjustment Plat; **BEING** a portion of the same property conveyed to the County of Albemarle by deed of dedication from March Mountain Properties, L.L.C., dated September 10, 2010, which deed is of record in Deed Book 3955, page 1.

This conveyance is subject to any easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by limitation of time contained therein or have not otherwise become ineffective and any lien, inchoate or otherwise for real estate taxes and assessments not yet due and payable.

And further for and in consideration of the foregoing conveyances, the County of Albemarle, a political subdivision of the Commonwealth of Virginia, does hereby GRANT and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto March Mountain Properties, L.L.C. an easement over, under and across the entirety of that certain parcel of land, shown and designated on the Boundary Line Adjustment Plat as a "Portion of TMP 055E0-01-00-000H0 Greenway Area #3 County of Albemarle" containing 6.438 acres, to grade, construct, maintain, repair, replace and extend trails comprising the County of Albemarle, Virginia greenway trail system, as well as stormwater management facilities in accordance with ZMA-2004-024, as proffered and amended.

**WITNESS** the following signatures and seals:

**MARCH MOUNTAIN PROPERTIES, L.L.C.,**  
a Virginia limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Manager

**COUNTY OF ALBEMARLE**

By: \_\_\_\_\_ (SEAL)

Thomas C. Foley, County Executive

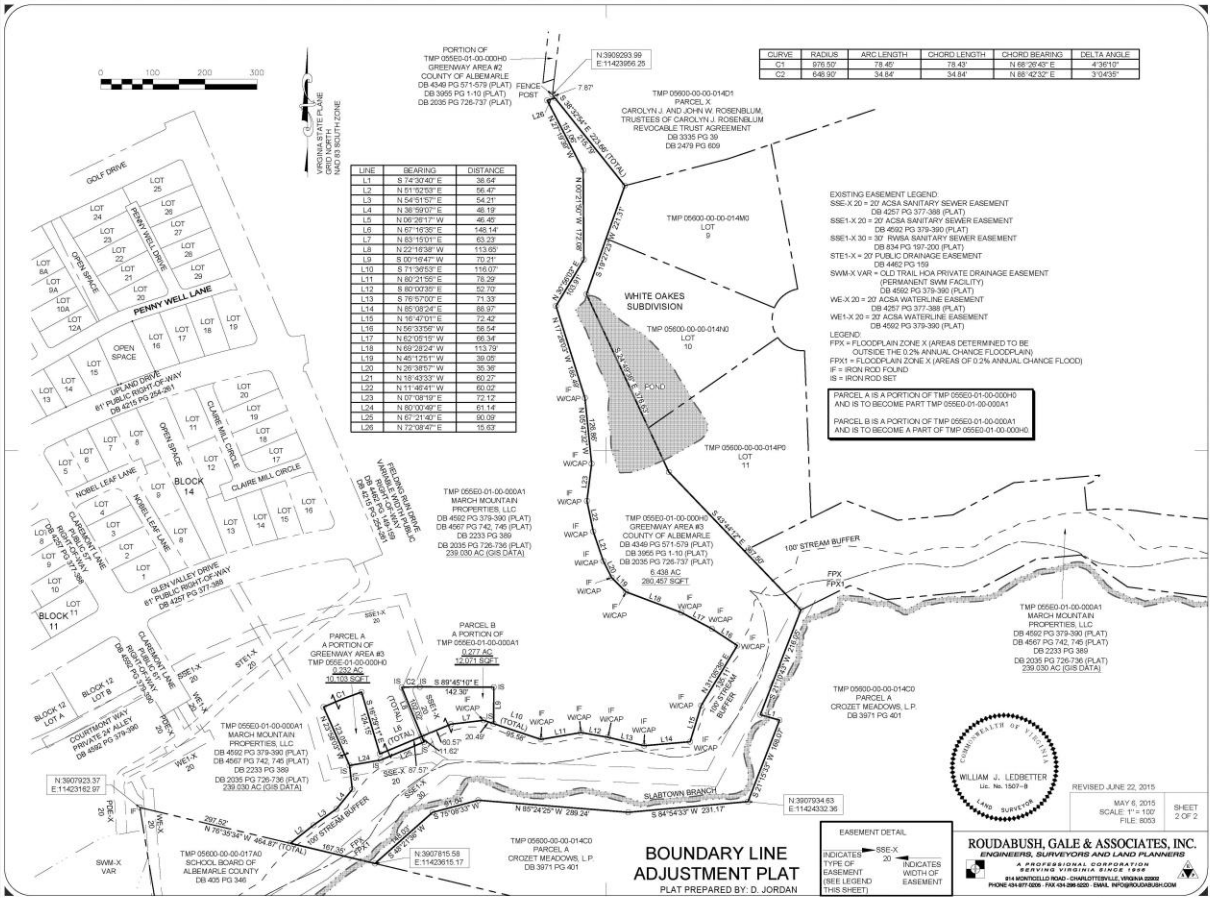
APPROVED FOR RECORDATION	NOTARY PUBLIC	NOTES	AREA SUMMARIES	
AGENT BOARD OF SUPERVISORS DATE PARCEL DATA OWNER SOURCE OF TITLE/PLAT REFERENCES PARCEL DATA OWNER COUNTY OF ALBEMARLE MAGISTERIAL DISTRICT ZONING RESERVOIR WATERSHED AGRICULTURAL-FORESTAL DISTRICT FLOOD HAZARD OVERLAY DISTRICT OWNERS APPROVAL THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, "BOUNDARY LINE ADJUSTMENT PLAT OLD TRAIL VILLAGE GREENWAY AREA #3 AND TAX MAP 055E-01-00-000A1" IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.	CITY/COUNTY OF COMMONWEALTH OF VIRGINIA THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY ON BEHALF OF MARCH MOUNTAIN PROPERTIES THIS _____ DAY OF _____ 20____ NOTARY PUBLIC'S SIGNATURE NOTARY REGISTRATION NUMBER MY COMMISSION EXPIRES OWNERS APPROVAL TAX MAP 055E-01-00-000A1 THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, "BOUNDARY LINE ADJUSTMENT PLAT OLD TRAIL VILLAGE GREENWAY AREA #3 AND TAX MAP 055E-01-00-000A1" IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.	1. THE BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM TWO INSTRUMENTS OF RECORD. THE FIRST INSTRUMENT WAS A PLAT ENTITLED "BOUNDARY SURVEY OF FREDMONT VIRGINIA LAND TRUST CONTAINING 485.000 ACRES & 0.029 ACRES" DATED SEPTEMBER 20, 2000 AND PREPARED BY KIRK HUGHES & ASSOCIATES AND WAS RECORDED IN DEED BOOK 2000 AT PAGE 729. THE SECOND INSTRUMENT WAS A PLAT ENTITLED "SUBDIVISION PLAT SHOWING OLD TRAIL PARK AND GREENWAY AREAS - OLD TRAIL LOCATED ON OLD TRAIL DRIVE," DATED JUNE 28, 2009 AND LAST REVISED SEPTEMBER 13, 2010 AND PREPARED BY LINCOLN SURVING AND WAS RECORDED IN DEED BOOK 3895 AT PAGE 1 AND IS BASED ON A FIELD SURVEY CONDUCTED APRIL 10, 2013. 2. THE DEVELOPER RESERVES ALL THOSE WATER AND SEWER EASEMENTS THAT WILL BE REQUIRED BY A C.C.S.A. IN ORDER TO ASSUME THE MAINTENANCE RESPONSIBILITY FOR THESE UTILITIES. 3. THE DEVELOPER RESERVES THE RIGHT TO CREATE, REVERSE, RELOCATE OR VACATE ANY EASEMENT AS NECESSARY, SO LONG AS THE PROPER AUTHORITY AGREES, REGARDLESS OF THE SALE OF ANY LOT. 4. PORTIONS OF TAX MAP 055E-01-00-000A1 AND GREENWAY #4 APPEAR TO BE A FLOOD INSURANCE RATE MAP ZONE X (UNSHADED) AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND FLOODPLAIN ZONE X-SHADED (AREAS OF 0.2% ANNUAL CHANCE FLOODING SHOWN ON COMMUNITY FIRMAL NUMBER 91006-0207 D WITH AN EFFECTIVE DATE OF FEBRUARY 4, 2005). 5. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. 6. UTILITIES AND EASEMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST. 7. UNLESS OTHERWISE NOTED, IRON RODS WILL BE SET AT ALL NEW PROPERTY CORNERS. 8. ANY STREAM BUFFERS SHOWN HEREON SHALL BE MANAGED IN ACCORDANCE WITH THE ALBEMARLE COUNTY WATER PROTECTION ORDINANCE. 9. THE DEVELOPER RESERVES AN EASEMENT OVER, UNDER AND ACROSS THE ENTIRETY OF PARCEL B (0.277 AC) TO GRADE, CONSTRUCT, MAINTAIN, REPAIR, REPLACE AND EXTEND TRAILS COMPRISING THE COUNTY OF ALBEMARLE VIRGINIA GREENWAY TRAIL SYSTEM, AS WELL AS STORM WATER MANAGEMENT FACILITIES, IN ACCORDANCE WITH ZMA-2004-024, AS PROFFERED AND AMENDED. 10. THE COUNTY OF ALBEMARLE, VIRGINIA GRANTS THE DEVELOPER, MARCH MOUNTAIN PROPERTIES, L.L.C., AN EASEMENT OVER, UNDER AND ACROSS THE ENTIRETY OF GREENWAY AREA #3, A PORTION OF TAX MAP PARCEL 055E-01-00-000A1, TO GRADE, CONSTRUCT, MAINTAIN, REPAIR, REPLACE AND EXTEND TRAILS COMPRISING THE COUNTY OF ALBEMARLE, VIRGINIA GREENWAY TRAIL SYSTEM, AS WELL AS STORM WATER MANAGEMENT FACILITIES, IN ACCORDANCE WITH ZMA-2004-024, AS PROFFERED AND AMENDED.	<b>GREENWAY AREA #3</b> ORIGINAL AREA 6.438 ACRES PARCEL A 0.272 ACRES PARCEL B 0.277 ACRES NEW GREENWAY AREA #3 6.445 ACRES  <b>TMP 055E-01-00-000A1</b> RESIDUE PARCEL (GIS DATA) 239.000 ACRES PARCEL A 0.277 ACRES PARCEL B 0.272 ACRES NEW TMP 055E-01-00-000A1 239.965 ACRES  <b>SHEET INDEX</b> SHEET 1 - COVER SHEET SHEET 2 - BOUNDARY LINE ADJUSTMENT	 VICINITY MAP 1" = 200'

**BOUNDARY LINE  
ADJUSTMENT PLAT  
OLD TRAIL VILLAGE  
GREENWAY AREA #3 AND  
TAX MAP 055E-01-00-000A1**

WHITE HALL MAGISTERIAL DISTRICT  
ALBEMARLE COUNTY, VIRGINIA

REVISOR JUNE 22, 2015  
MAY 6, 2015  
FILE 8003

**ROUDABUSH, GALE & ASSOCIATES, INC.**  
ENGINEERS, SURVEYORS AND LAND PLANNERS  
A PROFESSIONAL CORPORATION  
SERVING VIRGINIA SINCE 1988  
814 HUNTERS LANE - CHARLOTTESVILLE, VIRGINIA 22902  
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Agenda Item No. 21. **Public Hearing: Ordinance to Establish Separate Classification of Personal Property for (1) Business Personal Property with Original Cost of Less than \$250.** Ordinance to amend Chapter 15, Taxation, of the Albemarle County Code by amending Article XI, Personal Property – In General, by adding Section 15-1101.2, Separate classification of certain tangible personal property employed in a trade or business. The proposed amendment would allow certain tangible personal property employed in a trade or business that has an original cost of less than \$250 to be separately classified from other tangible personal property for taxation purposes pursuant to Virginia Code § 58.1-3506. (*Advertised in the Daily Progress on July 20 and July 27, 2015.*)

The executive summary, as presented by staff, states that *Virginia Code* § 58.1-3506 defines different classes of personal property that are subject to local taxation. Though Albemarle County has consistently taxed all personal property at the same rate, the

Although 2013 County tax forms instructed users to exclude the reporting of business personal property (BPP) items with an original cost of less than \$250, no provision of the *Virginia Code* specifically authorized that practice at the time. This exclusion was corrected on the 2014 BPP tax returns, and business owners were advised of the change. Subsequently, a request was made regarding the taxation and reporting of business personal property with original cost of less than \$250.

As part of the Board's legislative agenda, the 2015 General Assembly adopted House Bill 2098, which amended *Virginia Code* § 58.1-3506 to create a separate class of BPP for items with an original cost of less than \$250, effective July 1, 2015. This newly-enacted legislation also enables localities to allow these items to be reported as an aggregated estimate, rather than an itemized list. Therefore, a locality creating a special classification for this type of property could do so to reduce either (a) the tax reporting requirements and/or (b) the tax rate for these items.

Staff recommends adopting a separate classification for business personal property with original cost of less than \$250, for the purpose of allowing that property to be reported as an aggregated estimate. Establishment of this separate classification also allows the Board the option to consider a lower tax rate for this classification, if deemed appropriate, during the upcoming budget review process for calendar year 2016.

If the Board were to create this separate class of business personal property for tax purposes, the Finance Department has already prepared a communication plan to engage the business community to communicate than \$250:

- The Business Personal Property Tax brochure (displayed in the Revenue Administration lobby) would be updated to include information regarding the new BPP classification. (Attachment C)
- Instructions would be included in the 2016 BPP return regarding the new classification of BPP.
- A Finance Department sponsored public information session would be held for businesses in January or February 2016 to inform business owners. Revenue Administration Division staff would lead a session on the BPP filing requirements, and Purchasing Division staff would lead a session on "How to do Business with Albemarle County."

The aggregated reporting of BPP is expected to have no impact on business personal property tax collections. There should not be a difference from the previously provided revenue projections in the five year plan. In the event that a separate tax rate for this BPP were set during the budget process, the expected fiscal impact would still be minimal. Further, the new revenue administration system could accommodate multiple classifications and tax rates on a single BPP tax return without incurring customization expenses.

Following a public hearing, staff recommends that the Board adopt the proposed ordinance (Attachment A).

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Mr. Davis stated that before the Board is an ordinance amendment to the County Code regarding business personal property. He said there was a determination made that all business personal property is required to be reported. He said this is a change in the code because the County practice in prior years was to not require items valued at under \$250 to be itemized and reported on County tax returns. Mr. Davis stated the General Assembly has provided enabling legislation that would allow that issue to be addressed by adopting a separate class of business personal property with an original purchase price of \$250 or less, and this classification would allow that property to be aggregated and estimated rather than itemized. He said because it would be established as a separate class, it is also legally possible to have the same or lower tax rate on that class of property, but that decision can be made during the annual budget process as to whether to place a lower tax on that class of property. Mr. Davis said the Finance Department is prepared to roll out an education campaign on this effort, and after the public hearing staff's recommendation is to adopt the ordinance in Attachment A to establish the separate class for business personal property and allow the aggregation of value for reporting purposes.

The Chair opened the public hearing. Since no one came forward to speak, the public hearing was closed.

Mr. Sheffield then **moved** to adopt Ordinance 15-15(2). Ms. Palmer **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

#### **ORDINANCE NO. 15-15(2)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, is hereby amended as follows:

**By Adding:**

**Sec. 15-1101.2 Separate classification of certain tangible personal property employed in a trade or business.**

#### **CHAPTER 15**

#### **TAXATION**

#### **ARTICLE XI. PERSONAL PROPERTY—IN GENERAL**

**Sec. 15-1101.2 Separate classification of certain tangible personal property employed in a trade or business.**

Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Virginia Code § [58.1-3507](#) et seq., merchants' capital pursuant to Virginia Code § [58.1-3509](#) et seq., or short-term rental property pursuant to Virginia Code § [58.1-3510.4](#) et seq., and that has an original cost of less than \$250, is declared to be a separate class of property and shall constitute a classification for taxation separate from other classifications of tangible personal property provided in this chapter. A taxpayer may provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subsection, in lieu of a specific, itemized list.

State law reference – Va. Code § 58.1-3506

Agenda Item No. 22. **Public Hearing: Transfer of property to the Rivanna Water and Sewer Authority (RWSA) pursuant to Four-Party Agreement.** To consider conveying by quitclaim certain County interests in the following Parcels to the Rivanna Water and Sewer Authority (RWSA): 05500-00-00-046B0, 05500-00-00-05000, 05500-00-00-051A0, 055C0-03-00-000A0, 055C0-03-00-01300, 055C0-03-00-01400, 055C0-03-00-01500, 055C0-03-00-01600, 055C0-03-00-03000, 05600-00-00-006A0, 05600-00-00-006B0, 05600-00-00-006C0, 05600-00-00-006D0, 05600-00-00-05700, 05600-00-00-06700, 05600-00-00-067B0, 05600-00-00-06900, 05600-00-00-069A0, 05600-00-00-069B0, 05600-00-00-07000, 05600-00-00-07400, 05600-00-00-074A0, 05600-00-00-07500, 05600-00-00-07600, 05600-00-00-07700, 05600-00-00-07800, 05600-00-00-080B0, 05600-00-00-080C0, 05600-00-00-08100, 05600-00-00-08200, 056A1-01-00-01400, 056A1-01-00-01500, 056A1-01-00-02500, 056A1-01-00-026A0, 056A1-01-00-02700, 056A1-01-00-03200, 056A1-01-00-033A0, 056A1-01-00-03400, 056A1-01-00-035A0, 056A1-01-00-036C0, 056A1-01-00-04500, 056A1-01-00-045A4, 056A1-01-00-05000, 056A2-01-00-00900, 056A2-01-00-01000, 056A2-01-00-010A0, 056A2-01-00-01100, 056A2-01-00-01700, 056A2-01-00-06100, 056A2-01-00-06200, 056A2-01-00-06300, 056A2-01-00-06400, 056A2-01-00-071B0, 056A2-02-0A-01500, 056A2-04-00-000A3, 056A2-04-00-02100, 056A2-04-00-02200, 056A2-04-00-02300, 056A2-04-00-04800, 056A2-04-00-04900, 056A2-04-00-05000, 056A2-04-00-05100, 056A2-04-00-05500, 056A2-04-00-05600, 056A2-04-00-06300, 056A2-04-00-06400, 056A2-04-00-07100, 056A3-00-00-00800, 056A3-00-00-00900, 056A3-00-00-01000, 05700-00-00-00400, 05700-00-00-008A0, 05700-00-00-009B0, 05700-00-00-009D0, 05700-00-00-01000, 05700-00-00-010A0, 05700-00-00-01100, 05700-00-00-01200, 05700-00-00-01300, 05700-00-00-013A0, 05700-00-00-01400, 05700-00-00-015A0, 05700-00-00-01600, 05700-00-00-01800, 05700-00-00-018B0, 05700-00-00-018C0, 05700-00-00-02000, 05700-00-00-02200, 05700-00-00-02300, 05700-00-00-023A0, 05700-00-00-02400, 05700-00-00-024A0, 05700-00-00-02500, 05700-00-00-029B0, 05700-00-00-08000, 05700-00-00-09000, 13000-00-00-038C0, 13000-00-00-05200, 13000-00-00-052A0, 13000-00-00-05300, 13600-00-00-02700, 13600-00-00-027A0, 13600-00-00-027B0, 13600-00-00-027C0, 13600-00-00-027C1, 13600-00-00-027D0, 13600-00-00-027E0, 13600-00-00-027P0, 13600-00-00-02800, 13600-00-00-02900, 13600-00-00-03600, 13600-00-00-04100, 13600-00-00-04200, 13600-00-00-04900, 13600-00-00-05000, 13600-00-00-050A0, 13600-00-00-05300, 13600-00-00-059A0, and 13600-00-00-06000. At the public hearing, the Board will further consider leasing the County's water rights in the following Parcels to the RWSA: 04000-00-00-048D0, 04100-00-00-010A0, 05600-00-00-069A0, 05700-00-00-00400, and 13600-00-00-02900. The proposed conveyance and lease are pursuant to a 1973 Four-Party Agreement by and between the City of Charlottesville, the Albemarle County Service Authority, the County and the RWSA. (*Advertised in the Daily Progress on July 27, 2015.*)

The executive summary, as presented by staff, states that in the June 12, 1973 Four-Party Agreement between the County, the City of Charlottesville, the Albemarle County Service Authority (ACSA), and the Rivanna Water and Sewer Authority (RWSA), the ACSA agreed to sell and the RWSA

agreed to purchase certain listed water and sewer facilities within 10 years of June 12, 1973, or when the debts attributable to the construction of each of the listed facilities had been paid. Under that Agreement, the County agreed to join in the sale to the extent of its interest in the listed facilities. By Deeds and Bills of Sale dated June 30, 1983 and May 9, 1989, the ACSA and the County transferred to the RWSA some, but not all, of the assets and facilities designated for transfer in the Agreement. The debts attributable to the construction of those facilities not yet transferred by the ACSA and the County to the RWSA have been paid. The ACSA has agreed to transfer the remaining assets and facilities without additional payment from the RWSA, consistent with a 2004 ACSA Resolution. The County is now being asked to convey its interest in the listed facilities, as the parties had agreed in 1973.

Under the proposed Deed (Attachment C), the County would convey to the RWSA by quitclaim all rights, title and interest that the County may have in the parcels listed on Attachment A of the Deed, excluding any fee simple interests in the Beaver Creek Reservoir and the Totier Creek Reservoir. The County's quitclaim conveyance would include easements and/or rights-of-way it may have that are associated with the water and sewer facilities on those parcels. The County would continue to retain title to the Beaver Creek Reservoir and the Totier Creek Reservoir, but would lease all County water rights in those reservoirs to the RWSA, as agreed in the Four-Party Agreement, for so long as that Agreement remains in effect.

*Virginia Code* § 15.2-1800 requires a public hearing for conveyances of County property. This requirement applies, even though the RWSA's request is to simply complete the transfers agreed to in the parties' 1973 agreement. At the RWSA's request and consistent with the parties' prior agreements, these documents have been drafted for the signatures of the Board Chair and Mayor.

No budget impact is anticipated.

Following a public hearing, staff recommends that the Board adopt the attached Resolution (Attachment A) approving the conveyance of the subject properties to the RWSA and authorizing the Chair to execute a Bill of Sale (Attachment B), a Deed (Attachment C), and any other associated documents necessary for the conveyance of the subject properties, after they have been approved in substance and form by the County Attorney.

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Mr. Davis reported this is a public hearing for the transfer of property as required by state code. He stated when the Rivanna Water and Sewer Authority was established in the 1970s, there was a four-party agreement between the Albemarle County Service Authority, the City, the County and Rivanna that governed how the authority would be established. Mr. Davis said that part of that required a transfer of certain properties from the ACSA, the City and the County to Rivanna, and it was a staged transfer based on a number of factors. He stated most of that property was transferred back in the 1970s, but a few years ago there was an inventory of the properties that revealed that certain properties had not been formally transferred even though Rivanna was using them for their operations. Mr. Davis explained that the ACSA, which possesses most of that property, was asked to transfer their interest. He stated in the deed and title work, there was some question as to whether or not the County had some interest in some of the easements and rights of way to the facilities that Rivanna operated, so the County has been asked to deed any interests it might have in the properties to complete the transfer that was part of the original agreement. Mr. Davis noted the exceptions are the Beaver Creek and Totier Creek reservoirs, which will transfer just the water rights and not the fee-simple title to those two reservoirs, as long as Rivanna operates. He stated there is a bill of sale that acknowledges the completion of the obligation from the 1974 agreement, as well as a deed that would quick-claim these properties to Rivanna, and authorizes the Chair to sign these documents in keeping with the practice used in the 1970s. Mr. Davis said staff would recommend that the Board adopt the resolution to authorize the completion of the land transfers.

The Chair opened the public hearing. Since no one came forward to speak, the public hearing was closed.

**Motion** was then offered by Ms. Palmer to adopt the proposed resolution approving the conveyance of the subject properties to the RWSA and to authorize the Chair to execute a Bill of Sale, a Deed, and any other associated documents necessary for the conveyance of the subject properties, after they have been approved in substance and form by the County Attorney. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

#### **RESOLUTION APPROVING THE CONVEYANCE OF PROPERTIES TO THE RIVANNA WATER AND SEWER AUTHORITY**

**WHEREAS**, under the June 12, 1973 Four-Party Agreement between the County, the City of Charlottesville, the Albemarle County Service Authority (ACSA), and the Rivanna Water and Sewer Authority (RWSA), the ACSA agreed to sell and the RWSA agreed to purchase certain listed water and sewer facilities within ten years of June 12, 1973, or when the debts attributable to the construction of each of the listed facilities, and the County agreed to join in the sale to the extent of its interest in the listed facilities; and

**WHEREAS**, By Deeds and Bills of Sale dated June 30, 1983 and May 9, 1989, the ACSA and the County transferred to the RWSA some, but not all, of the assets and facilities designated for transfer in the Agreement; and

**WHEREAS**, the debts attributable to the construction of those facilities not yet transferred by the ACSA and the County to the RWSA have been paid.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves (1) the County's conveyance to the RWSA by quitclaim all rights, title and interest that the County may have in the parcels listed in Attachment A of the Deed, excluding any fee simple interest in the Beaver Creek Reservoir and the Totter Creek Reservoir, and (2) the County's leasing of the County's water rights in the parcels listed under section 2 of the Deed to the RWSA; and authorizes the Chair to sign a Bill of Sale, a Deed, and any other associated documents necessary for the conveyance and leasing of the properties after they have been approved in substance and form by the County Attorney.

\*\*\*\*\*

THIS **BILL OF SALE**, made this \_\_\_\_ day of August, 2015, by and between **ALBEMARLE COUNTY SERVICE AUTHORITY** (the "Authority") and the **COUNTY OF ALBEMARLE, VIRGINIA** (the "County"), Grantors, and **RIVANNA WATER AND SEWER AUTHORITY** ("Rivanna"), Grantee;

W I T N E S S E T H:

WHEREAS, pursuant to a Four-Party Agreement, dated June 12, 1973, by and between the City of Charlottesville, Virginia, the Authority, the County, and Rivanna (the "Four-Party Agreement"), the Authority agreed to sell and Rivanna agreed to purchase certain water and sewer facilities as set forth in Exhibits 3 and 4 to the Four-Party Agreement within ten (10) years from June 12, 1973, or at such time as the debts attributable to the construction of each of such facilities shall have been paid; and

WHEREAS, pursuant to the Four-Party Agreement, the County agreed to join in such sale to the extent of its interest therein; and

WHEREAS, the purchase price for the facilities was determined, pursuant to Section 3.7 of the Four-Party Agreement, in a report of John McNair and Associates and Paul B. Krebs and Associates, both consulting engineers, dated January, 1975, and entitled "Report on Valuation of Water and Sewer Facilities to be Purchased by Rivanna Water and Sewer Authority from City of Charlottesville and Albemarle County Service Authority"; and

WHEREAS, by Deed dated June 30, 1983, recorded in the Albemarle County Circuit Court Clerk's Office (the "Clerk's Office") in Deed Book 768, at page 272, and a separate unrecorded Bill of Sale of the same date, and by Deed dated May 9, 1989, recorded in the Clerk's Office in Deed Book 1049, at page 98, and a separate unrecorded Bill of Sale of the same date, the Authority and the County transferred to Rivanna some, but not all, of the assets and facilities designated for transfer in the 1973 Four-Party Agreement; and

WHEREAS, the debts attributable to the construction of those facilities not yet transferred by the Authority and the County to Rivanna have been paid; and

WHEREAS, the Authority has agreed to transfer the remaining assets and facilities without additional consideration from Rivanna consistent with the resolution adopted by the Authority at a meeting of its Board of Directors on August 19, 2004.

**NOW, THEREFORE**, for and in consideration of Ten Dollars and No/100 (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged by the Authority, the County and the Authority do hereby **BARGAIN, SELL, ASSIGN, SET-OVER, TRANSFER AND DELIVER** unto Rivanna all rights, title and interest they may have in the personal property consisting of the following-described facilities:

6. Project No. 64-2, Beaver Creek Pumping Station.
7. Project No. 64-3, 12-inch Raw Water Transmission main from Beaver Creek Pumping Station to Crozet Filter Plant and 12-inch Finished Water Transmission main from Crozet Filter Plant.
8. Project No. 65-1, Crozet Filter Plant [including the right to use the wells at Mint Springs].
9. Project No. 64-1, 500,000-Gallon Ground Storage Reservoir at the Crozet Filter Plant.
10. Stand-by Pumps at Crozet Filter Plant.
11. Project No. 65-2, 12-inch Finished Water Transmission main at Crozet (Extension of Project 64-3).
12. 10-inch Raw Water Line from Scottsville Reservoir to Scottsville Filter Plant.
13. Scottsville Raw Water Pump Station.

14. Project No. 67-1, Scottsville Filter Plant.
15. Project No. 67-2, 10-inch Finished Water Transmission Line from the Scottsville Filter Plant to 250,000-Gallon Storage Tank.
16. Project No. 67-3, 250,000-Gallon Storage Tank at Scottsville.

WITNESS the following signatures and seals:

ALBEMARLE COUNTY SERVICE AUTHORITY  
By \_\_\_\_\_(Seal)  
Clarence Roberts, Chairman

COUNTY OF ALBEMARLE, VIRGINIA  
By \_\_\_\_\_(Seal)  
Jane D. Dittmar, Chair,  
Board of Supervisors

\*\*\*\*\*

**Prepared by:**  
**Kurt J. Krueger, Esq. (VSB No. 24136)**  
**McGuireWoods LLP**  
**310 4<sup>th</sup> Street, N.E., Suite 300**  
**Charlottesville, VA 22902**

**County of Albemarle**  
**Unknown**

## The Existence of Title Insurance is

**TMP# See Attachment A and Paragraph 2 below**

**EXEMPT FROM RECORDATION TAXES UNDER  
THE CODE OF VIRGINIA (1950), AS AMENDED, SECTION 58.1-811(A)(3)**

THIS DEED, made this \_\_\_\_ day of August, 2015, by and between the **ALBEMARLE COUNTY SERVICE AUTHORITY**, a body politic and corporate created pursuant to the Virginia Water and Waste Authorities Act (the “Authority”), and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the “County”), Grantors, and the **RIVANNA WATER AND SEWER AUTHORITY**, body politic and corporate created pursuant to the Virginia Water and Waste Authorities Act (“Rivanna”), Grantee, whose address is 695 Moores Creek Lane, Charlottesville, VA 22902.

WITNESSETH:

WHEREAS, pursuant to a Four-Party Agreement, dated June 12, 1973, by and between the City of Charlottesville, Virginia, the Authority, the County, and Rivanna (the "Four-Party Agreement"), the Authority agreed to sell and Rivanna agreed to purchase certain water and sewer facilities as set forth in Exhibits 3 and 4 to the Four-Party Agreement within ten (10) years from June 12, 1973, or at such time as the debts attributable to the construction of each of such facilities shall have been paid; and

WHEREAS, pursuant to the Four-Party Agreement, the County agreed to join in such sale to the extent of its interest therein; and

WHEREAS, the purchase price for the facilities was determined, pursuant to Section 3.7 of the Four-Party Agreement, in a report of John McNair and Associates and Paul B. Krebs and Associates, both consulting engineers, dated January, 1975, and entitled "Report on Valuation of Water and Sewer Facilities to be Purchased by Rivanna Water and Sewer Authority from City of Charlottesville and Albemarle County Service Authority"; and

WHEREAS, by Deed dated June 30, 1983, recorded in the Albemarle County Circuit Court Clerk's Office (the "Clerk's Office") in Deed Book 768, at page 272, and a separate unrecorded Bill of Sale of the same date, and by Deed dated May 9, 1989, recorded in the Clerk's Office in Deed Book 1049, at page 98, and a separate unrecorded Bill of Sale of the same date, the Authority and the County transferred to Rivanna some, but not all, of the assets and facilities designated for transfer in the 1973 Four-Party Agreement; and

WHEREAS, the debts attributable to the construction of those facilities not yet transferred by the Authority and the County to Rivanna have been paid; and,

WHEREAS, the Authority has agreed to transfer the remaining assets and facilities without additional consideration from Rivanna consistent with the resolution adopted by the Authority at a meeting of its Board of Directors on August 19, 2004; and,

WHEREAS, on the parcel upon which is located one such facility, the 250,000 gallon Scottsville standpipe, the Authority has also constructed a pump station which is part of the Authority's retail water distribution system; and,

WHEREAS, consideration is being given by the Authority and Rivanna for modifications to the Scottsville Water Filtration Plant property (conveyed by the Authority to Rivanna hereunder) which may result in both the 250,000 gallon Scottsville standpipe and the pump station to be unnecessary; and,

WHEREAS the parties have agreed, notwithstanding the original intent of the Four-Party Agreement, to exclude the parcel upon which is located the 250,000 gallon Scottsville standpipe (Project No. 67-2) from this Deed but to include it in the unrecorded Bill of Sale from the Authority to Rivanna to accompany this Deed, and to continue to grant unlimited access to Rivanna to operate and maintain the standpipe and transmission line from the Scottsville Filtration Plant to such standpipe until such time as a decision with respect to its continued use can be made;

NOW, THEREFORE, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. The Authority hereby GRANTS and CONVEYS with Special Warranty of Title unto Rivanna all rights, title and interest it may have in realty, including fee simple interests, easements and rights-of-way, associated with the water and sewer facilities described on Attachment A attached hereto, being a portion of the assets and facilities described on Exhibit A attached to the June 30, 1983 Deed, recorded in the Clerk's Office in Deed Book 768, pages 275 and 276. Portions of the above referenced assets and facilities described on Attachment A hereto were acquired by the Authority pursuant to the following:

- (i) Deed dated November 2, 1972 from the County to the Authority recorded in the Clerk's Office in Deed Book 519, at page 341;
- (ii) Deed dated October 22, 1969 from the Town of Scottsville to the Authority recorded in the Clerk's Office in Deed Book 465, at page 551;
- (iii) Deed of Gift dated January 2, 1968 from Forrest E. Paulett and Lillian M. Paulett recorded in the Clerk's Office in Deed Book 440, at page 305; and
- (iv) Deed dated February 1, 1968 from Samuel G. Spangler and Charlotte R. Spangler, husband and wife, and Samuel G. Spangler, III and Grace Bates Spangler, husband and wife, recorded in the Clerk's Office in Deed Book 440, at page 315.

2. The Authority hereby GRANTS and CONVEYS unto Rivanna all rights, title and interest it may have as lessee or tenant under any and all leases from the County as owner, lessor or landlord in and to:

(i) the Beavercreek Reservoir consisting of approximately:

(a) 182.55 acres (TMP 05700-00-00-00400), conveyed to the County by instruments recorded in the Clerk's Office as follows:

Deed Book 376, Page 585	74.76 acres
Deed Book 377, Page 73	1.31, 1.02, .13, .44 and .46 acres
Deed Book 377, Page 483	49.66 acres
Deed Book 377, Page 487	5.33 acres
Deed Book 377, Page 489	43.20 acres
Deed Book 380, Page 324	4.39 acres
Deed Book 380, Page 343	.73 acres
Deed Book 385, Page 315	.39 acres
Deed Book 392, Page 516	.73 acres;

(b) 26.27 acres (TMP 05600-00-00-069A0) conveyed to the County by Deed recorded in the Clerk's Office in Deed Book 386, Page 199; and

(c) 9.89 acres (TMP 04100-00-00-010A0) conveyed to the County by instrument recorded in the Clerk's Office in Deed Book 380, Page 345; and

(d) a flooding easement (TMP 04000-00-00-048D0) conveyed to the County by instrument recorded in the Clerk's Office in Deed Book 386, Page 386; and

(ii) the Totier Creek Reservoir (formerly known as the Scottsville Reservoir) (TMP 13600-00-00-02900) consisting of approximately 209.55 acres, conveyed to the County by instruments recorded in the Clerk's Office as follows:

Deed Book 473, Page 200	22.94 acres
Deed Book 473, Page 205	148.14 acres (147.5 acres and .64 acres)
Deed Book 474, Page 390	21.50 acres, (5.24, 4.04, 9.97 and 2.25 acres)
Deed Book 476, Page 565	.45 acres
Deed Book 493, Page 129	8.37 acres
Deed Book 523, Page 289	33.69 acres;



less and except 25.54 acres transferred from the County pursuant to the Deed recorded in the Clerk's Office in Deed Book 474, Page 390 being a portion of the 147.5 acres conveyed to the County pursuant to the Deed recorded in the Clerk's Office in Deed Book 473, Page 205.

3. The County hereby QUITCLAIMS, RELEASES, GRANTS and CONVEYS unto Rivanna all rights, title and interest it may have in the parcels conveyed by the Authority to Rivanna pursuant to paragraph 1 above and described on Attachment A attached, including easements and/or rights-of-way it may have associated with the water and sewer facilities on such parcels, but EXCLUDING any fee simple interests in and to the Beavercreek Reservoir and the Totier Creek Reservoir more particularly described in paragraph 2 above.

4. The County, to the extent not otherwise leased to the Authority pursuant to the leases described and conveyed to Rivanna by the Authority as set forth in paragraph 2 above, hereby LEASES to Rivanna, for so long as the Four-Party Agreement remains in effect, all water rights in and to the Beavercreek Reservoir and the Totier Creek Reservoir, including the rights to maintain and operate all impoundment and pumping facilities, and to withdraw all water that may be available.

5. The Authority hereby grants to Rivanna unlimited access to the 250,000 gallon Scottsville standpipe (Project No. 67-2) included in the unrecorded Bill of Sale from the Authority to Rivanna to accompany this Deed to permit Rivanna to operate and maintain the standpipe and transmission line from the Scottsville Filtration Plant to such standpipe.

WITNESS the following signatures and seals:

ALBEMARLE COUNTY SERVICE AUTHORITY  
By: \_\_\_\_\_ (Seal)  
Clarence Roberts, Chairman

COUNTY OF ALBEMARLE, VIRGINIA  
By: \_\_\_\_\_ (Seal)  
Jane D. Dittmar, Chair, Board of Supervisors

#### ATTACHMENT A

#### WATER AND SEWER FACILITIES

(Item numbers below correspond to the item numbers in the "Summary of Facilities to be Acquired" attached to the June 30, 1983 Deed referenced in the fourth Recital of this Deed)

6. Project No. 64-2, Beaver Creek Pumping Station.  
TMP: 05700-00-00-00400 (fee simple interest owned by County)  
05600-00-00-069A0 (fee simple interest owned by County)
7. Project No. 64-3, 12-inch Raw Water Transmission main from Beaver Creek Pumping Station to Crozet Filter Plant and 12-inch Finished Water Transmission main from Crozet Filter Plant.  
TMP: 05700-00-00-00400 (fee simple interest owned by County)  
05700-00-00-02400  
05700-00-00-02500  
05700-00-00-024A0  
05700-00-00-02300  
05700-00-00-023A0  
05700-00-00-02200  
05700-00-00-02000  
05700-00-00-01800  
05700-00-00-018C0  
05700-00-00-018B0  
05700-00-00-015A0  
05700-00-00-01600  
05700-00-00-01400  
05700-00-00-013A0  
05700-00-00-01300  
05700-00-00-01200  
05700-00-00-01100  
05700-00-00-029B0 (fee simple interest owned by Authority)
8. Project No. 65-1, Crozet Filter Plant [including the right to use the wells at Mint Springs].  
TMP: 05700-00-00-029B0 (fee simple interest owned by Authority)
9. Project No. 64-1, 500,000-Gallon Ground Storage Reservoir at the Crozet Filter Plant.  
TMP: 05700-00-00-029B0 (fee simple interest owned by Authority)
10. Stand-by Pumps at Crozet Filter Plant.  
TMP: 05700-00-00-029B0 (fee simple interest owned by Authority)

11. Project No. 65-2, 12-inch Finished Water Transmission main at Crozet (Extension of Project 64-3).  
TMP: 05700-00-00-029B0 (fee simple interest owned by Authority)  
05700-00-00-010A0 (fee simple interest owned by Rivanna)  
05700-00-00-01100  
05700-00-00-01000  
05700-00-00-09000  
05700-00-00-009D0  
05700-00-00-009B0  
05700-00-00-08000  
05700-00-00-008A0  
05600-00-00-069B0  
05600-00-00-07000  
05600-00-00-06900  
05600-00-00-08200  
05600-00-00-08100  
05600-00-00-080B0  
05600-00-00-080C0  
05600-00-00-07600  
05600-00-00-07800  
05600-00-00-07700  
05600-00-00-07500  
05600-00-00-07400  
05600-00-00-074A0  
05600-00-00-067B0  
05600-00-00-06700  
056A3-00-00-00900  
056A3-00-00-01000  
056A3-00-00-00800  
056A2-01-00-06100  
056A2-01-00-06400  
056A2-01-00-06300  
056A2-01-00-06200  
05600-00-00-05700  
056A2-04-00-07100  
056A2-04-00-06400  
056A2-04-00-06300  
056A2-04-00-05600  
056A2-04-00-05500  
056A2-04-00-05100  
056A2-04-00-05000  
056A2-04-00-04900  
056A2-04-00-04800  
056A2-04-00-000A3  
056A2-04-00-02300  
056A2-04-00-02200  
056A2-04-00-02100  
056A2-01-00-071B0  
056A2-02-0A-01500  
056A2-01-00-010A0  
056A2-01-00-01000  
056A2-01-00-00900  
056A2-01-00-01100  
056A2-01-00-01700  
056A1-01-00-05000  
056A1-01-00-04500  
056A1-01-00-045A4  
05600-00-00-006A0  
05600-00-00-006D0  
05600-00-00-006B0  
05600-00-00-006C0  
  
056A1-01-00-03200  
056A1-01-00-033A0  
056A1-01-00-03400  
056A1-01-00-035A0  
056A1-01-00-036C0  
  
056A1-01-00-02700  
056A1-01-00-026A0  
056A1-01-00-02500  
055C0-03-00-000A0  
055C0-03-00-03000  
055C0-03-00-01600  
055C0-03-00-01500

055C0-03-00-01400  
055C0-03-00-01300

056A1-01-00-01500  
056A1-01-00-01400  
05500-00-00-051A0  
05500-00-00-05000  
05500-00-00-046B0

12. 10-inch Raw Water Line from Scottsville Reservoir to Scottsville Filter Plant.  
TMP: 13600-00-00-02900 (fee simple interest owned by County)  
13600-00-00-050A0  
13600-00-00-05000  
13600-00-00-06000  
13600-00-00-059A0  
13600-00-00-04900  
13600-00-00-027C1  
13600-00-00-04200  
13600-00-00-04100  
13600-00-00-027C0  
13600-00-00-03600  
13600-00-00-027A0 (fee simple interest owned by Authority)  
13600-00-00-027B0 (fee simple interest owned by Authority)
13. Scottsville Raw Water Pump Station.  
TMP: 13600-00-00-02900 (fee simple interest owned by County)
14. Project No. 67-1, Scottsville Filter Plant.  
TMP: 13600-00-00-027B0 (fee simple interest owned by Authority)
15. Project No. 67-2, 10-inch Finished Water Transmission Line from the Scottsville Filter Plant to 250,000-Gallon Storage Tank.  
TMP: 13600-00-00-027B0 (fee simple interest owned by Authority)  
13600-00-00-027A0 (fee simple interest owned by Authority)  
13600-00-00-03600  
13600-00-00-027C0  
13600-00-00-04100  
13600-00-00-05300  
13600-00-00-027E0  
13600-00-00-027D0  
13600-00-00-02800  
13600-00-00-02700  
13600-00-00-027P0  
13000-00-00-05300  
13000-00-00-05200  
13000-00-00-052A0  
13000-00-00-038C0 (fee simple interest owned by Authority)

NOT BEING TRANSFERRED HEREUNDER, BUT GRANT OF ACCESS FROM AUTHORITY TO RIVANNA CONFIRMED PURSUANT TO PARAGRAPH 5 OF THIS DEED:

16. Project No. 67-3, 250,000-Gallon Storage Tank at Scottsville.  
TMP: 13000-00-00-038C0 (fee simple interest owned by Authority)

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Agenda Item No. 23. **Public Hearing: SP-2014-00002. Montessori Community School of Charlottesville (Signs #57&59).**

MAGISTERIAL DISTRICT: Rivanna Magisterial District.

TAX MAP/PARCEL: 078000000012A0.

LOCATION: 440 Pinnacle Place.

PROPOSAL: Amend special use permit conditions regarding fencing on the site and construction of proposed buildings.

PETITION: Educational School on 6.72 acres under Section 23.2.2(6) of Zoning Ordinance. No dwelling units proposed.

ZONING CATEGORY/GENERAL USAGE: CO, Commercial Office which allows offices, supporting commercial and service; residential by special use permit (15 units/ acre); school of special instruction under Section 23.2.2(6).

ENTRANCE CORRIDOR: Yes.

MANAGED STEEP SLOPES: Yes.

COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3 (Pantops) Development Area.

*(Advertised in the Daily Progress on July 20 and July 27, 2015.)*

Ms. Claudette Grant, Senior Planner, reported that the Montessori Community School is located at 440 Pinnacle Place, the northwest corner of the Richmond Road and Rolkin Road intersection. She

stated the property is zoned Commercial Office (CO), which allows offices supporting commercial and service uses by-right, and residential and schools of instruction by special use permit. She stated the Pantops Master Plan designated the property as urban density residential, which allows 6-34 units per acre, and supporting uses such as religious institutions, school, commercial, office and service uses. Ms. Grant said the applicant requests to amend special use permit conditions to eliminate the requirement for fencing on a portion of the site. She stated that SP 2009-0001 was approved with a condition that required fencing around the lawn and play area, and the school is located at the top of a fairly steep hill that drops off near Route 250 and Rolkin Road, and the play area has been relocated to a different area of the site, and a new building has recently been constructed near the former play area, and as a result there is no longer a need to fence in the play area. Ms. Grant stated the applicant is requesting elimination of this condition, and there is also a condition requiring replacement of a chain-link fence that satisfies the requirement of the Architectural Review Board. She said a recent site plan includes the demolition of the fence, and the ARB staff determined that removal of fences is not expected to have an impact on the Entrance Corridor. Ms. Grant said staff sees no reason to keep these two conditions regarding the fences, and said the request is time-sensitive as the applicant wishes to open school this month with their newly constructed building.

Ms. Grant reported the applicant is currently working on an amendment for revisions to the layout of the site, which will be going to the Planning Commission in September. She stated the Planning Commission had held a public hearing on June 16, and recommended approval with the three conditions originally approved minus conditions relating to the fence. Ms. Grant said the first condition relates to the maximum enrollment not exceeding 300 students; the second condition relates to the approved plan and its key elements; and the third condition provides a deadline for construction of the proposed building. She stated staff recommends adoption of the resolution to approve SP 2014-0002, with the conditions as provided.

The Chair opened the public hearing. Since no one came forward to speak, the public hearing was closed.

Ms. McKeel asked how large the school was when it first opened. Ms. Kendra Guiffre is a parent representing the School, addressed the Board and stated she does not have that information but can provide it.

Mr. Boyd then offered **motion** to adopt the proposed resolution to approve SP-2014-00002 subject to attached conditions. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

**RESOLUTION TO APPROVE  
SP 2014-02 MONTESSORI COMMUNITY SCHOOL**

**WHEREAS**, the Montessori Community School of Charlottesville (the "Owner") is the owner of Tax Map and Parcel Number 07800-00-00-012A0 (the "Property"); and

**WHEREAS**, the County approved a special use permit application ("SP 2006 – 38") on March 14, 2007 for new buildings and campus improvements at the school with conditions that included the installation of fencing around a central lawn and play area which was previously to be located near a steep drop in grade on the site; and

**WHEREAS**, at the time SP 2006-38 was reviewed, a zoning violation existed on the site because a fence was installed without a site plan or ARB approval and was visible from the Entrance Corridor; and

**WHEREAS**, the County approved a special use permit application ("SP 2009-01") on March 11, 2009 to extend the expiration date for SP 2006-38 with conditions that included the replacement of the chain link fence and an expiration date extension of forty-eight months for SP-2009-01; and

**WHEREAS**, the Owner has now filed an application for a special use permit to eliminate the requirement of fencing around the play area previously to be located near a steep drop in grade on the site and to eliminate the requirement of the replacement of the chain link fence that was previously visible from the Entrance Corridor and which has been removed, and the application is identified as Special Use Permit 2014-00002 Montessori Community School ("SP 2014-02"); and

**WHEREAS**, on June 16, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2014-02 with the conditions recommended by staff; and

**WHEREAS**, on August 5, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2014-2.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2014-02 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2014-02, subject to the conditions attached hereto.

\* \* \*

**SP-2014-00002 Montessori Community School Conditions**

1. Maximum enrollment shall be three hundred (300) students;
2. Development of the use shall be in general accord with the "Montessori Pantops Mountain Community School Sheets SP01-SP-03", prepared by Neal R. Deputy, Architecture & Master Planning, last revised January 16, 2007, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the plan, development shall reflect the general size, arrangement, and location of proposed Buildings A, B, C, D, and E, Central Lawn, Amphitheatre, playgrounds and ball fields, wooded natural area, and parking areas. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance; and
3. Construction of proposed buildings as shown on the concept plan shall commence on or before March 11, 2015 or this special use permit shall expire.

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Agenda Item No. 24. **Public Hearing: SP-2015-00008. King Family Polo (Signs #49&51).**

MAGISTERIAL DISTRICT: White Hall.

TAX MAP/PARCEL: 05500-00-00-08000.

LOCATION: 6640 Roseland Farm, Crozet, VA.

PROPOSAL: To allow up to 1000 spectators at polo events on Sundays from end of May through second weekend in October.

PETITION: Farm winery events under Section 10.2.2 of zoning ordinance. No dwellings proposed. ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential (0.5 unit/acre in development lots); FH Flood Hazard Overlay.

COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources, residential density 0.5 unit/acre in development lots.

*(Advertised in the Daily Progress on July 20 and July 27, 2015.)*

Ms. Rachel Falkenstein, Senior Planner, reported this special use permit is for farm winery events for more than 200 attendees in the rural areas, with the applicant requesting up to 1,000 spectators at polo events on Sundays from the end of May to the second weekend in October. Ms. Falkenstein stated the property is located just west of Crozet on Half Mile Branch Road, with frontage on Jarman's Gap Road, and is just north of Route I-64 and Route 250, and it touches the Crozet development area. She presented a map showing the site, and stated the polo field site is about 200 acres of the King Family Vineyards property, which is four parcels and 380 acres. Ms. Falkenstein said adjacent parcels are a mix of farms, open space and forest, with some residential and Old Trail golf course. She stated the applicant has been hosting polo events on the site since 2005, with the polo field constructed in 2003, and in recent years the matches have gained popularity and attendance that have triggered the need for the special use permit. Ms. Falkenstein said the applicant is here to try to bring the events in compliance with the County ordinance, and there will be no new structures, lighting or amplified sound. She stated the vineyard property is open from 10:00 a.m. to 5:30 p.m., and the polo events begin at 1:00 and typically last about two hours. She said the applicant provides a certified traffic controller at the entrance from 11:00 a.m. to 4:00 p.m. and plans to continue doing so, and a new aspect of this proposal is that the applicant has worked with Albemarle County Fire and Rescue staff to develop a public safety plan to manage the events. Ms. Falkenstein presented a map showing the layout of the polo events, noting the location of spectators and parking around the site, and the concept plan also shows some of the provisions for public safety including emergency shelters and exits.

Ms. Falkenstein stated staff found favorable factors to be the location of the site and its proximity to the development area; it is less than two miles from local fire and rescue stations; access to the site requires limited driving on rural roads, and Half Mile Branch Road can support the traffic generated by these events; polo events help support a local winery and the agricultural economy; there has been a lot of community support for this use; and the applicant has been holding polo events for about 10 years with no issues. She noted that unfavorable factors include the traffic impact on Half Mile Branch Road, but staff hopes the applicant's traffic control measures will minimize this. Ms. Falkenstein said the Planning Commission and staff recommend approval of the special use permit with eight conditions, and the motion will be to adopt the resolution as presented in the staff report.

Ms. Mallek asked if the conditions are drawn from the information provided by the applicant regarding hours and so forth. Ms. Falkenstein responded that is correct.

The Chair opened the public hearing.

The applicant, David King, addressed the Board and stated he will respond to any questions from Board members.

There being no further public comment, the Chair closed the public hearing.

Ms. Mallek stated the King family made presentations and answered questions at the Crozet Community Advisory Council, and those from near and far support their proposal.

Ms. Mallek then offered **motion** to adopt the proposed resolution to approve SP-2015-00008 subject to attached conditions. Ms. Palmer **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

**RESOLUTION TO APPROVE  
SP 2015-08 KING FAMILY POLO**

**WHEREAS**, Roseland Farm LLC (the "Owner") is the owner of Tax Map and Parcel Number 05500-00-00-08000 (the "Property"); and

**WHEREAS**, the Owner filed an application for a special use permit to allow up to 1,000 spectators at polo events on Sundays from May through October and the application is identified as Special Use Permit 2015-00008 King Family Polo ("SP 2015-08"); and

**WHEREAS**, the proposed use is allowed on the Property by special use permit under Albemarle County Code §§ 18-5.1.25(c) and 18-10.2.2(53); and

**WHEREAS**, on June 16, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-08 with the conditions recommended by staff; and

**WHEREAS**, on August 5, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-08.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2015-08 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-08, subject to the conditions attached hereto.

\*\*\*\*\*

**SP-2015-00008 King Family Polo Conditions**

1. Polo events may be held only on Sundays in May through October.
2. No polo event shall exceed a maximum of one thousand (1,000) attendees at any time.
3. Polo events may be open to the public no earlier than 10:00 am and shall close no later than 5:30 pm.
4. There shall be no announcer, no amplified music, and no public address system associated with polo events except as permitted under County Code 18.4.18.5.
5. There shall be no outdoor lighting associated with polo events.
6. No new permanent structures shall be constructed for polo events.
7. For each polo event, beginning at 11:00 am, a VDOT-certified traffic controller shall be stationed at the farm entrance on Half Mile Branch Road to direct traffic. The applicant shall maintain a Land Use Permit from VDOT for traffic control.
8. Polo events shall be managed in accordance with the King Family Vineyards Polo Public Safety Plan dated June 6, 2015.

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**Agenda Item No 25. Public Hearing: SP-2015-00012. Mechum's Trestle (Signs #12&15).**

MAGISTERIAL DISTRICT: White Hall.

TAX MAP/PARCEL: 057000000031A0.

LOCATION: 4294 Three Notch'd Road.

PROPOSAL: Use of more than 400 gallons of groundwater per site-acre per day for a restaurant. A separate initial site plan has also been submitted for this property under SDP201500008.

PETITION: Section 22.2.2 Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

OVERLAY DISTRICT: Entrance Corridor (EC); Flood Hazard (FH); Scenic Byways (SB)

PROFFERS: No.

COMPREHENSIVE PLAN: Rural Area in Rural Area 3.

*(Advertised in the Daily Progress on July 20 and July 27, 2015.)*

Ms. Megan Yaniglos, Principle Planner, addressed the Board and stated the proposal is for the use of more than 400 gallons of groundwater per site acre per day for a restaurant, and the usage will include up to 5,000 gallons of water per day for a 100-seat by-right restaurant. She stated the property is currently zoned C-1 Commercial but is located in the rural area, and is located at the corner of Route 250 and Route 240. Ms. Yaniglos noted the property has a long history of containing a restaurant but has many constraints, including being bordered to the north and west by Licking Hole Creek, which has a water protection buffer, and it also has a floodplain onsite. She said the property currently has two wells, which will need to be abandoned per the permit from the Health Department. Ms. Yaniglos stated the site has an existing dilapidated building and a parking area, both of which will be utilized upgraded for the new restaurant. She stated there is a tier three groundwater study submitted and prepared by a professional geologist, and engineering staff has found that projected water uses are supported in this area. Ms. Yaniglos referenced the site plan and noted the applicant has submitted the same concept plan, with the restaurant in the same location as the existing building, and VDOT is requiring the applicant make one entrance into the property, consolidating the big open entrance.

Ms. Yaniglos stated that staff found the following favorable factors: the character of the area will not be changed by the proposed use; granting the special use permit will allow proposed development that is consistent with the C-1 commercial zoning district and allows the site in disrepair to be improved and used; the proposed water consumption will not adversely affect uses permitted by right in the C-1 zoning district or the surrounding rural area; and the tier three study indicates there is sufficient water supply in this area. She stated that staff and the Planning Commission have recommended approval with two conditions: the applicant shall install a water meter in the well shed to monitor consumption; and water consumption shall be restricted to the 5,000 gallons per day.

Ms. Dittmar asked for clarification of the 400 gallons per day versus the 5,000 maximum. Ms. Yaniglos responded the 5,000 was dictated by the Health Department for the restaurant use.

Mr. Davis said the County requires a special permit for use of more than 400 gallons per day.

The Chair opened the public hearing.

Mr. Nelson McGuire stated he and Mr. Bill McKechnie are co-owners of the property.

Board members asked what type of restaurant this will be. Mr. McGuire stated he and Mr. McKechnie are both residents of the Samuel Miller District, and said the lessee operates about 10 restaurants in Central Virginia, including several in Charlottesville, and tries to develop iconic style restaurants.

Mr. Sheffield asked if the traffic is the only concern, as that intersection is of note. Mr. McGuire responded VDOT has already given verbal approval for changes to the area, there are no markings currently, and the stop sign is 20 feet or more out of compliance. He stated he has some obligations for improvements, but so does VDOT, and the intersection will be improved with this application.

Ms. Mallek said the intersection is a priority for future improvements, and one of the reasons accidents are so high in that area is because people get tired of waiting to cross and will jump out into the intersection.

Ms. Mallek then offered **motion** to adopt the proposed resolution to approve SP-2015-00012 subject to attached conditions. Mr. Sheffield **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.

NAYS: None.

#### **RESOLUTION TO APPROVE SP 2015-12 MECHUM'S TRESTLE**

**WHEREAS**, Mechum's Trestle LLC (the "Owner") is the owner of Tax Map and Parcel Number 05700-00-00-031A0 (the "Property"); and

**WHEREAS**, the Owner filed an application for a special use permit to use more than 400 gallons of water per day on the property for a restaurant, and the application is identified as Special Use Permit 2015-00012 Mechum's Trestle ("SP 2015-12"); and

**WHEREAS**, the proposed use is allowed on the Property by special use permit under Albemarle County Code § 18-22.2.2; and

**WHEREAS**, on June 16, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-12 with the conditions recommended by staff; and

**WHEREAS**, on August 5, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-12.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2015-12 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-12, subject to the conditions attached hereto.

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#### **SP-2015-00015 Mechum's Trestle Conditions**

- 1) The applicant shall install a meter on the well head to monitor water consumption. Results of daily water consumption monitoring will be made available within forty-eight (48) hours of a request from the Zoning Administrator.
  - 2) Water consumption shall be restricted to a maximum of five thousand (5,000) gallons per day.
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Agenda Item No. 26. **Presentation:** FY 2015 Annual Grant Report.

Ms. Kristy Shifflett, Grants and Budget Analyst in the Office of Management and Budget addressed the Board, stating that during FY 2015, she focused most of her effort on making a centralized grant application and award process, to include compliance with documentation, legal reviews, budgeting and approvals. She said grants touch many areas within the County, and she works closely with department and agency representatives, finance staff, directors, the County Attorney's office, and the County Executive's office, to ensure the grants they apply for are in alignment with the strategic plan as well as what is best for the County. Ms. Shifflett reported from July 1, 2014 to June 30, 2015, the County has received 23 grants totaling \$2.5 million, with \$567,000 of local government matching funds. She stated the grant categories are arts, economic development, environmental, public safety, social services, and support to agencies.

Mr. Boyd asked if the report breaks down those categories and how much is received in each. Ms. Shifflett stated that it does.

Mr. Foley said Ms. Shifflett has really taken this to the next level, and they see more opportunities ahead.

Ms. Palmer asked if staff has an idea of how this has improved over the last five years. Ms. Shifflett responded this level of tracking has not previously been done, but starting next year they will have a basis for comparison, and she began in January 2014.

Ms. Dittmar asked if she is the contact person anytime someone has an idea for a grant. Ms. Shifflett explained that typically a grant begins in the department or with the person who has that level of expertise, and then she tries to centralize it by looking at budgets and its fit with the strategic plan. She said she then works with the County Executive's office to make sure it is something they want to pursue, so at this point it starts with people bringing her ideas.

Ms. Dittmar asked if Ms. Shifflett is the one writing the grants, and stated the TJPDC grant writer had been working many long hours to meet the deadline. Mr. Foley explained that Ms. Shifflett is really managing the grant process and she is part-time, so the County does not really have a full-time grant writer person at this point. He stated they also used Pat Groot at the TJPDC in this process.

Ms. McKeel asked if a grant writing position is on the list of shared opportunities between the school division and local government, as this has been a challenge for schools and they have identified it as something they would like to have. Mr. Foley said both organizations are using department resources, so it hopefully will be helpful to have somebody else stay on top of it.

Mr. Sheffield suggested they list out the positions identified in each grant.

Ms. Dittmar asked how departments are finding out about grants, the main sources of knowledge. Ms. Shifflett responded the department representatives are well in-tune with the state and federal agencies that support their areas of expertise, such as FEMA, the Virginia Department of Fire Programs, and so forth, so currently it is a more federal and state-focused effort. She said the County currently has a 76% return rate on grant applications, so they are doing a good job of pursuing their target funding.

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Agenda Item No. 27. **Presentation:** Long Range Solid Waste Solutions Advisory Committee Draft Final Report.

The executive summary, as presented by staff, states that the Board of Supervisors created the Albemarle County Long Range Solid Waste Solutions Advisory Committee (the Committee) at its meeting on April 2, 2014 and appointed to it the County members of the Rivanna Solid Waste Authority (RSWA) Citizen Advisory Committee, along with Supervisor Palmer as Board liaison, with the expectation that the Committee would develop and submit to the Board a formal Charge for consideration and approval. At its meeting on July 2, 2014, the Board approved the Committee's Charge, which included specific goals, membership composition and a general timeline for completion of its work. The Charge was modified by the Board on February 4, 2015 (Attachment A) to better reflect an intent of the Committee to identify policy recommendations for the Board. The Committee is comprised of ten members who are appointed by the Board of Supervisors, as well as a liaison to the Planning Commission and a liaison to the Board of Supervisors.

Over the course of approximately one year, the Committee conducted approximately forty (40) formal meetings and work sessions. In support of the adopted Charge, the Board approved a Public Engagement Plan on November 5, 2014 to guide the Committee in its efforts to both inform and involve County citizens in the work of the Committee. The specific engagement activities were numerous and varied. A detailed summary of all community engagement activity is attached (Attachment B).

The Committee was charged with presenting its report to the Board by September 2015 so that policy recommendations could be considered as part of the Board's work on the FY17 - FY21 Five Year Plan process beginning this Fall. In an effort to solicit more input from the Board and the community, the Committee has decided to present a Draft Final Report to the Board in August and then follow up with a Final Report work product in October. The Draft Final Report is attached (Attachment C). The Draft includes a summary of recommendations that serves to highlight the consensus of the Committee at this juncture in its work together. Careful attention was given to both the content and the



structure of the recommendations. In particular, it should be noted that the recommendations are grouped in priority categories for consideration rather than being prioritized individually. This is not to presume that recommendations must be considered as one - merely that within the grouping the Committee assigns relative equal value to the individual priorities. Second, the recommendations include a representation of relative cost and/or impact as determined by Committee consensus. Staff acknowledges that more detailed cost analysis will be required as recommendations are brought forward for more in-depth consideration as part of the Five Year Plan process and the annual budget process, depending on the interest of the Board.

Budget impacts associated with specific recommendations have not been developed and will need to be determined based on specific activity proposals. For example, the impact of a new standing committee on existing staff resources can be quantified following the development of a specific charter with clear identification of staff support expectations, and the cost of a new position can be determined after finalizing all of its essential functions.

The Draft Final Report is presented at this time for information purposes only. The Committee is interested in any input and feedback from the Board and the community as a whole as it concludes its work and prepares to submit a Final Report to the Board at its meeting on October 7.

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Mr. Doug Walker stated the committee has done most of the work on this project and has worked really hard, putting in an extraordinary amount of time and effort. He said the report is being presented as a draft with the expectation of being brought back to the Board as a final report at their first October meeting, with some issues that need to be addressed further and additional feedback needed. Mr. Walker said the committee had been appointed by the Board in April 2014, and has taken on additional members since that time, with a charge written by the committee and brought back to them, with a number of issues identified, including some input provided to the Board in the context of the Comp Plan. He introduced the committee chair, Leo Mallek, who will present the information with Teddy Hamilton.

Ms. Dittmar said the purpose is to have some reflection, but asked what the next steps will be. Mr. Walker responded that the next step is for the committee to continue its work to finalize the report, so it will take input from the Board and others so when it comes to them in October it will be presented as a final draft. He added this is a way to get it out to the community so the final report can be presented in the context of the Board's five-year plan.

Ms. Dittmar asked if the Planning Commission has a role in this process. Mr. Walker responded they do not.

Mr. Leo Mallek addressed the Board and stated the committee has spent 16 months looking at the management of solid waste as a concern in the community, and has come up with several recommendations. Mr. Mallek introduced members of the committee: Ann Bedarf, Jeff Sitler, Jessie Warren, Maya Kumazawa, Peggy Gilges, Randy Layman, Rick Randolph, Steve Janes, Teri Kent, Wood Hudson, and Teddy Hamilton. He also recognized Mr. Matt Reges, who was invaluable in pulling together the information in the report, and Emily Kilroy who succeeded him. Mr. Mallek emphasized that the committee came to consensus agreement about a number of top priorities, as well as some additional priorities that should be considered. The committee chose not to rank those priorities, but just to put them forth for Board consideration.

Mr. Sheffield asked who wrote the report, and complimented the format. Mr. Mallek responded Ms. Hamilton and Ms. Gilges have been instrumental in writing it, but a lot of the information had been compiled from input given by other members.

Ms. McKeel said she feels the report is excellent and engaging, and helped increase her understanding of the issues.

Ms. Palmer asked Ms. Hamilton to explain the expectations for the committee, and policy versus implementation.

Ms. Hamilton responded the committee is in agreement that creation of a standing, sustainable materials management committee is very important, and they feel that a permanent committee would be instrumental in implementing some of the measures stemming from their recommendations. She said the current committee spent a little over a year formulating what policies are attainable for Albemarle County, and the next committee will spend a lot more time dealing with technical issues and costs, and how to make things attainable. Ms. Hamilton noted the committee will need to have a broad range of technical skills.

Ms. Dittmar asked if the standing committee will have the same members going forward. Ms. Hamilton responded there will be some portion of the group that will be interested in continuing.

Ms. Palmer stated one of the committee's recommendations is to have a single point of contact in the County, and asked her to elaborate on that. Ms. Hamilton responded there are about a dozen strong programs that need to be developed, and the committee is a strong support, and helps the County get to a place with only hiring a single individual, and it is important to have a face of the County as they implement some of the programs in the community and local government.

Mr. Mallek said the position will also help move the committee-driven strategies and policies forward, under the guidance of General Services and the Board of Supervisors.

Ms. McKeel stated this will be another good area for collaboration between schools and local government.

Ms. Palmer noted the committee members had worked on a grant with the schools.

Ms. Hamilton explained the grant has not been publicly announced yet, and the schools have written a fantastic proposal, and secured a grant that they will try to supplement, along with trying to come up with volunteers. She said she can envision a great collaboration with the Western Albemarle environmental sciences program.

Ms. McKeel said the report states that functionality of the transfer station needs to be improved for small businesses and small haulers, as well as residents. She asked how the committee might envision improving that functionality. Ms. Hamilton responded the committee has strong consensus about increasing days and hours at both Ivy and McIntire, which both have significant levels of solid waste disposal. She stated the committee has recommended upgrading the Ivy facility to be more like the McIntire center, which they hope will lead to the establishment of other recycling centers, if the communities are interested in them.

Mr. Mallek said these will all have to be done with cooperation from the RSWA, so one of the aspects of a staff position will be to coordinate with staff at RSWA to get some of these policies implemented. She stated a new neighbor of hers from Maine had asked her what the community does for recycling, and he was disappointed at her response.

Ms. Palmer said it is also a broader issue at the transfer stations and trying to serve the rural areas.

Ms. Hamilton said the committee had issued a statement that supports upgrading of the Ivy transfer station, to buy new equipment and maintain it as a transfer station, with consultants Draper Aden providing some different recommendations. She stated the committee has been in agreement that the minimum option of just bringing the facility into compliance with regulations is not going to be enough going forward.

Ms. Palmer asked what it is that makes it difficult. Ms. Hamilton responded they use the tractor-trailer boxes for the materials, and this is very time consuming because people have to shove material back in there, and there are typically traffic jams as people try to circulate through the site. She stated it is a difficult area to traverse, and it is not a pleasant experience.

Mr. Mallek said the committee has taken several field trips to neighboring communities to see how they approach this challenge, so they do not need to reinvent the wheel. He stated that Albemarle County has two locations to recycle, but the surrounding communities all have multiple areas within easy reach to provide a much simpler way to recycle. Mr. Mallek noted the cleaner the material is inside the bin the higher the value, so an "all-in-one" can will probably not be the best approach, but that is something to be considered by the sustainable materials management committee.

Ms. Palmer stated the committee has discussed ways to implement some type of pickup for small haulers, and asked Ms. Hamilton to comment on their findings. Ms. Hamilton responded the logistics of how that will work will be the task of the standing committee, because currently Albemarle County does not control trash pickup, and the ability to make a system for that opportunity is one of the committee's recommendations.

Mr. Randy Layman addressed the Board and stated he has spent 40 years in the County providing this service, especially in the rural areas. He stated the Ivy facility has gone downhill, and they can spend the same amount of money building a new transfer station as they will be replacing the current "mechanical nightmare." Mr. Layman said the mechanics of that site is one of the reasons that people will not use the facility, and the small haulers cannot compete with the big companies if they have to drive to Zion's Crossroads to get rid of the smaller loads. He stated the big companies stated they do have single-stream recycling, but that is really not true, and if they build a facility that is closer, the smaller haulers will come.

Ms. Palmer asked Mr. Layman to explain what he had told the committee about the system for smaller haulers, where they will put recycling in one part of the truck and regular trash in another part. Mr. Layman stated back in the 1980s, they had an excellent curbside recycling program, with blue bags available at grocery stores for people to put their recyclables in. He said he researched the program and started the pilot program in Albemarle, with all of the haulers making some preparations, either to run a second truck, to buy trucks with two bins, or retrofit what they had. He stated the program was running well, but there was no support at the County level and Rivanna for a facility to dispose of the trash.

Ms. Mallek said they used to be able to take the recyclables off the truck before it went on the scale, but that whole element had gone away and she is not sure why, and this is something they should bring back. Ms. Hamilton stated that a strong part of the educational component is understanding a "waste hierarchy," which indicates the order of reducing first, then reusing, then recycling and composting, and then disposal. She said some of the old ways of doing things, which involved using and reusing every bit of material, should still be relevant today.

Ms. Palmer said she was reticent at first to have this work done by committee, but it has been a wonderful committee and experience for her to work with them.

Ms. Teri Kent addressed the Board and stated the public feedback portion has been challenging because when people answered “yes, we are satisfied” on questionnaires, it is often because they are not aware of other possibilities.

Ms. Dittmar thanked them for their work and stated that she looks forward to the committee’s final report in October.

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Agenda Item No. 28. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Palmer stated that Dark Skies has a strong professional committee together, and wants to consider a few hours of work from staff, so she is not sure how to make that request.

Mr. Foley noted this had come out of the Comp Plan review, and he is working on those items to establish some priorities within the work plan.

Ms. Dittmar asked who is on the committee. Ms. Palmer stated it is a County committee that Karen Firehock is compiling with experts from the community.

Ms. Mallek said it is an ad-hoc committee that is working on its own to develop language changes for the ordinance.

Ms. Dittmar stated when they first wanted to establish regulations for dark skies the County did not have enabling legislation, so they went to Senator Emily Couric, and she emphasized they should not do it without the business community. She said the process ended up being a melding of understanding as to what is needed in parking lots in terms of safety, and what astronomers need for their work, so it is important to keep that balance in mind.

Mr. Foley said Mr. Mark Graham has been struggling to establish which items he feels are the Board’s priorities.

Ms. Mallek said her understanding is that the committee will be working on a parallel track and bring their information to the Board.

Ms. Palmer said she will have Ms. Firehock write something up that she will bring to the Board.

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Ms. Mallek stated that at a meeting in White Hall the previous evening, she had heard about Rivanna’s new restricted hours at which haulers can empty their truck at the Moore’s Creek Plant. She said the facility there is staffed 24/7, and the septic pump out people only need a few minutes to interact with the staff, and her concern is that the pumpers will just dump their contents in a ditch rather than holding it until the next day and make an extra trip.

Ms. Mallek said she has also heard concerns about huge confusion about the revalidation forms, and in the past the Board had significant input into the form.

Ms. Dittmar stated that some of her constituents in Scottsville have also expressed concern about the forms’ complexity.

Mr. Foley stated staff had just gotten word of the issues, and they need to do some work on this.

Ms. Mallek said one of the concerns is that notarized signatures must be secured from landowners that own properties being farmed by other people, and this is very difficult when those owners are out of state.

Mr. Boyd stated when revalidation was first brought forth, they had numerous town hall meetings with public input, and if they are going to make a radical change, they may want to consider having that type of forum.

Ms. Dittmar stated she will be working on the Board assessment process with Louise Wyatt and other County staff, and asked Board members for input.

Ms. Mallek commented they had talked about using the school model.

Ms. Dittmar stated by their ordinance, they are supposed to have an annual report from the Fire EMS Board, and she has not seen that come forth, so Doug Walker is going to ensure the FEMS Board does that. Mr. Foley responded it is already in the works and should be brought to the Board in October.

Ms. McKeel said the Board has also asked for a one-page report from all committees.

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Ms. Dittmar stated at one point they had a Board liaison to the FEMS Board, and perhaps that is something for them to reconsider at their January committee meeting assignments.

Mr. Boyd noted he had attended those meetings in the past, but the idea is not to be a participant.

**Item No. 28a. Mandates Project.** Ms. Dittmar noted the research from their budget office indicates that when adding up the number of pennies on the tax rate from state and federal mandates is now equivalent to about 20 cents on the tax rate, and that is rising. She said staff has researched this issue and included that information in their packets, and they are sending that out to legislators.

Ms. Palmer asked if this reflects both schools and local government. Mr. Foley confirmed that it does.

**Item No. 28b. Board Procedures.** Ms. Dittmar stated as a follow-up to the issue from the public regarding proclamations, she has put a moratorium on those items that had not come before them before, was not generated from internal recognitions, or is not sponsored by a Board member.

Ms. Mallek asked if the Clerk can tell a caller to reach out to a Board member to sponsor them. Ms. Dittmar said she can explain to them that they are not taking new proclamations until they review their procedures, and they can reach out to a Board member for sponsorship.

Mr. Davis asked if those items will require pre-authorization from the Board for those items to be put on the agenda.

Ms. Dittmar asked how they would be handled now. Ms. Ella Jordan stated they will need to decide by the meeting prior to that item being on the agenda for the following week for vote.

Mr. Boyd suggested they set a policy that if they did not have 100% approval, they should not put a proclamation forth for vote.

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Agenda Item No. 29. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley stated September will be a busy month for the Board, with both the regular day and night meetings including a discussion of the Comp Plan boundary adjustment, as well as joint meetings with the School Board and City Council. He stated there is an anti-Citizens Resource Advisory Committee, so the Board may become aware of that soon, and the Citizens Resource Advisory Committee will have their second meeting on August 12. Mr. Foley said the committee has been somewhat challenged by the parameters of their charge and the narrowness of its scope, but they seem to be getting momentum.

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**NonAgenda.** Closed Meeting.

At 8:05 p.m., Mr. Boyd **moved** that the Board go 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 relating to the negotiation of easements on the County Office Building property. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

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Certify Closed Meeting.

At 8:30 p.m., Mr. Boyd **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion.

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.  
NAYS: None.

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Agenda Item No. 30. Adjourn.

At 8:31 p.m., with no further business to come before the Board, the meeting was adjourned.

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Chairman

Approved by the Board of County Supervisors
Date: 01/06/2016 Initials: EWJ