



AGENDA
REGULAR MEETING FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, JULY 25, 2018
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

Call to Order

Invocation

Pledge of Allegiance

Adoption of Agenda

Consent Agenda

Attachment

1. Minutes----- **A**
 Called Meeting and Closed Session of June 27, 2018
2. Committee Reports
 Code and Ordinance Committee ----- **B**
 Finance Committee ----- **C**
 Parks and Recreation Commission (two reports) ----- **D**
 Public Safety Committee ----- **E**
 Transportation Committee ----- **F**
3. Resolution adding Business Boulevard to Secondary Road System ----- **G**
4. Northwestern Community Services' Fiscal Year 2019 Performance Contract ----- **H**
5. Resolution Supporting Concepts from the Commission on Local
 Government Draft Report on Annexation Alternatives ----- **I**

Citizen Comments – Agenda Items that are not the subject of a Public Hearing

Board of Supervisors Comments

County Officials

1. Report to the Board by Karen Beck-Herzog, Site Manager
Cedar Creek and Belle Grove National Historical Park ----- J

2. Committee Appointments ----- K
 - a. Historic Resources Advisory Board
Member-At-Large Representative
4-year term, Applications pending
 - b. Winchester Regional Airport Authority
4-year term of Gene Fisher ended 6/30/18 (Eligible for reappointment)
4-year term of Robert Bearer ended 6/30/18 (Eligible for reappointment)
 - c. Conservation Easement Authority
3-year term of Elaine Cain, Co. Representative, ends 8/24/18 (Eligible for reappointment)
3-year term of Robert Solenberger, Co. Representative ends 8/24/18 (Eligible for reappointment)
3-year term of Charles Triplett, Planning Comm. Representative ends 8/24/18 (Eligible for reappointment)

3. Requests from the Commissioner of the Revenue for Refunds ----- L

Acar Leasing LTD –	\$ 2,520.83
BMW Financial Services NA LLC --	\$ 2,789.61
Bowman Properties LLC --	\$ 3,282.61
Capital Meats, Inc. --	\$ 23,136.35

Committee Business

Code and Ordinance Committee

(See Tab B for additional information)

1. Amendment to Chapter 48 (Animals and Fowl), Article I (Dog Licensing; Rabies Control), Section 48-18 (License Taxes), of the County Code, to allow for lifetime licensing of dogs.
The Committee recommends that the Board set a public hearing on the matter.

Code and Ordinance Committee, continued

(See Tab B for additional information)

2. Amendments to Chapter 52 (Building Construction), Section 52-5 (Issuance of Permits) and Chapter 143 (Stormwater/Erosion and Sediment Control), Section 143-194 (Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit), of the County Code, to require payment of delinquent real estate taxes before issuance of certain permits.
The Committee recommends that the Board set a public hearing on the matter.
3. Amendments to Chapters 48 and 118, of the County Code, to adopt a "plainly audible" standard with respect to certain prohibited noise.
The Committee recommends that the Board set a public hearing on the matter.
4. An amendment to Chapter 155 (Taxation), Article VIII (Tax on Purchasers of Utility Service), Section 155-34 (Tax Imposed), of the County Code, to correct a typographical error with respect to the tax on electric service.
The Committee recommends that the Board set a public hearing on the matter.

Finance Committee

(See Tab C for additional information)

Items 3, 5, 6, 7, 8, 9, 10, and 12 were approved under the Committee's consent agenda.

1. The VJCCCA Director requests an FY18 General Fund budget transfer in the amount of \$20,700 from a salary line item. This amount represents funds needed to cover May and June services. *The Committee recommends approval.*
2. The Winchester Regional Airport Director requests an FY18 General Fund budget transfer in the amount of \$21,924 from salaries and fringes. This amount represents funds needed to cover fuel deliveries. *The Committee recommends approval.*
3. The Planning Director requests an FY19 General Fund supplemental appropriation in the amount of \$59,066.50. This amount represents a carry forward of unspent budgeted FY18 funds for completion of the Capital Impact Study and Model. *Approved by Committee consent agenda.*
4. The Sheriff requests an FY18 General Fund supplemental appropriation in the amount of \$13,700. This amount represents traffic control reimbursements. No local funds required. *The Committee recommends approval.* The committee also recommends forwarding the topic to the Public Safety Committee for discussion to determine the need for a policy.
5. The Sheriff requests an FY18 General Fund supplemental appropriation in the amount of \$4,713.36. This amount represents reimbursements from the Treasury Department. No local funds required. *Approved by Committee consent agenda.*

Finance Committee, continued

(See Tab C for additional information)

6. The Sheriff requests an FY18 General Fund supplemental appropriation in the amount of \$5,155.01. This amount represents travel reimbursements from the State. No local funds required. **Approved by Committee consent agenda.**
7. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$15,191.16. This amount represents a carry forward of unspent FY18 funds from auto insurance claims. **Approved by Committee consent agenda.**
8. The Parks & Recreation Director requests the funds received in FY18 for the PLAY Fund in the amount of \$6,488.62 be reserved, subject to future appropriations. The balance will be reduced by the financial assistance provided during FY18 in the amount of \$1,270.50. No local funds required. **Approved by Committee consent agenda.**
9. The Parks & Recreation Director requests an FY19 General Fund supplemental appropriation in the amount of \$121,807. This amount represents a carry forward of unspent FY18 funds for Northwest Sherando Park project, Clearbrook Park parking lot, Frederick Heights trail and parking lot, and Abrams Creek trail. **Approved by Committee consent agenda.**
10. The Parks & Recreation Director requests an FY19 General Fund supplemental appropriation in the amount of \$531,589.70. This amount represents a carry forward of unspent FY18 funds for the Northwest Sherando Park project. **Approved by Committee consent agenda.**
11. An FY18 F&R Expense Recovery Fund (Fund 30) supplemental appropriation in the amount of \$697,923.95 is requested. This amount represents \$433,487.95 in FY18 revenue received over budgeted revenue, and \$264,436 in fund balance funds for prior years distributions. No local funds are required. **The Committee recommends approval.**
12. The Fire & Rescue Chief requests an FY18 General Fund supplemental appropriation in the amount of \$13,915.40. This amount represents an auto claim reimbursement. No local funds required. **Approved by Committee consent agenda.**
13. The Fire & Rescue Chief requests approval to move forward with hiring two (2) additional training officers. Funds have been budgeted in FY19. **The Committee recommends approval.**

Transportation Committee

(See Tab F for additional information)

1. SmartScale Project Support Resolution: *The Committee recommends approval of the Resolution of Support for Frederick County and Regional SmartScale Applications.*
2. Intersection of Route 50 and Independence Agreements: *The Committee recommends approval of the updated language drafts of the Transportation Partnership Opportunity Fund Agreement and Backstop Agreement.*
3. Interstate 81 Corridor Study: The corridor study is under the direction of the SB 971 for Interstate 81. *The Committee recommends approval of the Resolution for the Board of Supervisors to Comment on the Interstate 81 Corridor Study.*

Public Hearings (Non Planning Issues)

1. **Outdoor Festival Permit Request of Concern Hotline – ----- M**
19th Annual Friday Fish Fry
Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Friday, September 7, 2018, from 4:00 P.M. to 9:00 P.M.; on the Grounds of Grove's Winchester Harley-Davidson, 140 Independence Drive, Winchester, Virginia. Property Owned by Jobalie, LLC.
2. **Amendment to the 2018-2019 Fiscal Year Budget ----- N**
Pursuant to Section 15.2-2507 of the Code of Virginia, 1950, as Amended, the Board of Supervisors will Hold a Public Hearing to Amend the Fiscal Year 2018-2019 Budget to Reflect: School Construction Fund Supplemental Appropriation in the Amount of \$45,500,000 for the Acquisition of Land, Design and Construction of a Replacement Robert E. Aylor Middle School. Request for Appropriation of funds for replacement Aylor Middle School Building

Planning Commission Business

Public Hearings

1. **Rezoning #05-17 for O-N Minerals (Chemstone) ----- O**
d/b/a Carmeuse Lime & Stone, CONTINUED from March 14, April 25,
May 23, and June 13, 2018
Submitted by Lawson and Silek, PLC., to Amend the Proffers for this Property; Rezoning 394.2 Acres from the EM (Extractive Manufacturing) District with Proffer to the EM (Extractive Manufacturing) District with Revised Proffers. The Properties are Situated Generally West of the Town of Middletown. Specifically, the Middle Marsh Property is Located East of Belle View Lane (Route 758), and West and Adjacent to Hites Road (Route 625) and is Further Traversed by Chapel Road (Route 627). The Northern Reserve is Bounded to the South by Cedar Creek and is West and Adjacent to Meadow Mills Road (Route 624). The Properties are Identified with Property Identification Numbers 83-A-109 and 90-A-23 in the Back Creek Magisterial District.

2. **Conditional Use Permit #07-18 For Winchester 101 LLC ----- P**
For a Revision to the Conditions of Conditional Use Permit #13-96 Submitted to Change the Hours of Operation. The Property is Located at 4780 Northwestern Pike, Winchester, Virginia and is Identified with Property Identification Number 40-A-66D in the Gainesboro Magisterial District in the RA (Rural Areas) Zoning District.
Note: On July 19, the Applicant requested a deferral of the public hearing.

Other Planning Items

1. **Request for Joint Board of Supervisors – Planning Commission Meeting ----- Q**

Board Liaison Reports

Citizen Comments

Board of Supervisors Comments

Adjourn

A

**MINUTES
CALLED MEETING AND CLOSED SESSION
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, JUNE 27, 2018
5:30 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

ATTENDEES

Board of Supervisors: Charles S. DeHaven, Jr., Chairman; Gary A. Lofton, Vice Chairman; Blaine P. Dunn; J. Douglas McCarthy; Judith McCann-Slaughter; Shannon G. Trout and Robert W. Wells were present.

Staff present: Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Karen Vacchio, Public Information Officer; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

Other: Dr. John Lamanna, Frederick County School Board Chairman; Kevin Kenney, Frederick County Public Schools Clerk of the Works

CALL TO ORDER

Chairman DeHaven called the meeting to order at 5:30 p.m.

INVOCATION

Supervisor Wells delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Lofton led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

Upon motion of Supervisor Wells, seconded by Vice Chairman Lofton, the amended agenda was adopted on a voice vote.

ADOPTION OF CONSENT AGENDA – APPROVED

Upon motion of Supervisor Slaughter, seconded by Supervisor Dunn, the consent agenda was adopted on a voice vote.

-Minutes: Regular Meeting of June 13, 2018 -CONSENT AGENDA APPROVAL

-Acceptance of Abstract of Votes: June 12, 2018 Primary Election - CONSENT AGENDA APPROVAL (Appendix 1)

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CITIZEN COMMENTS - None

BOARD OF SUPERVISORS COMMENTS - None

COUNTY OFFICIALS:

RESOLUTION DECLARING A LOCAL EMERGENCY IN FREDERICK COUNTY VIRGINIA - APPROVED

Mr. Tierney explained his declaration of a local emergency which would enable the County to be reimbursed for expenses relating to the recent flooding events. He requested the Board ratify his declaration.

Supervisor Slaughter moved for approval of the resolution declaring a local emergency. Supervisor McCarthy seconded the motion which carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

**RESOLUTION DECLARING A LOCAL EMERGENCY
IN FREDERICK COUNTY, VIRGINIA**

WHEREAS, the Board of Supervisors of the County of Frederick does hereby find that:

1. Due to severe weather that was forecasted for Frederick County and directly related to heavy and prolonged rainfall that impacted Frederick County from May 14, 2018 through June 6, 2018;
2. Due to the flooding associated with the severe weather and the result of impaired travel and access;
3. Due to severe prolonged rainfall and flooding, systems failure occurred in the county creating hazardous and perhaps life-threatening conditions;
4. Associated flooding and near record rainfall has impacted local agriculture;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Board of Supervisors of the county of Frederick, Virginia that an emergency exists throughout the county, and

IT IS FURTHER PROCLAIMED AND ORDERED that due to the above stated circumstances, and after consultation with the Coordinator and Deputy Coordinator(s) of Emergency Management, the Director of Emergency Management declared a local emergency pursuant to Section 44.146.21 of the Code of Virginia on June 14, 2018. This local emergency declaration shall remain in effect until July 1, 2018 during which time the powers, functions, and duties of the Director of Emergency Management and the Emergency Services Organizations of the County of Frederick shall be those prescribed by state law and the ordinances, resolutions, and approved plan of the County of Frederick to mitigate the effects of said emergency.

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SET PUBLIC HEARING: APPROPRIATION OF FUNDS FOR NEW AYLOR MIDDLE SCHOOL - APPROVED

Mr. Tibbs explained there had been a resolution adopted by the Frederick County School Board, at its June 19, 2018 meeting, seeking an appropriation in the amount of \$45,500,000 for the replacement of the Robert E. Aylor Middle School. He said the Board of Supervisors at its May 23, 2018 meeting had adopted a resolution regarding funding for a replacement Robert E. Aylor Middle School, and in that resolution, the Board expressed its willingness to consider the request for an appropriation of up to \$45,500,000 for the acquisition of land for and the construction of a new Robert E. Aylor Middle School, with a few provisions. Mr. Tibbs said the request is being presented to the Board of Supervisors for consideration and the action being sought from the Board would be to schedule a public hearing for the July 25, 2018 meeting to amend the Fiscal Year 2018 -2019 budget to reflect: School Construction Fund supplemental appropriation in the amount of \$45,500,000 for the construction of the replacement Robert E. Aylor Middle School. He said the appropriation of funds is the first step toward the School

Board going to the VPSA Bond Market to arrange borrowing. Mr. Tibbs noted that if a public hearing were set for the July 25 meeting, an informational borrowing schedule would be included in the agenda package.

Vice Chairman Lofton moved for setting a public hearing on July 25, 2018, on the appropriation of funds for a new Aylor Middle School. Supervisor Wells seconded the motion.

Supervisor McCarthy said he would welcome the opportunity for a work session before the public hearing. He noted comments of School Board members regarding the feasibility of building a school as described in the May 23 resolution passed by the Board of Supervisors. Supervisor Wells, Supervisor Dunn, and Supervisor Slaughter concurred with the preference for holding a work session.

The motion to set a public hearing for July 25, 2018, on the School Board's request for a supplemental appropriation to the FY2019 School Construction Fund for funds to replace Aylor Middle School carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

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CLOSED SESSION

At 5:38 p.m., Vice Chairman Lofton moved that the Board of Supervisors of Frederick County enter a closed session pursuant to Virginia Code § 2.2-3711(A)(3) for discussion of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and pursuant to Virginia Code § 2.2-3711(A)(1) for personnel matters, specifically the continuation of the annual evaluation of the county attorney and the county administrator. Supervisor McCarthy seconded the motion which carried on a voice vote.

At 6:05 p.m., the County Administrator, the County Attorney, and the Deputy County Administrator exited the closed session.

At 6:12 p.m., the Board members being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened on motion of Vice Chairman Lofton, seconded by Supervisor Wells. Vice Chairman Lofton moved that the Board of Supervisors of Frederick County certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board. Supervisor Wells seconded the motion which carried as follows on a roll call vote:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

BOARD LIAISON REPORTS - None

CITIZEN COMMENTS

Alan Morrison, Gainesboro District, said that County officials are public servants and not public directors. He noted problems regarding the new County elementary school and said some officials are not acting as servants and appear to be dictating rather than discussing issues. He called for reasoned, fact-based decision making.

BOARD OF SUPERVISORS COMMENTS

Supervisor Trout said she attended a supervisors' conference at the White House the previous day and obtained contact information for Federal Department of Transportation personnel who may be able to assist with Build Grant applications. She said she would share the contact information with the Board members.

ADJOURN

On motion of Vice Chairman Lofton, seconded by Supervisor Trout, the meeting was adjourned at 6:20 p.m.

B

CODE & ORDINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS
Thursday, June 28, 2018
8:30 a.m.
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Shannon Trout, Chair; Blaine P. Dunn; J. Douglas McCarthy; and Stephen Butler

Committee Members Absent: Derek Aston and James Drown

Staff present: Roderick B. Williams, County Attorney; Jay E. Tibbs, Deputy County Administrator; Sheriff Lenny Millholland; Mark Fleet, Building Official; Lorraine Mossburg representing the Commissioner of the Revenue; Karen Orndorff representing Public Works; Treasurer C. William Orndorff, Jr.; Wayne Corbett, Deputy Treasurer; and Chad DeHaven, Account Analyst with the Treasurer's Department.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

1. Amendment to Chapter 48 (Animals and Fowl), Article I (Dog Licensing; Rabies Control), Section 48-18 (License Taxes), of the County Code, to allow for lifetime licensing of dogs. **-See Attached**

This proposed amendment would enable the issuance of lifetime dog licenses and would permit zero cost lifetime licenses for dogs adopted from the Frederick County Esther Boyd Animal Shelter. The intent of the proposed ordinance would be to reduce the administrative burden of the County's current dog licensing system and encourage adoptions from the Shelter.

Upon a motion by Mr. Dunn, seconded by Mr. McCarthy, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

2. Amendments to Chapter 52 (Building Construction), Section 52-5 (Issuance of Permits) and Chapter 143 (Stormwater/Erosion and Sediment Control), Section 143-194 (Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit), of the County Code, to require payment of delinquent real estate taxes before issuance of certain permits. **-See Attached**

This proposed amendment would require that any delinquent real estate taxes and other charges that constitute a lien on a property, that are owed to the locality, to be paid before the locality accepts an application for a building permit or stormwater/erosion and sediment control permit for the property. This proposed ordinance would apply to new construction and additions but would not be applicable to emergency work.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

3. Amendments to Chapters 48 and 118, of the County Code, to adopt a "plainly audible" standard with respect to certain prohibited noise. **-See Attached**

This proposed amendment would revise the County Code, Noise Ordinance, to adopt as the standard for prohibited noise as "plainly audible" at certain points beyond its source. Also, with respect to barking dogs, the draft revisions further require that barking occur at least once a minute for ten consecutive minutes in order to be prohibited. The proposed amendment does not generally deviate from the general principles of the current ordinance and keeps the general noise prohibition limited to the RP, R4, R5, and MH zoning districts, with the noise prohibition being applicable 9:00 p.m. to 6:00 a.m. It was noted the proposed amendment also expressly provides that the noise prohibition does not apply to a bona fide agricultural activity and there is included a further list of other activities that are not subject to the prohibition.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was approved by a 3-1 vote with Mr. Dunn voting no.

Mr. Dunn stated he would like to see noise regulated on a case by case basis in an effort to address instances where citizen might be caring for a loved one with a medical issue. The Committee, while sympathetic, did not support this proposal. They did, however, direct the county attorney to look at ordinances from other localities to see if there might be a way to address Mr. Dunn's concern.

4. An amendment to Chapter 155 (Taxation), Article VIII (Tax on Purchasers of Utility Service), Section 155-34 (Tax Imposed), of the County Code, to correct a typographical error with respect to the tax on electric service. **-See Attached**

This proposed amendment would correct a typographical error within Section 155-34(A)(1)(a)(2)(c), which provides the formula by which the tax on electricity is calculated when the electricity is being consumed by multiple dwellings or units through a master meter. The subsection, currently, erroneously refers to apartment houses or multiple-family dwellings utilizing gas service, not electric service.

Upon a motion by Mr. McCarthy, seconded by Mr. Dunn, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

ITEMS FOR INFORMATION ONLY

1. Review of Committee Charter. **-See Attached**

The Committee reviewed its charter. There were no changes proposed to the current charter.

2. Other.

The Committee discussed a concern raised by a citizen in the Gainesboro District regarding the discharge of firearms near a residence. The Committee asked the county attorney to look at ordinances from other localities to see how that issue is addressed.

There being no further business, the meeting was adjourned at 9:06 a.m.

Respectfully submitted,



Deputy County Administrator

cc: Code & Ordinance Committee



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail: rwillia@fcva.us

MEMORANDUM

TO: Code & Ordinance Committee

FROM: Roderick B. Williams
County Attorney

DATE: June 4, 2018

RE: County Code, Chapter 48 (Animals and Fowl), Article I (Dog Licensing; Rabies Control), Section 48-18 (License Taxes) – Lifetime Licensing of Dogs

Per legislation enacted by the 2017 Session of the General Assembly, 2017 Acts of Assembly, Chapters 559 and 567, localities may, effective July 1, 2017, provide for lifetime licensing of dogs. Attached are copies of the enabling legislation and of a draft ordinance, for the Committee's consideration, that would amend the County Code to make such provision. The draft also would permit zero cost lifetime tags for dogs adopted from the County Shelter. The intent of the proposed ordinance is to reduce the administrative burden of the County's current dog licensing system and to encourage adoptions from the Shelter. The Public Works Committee reviewed the draft ordinance at its meeting on May 29 and recommended forwarding the draft ordinance to the Code & Ordinance Committee, with the addition of a further provision that a lifetime dog tag does not transfer to a new owner, which provision is incorporated in the additional proposed language of subsection A of the code section.

Attachments

cc: Public Works Department
Animal Shelter
Sheriff's Office
Treasurer's Office

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 559

An Act to amend and reenact §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia, relating to dogs and cats; lifetime licenses.

[H 1477]

Approved March 16, 2017

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6527. How to obtain license.

Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of § 3.2-6524, by making oral or written application to the treasurer of the locality where such person resides, accompanied by the amount of license tax and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained. The treasurer or other officer charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained, the treasurer or other officer charged with the duty of issuing dog and cat licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the ~~year~~ *years* for which issued, the serial number of the tag, whether dog or cat, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for ~~herein~~ *in § 3.2-6526*. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county or city and appoint agents for the collection of the license tax and issuance of such licenses.

§ 3.2-6528. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be ~~less than \$1 and not more than \$10~~ *or \$50 for a lifetime license issued pursuant to subsection B of § 3.2-6530*. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for ~~a~~ *an annual* license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed \$50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person, or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person.

As used in this section, "hearing dog," "mobility-impaired person," "otherwise disabled person," and "service dog" have the same meanings as assigned in § 51.5-40.1.

§ 3.2-6530. When license tax payable.

A. The license tax as prescribed in § 3.2-6528 is due not later than 30 days after a dog or cat has reached the age of four months, or not later than 30 days after an owner acquires a dog or cat four months of age or older, and each year thereafter.

~~B.~~ Licensing periods for individual dogs and cats may be equal to and may run concurrently with the rabies vaccination effective period.

B. The governing body of a county or city may by ordinance provide for a lifetime dog or cat license. Such a license shall be valid only as long as the animal's owner resides in the issuing locality and the animal's rabies vaccination is kept current.

C. Any kennel license tax prescribed pursuant to § 3.2-6528 shall be due on January 1 and not later than January 31 of each year.

§ 3.2-6532. Duplicate license tags.

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag that the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall

endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall ~~be~~ *not exceed* \$1.

§ 18.2-403.3. Offenses involving animals — Class 4 misdemeanors.

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 4 misdemeanor:

1. Violation of § 3.2-6566 pertaining to interference of agents charged with preventing cruelty to animals.
2. Violation of § 3.2-6573 pertaining to shooting pigeons.
3. Violation of § 3.2-6554 pertaining to disposing of the body of a dead companion animal.
4. Violation of ordinances passed pursuant to §§ 3.2-6522 and 3.2-6525 pertaining to rabid dogs and preventing the spread of rabies and the running at large of vicious dogs.
5. Violation of an ordinance passed pursuant to § 3.2-6539 requiring dogs to be on a leash.
6. Failure by any person to secure and exhibit the permits required by § 29.1-422 pertaining to field trails, night trails and foxhounds.
7. Diseased dogs. — For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
8. License application. — For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.
9. License tax. — For any dog or cat owner to fail to pay any license tax required by *subsection A or C* of § 3.2-6530 ~~before February 1 for the year in which~~ *within one month after the date when it is due*. In addition, the court may order confiscation and the proper disposition of the dog or cat.
10. Concealing a dog or cat. — For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.
11. Removing collar and tag. — For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.
12. Violation of § 3.2-6503 pertaining to care of animals by owner.

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 567

An Act to amend and reenact §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia, relating to dogs and cats; lifetime licenses.

[S 856]

Approved March 16, 2017

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6527. How to obtain license.

Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of § 3.2-6524, by making oral or written application to the treasurer of the locality where such person resides, accompanied by the amount of license tax and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained. The treasurer or other officer charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained, the treasurer or other officer charged with the duty of issuing dog and cat licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the ~~year~~ *years* for which issued, the serial number of the tag, whether dog or cat, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for ~~herein~~ *in § 3.2-6526*. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county or city and appoint agents for the collection of the license tax and issuance of such licenses.

§ 3.2-6528. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be ~~less than \$1 and not more than \$10~~ *or \$50 for a lifetime license issued pursuant to subsection B of § 3.2-6530*. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for ~~a~~ *an annual* license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed \$50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person, or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person.

As used in this section, "hearing dog," "mobility-impaired person," "otherwise disabled person," and "service dog" have the same meanings as assigned in § 51.5-40.1.

§ 3.2-6530. When license tax payable.

A. The license tax as prescribed in § 3.2-6528 is due not later than 30 days after a dog or cat has reached the age of four months, or not later than 30 days after an owner acquires a dog or cat four months of age or older, and each year thereafter.

~~B.~~ Licensing periods for individual dogs and cats may be equal to and may run concurrently with the rabies vaccination effective period.

B. The governing body of a county or city may by ordinance provide for a lifetime dog or cat license. Such a license shall be valid only as long as the animal's owner resides in the issuing locality and the animal's rabies vaccination is kept current.

C. Any kennel license tax prescribed pursuant to § 3.2-6528 shall be due on January 1 and not later than January 31 of each year.

§ 3.2-6532. Duplicate license tags.

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag that the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall

endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall ~~be~~ *not exceed* \$1.

§ 18.2-403.3. Offenses involving animals — Class 4 misdemeanors.

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 4 misdemeanor:

1. Violation of § 3.2-6566 pertaining to interference of agents charged with preventing cruelty to animals.
2. Violation of § 3.2-6573 pertaining to shooting pigeons.
3. Violation of § 3.2-6554 pertaining to disposing of the body of a dead companion animal.
4. Violation of ordinances passed pursuant to §§ 3.2-6522 and 3.2-6525 pertaining to rabid dogs and preventing the spread of rabies and the running at large of vicious dogs.
5. Violation of an ordinance passed pursuant to § 3.2-6539 requiring dogs to be on a leash.
6. Failure by any person to secure and exhibit the permits required by § 29.1-422 pertaining to field trails, night trails and foxhounds.
7. Diseased dogs. — For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
8. License application. — For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.
9. License tax. — For any dog or cat owner to fail to pay any license tax required by *subsection A or C* of § 3.2-6530 ~~before February 1 for the year in which~~ *within one month after the date when it is due*. In addition, the court may order confiscation and the proper disposition of the dog or cat.
10. Concealing a dog or cat. — For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.
11. Removing collar and tag. — For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.
12. Violation of § 3.2-6503 pertaining to care of animals by owner.



ORDINANCE
_____, 2018

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 48-18 (License Taxes) of Article I (Dog Licensing; Rabies Control) of Chapter 48 (Animals and Fowl) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~strikethrough~~ and additions are shown in **bold underline**):

§ 48-18. License taxes.

- A. License periods for individual dogs shall be equal to and run concurrently with the rabies vaccination effective period for that respective dog. **Notwithstanding the foregoing, pursuant to Va. Code § 3.2-6530(B), a person may apply for a lifetime license for his or her dog. Lifetime licenses are not transferrable between dogs or owners, and are not transferrable to other localities.** Any person who applies for a license tag for a neutered or spayed dog shall present, at the time of application, certification from a licensed veterinarian attesting to the neutering or spaying of the dog. If such certification is not so presented, the dog shall be taxed the fee levied on male or female dogs. Kennel licenses are only sold for a one-year period and shall be due on January 1 and not later than January 31 of each year. Inspections by animal control may be required before the issuance of a kennel license.
- B. License taxes shall be in the **following** amounts~~s~~-of:

| | Spayed or Neutered | Not Spayed or Neutered |
|---|---------------------------|-------------------------------|
| <u>One dog – for January 1 to December 31 or vaccination period of 12 months or less</u> | \$5.00 | \$10.00 |
| Vaccination period of 36 months or less | \$10.00 | \$20.00 |
| <u>One dog – for lifetime of dog – for dogs adopted from the Frederick County Animal Shelter</u> | <u>Free</u> | <u>Free</u> |
| <u>One dog – for lifetime of dog – for all other dogs</u> | <u>\$10.00</u> | <u>\$15.00</u> |
| <u>Multi-dog license – for January 1 to December 31:</u> | | |
| 20 multi-dog license | | \$30.00 |
| 50 multi-dog license | | \$50.00 |

Enacted this _____ day of _____, 2018.

Charles S. DeHaven, Jr., Chairman _____

Gary A. Lofton _____

J. Douglas McCarthy _____

Robert W. Wells _____

Blaine P. Dunn _____

Shannon G. Trout _____

Judith McCann-Slaughter _____

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383

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MEMORANDUM

TO: Code & Ordinance Committee

FROM: Roderick B. Williams
County Attorney

DATE: June 4, 2018

RE: County Code, Chapter 52 (Building Construction), Section 52-5 (Issuance of Permits) and Chapter 143 (Stormwater/Erosion and Sediment Control), Section 143-194 (Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit) – Ordinance to require payment of delinquent real estate taxes before issuance of certain permits

Section 15.2-2286(B) of the Code of Virginia permits a locality to require that any delinquent real estate taxes and any other charges that constitute a lien on a property, that are owed to the locality, and that have been properly assessed against the subject property, be paid before the locality accepts an application for a building permit or stormwater/erosion and sediment control permit for the property. A copy of Section 15.2-2286 is attached for reference.

Attached is a proposed ordinance that would allow implementation of this requirement in Frederick County. At present, the County Code already prohibits a property owner from proceeding with a request for a rezoning or conditional use permit unless the taxes on the property have been paid. The proposed ordinance is consistent with that already existing prohibition, but does contain an exception for emergency construction, alterations or equipment replacement, so that such work could take place without delay. Attached is the relevant provision of the Uniform Statewide Building Code, Section 108.1, regarding emergency construction. Otherwise allowing a property owner to proceed with further development activities on a property would only allow the owner to enjoy the benefits of enhanced development of the property without having paid the taxes on the property and would raise a fairness issue relative to other County taxpayers who dutifully pay their taxes. In addition, conditioning the issuance of building and stormwater/erosion and sediment control permits on the payment of delinquent taxes on a property would provide the County with an additional valuable method of enforcement to help ensure payment of amounts properly due to the County.

The Public Works Committee reviewed the draft ordinance at its meeting on May 29 and recommended forwarding the draft ordinance to the Code & Ordinance Committee.

Attachments

cc: Public Works – Engineering
Public Works – Inspections
Treasurer's Office

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.
2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.
3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential

dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to

\$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Chapter 13 or Chapter 13.2 of Title 55, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § [15.2-2201](#).

10. For the administration of incentive zoning as defined in § [15.2-2201](#).

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a

locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

14. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

15. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

Code 1950, § 15-968.5; 1962, c. 407, § 15.1-491; 1964, c. 564; 1966, c. 455; 1968, cc. 543, 595; 1973, c. 286; 1974, c. 547; 1975, cc. 99, 575, 579, 582, 641; 1976, cc. 71, 409, 470, 683; 1977, c. 177; 1978, c. 543; 1979, c. 182; 1982, c. 44; 1983, c. 392; 1984, c. 238; 1987, c. 8; 1988, cc. 481, 856; 1989, cc. 359, 384; 1990, cc. 672, 868; 1992, c. 380; 1993, c. 672; 1994, c. 802; 1995, cc. 351, 475, 584, 603; 1996, c. 451; 1997, cc. 529, 543, 587; 1998, c. 385; 1999, c. 792; 2000, cc. 764, 817;

2001, c. [240](#);2002, cc. [547](#), [703](#);2005, cc. [625](#), [677](#);2006, cc. [304](#), [514](#), [533](#), [903](#);2007, cc. [821](#), [937](#); 2008, cc. [297](#), [317](#), [343](#), [581](#), [593](#), [720](#), [777](#);2009, c. [721](#);2012, cc. [304](#), [318](#);2014, c. [354](#);2017, c. [398](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

A permit or any amendments to an existing permit shall not be issued until the designated fees have been paid, except that the building official may authorize the delayed payment of fees.

107.1.2 Refunds. When requested in writing by a permit holder, the locality shall provide a fee refund in the case of the revocation of a permit or the abandonment or discontinuance of a building project. The refund shall not be required to exceed an amount which correlates to work not completed.

107.1.3 Fees for generators used with amusement devices. Fees for generators and associated wiring used with amusement devices shall only be charged under the Virginia Amusement Device Regulations (13VAC5-31).

107.2 Code academy fee levy. In accordance with subdivision 7 of Section 36-137 of the Code of Virginia, the local building department shall collect a 2.0% levy of fees charged for permits issued under this code and transmit it quarterly to DHCD to support training programs of the Virginia Building Code Academy. Localities that maintain individual or regional training academies accredited by DHCD shall retain such levy.

**SECTION 108
APPLICATION FOR PERMIT**

108.1 When applications are required. Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day that follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit.

1. Construction or demolition of a building or structure. Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire protection system, mechanical systems, or fuel supply systems, or (viii) any equipment regulated by the USBC.
2. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required under Section 103.3.

3. Movement of a lot line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.
4. Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.

108.2 Exemptions from application for permit. Notwithstanding the requirements of Section 108.1, application for a permit and any related inspections shall not be required for the following; however, this section shall not be construed to exempt such activities from other applicable requirements of this code. In addition, when an owner or an owner's agent requests that a permit be issued for any of the following, then a permit shall be issued and any related inspections shall be required.

1. Installation of wiring and equipment that (i) operates at less than 50 volts, (ii) is for network powered broadband communications systems, or (iii) is exempt under Section 102.3(1), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following:
 - 1.1. Fire alarm system.
 - 1.2. Fire detection system.
 - 1.3. Fire suppression system.
 - 1.4. Smoke control system.
 - 1.5. Fire protection supervisory system.
 - 1.6. Elevator fire safety control system.
 - 1.7. Access or egress control system or delayed egress locking or latching system.
 - 1.8. Fire damper.
 - 1.9. Door control system.
2. One story detached structures used as tool and storage sheds, playhouses or similar uses, provided the building area does not exceed 256 square feet (23.78 m²) and the structures are not classified as a Group F-1 or H occupancy.
3. Detached prefabricated buildings housing the equipment of a publicly regulated utility service, provided the floor area does not exceed 150 square feet (14 m²).



ORDINANCE
_____, 2018

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 52-5 (Issuance of Permits) of Chapter 52 (Building Construction) and Section 143-195 (Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit) of Chapter 143 (Stormwater/Erosion and Sediment Control) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~strikethrough~~ and additions are shown in **bold underline**):

CHAPTER 52 BUILDING CONSTRUCTION

§ 52-5. Issuance of Permits.

Unless otherwise excepted, no permit to begin work for construction as defined by § 36-97 of the Code of Virginia or required by the several provisions of the Virginia Uniform Statewide Building Code shall be issued until all permit fees have been paid. **Prior to the initiation of an application, by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a permit under this Chapter, except for, as provided under Section 108.1 of the Virginia Construction Code, a permit for emergency construction, alterations or equipment replacement, all delinquent real estate taxes and any other charges that constitute a lien on the subject property, that are owed to the County and have been properly assessed against the subject property, must be paid, unless otherwise authorized by the treasurer.** All such permits **issued under this Chapter** shall be issued by the Chief Building Official or his authorized agent, on forms approved and provided by the Department of Building Inspections.

CHAPTER 143 STORMWATER/EROSION AND SEDIMENT CONTROL

§ 143-195. Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit.

- A. Permit issuance. Once the requirements for obtaining a Frederick County land-disturbing permit and coverage under the state general permit for discharges from construction activity (if applicable) have been met, including the receipt or verification of payment of all required permit fees in accordance with the fee schedule of § 143-235, the administrator will issue a Frederick County land-disturbing permit and a VSMP authority permit. **Prior to the initiation of an application, by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a permit under this Chapter, all delinquent real estate taxes and any other charges that constitute a lien on the subject property, that are owed to the County and have been properly assessed against the subject property, must be paid, unless otherwise authorized by the treasurer.**
- B. No transfer, assignment, or sale of the rights granted by virtue of a Frederick County land-disturbing permit shall be made unless a written notice of transfer and corresponding permit modification fee is filed with the administrator and the transferee certifies agreement to comply with all obligations and conditions of the permit. The administrator may require modification or revocation and reissuance of the VSMP authority permit to change the name of the permittee and incorporate such other requirements as may be necessary for the transfer.
- C. If land-disturbing activity has not commenced within 180 days of land-disturbing or VSMP authority permit issuance or ceases for more than 180 days, the administrator may evaluate the existing approved ESC plan to determine whether the plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. If the previously filed ESC plan is determined to be inadequate, a modified plan shall be submitted and approved prior to the resumption of land-disturbing activity.

Reference: 9 VAC 25-840-80B.

- D. VSMP authority permits are effective for a fixed permit cycle of five years. Activities requiring a VSMP permit may obtain coverage at any time during the five-year permit cycle and must be renewed if the permit has not been terminated prior to the end of the cycle. The annual permit maintenance fees in § 143-235 apply until the permit coverage is terminated or renewed.
- E. Land-disturbing activities for which VSMP permit coverage was issued between July 1, 2009, and June 30, 2014, for that permit cycle may remain subject to the technical criteria of Part II C of the Virginia Stormwater Regulations for two additional permit cycles, provided coverage under the original VSMP permit is maintained. After two permit cycles have passed, or should the original VSMP permit coverage not be maintained, portions of the project not under construction shall become subject to

any new technical criteria adopted by the VSMP authority after the original VSMP permit coverage was issued.

- F. Land-disturbing activities for which VSMP permit coverage was issued between July 1, 2009, and June 30, 2014, for that permit cycle may elect to modify the permit by paying the appropriate permit modification fee and request approval for compliance with the technical criteria of Part II B for any remaining portions of the project.

Reference: Va. Code § 62.1-44.15:24: 9 VAC 25-870-47.

Enacted this _____ day of _____, 2018.

| | | | |
|-----------------------------------|-------|------------------|-------|
| Charles S. DeHaven, Jr., Chairman | _____ | Gary A. Lofton | _____ |
| J. Douglas McCarthy | _____ | Robert W. Wells | _____ |
| Blaine P. Dunn | _____ | Shannon G. Trout | _____ |
| Judith McCann-Slaughter | _____ | | |

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail:
rwillia@fcva.us

MEMORANDUM

TO: Code & Ordinance Committee

FROM: Roderick B. Williams
County Attorney

DATE: June 4, 2018

RE: Frederick County Code – Noise Ordinance – draft revisions

The Committee previously considered this item at its meeting in August 2017. The Committee postponed further consideration of the item, pending further changes to the draft revisions.

To refresh the Committee on this item, please note that the County adopted its current noise ordinance in 1993. The ordinance uses, as its standard for whether noise is unlawful, whether a person is “annoyed, disturbed or vexed by unnecessary and unreasonable noise”. The relevant portions of the County’s animal ordinance, adopted in 1992, contain substantially the same type of prohibition with respect to barking dogs.

The Virginia Supreme Court, in 2009, decided the case of Tanner v. City of Virginia Beach, 277 Va. 432, in which the Court held that a noise ordinance containing similar “unreasonableness” language was unconstitutionally vague and therefore unenforceable. In light of the decision in Tanner, the County’s prohibitions against noise may be subject to similar challenge.

The draft revisions adopt as the standard for prohibited noise whether the noise is “plainly audible” at certain points beyond its source. The Committee inquired regarding the meaning and sufficiency of the term “plainly audible”. In one Attorney General Opinion, while the Attorney General did not define the term, the Attorney General found that an ordinance including the term “states in precise terms what is forbidden” and that “persons ‘of common intelligence’ are not required to ‘necessarily guess at [the] meaning [of the language] and differ as to its application.’”. 2011 Va. Att’y Gen’l Opin. 39, 41-42 (citing Tanner). In an abundance of caution, however, the draft revisions now include a definition, taken from the Blacksburg Town Ordinance, adopted in response to Tanner and cited by an ad hoc committee of the Local

Government Attorneys formed in 2009 to provide guidance to localities in response to Tanner. Also, with particular respect to barking dogs, the draft revisions further require that barking occur at least once a minute for ten consecutive minutes in order to be prohibited.

The draft revisions otherwise generally do not deviate from the general principles in the current ordinances; the draft revisions keep the general noise prohibition limited to the RP, R4, R5, and MH zoning districts, with the prohibition being applicable only between 9:00 p.m. and 6:00 a.m. The draft revisions also expressly provide that the prohibition does not apply to bona fide agricultural activity and further contain a list of other specific activities that are not subject to the prohibition.

The attached draft shows the changes submitted to the Committee in August and then, in red, the changes since that draft.

Attachment



**ORDINANCE TO AMEND PROVISIONS OF COUNTY CODE REGARDING
NOISE PROHIBITIONS
_____, 2018**

The Board of Supervisors of Frederick County, Virginia hereby ordains that Sections 48-23 (Unreasonable noise unlawful) and 48-24 (Enforcement) of Article II (Noise) of Chapter 48 (Animals and Fowl) and that Chapter 118 (Noise) of the Code of Frederick County, Virginia be, and the same hereby are, amended by enacting an amended Section 48-23 (Unreasonable noise unlawful) and 48-24 (Enforcement) of Article II (Noise) of Chapter 48 (Animals and Fowl) and an amended Section 118-1 (Unreasonable noise unlawful) and new Sections 118-4 (Specific prohibitions) and 118-5 (Exceptions) of Chapter 118 (Noise) of the Code of Frederick County, Virginia, as follows (deletions are shown in ~~strike through~~ and additions are shown in underline):

CHAPTER 48 ANIMALS AND FOWL

Article II Noise

§ 48-23 Unreasonable Specified noise unlawful.

- A.** It shall be unlawful, after written notice by the Sheriff to the owner, custodian or person in control or possession of ~~a dog~~ any animal a dog, for such person to suffer or allow such ~~dog animal dog~~ to howl, bark, meow, squawk, yelp, whine, or otherwise make ~~unreasonably loud~~ noises, ~~as are plainly audible to adjoining residents or property owners in a residential subdivision so as to unreasonably annoy, disturb, bother or vex such residents or property owners at least once a minute for ten (10) consecutive minutes:~~
- 1. In such a manner as to be plainly audible across a residential real property boundary or through partitions common to two (2) or more dwelling units within a building; or**
 - 2. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from the building in which it is located, provided that the sound is audible on another's property; or**
 - 3. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from its source, provided that the sound is audible on another's property.**

B. This article shall be applicable from 9:00 p.m. to 6:00 a.m., inclusive, each day, to such noise emanating from property located within the following zoning districts as indicated on the Frederick County Zoning Map:

- RP Residential Performance District**
- R4 Residential Planned Community District**
- R5 Residential Recreational Community District**
- MH1 Mobile Home Community District**

C. This section shall not apply to any bona fide agricultural activity.

D. The term “plainly audible” shall mean any sound that can be heard clearly by a person using his or her unaided hearing faculties.

§ 48-24 Enforcement.

Enforcement of this article shall be by the Sheriff of Frederick County or his designee.

§ 48-25 Violations and penalties. [Ed. note: No change is proposed to this section]

A violation of this article shall be punishable by a fine of not more than \$25 for the first offense and a fine of not more than \$100 for each subsequent offense. Each such occurrence shall constitute a separate offense.

CHAPTER 118 NOISE

§ 118-1 Unreasonable Specified noise unlawful.

A. It shall be unlawful, after complaint from any person annoyed, disturbed or vexed by unnecessary and unreasonable noise and after notice by the Sheriff to the person creating such noise or to the owner, custodian or person in control or possession of the property from which such noise emanates or arises, for such person to suffer or allow such unnecessary and unreasonable noise to continue. At certain levels, noise can be detrimental to the health, safety, welfare, and quality of life of inhabitants of the county, and, in the public interest, such noise should be restricted. It is, therefore, the policy of the County to reduce, and eliminate where possible, excessive noise and related adverse conditions in the community, and to prohibit unnecessary, excessive, harmful, and annoying noises from all sources.

B. This chapter shall be applicable from 9:00 p.m. to 6:00 a.m., inclusive, each day, to noise emanating from property located within the following zoning ~~classifications~~ districts as indicated on the Frederick County Zoning Map:

- RP Residential Performance District**

- R4 Residential Planned Community District
- R5 Residential Recreational Community District
- MH1 Mobile Home Community District

C. No person shall be charged with a violation of this section unless that person has received verbal, electronic, or written notice from a law enforcement officer of Frederick County that he is violating or has violated the provisions of this chapter and has thereafter had the opportunity to abate the noise disturbance.

§ 118-2 Enforcement. [Ed. note: The amendment to this section was proposed at the Code & Ordinance Committee meeting]

Enforcement of this chapter shall be by the Sheriff of Frederick County or his designee.

§ 118-3 Violations and penalties. [Ed. note: No change is proposed to this section]

A violation of this chapter shall be punishable by a fine of not more than \$100 for the first offense and a fine of not more than \$1,000 for each subsequent offense. Each such occurrence shall constitute a separate offense.

§ 118-4 Specific prohibitions.

The following acts are declared to be noise disturbances in violation of this chapter, provided that this list shall not be deemed to be an exclusive enumeration of those acts which may constitute noise disturbances and that an act not listed below may nevertheless constitute a violation of this chapter:

- A. Prohibited Noise Generally. Operating, playing or permitting the operation or playing of any radio, television, computer, recording, musical instrument, amplifier, or similar device, or yelling, shouting, whistling, or singing, or operating or permitting the operation of any mechanical equipment:**
- 1. In such a manner as to be plainly audible across a residential real property boundary or through partitions common to two or more (2) dwelling units within a building; or**
 - 2. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from the building in which it is located, provided that the sound is audible on another's property; or**
 - 3. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from its source, provided that the sound is audible on another's property.**

- B. Schools, public buildings, places of worship, and hospitals. The creation of any noise on or near the grounds of any school, court, public building, place of worship, or hospital in a manner that is plainly audible within such school, court, public building, place of worship, or hospital, and which noise interferes with the operation of the institution.
- C. The term “plainly audible” shall mean any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be sufficient to be considered plainly audible sound.

§ 118-5 Exceptions.

This chapter shall have no application to any sound generated by any of the following:

- A. Sound which is necessary for the protection or preservation of property or the health, safety, life, or limb of any person.
- B. Public speaking and public assembly activities conducted on any public right-of-way or public property.
- C. Radios, sirens, horns, and bells on police, fire, or other emergency response vehicles.
- D. Parades, lawful fireworks displays, school-related activities, and other such public special events or public activities.
- E. Activities on or in municipal, county, state, United States, or school athletic facilities, or on or in publicly owned property and facilities.
- F. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises served by any such alarm to turn off the alarm.
- G. Religious services, religious events, or religious activities or expressions, including, but not limited to music, singing, bells, chimes, and organs which are a part of such service, event, activity, or expression.
- H. Locomotives and other railroad equipment, and aircraft.
- I. The striking of clocks.
- J. Military activities of the Commonwealth of Virginia or of the United States of America.
- K. Agricultural activities.
- L. Lawful discharge of firearms.
- M. Motor vehicles.
- N. Construction equipment.

Enacted this ____ day of ____, 2018.

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Blaine P. Dunn

Shannon G. Trout

Judith McCann-Slaughter

A COPY ATTEST

Kris C. Tierney
Interim Frederick County Administrator



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383

Fax 540/667-0370

E-mail: rwillia@fcva.us

MEMORANDUM

TO: Code & Ordinance Committee

FROM: Roderick B. Williams
County Attorney

DATE: June 4, 2018

RE: County Code, Chapter 155 (Taxation), Section 155-34 (Tax Imposed)

The Commissioner of the Revenue's Office recently discovered a typographical error in County Code § 155-34(A)(1)(2)(c), which provides the formula by which the tax on electricity is calculated when the electricity is being consumed by multiple dwellings or units through a master meter. As presently written, the subsection erroneously refers to apartment houses or multiple-family dwellings utilizing gas service, not electric service.

The attached draft shows the correction of the typographical error noted above.

Attachment

cc: Ellen Murphy, Commissioner of the Revenue



ORDINANCE

_____, 2018

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 155-34 (Tax Imposed) of Article VIII (Tax on Purchasers of Utility Service) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~bold strikethrough~~ and additions are shown in **bold underline**):

§ 155-34 Tax Imposed

A. Consumer taxes

(1) Electric Utility Consumer Tax

(a) Levy. In accordance with Virginia Code, § 58.1-3814, effective January 1, 2001, there is hereby imposed and levied a monthly tax on each purchase of electricity delivered to consumers by a service provider, classified as determined by such provider, as follows:

1. Residential Consumers

- a. Such tax shall be \$0.22 plus the rate of \$0.003 on each KWH delivered monthly to residential consumers by a service provider not to exceed \$3 monthly.
- b. Nonmetered charges will carry a tax at the rate of 0.04 times the nonmetered charge per month not to exceed \$3 per month.

2. Nonresidential Consumers

- a. Such tax on nonresidential consumers shall be \$0.30 per month plus \$0.0024 per kilowatt hour (KWH) on the first 700 KWH delivered per month then \$0.0015928 on the balance.
- b. Nonmetered charges will carry a tax at the rate of 0.04 times the nonmetered charge per month.

- c. In the case of any apartment house or other multiple-family dwelling using **gas electric** service through a master meter, the tax shall be equal to the sum of \$3 multiplied by the number of dwelling units served.
 3. The conversion of tax pursuant to this subsection to monthly KWH delivered shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by this jurisdiction shall be in effect.
- (b) Exemptions. The following consumers of electricity are exempt from the tax imposed by this § 155-34A(1): the United States of America, the commonwealth and the political subdivisions thereof, including this jurisdiction.
- (c) Billing, collection and remittance of tax. The service provider shall bill the electricity consumer tax to all users who are subject to the tax and to whom it delivers electricity and shall report the same to the Commissioner of the Revenue for the County on a monthly basis on forms provided by the Commissioner. Such taxes shall be paid by the service provider to the Treasurer in accordance with Virginia Code, § 58.1-3814, Paragraphs F. and G., and Virginia Code, § 58.1-2901. If any consumer receives and pays for electricity but refuses to pay the tax imposed by this section, the service provider shall notify the Commissioner of the Revenue of this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax imposed by this section, the service provider must follow its normal collection procedures and, upon collection of the bill or any part thereof, must apportion the net amount collected between the charge for electric service and the tax and remit the tax portion to this jurisdiction. Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider until remitted to this jurisdiction. Such remittance shall be done before the last day of the calendar month following the month the tax was received by the service provider.
- (d) Computation of bills not on monthly basis. Bills shall be considered as monthly bills for the purposes of this subsection if submitted 12 times per year of approximately one month each. Accordingly, the tax for a bimonthly bill (approximately 60 days) shall be determined as follows:
 1. The KWH will be divided by 2;
 2. A monthly tax will be calculated using the rates set forth above;
 3. The tax determined by Subsection A(1)(d)(2) shall be multiplied by 2;

4. The tax in Subsection A(1)(d)(3) may not exceed twice the monthly maximum tax

(2) Local Natural Gas Utility Consumer Tax.

- (a) In accordance with Virginia Code, § 58.1-3814, there is hereby imposed and levied a monthly tax on each purchase of natural gas delivered to consumers by pipeline distribution companies and gas utilities classified by "class of consumers" as such term is defined in Virginia Code, § 58.1-3814 J., as follows:
 1. Residential consumers. Such tax on residential consumers of natural gas shall be 0.04 times any nonmetered charges plus the rate of \$0.055 on each CCF, delivered monthly to residential consumers, not to exceed \$3 per month.
 2. Nonresidential consumers. Such tax on nonresidential consumers shall be at the rates per month shown for each CCF delivered by a pipeline distribution company or a gas utility for the classes as set forth below:
 - a. Commercial, industrial, interrupted and transportation consumers. Such tax shall be 0.04 times any non-metered charges plus the rate of \$0.04 on the first 1,000 CCF delivered monthly to commercial consumers plus \$0.033 for the next 29,000 CCF, and \$0.025 for all CCF over 30,000.
 - b. In the case of any apartment house or other multiple-family dwelling using gas service through a master meter, the tax shall be equal to the sum of \$3 multiplied by the number of dwelling units served.
 3. The conversion of tax pursuant to this subsection to monthly CCF delivered shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by this jurisdiction shall be in effect.
- (b) Exemptions: The following consumers of natural gas shall be exempt from the tax imposed by this § The following consumers of natural gas shall be exempt from the tax imposed by this § 155-34A(2): the United States of American, the commonwealth and the political subdivisions thereof, including this jurisdiction.: the United States of American, the commonwealth and the political subdivisions thereof, including this jurisdiction.
- (c) Billing collection and remittance of tax. The service provider shall bill the natural gas consumer tax to all users who are subject to the tax and to whom it delivers natural gas and shall report the same to the

Commissioner of the Revenue for the County on forms provided by the Commissioner on a monthly basis. Such taxes shall be paid by the service provider to the Treasurer in accordance with Virginia Code, § 58.1-3814, Paragraphs F. and G., and Virginia Code, § 58.1-2901. If any consumer receives and pays for natural gas but refuses to pay the tax imposed by this section, the service provider shall notify the Commissioner of the Revenue of this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax imposed by this section, the service provider must follow its normal collection procedures, and upon collection of the bill or any party thereof, must apportion the net amount collected between the charge for natural gas and the tax and remit the tax portion to this jurisdiction. Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider until remitted to this jurisdiction. Such remittance shall be done before the last day of the calendar month following the month the tax was received by the service provider.

(d) Computation of bills not on monthly basis. Bills shall be considered as monthly bills for the purposes of this subsection if submitted 12 times per year of approximately one month each. Accordingly, the tax for a bimonthly bill (approximately 60 days) shall be determined as follows:

1. The CCF will be divided by 2;
2. A monthly tax will be calculated using the rates set forth above;
3. The tax determined by Subsection A(2)(d)(2) shall be multiplied by 2;
4. The Tax in Subsection A(2)(D)(3) may not exceed twice the monthly maximum tax.

(3) Telephone Service Tax. There is hereby imposed and levied by the County upon each and every purchaser of local exchange telephone service a tax in the amount of 4% of the charge (exclusive of any federal or state tax thereon) made by the seller against the purchaser with respect to each line, which tax in every case shall be collected by the seller from the purchaser and shall be paid by the purchaser unto the seller for the use of the County at the time the purchase price or such charge shall become due and payable under the agreement between the purchaser and the seller.

B. The tax hereby imposed and levied on purchases with respect to local exchange telephone service shall apply to all charges made for local exchange telephone service, except local messages which are paid for by inserting coins in coin-operated telephones. A cap on the telephone service tax in the amount of \$450 is hereby established.

Enacted this ____ day of _____, 2018.

Charles S. DeHaven, Jr., Chairman _____

Gary A. Lofton _____

J. Douglas McCarthy _____

Robert W. Wells _____

Blaine P. Dunn _____

Shannon G. Trout _____

Judith McCann-Slaughter _____

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

Frederick County Board of Supervisor's Code and Ordinance Committee Charter

I. Organization

There shall be a committee of the Board of Supervisors ("Board") of Frederick County, Virginia ("County") known as the Code and Ordinance Committee ("Committee"). The Committee shall be comprised of three (3) members of the Board of Supervisors who will be appointed by the Chairman of the Board, with one appointed as Chair, and three (3) citizen members as appointed by the Chairman of the Board. This Charter shall govern the Committee with regard to its duties and responsibilities.

II. Purpose

The primary function of the Committee is to assist the Board in the review and recommendation of proposed text changes to the Frederick County Code, excluding amendments to the Zoning Ordinance and Subdivision Ordinance. The Committee's primary duties and responsibilities are as follows:

- To review all proposed changes to the Frederick County Code.
- To work with department heads and staff to initiate amendments to the Frederick County Code.

The Committee will primarily fulfill these responsibilities by carrying out the activities enumerated in Section IV of this Charter.

III. Meetings

The Committee shall meet as circumstances dictate. The Chairman of the Board, the Chairman of the Committee, or a majority of the Committee members may call or cancel meetings of the Committee. The Chairman of the Committee shall prepare or approve an agenda in advance of each meeting. Department heads or department representatives offering proposed amendments shall be invited to the meetings. Other management officials and counsel to the Board may be invited as necessary.

IV. Responsibilities

The Committee shall have the following duties and responsibilities:

1. Review and advise the Board of Supervisors with respect to Frederick County Code initiatives and amendments.
2. Prepare minutes of all meetings of the Committee, and report to the Board on the matters discussed at each Committee meeting, as appropriate.
3. Forward all recommendation to the Board of Supervisors for final approval.
4. Review and reassess annually the adequacy of this Charter, and conduct an annual self-assessment of this Committee's performance.
5. Perform any other activities consistent with this Charter, the County's goals, objectives and governing law, as the Committee or the Board deems necessary or appropriate.

C

FINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS
Wednesday, July 18, 2018
8:00 a.m.
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, July 18, 2018 at 8:00 a.m.

ATTENDEES:

Committee Members Present: Judith McCann-Slaughter, Chairman, Charles DeHaven, Gary Lofton, and Jeffrey Boppe. Non-voting liaisons: William Orndoff, Treasurer, and Ellen Murphy, Commissioner of the Revenue.

Committee Members Absent: Angela Rudolph

Staff present: Cheryl Shiffler, Finance Director, Sharon Kibler, Assistant Finance Director, Kris Tierney, County Administrator, Jay Tibbs, Assistant County Administrator, Rod Williams, County Attorney, Dennis Linaburg, Fire Chief, Keith Jenkins, Deputy Fire Chief, Renny Manual, WRA Director, and Lenny Millholland, Sheriff.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

Items 3, 5, 6, 7, 8, 9, 10, and 12 were approved under consent agenda.

1. The VJCCCA Director requests an FY18 General Fund budget transfer in the amount of \$20,700 from a salary line item. This amount represents funds needed to cover May and June services. See attached memo, p. 3. The committee recommends approval.
2. The Winchester Regional Airport Director requests an FY18 General Fund budget transfer in the amount of \$21,924 from salaries and fringes. This amount represents funds needed to cover fuel deliveries. See attached memo, p. 4. The committee recommends approval.
3. The Planning Director requests an FY19 General Fund supplemental appropriation in the amount of \$59,066.50. This amount represents a carry forward of unspent budgeted FY18 funds for completion of the Capital Impact Study and Model. See attached memo, p. 5.
4. The Sheriff requests an FY18 General Fund supplemental appropriation in the amount of \$13,700. This amount represents traffic control reimbursements. No local funds required. See attached memos, p. 6 – 11. The committee recommends approval. The committee also recommends forwarding the topic to the Public Safety Committee for discussion to determine the need for a policy.
5. The Sheriff requests an FY18 General Fund supplemental appropriation in the amount of \$4,713.36. This amount represents reimbursements from the Treasury Department. No local funds required. See attached memos, p. 12 – 13.
6. The Sheriff requests an FY18 General Fund supplemental appropriation in the amount of \$5,155.01. This amount represents travel reimbursements from the State. No local funds required. See attached memos, p. 14 – 17.
7. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$15,191.16. This amount represents a carry forward of unspent FY18 funds from auto insurance claims. See attached memo, p. 18.
8. The Parks & Recreation Director requests the funds received in FY18 for the PLAY Fund in the amount of \$6,488.62 be reserved, subject to future appropriations. The

balance will be reduced by the financial assistance provided during FY18 in the amount of \$1,270.50. No local funds required. See attached memo, p. 19 – 23.

9. The Parks & Recreation Director requests an FY19 General Fund supplemental appropriation in the amount of \$121,807. This amount represents a carry forward of unspent FY18 funds for Northwest Sherando Park project, Clearbrook Park parking lot, Frederick Heights trail and parking lot, and Abrams Creek trail. See attached memo, p. 24.
10. The Parks & Recreation Director requests an FY19 General Fund supplemental appropriation in the amount of \$531,589.70. This amount represents a carry forward of unspent FY18 funds for the Northwest Sherando Park project. See attached memo, p. 24.
11. An FY18 F&R Expense Recovery Fund (Fund 30) supplemental appropriation in the amount of \$697,923.95 is requested. This amount represents \$433,487.95 in FY18 revenue received over budgeted revenue, and \$264,436 in fund balance funds for prior years distributions. No local funds are required. The committee recommends approval.
12. The Fire & Rescue Chief requests an FY18 General Fund supplemental appropriation in the amount of \$13,915.40. This amount represents an auto claim reimbursement. No local funds required. See attached memo, p. 25 – 26.
13. The Fire & Rescue Chief requests approval to move forward with hiring two (2) additional training officers. Funds have been budgeted in FY19. See attached memo, p. 27 – 29. The committee recommends approval.

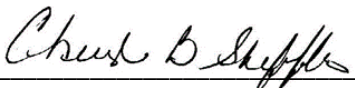
ITEMS FOR INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for June 2018. See attached, p. 30 – 32.
2. Fund balance information will be provided after the County closes FY18.
3. The Lord Fairfax SWCD sends a letter of thanks for the FY 2019 contribution. See attached, p. 33 – 39.
4. The Government Finance Officers Association (GFOA) has awarded the County the Award for Outstanding Achievement for Outstanding Achievement in Popular Annual Financial Reporting for the June 30, 2017 Popular Annual Financial Report (PAFR). This is the 12th consecutive year that Frederick County has received this achievement. See attached, p. 40 – 41.
5. The Government Finance Officers Association (GFOA) has awarded the County the Award for Outstanding Achievement for Excellence in Financial Reporting for the June 30, 2017 Comprehensive Annual Financial Report (CAFR). This is the 32nd consecutive year that Frederick County has received this achievement. See attached, p. 42 – 44.

Respectfully submitted,

FINANCE COMMITTEE

Judith McCann-Slaughter, Chairman
Charles DeHaven
Gary Lofton
Jeffrey Boppe

By 

Cheryl B. Shiffler, Finance Director

Sharon Kibler

From: Cheryl Shiffler
Sent: Tuesday, July 10, 2018 8:52 AM
To: Sharon Kibler
Cc: Susan Miller
Subject: FW: Transfer of funds

FY18

From: Roussos, Peter [mailto:peter.roussos@djj.virginia.gov]
Sent: Tuesday, July 10, 2018 8:48 AM
To: Cheryl Shiffler <cshiffle@fcva.us>
Cc: Rachel Mitchell <rachelann.mitchell@djj.virginia.gov>
Subject: Transfer of funds

Ms. Shiffler, the Juvenile Court Services Unit/Department of Juvenile Justice respectfully requests that \$20,700.00 from Virginia Juvenile Community Crime Control Act allocated to our agency be moved from the Salary line item (033030-1001-000-002) to the Supervision Plan Services line item (033030-3002-000-004). Thank you for your assistance.
Peter Roussos

7/10/18 bal : \$20,700



WINCHESTER REGIONAL AIRPORT

491 AIRPORT ROAD
WINCHESTER, VIRGINIA 22602
(540) 662-5786

Memo

To: Cheryl Shiffler, Finance Director, Frederick County
CC: Kris Tierney, Administrator, Frederick County
From: Renny Manuel, Director, Winchester Regional Airport *SPM*
Date: July 11, 2018
Re: Transfer money from Personal and Fringes into operating expenses for FY 2018

In accordance with County Policies and Procedures Guide I respectfully submit for approval the following request for **FY 18** budget year to pay end of year invoices for additional aviation fuel deliveries received and an increased cost of fuel of 24.7% over budget:

Move unencumbered monies from:

| | |
|-------------------|-------------|
| Personal Services | \$4,808.00 |
| Employee Fringes | \$17,116.00 |

Move monies into:

| | |
|-----------------------|-------------|
| Merchandise of Resale | \$21,924.00 |
|-----------------------|-------------|

Increased fuel sales resulted in the need to purchase additional loads of fuel. In addition the cost of fuel purchased was 24.7% higher than prior year.

Due to the increase in fuel sold generated additional revenues therefore no funds are being requested.

If you need additional information or have any questions please let me know. Thank you for your continued support and assistance.



COUNTY of FREDERICK

Department of Planning and Development
540/ 665-5651
Fax: 540/ 665-6395

MEMORANDUM

TO: Finance Committee
FROM: Michael T. Ruddy, AICP, Director
SUBJECT: Carry Forward of Funds
DATE: July 9, 2018

FY19 C/F

Planning is requesting funds in the amount of \$59,066.50 be carried forward to FY19 for continued payment of invoices submitted by TischlerBise for the Capital Impact Study and Model. The funds represent the unspent balance of the amount budgeted for the completion of the project.

The project is a Capital Impact Study and Model which is being developed to evaluate the anticipated need for capital facilities based on growth and to determine the cost of those capital facilities to the County. Further, the model would determine the cost to the County for mitigating the infrastructure impacts associated with re-zonings. This Capital Impact Study would assist in ensuring the County's Cash Proffer Policy complies with latest Virginia Cash Proffer legislation.

Professional Services line item: 081010-3002-000-000

MTR/SLC

bae 7/10/18: 61,482.75

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : Appropriation of Funds – Reimbursements
DATE : ^{MCY 22} April 2, 2018

We are requesting the reimbursements received from Fellowship Bible Church, Winchester Church of God and Richardson & Wayland received in the Treasurer's Office, for overtime traffic control be appropriated in budget line 3102-1005-000-000

These reimbursements were posted to revenue line 3-010-019010-0018 as follows:

| | |
|--------------------------|------------|
| Fellowship Bible Church | \$1,300.00 |
| Winchester Church of God | \$400.00 |
| Richardson & Wayland | \$3,600.00 |

Total reimbursements - \$5,300.00

Thank you

LWM/adl

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Angela Whitacre, – Treasurer's Office
FROM : Sheriff Lenny Millholland
SUBJECT : Recovered Costs
DATE : May 22, 2018

Attached please find 2 checks that we received on May 21, 2018 payable to Treasurer, Frederick County. This amount represents reimbursement for traffic control.

| | |
|---------------------------------------|-----------|
| Richardson-Wayland Electrical Co. LLC | \$4000.00 |
| Winchester Church of God | \$500.00 |

Total of reimbursement: \$4,500.00

We are requesting this amount be posted to 3010-019010-0018 (10GO). Attached are copies of the invoices sent to the business requesting this service.

Thank you

LWM/adl

Cc: Finance

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400



TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : Appropriation of Funds – Reimbursements
DATE : June 11, 2018

We are requesting the reimbursements received from Winchester Izaak Walton League and Fellowship Bible Church received in the Treasurer's Office, for overtime traffic control be appropriated in budget line 3102-1005-000-000

These reimbursements were posted to revenue line 3-010-019010-0018 as follows:

| | |
|-------------------------|-----------|
| Winchester Izaak Walton | \$200.00 |
| Fellowship Bible Church | \$1700.00 |

Total reimbursements - \$1,900.00

Thank you

LWM/adl

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400



TO : Angela Whitacre, – Treasurer's Office
FROM : Sheriff Lenny Millholland
SUBJECT : Recovered Costs
DATE : June 25, 2018

Attached please find a check that we received on June 22, 2018 payable to Frederick County Sheriff's Office. This amount represents reimbursement for traffic control.

Fellowship Bible Church \$1200.00

Total of reimbursement: \$1200.00

We are requesting this amount be posted to 3010-019010-0018 (10GO). Attached are copies of the invoices sent to the business requesting this service.

Thank you

LWM/adl

Cc: Finance

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Angela Whitacre, – Treasurer's Office
FROM : Sheriff Lenny Millholland
SUBJECT : Recovered Costs
DATE : June 26, 2018

Attached please find two checks that we received on June 25, 2018 from Winchester Church of God and Winchester Chapter of the Izaak Walton League. This amount represents reimbursement for traffic control.

| | |
|---|-----------------|
| Winchester Church of God | \$400.00 |
| Winchester Chapter of Izaak Walton League | \$400.00 |
| Total of reimbursement: | \$800.00 |

We are requesting this amount be posted to 3010-019010-0018 (10GO). Attached are copies of the invoices sent to the business requesting this service.

Thank you

LWM/adl

Cc: Finance

FREDERICK COUNTY SHERIFF'S OFFICE

FREDERICK COUNTY
MAY 22 2018
FINANCE DEPARTMENT



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

To : Cheryl Shiffler, Director of Finance
From : Sheriff Lenny Millholland
Subject : Reimbursements - Appropriation
Date : May 22, 2018

F418

Frederick County Sheriff's Office has received reimbursements from the Treasury Department totaling \$1,923.54. This amount has been posted to 3-010-033010-0025. We are requesting appropriation into the following budget lines in the listed amount:

\$1,291.68 – overtime paid out for case – 3102-1005-000-000

\$631.86 – Hotel 3102 – 3102-5506-000-000

1923.54

Thank you.

LWM/adl

C.S. 12/18/17

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

To : Cheryl Shiffler, Director of Finance
From : Sheriff Lenny Millholland
Subject : Reimbursements - Appropriation
Date : May 22, 2018

F118

Frederick County Sheriff's Office has received reimbursements from the Treasury Department totaling \$2789.82. This amount has been posted to 3-010-033010-0025. We are requesting appropriation into the following budget lines items:

\$2789.82 – overtime paid out for case (Seth Foster) – 3102-1005-000-000

Thank you.

LWM/adl

C.S. 5/14/18

FREDERICK COUNTY SHERIFF'S OFFICE



FREDERICK COUNTY

JUN 14 2018

FINANCE DEPARTMENT

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : Appropriation of Funds - Extraditions
DATE : June 14, 2018

F118

We are requesting the reimbursement received from the Commonwealth of Virginia, Circuit Courts in the amount of \$953.84, received in the Treasurer's Office, for mileage to be appropriated in budget line 3102-5506-000-001.

| | |
|----------|---------|
| \$81.75 | Heflin |
| \$832.85 | Dimmick |
| \$39.24 | Klahre |

Total = \$953.84

These reimbursements were posted to revenue line 3-010-019110-0058

Thank you

LWM/adl

C.S. 5/22/18 \$39.24
C.S. 6/1/18 \$914.60

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : Appropriation of Funds - Extraditions
DATE : May 22, 2018

F418

We are requesting the reimbursement received from the Commonwealth of Virginia, Circuit Courts in the amount of \$838.56, received in the Treasurer's Office, for mileage completed on April 24, 2018 be appropriated in budget line 3102-5506-000-001.

These reimbursements were posted to revenue line 3-010-019110-0058

Thank you

LWM/adl

C.S. 5/15/2018

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400



TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : Appropriation of Funds - Extraditions
DATE : June 25, 2018

FY18

We are requesting the reimbursement received from the Commonwealth of Virginia, Circuit Courts in the amount of \$3,226.35, received in the Treasurer's Office, for mileage to be appropriated in budget line 3102-5506-000-001.

6/5/18 \$3,226.35 Bergeron (Chiplely FI)

Total = \$3,226.35

These reimbursements were posted to revenue line 3-010-019110-0058

Thank you

LWM/adl

C.S. 6/20/18

FREDERICK COUNTY SHERIFF'S OFFICE



FREDERICK COUNTY

JUN 19 2018

RECEIVED

Major Steve A. Hawkins

Sheriff Lenny Millholland

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : Appropriation of Funds - Extraditions
DATE : June 19, 2018

F418

We are requesting the reimbursement received from the Commonwealth of Virginia, Circuit Courts in the amount of \$136.26, received in the Treasurer's Office, for mileage to be appropriated in budget line 3102-5506-000-001.

| | | |
|---------|---------|------------------------|
| 5/23/18 | \$50.14 | Ayala (Washington Co.) |
| 5/30/18 | \$43.06 | Seaman (Augusta) |
| 5/31/18 | \$43.06 | Ruble (Augusta) |

Total = \$136.26

These reimbursements were posted to revenue line 3-010-019110-0058

Thank you

LWM/adl

C.S. 6/15/18

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Cheryl Shiffler Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : Carry forward of funds
DATE : July 11, 2018

We are requesting the following amount that was appropriated in FY17-18 to be carried forward to the FY18-19 budget year.

- \$29,969.26 was appropriated from auto insurance claims on vehicles that were involved in accidents. We are requesting \$15,191.16 be carried forward. This money was appropriated into 3102-8005-000-000. We have not purchased a replacement vehicle

Thank you

LWM/adl



FREDERICK COUNTY

JUL 11 2018

DEPARTMENT

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: fcprd@fcva.us

www.fcprd.net

MEMO

To: Finance Committee
From: Jason Robertson, Director
Subject: Recreation Assistance Fund
Date: July 11, 2018

The Recreation Reserve Fund was created in FY 15 to provide financial assistance to Frederick County residents so that children could participate in recreation programs and to assist Frederick County in raising funds for future capital projects. There are three types of funds within the Recreation Reserve Fund, the Recreation Assistance Fund (PLAY Fund), specific capital project funds, and a general park improvement fund.

During FY 18 \$6,488.62 was donated to the PLAY Fund. The Parks and Recreation Commission requests that \$1270.50 from the PLAY Fund be moved to the FY 18 revenue codes as outlined in attachment A.

The Parks and Recreation Department is requesting that the remaining balance of \$5219.62 be moved to the Fund Balance Reserve-Parks and Recreation (0-010-000240-2444) for future requests.

Attachment A

| | |
|-------------------|----------|
| 3-010-016130-0013 | \$621.00 |
| 3-010-016130-0010 | \$649.50 |

These totals represent participation in the following activities:

- Swim Lessons
- Cheer Camp
- Volleyball League
- Pee Wee, Youth, and Teen Basketball Leagues
- Flag Football
- Wooden Bat League
- Minecraft Camps
- Wrestling Camp
- Youth Tennis
- Pound, Paint, & Create Camp
- Summer Basketball
- Kid's Sport & Agility Clinic

Company No: 001 Account Number: 3010 18990 27 Period:
 Date: 7/11/18 PARKS & REC RESERVE REVENUE Time: 1031
 Budget Amount Year To Date Encumbrances Balance
 \$.00 \$6,488.62 \$.00 \$6,488.62

 Date Source Reference Number PO# Amount Period Description
 12182017 JE 1 180416 \$6,338.62-201712 TURKEY TROT RESERVE PROCEEDS
 04172018 CS 1 20180417 \$150.00-201804 -TREASURER CASH REPORT-
 ***** G/L Year-To-Date- \$6,488.62-

***** Encumbrance-
 ***** A/P Holding File-
 ***** P/R Holding File-
 ***** U/T Holding File-
 ***** A/R Holding File-
 ***** G/L Holding File-
 ***** S/S Holding File-
 ***** INV Holding File-
 ***** Budget Amount-

RECREATION RESERVE FUND
500.20

PURPOSE:

The Recreation Reserve Fund within the Frederick County Reserve Fund will be used for Frederick County residents who need financial assistance for their children to participate in recreation programs and to assist Frederick County in raising funds to fund capital projects identified in the Frederick County Comprehensive Plan. This fund is not intended to provide funds which can be substituted for traditional tax base funding.

GOAL:

Increase Frederick County youth participation in recreation for those who are unable to afford recreation programs and provide recreation facilities identified in the Frederick County Comprehensive Plan.

POLICY:

There are three types of funds within the Recreation Reserve Fund, the Recreation Assistance Fund, specific capital project funds, and a general park improvement fund.

A. Recreation Assistance Fund:

Funds dedicated for Recreation Assistance will be placed in the Recreation Reserve Fund within Frederick County's Reserve Fund as they are received. Each donation will be noted in a revenue code (10GL-3-010-018990-0027). Donations are non-refundable.

These funds will be utilized for individuals seeking recreation assistance based on their income level according to the Economic Assistance Policy (#500.08). Each time an individual requests assistance, Parks and Recreation staff will apply the standards from Policy #500.08. If the individual is eligible to receive assistance and funds are available, assistance will be provided and accounted in the department's registration system. Staff will request the Commission to recommend receiving the discounted registration fees from the Recreation Reserve Fund's Recreation Assistance Fund at the July Parks and Recreation Commission meeting. This request will be forwarded to the Finance Committee for recommendation to the Board of Supervisors for reimbursement. The Recreation Assistance Fund is known as the PLAY Fund, an acronym for People Lending Assistance to Youth.

B. Capital Project Funds

A capital project fund may be created for any capital project approved by the Frederick County Parks and Recreation Commission and Frederick County Board of Supervisors. Twenty percent of the total project cost must be pledged prior to the establishment and acceptance of donations for a specific capital project fund in a revenue code (10GL-3-010-018990-0027).

The Frederick County Parks and Recreation Commission will recommend utilizing the money from the Recreation Reserve Fund within the Frederick County Reserve Fund to the Frederick County Finance Committee to recommend to the Frederick County Board of Supervisors. The

Frederick County Board of Supervisors must approve the disbursement of the Recreation Reserve Fund money within the Frederick County Reserve Fund.

C. General Park Improvement Fund

The general park improvement fund is for donations made to improve existing parks or facilities. Donations may be of any amount, deposited into revenue code (10GL-3-010-018990-0027), and are non-refundable.

The Parks and Recreation Commission will recommend the use of General Park Improvement Funds to the Finance Committee and the Board of Supervisors specifying the particular improvement.

Auditing/Accountability:

All funds within the Recreation Reserve Fund will be accounted for annually by the Parks and Recreation Department based on the balance provide by the Frederick County Finance Department and the Parks and Recreation Department. This balance and activity will be reported to the Parks and Recreation Commission annually.

Approved: May 2015



FREDERICK COUNTY

11 2018

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: fcprd@fcva.us

www.fcprd.net

FY19 C/F

MEMO

To: Frederick County Finance Committee
From: Jason Robertson, Director of Parks & Recreation
Date: July 9, 2018
Subject: Carry Forward Request FY 17/18 to FY 18/19

The Parks and Recreation Department is requesting carry forward of the following funds, unspent by the end of FY 17/18.

- Line item 010-07101-3002-00:
 - \$121,807. This represents Design/Engineering work for;
 - \$ 3,017 - NW Sherando Park project,
 - \$28,435 - Clearbrook Park replacement Parking Lot project,
 - \$ 8,255 - Frederick Heights Park Trail and Parking Lot Project, and
 - \$82,100 - Abrams Creek Trail Project.

- Line item 010-07110-8900-00:
 - \$531,589.70. This represents work associated with the NW Sherando Park Project;
 - \$527,300 - construction, and
 - \$ 4,289.70 - outdoor gym.

bal 7/11/18:
\$ 130,882.21

bal 7/11/18:
\$ 531,589.70



COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT


1080 Coverstone Drive
Winchester, VA 22602

Dennis D. Linaburg
Fire Chief



MEMORANDUM

TO: Cheryl Shiffler, Director
Finance Department

FROM: Dennis D. Linaburg, Chief 
Fire & Rescue

SUBJECT: Request for Supplemental Appropriation

DATE: June 21, 2018

F-118

Attached please find a copy of Check No. 308896 received in the amount of \$13,915.40 for the auto claim dated April 27, 2018 which involved the Department's 2016 Ford F-250. This amount represents the appraiser's estimate minus the \$200 deductible.

The invoice for repairs will be paid through our line item 3505-3004-002 Repair and Maintenance – Vehicles. At this time, I am requesting a supplemental appropriation in the amount of \$13,915.40 to the above line item for the necessary.

If you have any questions or need additional information, please do not hesitate to contact me.

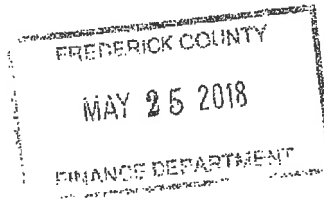
DDL:mhn

Attachments

3-010-018990-0001



VACORP



May 21, 2018

Frederick County
Attn: Jennifer Place
107 North Kent Street
Winchester, VA. 22601

Virginia Association of Counties Self Insurance Risk Pool

Member: Frederick County
Claim Number: 0342018208204
Date of Loss: 4/27/2018

Dear Ms. Place,

Enclosed please find VACORP property damage check in the amount of \$13,915.40 for the repairs of the 2016 Ford F-250 XL VIN 3029 from an accident that occurred on 4/27/2018. This payment was based on the estimate submitted from *S&S Appraisal Services* for \$14,115.40 less the \$200.00 uninsured motorist deductible.

If you should have any questions regarding this payment, please feel free to call me at 1-888-822-6772 ext. 174.

Sincerely,

Jared Mullen
Claims Specialist


Enclosed – Check



Dennis D. Linaburg
Fire Chief

MEMORANDUM

TO: Cheryl Shiffler
Finance Director

FROM: Dennis D. Linaburg, Chief
Fire & Rescue 

SUBJECT: Training Officer Requests – FY19

DATE: July 11, 2018

The Frederick County Fire and Rescue Department requested two (2) additional positions in the Fiscal Year 2019 Budget to increase the Training Division staff. The new positions would bring the total Training Division staffing to five (5). During the April 24th Budget Work Session, the Board of Supervisors approved the funding, however placed a hiring freeze on the two positions pending review of the Fire and Rescue Study staffing recommendations.

During the FY18 Recruit School, the Department experienced a horrific accident involving one of our Training Division Officers. The Officer suffered several severe injuries, which required numerous operations and resulted in nearly four months of leave. This incident was a direct result of the Training Division's staffing shortage. Had an additional Training Officer been available to assist with that day's training scenarios, this incident likely would have been prevented.

Annually, the Training Division conducts 2,478 hours of instruction to the Combination Fire and Rescue System. Instructional hours do not include the time spent preparing for each course. Countless hours are dedicated to lesson plans, grading and student evaluations, building course props and maintaining Instructor credentials for each course offered.

The Board of Supervisors shall be presented the Fire and Rescue Study at the September 12, 2018 regularly scheduled meeting. The Volunteer EMS and Basic Fire Academies and Recruit School are also scheduled to begin September 2018. Due to the timing of both the presentation and the upcoming instructional load, we are requesting approval to move forward with hiring the two additional Training Officers.

Attached, please find the minutes from the April 2018 Budget Work Session. Should you have any questions or would like additional information, feel free to contact me.

DDL/mhn

MINUTES
Frederick County Board of Supervisors
Budget Work Session
Tuesday, April 24, 2018
4:00 p.m.
Board Room, 107 North Kent Street, Winchester, VA

ATTENDEES

Board of Supervisors: Chairman Charles S. DeHaven, Jr.; Vice Chairman Gary A. Lofton; Blaine P. Dunn; Judith McCann-Slaughter; J. Douglas McCarthy; Robert W. Wells and Shannon G. Trout were present. Staff present: Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Cheryl B. Shiffler, Finance Director; Jennifer Place, Budget Analyst; Sharon Kibler, Assistant Finance Director; Erin Swisshelm, Assistant County Attorney; Ellen Murphy, Commissioner of the Revenue; C. William Orndoff, Jr., Treasurer; Scott Varner, Director of Information Technology; Becky Merriner, Director of Human Resources; Dennis Linaburg, Fire & Rescue Chief; Ross P. Spicer, Commonwealth's Attorney; Delsie Jobe, Administrative Services Manager for Frederick County Dept. of Social Services; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

Finance Committee members present: Angela Rudolph

CALL TO ORDER

Chairman DeHaven called the meeting to order at 4:03 p.m.

DISCUSSION – Medicaid Expansion

Mr. Tierney said that the General Assembly had not yet decided on the issue of expanding Medicaid. He suggested that the Board earmark the revenue expected from the one-cent tax increase to fund the costs associated with expansion if it is approved.

DISCUSSION – Public Safety Positions

The Board and staff discussed the request for additional fire and rescue positions. Mr. Tierney noted that the draft fire and rescue report has been received and is under review by the steering committee. Supervisor McCarthy suggested setting aside money for the fire and rescue positions until the Board has had a chance to review the fire and rescue study, particularly recommendations on staffing. Mr. Tierney said that the need for upstaffing with 12 firefighter

positions is critical and suggested that the Board fund those while waiting for the final report to decide on the additional positions requested.

Vice Chairman Lofton requested a list of apparatus of all the fire and rescue companies.

By consensus, the Board agreed to fund the 12 positions to allow upstaffing at Millwood and Round Hill Stations.

By consensus, the Board agreed to set aside funding for two training officer positions pending review of the staffing report. At the request of Ms. Shiffler, the Board agreed by consensus that the funds will be placed in the fire and rescue budget with a hiring freeze on the two positions.

DISCUSSION – Other Positions

By consensus, the Board agreed to fund the following positions: Assistant Convenience Site Supervisor (one) and Animal Shelter -- Animal Caretaker (one).

The Board and staff discussed the request for additional sheriff's deputies.

DISCUSSION – Capital Funding FY 19

Mr. Tierney said if there were no objections, he would transfer funds from the contingency fund near the end of the fiscal year for planned vehicle replacement and design work on the parking lot at Clear Brook Park. The Board agreed with this approach. The Board and staff discussed a radio needs study, and Mr. Tierney advised there was money in the budget to fund such a study.

DISCUSSION – Budget Awards Program

Ms. Shiffler noted the Budget Awards Program deadline is 75 days away saying she and her staff are working on the County's submission.

DISCUSSION – Additional FY 19 Work Sessions

By consensus, the Board agreed to meet on May 8, May 22, and June 12 at 4:00 pm for budget work sessions.

| JUNE 2018 BUDGET TRANSFERS | | | | | | | | |
|----------------------------|------------------------------------|--|------|------|------|------|-------------|--|
| DATE | DEPARTMENT/GENERAL FUND | REASON FOR TRANSFER | FROM | TO | ACCT | CODE | AMOUNT | |
| 6/7/2018 | PLANNING | BZA ADVERTISING COVERAGE | 8101 | 3007 | 000 | 000 | (300.00) | |
| | ZONING BOARD | | 8104 | 3007 | 000 | 000 | 300.00 | |
| 6/7/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | FUND SHORTAGE MAINTENANCE | 4304 | 5301 | 000 | 000 | (650.00) | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3005 | 000 | 000 | 650.00 | |
| 6/7/2018 | FIRE AND RESCUE | PURCHASE OF MOBILE RADIO | 3505 | 5410 | 000 | 000 | (7,541.68) | |
| | FIRE AND RESCUE | | 3505 | 8003 | 000 | 000 | 7,541.68 | |
| 6/8/2018 | INSPECTIONS | TO COVER DEFICIT IN OFFICE SUPPLIES | 3401 | 4003 | 000 | 002 | (1,000.00) | |
| | INSPECTIONS | | 3401 | 5401 | 000 | 000 | 1,000.00 | |
| 6/12/2018 | COMMISSIONER OF THE REVENUE | ACCOUNT CLERK -WORKSTATION & EQ | 1209 | 5204 | 000 | 000 | (1,846.00) | |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5401 | 000 | 000 | 1,846.00 | |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5506 | 000 | 000 | (575.00) | |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5401 | 000 | 000 | 575.00 | |
| 6/12/2018 | AGRICULTURE | BUY SUPPLIES TO ENHANCE PROGRAM OFFICE OPERATIONS | 8301 | 5204 | 000 | 000 | (170.25) | |
| | AGRICULTURE | | 8301 | 5401 | 000 | 000 | 170.25 | |
| | AGRICULTURE | | 8301 | 5506 | 000 | 000 | (867.63) | |
| | AGRICULTURE | | 8301 | 5401 | 000 | 000 | 867.63 | |
| 6/12/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | CLIMATE CONTROLS COUNTY OFFICE BUILDING | 4304 | 8001 | 000 | 000 | 32,400.00 | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | CLIMATE CONTROLS PUBLIC SAFETY BUILDING | 4304 | 8001 | 000 | 005 | 37,940.00 | |
| | TRANSFERS/CONTINGENCY | CLIMATE CONTROLS-CAB AND PSB | 9301 | 5890 | 000 | 000 | (70,340.00) | |
| 6/12/2018 | SHERIFF | COVER EXPENSE FOR MAY | 3102 | 5402 | 000 | 001 | (152.76) | |
| | SHERIFF | | 3102 | 3010 | 000 | 000 | 152.76 | |
| 6/12/2018 | SHERIFF | COVER EXPENSE FOR MAY BOOTS AND UNIFORM | 3102 | 5402 | 000 | 001 | (1,535.49) | |
| | SHERIFF | | 3102 | 5410 | 000 | 000 | 1,535.49 | |
| | SHERIFF | | 3102 | 5401 | 000 | 000 | (2,000.00) | |
| | SHERIFF | | 3102 | 5413 | 000 | 000 | 2,000.00 | |
| 6/12/2018 | SHERIFF | COVER EXPENSE FOR MAY-PHYSICAL | 3102 | 5402 | 000 | 001 | (230.00) | |
| | SHERIFF | | 3102 | 3001 | 000 | 000 | 230.00 | |
| 6/12/2018 | SHERIFF | COVER EXPENSE FOR MAY REPAIR OF COMPUTER EQUIPMENT | 3102 | 5401 | 000 | 000 | (2,176.58) | |
| | SHERIFF | | 3102 | 3004 | 000 | 001 | 2,176.58 | |
| 6/12/2018 | SHERIFF | TRAVEL/TRAINING | 3102 | 5409 | 000 | 000 | (6,000.00) | |
| | SHERIFF | | 3102 | 5506 | 000 | 000 | 6,000.00 | |
| 6/12/2018 | SHERIFF | VEHICLE MAINTENANCE | 3102 | 5408 | 000 | 000 | (12,148.96) | |
| | SHERIFF | | 3102 | 3004 | 000 | 002 | 12,148.96 | |
| 6/12/2018 | FIRE AND RESCUE | PURCHASE OF GEAR EXTRACTOR | 3505 | 5410 | 000 | 000 | (16,664.00) | |
| | FIRE AND RESCUE | | 3505 | 8009 | 000 | 000 | 16,664.00 | |
| 6/12/2018 | COMMISSIONER OF THE REVENUE | RE TRAVEL(EDUCATION) | 1209 | 3007 | 000 | 000 | (492.25) | |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 5506 | 000 | 000 | 492.25 | |
| 6/12/2018 | COUNTY OFFICE BUILDINGS | REMOTE TERMINAL UNIT #1 PUBLIC SERVICE BUILDING REPAIR | 4304 | 3010 | 000 | 005 | (704.05) | |
| | COUNTY OFFICE BUILDINGS | | 4304 | 3004 | 000 | 006 | 704.05 | |
| 6/12/2018 | MANAGEMENT INFORMATION SYSTEMS | TO COVER TRAVEL EXPENSES | 1222 | 5401 | 000 | 000 | (359.70) | |
| | MANAGEMENT INFORMATION SYSTEMS | | 1222 | 5506 | 000 | 000 | 359.70 | |
| 6/12/2018 | REASSESSMENT/BOARD OF ASSESSORS | VEHICLE MAINTENANCE | 1210 | 5305 | 000 | 000 | (164.60) | |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 3004 | 000 | 001 | 164.60 | |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 5411 | 000 | 000 | (147.19) | |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 3004 | 000 | 002 | 147.19 | |
| 6/14/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | FUNDS TO PAY FOR YEARLY FIRE PUMP TEST | 4304 | 5101 | 000 | 000 | (469.26) | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3005 | 000 | 000 | 469.26 | |
| 6/14/2018 | REFUSE COLLECTION | PURCHASE PRINTED MATERIAL | 4203 | 5413 | 000 | 000 | (500.00) | |
| | REFUSE COLLECTION | | 4203 | 5401 | 000 | 000 | 500.00 | |
| 6/14/2018 | MANAGEMENT INFORMATION SYSTEMS | TRAVEL EXPENSE | 1222 | 5401 | 000 | 000 | (43.00) | |
| | MANAGEMENT INFORMATION SYSTEMS | | 1222 | 5506 | 000 | 000 | 43.00 | |
| 6/14/2018 | OTHER | TO COVER DEFICIT | 1224 | 5415 | 000 | 002 | (331.00) | |
| | OTHER | | 1224 | 5604 | 000 | 072 | 331.00 | |
| 6/14/2018 | BOARD OF SUPERVISORS | TO COVER DEFICIT IN POSTAGE | 1101 | 5506 | 000 | 000 | (600.00) | |
| | BOARD OF SUPERVISORS | | 1101 | 5204 | 000 | 000 | 600.00 | |
| 6/14/2018 | INSPECTIONS | NEW CODE AND FIRE BOOKS | 3401 | 4003 | 000 | 002 | (125.00) | |
| | INSPECTIONS | | 3401 | 5411 | 000 | 000 | 125.00 | |
| 6/15/2018 | FIRE AND RESCUE | ISIMULATE AED AND CARDIAC MONITOR TRAINING SYSTEM | 3505 | 5411 | 000 | 000 | (10,000.00) | |
| | FIRE AND RESCUE | | 3505 | 8009 | 000 | 000 | 10,000.00 | |
| | FIRE AND RESCUE | | 3505 | 3007 | 000 | 000 | (10,000.00) | |
| | FIRE AND RESCUE | | 3505 | 8009 | 000 | 000 | 10,000.00 | |
| | FIRE AND RESCUE | | 3505 | 5410 | 000 | 000 | (13,120.00) | |
| | FIRE AND RESCUE | | 3505 | 8009 | 000 | 000 | 13,120.00 | |

| JUNE 2018 BUDGET TRANSFERS | | | | | | | | |
|----------------------------|-------------------------------------|--|------|------|------|------|-------------|--|
| DATE | DEPARTMENT/GENERAL FUND | REASON FOR TRANSFER | FROM | TO | ACCT | CODE | AMOUNT | |
| 6/15/2018 | FIRE AND RESCUE | PURCHASE OF (2) THERMAL IMAGING CONTROLS | 3505 | 5605 | 000 | 002 | (14,409.80) | |
| | FIRE AND RESCUE | | 3505 | 8009 | 000 | 000 | 14,409.80 | |
| 6/19/2018 | REGISTRAR | ASSISSTANT REGISTRAR COMMUNITY LEADERSHIP CLASS | 1302 | 5401 | 000 | 000 | (750.00) | |
| | REGISTRAR | | 1302 | 5506 | 000 | 000 | 750.00 | |
| 6/19/2018 | FIRE AND RESCUE | INSTALLATION OF EQUIPMENT FOR REPLACEMENT VEHICLE | 3505 | 3004 | 000 | 002 | (4,215.00) | |
| | FIRE AND RESCUE | | 3505 | 8005 | 000 | 000 | 4,215.00 | |
| 6/19/2018 | GENERAL ENGINEERING/ADMINISTRATION | NEW FURNITURE CONFERENCE ROOM | 4201 | 3004 | 000 | 002 | (1,300.00) | |
| | GENERAL ENGINEERING/ADMINISTRATION | | 4201 | 5401 | 000 | 000 | 1,300.00 | |
| 6/19/2018 | GENERAL ENGINEERING/ADMINISTRATION | NEW EMPLOYEE TRAINING | 4201 | 3004 | 000 | 002 | (400.00) | |
| | GENERAL ENGINEERING/ADMINISTRATION | | 4201 | 5506 | 000 | 000 | 400.00 | |
| 6/19/2018 | FIRE AND RESCUE | PURCHASE OF EQUIPMENT FOR REPLACEMENT VEHICLE | 3505 | 5408 | 000 | 000 | (6,015.18) | |
| | FIRE AND RESCUE | | 3505 | 8005 | 000 | 000 | 6,015.18 | |
| 6/19/2018 | ANIMAL SHELTER | SUPPLEMENT LINE ITGEM FOR REMAINDER OF FY18 | 4305 | 5402 | 000 | 003 | (1,500.00) | |
| | ANIMAL SHELTER | | 4305 | 3004 | 000 | 000 | 1,500.00 | |
| 6/25/2018 | INFORMATION TECHNOLOGY | CONTRACTED SERVICES FOR ADVANCED THREAT PROTECTION | 1220 | 3002 | 000 | 000 | (1,480.00) | |
| | INFORMATION TECHNOLOGY | | 1220 | 3010 | 000 | 000 | 1,480.00 | |
| 6/25/2018 | ANIMAL SHELTER | COVER EQUIPMENT COST REPAIR | 4305 | 3002 | 000 | 000 | (900.00) | |
| | ANIMAL SHELTER | | 4305 | 3004 | 000 | 000 | 900.00 | |
| 6/25/2018 | INFORMATION TECHNOLOGY | DELL MAINTENANCE | 1220 | 3005 | 000 | 000 | 5,000.00 | |
| | MANAGEMENT INFORMATION SYSTEMS | | 1222 | 9001 | 000 | 000 | (5,000.00) | |
| 6/25/2018 | FIRE AND RESCUE | EQUIPMENT FOR REPLACEMENT VEHICLE | 3505 | 5408 | 000 | 000 | (4,662.61) | |
| | FIRE AND RESCUE | | 3505 | 8005 | 000 | 000 | 4,662.61 | |
| 6/25/2018 | FIRE AND RESCUE | INSTALLATION OF EQUIPMENT | 3505 | 3004 | 000 | 002 | (4,000.00) | |
| | FIRE AND RESCUE | | 3505 | 8005 | 000 | 000 | 4,000.00 | |
| 6/25/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | INSUFFICIENT FUNDS PHONE BILL MILLWOOD | 4304 | 5413 | 000 | 021 | (130.27) | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5204 | 000 | 021 | 130.27 | |
| 6/25/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | JANITORIAL SUPPLIES CAB | 4304 | 5401 | 000 | 000 | (586.40) | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5405 | 000 | 000 | 586.40 | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5101 | 000 | 005 | (1,100.78) | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5405 | 000 | 000 | 1,100.78 | |
| 6/25/2018 | COUNTY OFFICES BUILDINGS/COURTHOUSE | NEW VACUUM CLEANERS CAB | 4304 | 5415 | 000 | 000 | (58.42) | |
| | COUNTY OFFICES BUILDINGS/COURTHOUSE | | 4304 | 5407 | 000 | 000 | 58.42 | |
| 6/25/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | PHONE LINE FOR DDC CONTROL CH/CAB | 4304 | 5401 | 000 | 000 | (275.00) | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5204 | 000 | 000 | 275.00 | |
| 6/25/2018 | ANIMAL SHELTER | SUPPLEMENT LINE ITEM FOR REMAINDER OF FY18 | 4305 | 5101 | 000 | 000 | (1,000.00) | |
| | ANIMAL SHELTER | | 4305 | 3004 | 000 | 000 | 1,000.00 | |
| | ANIMAL SHELTER | | 4305 | 3002 | 000 | 000 | (1,000.00) | |
| | ANIMAL SHELTER | | 4305 | 3004 | 000 | 000 | 1,000.00 | |
| 6/25/2018 | REFUSE COLLECTION | TESTING STEPHENSON JOB | 4203 | 8900 | 000 | 000 | (2,700.00) | |
| | REFUSE COLLECTION | | 4203 | 3002 | 000 | 000 | 2,700.00 | |
| 6/25/2018 | CLEARBROOK PARK | TO COVER END OF YEAR EXPENDITURES | 7109 | 5413 | 000 | 000 | (584.00) | |
| | CLEARBROOK PARK | | 7109 | 8900 | 000 | 000 | 584.00 | |
| | SHERANDO PARK | | 7110 | 5101 | 000 | 000 | (21.00) | |
| | SHERANDO PARK | | 7110 | 5103 | 000 | 000 | 21.00 | |
| | SHERANDO PARK | | 7110 | 5405 | 000 | 000 | (1,364.00) | |
| | SHERANDO PARK | | 7110 | 5407 | 000 | 000 | 1,364.00 | |
| 6/25/2018 | SHERIFF | TO COVER TRAVEL EXPENSES | 3102 | 3005 | 000 | 000 | (1,000.00) | |
| | SHERIFF | | 3102 | 5506 | 000 | 000 | 1,000.00 | |
| 6/25/2018 | SHERIFF | PAY FOR THE UNCLAIMED PROPERTY NWVARDRF | 3102 | 3005 | 000 | 000 | (900.00) | |
| | SHERIFF | | 3102 | 5413 | 000 | 000 | 900.00 | |
| 6/26/2018 | COMMISSIONER OF THE REVENUE | ASSESSOR SCHOOL TRAVEL | 1209 | 5506 | 000 | 000 | (159.00) | |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 5506 | 000 | 000 | 159.00 | |
| 6/26/2018 | TREASURER | DMV STOP BILL | 1213 | 3002 | 000 | 000 | (12,500.00) | |
| | TREASURER | | 1213 | 3002 | 000 | 002 | 12,500.00 | |
| 6/26/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | EAST GATE CAMERA PSB | 4304 | 5408 | 000 | 005 | (531.25) | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3004 | 000 | 006 | 531.25 | |
| 6/26/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | FABRICATE/INSTALL TRIM ON SMART BOARD PSB | 4304 | 3010 | 000 | 005 | (570.00) | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3004 | 000 | 006 | 570.00 | |
| 6/26/2018 | COMMONWEALTH'S ATTORNEY | FUND POSTAGE | 2201 | 5411 | 000 | 000 | (450.00) | |
| | COMMONWEALTH'S ATTORNEY | | 2201 | 5204 | 000 | 000 | 450.00 | |
| 6/26/2018 | PARKS AND RECREATION ADMINISTRATION | TRANSFER FUNDS TO COVER PAYOUT & CORRECTION | 7101 | 1001 | 000 | 004 | 9,824.32 | |
| | PARKS AND RECREATION ADMINISTRATION | | 7101 | 1001 | 000 | 002 | 3,815.80 | |
| | RECREATION CENTERS AND PLAYGROUNDS | | 7104 | 1003 | 000 | 000 | (24,527.46) | |
| | PARKS AND RECREATION ADMINISTRATION | | 7101 | 1001 | 000 | 036 | 10,887.34 | |

| JUNE 2018 BUDGET TRANSFERS | | | | | | | | |
|----------------------------|------------------------------------|---|------|------|------|------|-------------|--|
| DATE | DEPARTMENT/GENERAL FUND | REASON FOR TRANSFER | FROM | TO | ACCT | CODE | AMOUNT | |
| 6/28/2018 | HUMAN RESOURCES | ADDITIONAL COPIER CHARGES | 1203 | 3002 | 000 | 000 | (575.00) | |
| | HUMAN RESOURCES | | 1203 | 9001 | 000 | 000 | 575.00 | |
| 6/28/2018 | HUMAN RESOURCES | COMPUTERS/OFFICE SUPPLIES | 1203 | 5413 | 000 | 000 | (3,000.00) | |
| | HUMAN RESOURCES | | 1203 | 5401 | 000 | 000 | 3,000.00 | |
| 6/28/2018 | HUMAN RESOURCES | COPIER REPAIR | 1203 | 3002 | 000 | 000 | (135.00) | |
| | HUMAN RESOURCES | | 1203 | 3004 | 000 | 001 | 135.00 | |
| 6/28/2018 | AGRICULTURE | FUNDS TO COVER PROGRAM SUPPLIES | 8301 | 5506 | 000 | 000 | (18.68) | |
| | AGRICULTURE | | 8301 | 5401 | 000 | 000 | 18.68 | |
| 6/28/2018 | HUMAN RESOURCES | TO COVER COMPUTER EXPENSE | 1203 | 3002 | 000 | 000 | (5,000.00) | |
| | HUMAN RESOURCES | | 1203 | 5401 | 000 | 000 | 5,000.00 | |
| 6/28/2018 | INFORMATION TECHNOLOGY | TO COVER DELL PC REPLACEMENT | 1220 | 5401 | 000 | 000 | 14,000.00 | |
| | INFORMATION TECHNOLOGY | | 1220 | 5401 | 000 | 000 | 8,000.00 | |
| | INFORMATION TECHNOLOGY | | 1220 | 3002 | 000 | 000 | (1,408.06) | |
| | INFORMATION TECHNOLOGY | | 1220 | 5401 | 000 | 000 | 1,408.06 | |
| | INFORMATION TECHNOLOGY | | 1220 | 3005 | 000 | 000 | (1,247.99) | |
| | INFORMATION TECHNOLOGY | | 1220 | 5401 | 000 | 000 | 1,247.99 | |
| | INFORMATION TECHNOLOGY | | 1220 | 3010 | 000 | 000 | (921.42) | |
| | INFORMATION TECHNOLOGY | | 1220 | 5401 | 000 | 000 | 921.42 | |
| | MANAGEMENT INFORMATION SYSTEMS | | 1222 | 3002 | 000 | 000 | (14,000.00) | |
| | MANAGEMENT INFORMATION SYSTEMS | | 1222 | 9001 | 000 | 000 | (8,000.00) | |
| 6/28/2018 | INFORMATION TECHNOLOGY | TO COVER RENEWAL FOR BACKUP BATTERY IN EQUIPMENT ROOM | 1220 | 3005 | 000 | 000 | 3,000.00 | |
| | INFORMATION TECHNOLOGY | | 1222 | 3004 | 000 | 001 | (3,000.00) | |
| 6/28/2018 | HUMAN RESOURCES | YOS GIFTS | 1203 | 3002 | 000 | 000 | (650.00) | |
| | HUMAN RESOURCES | | 1203 | 5415 | 000 | 000 | 650.00 | |
| 6/29/2018 | INFORMATION TECHNOLOGY | DELL PC REFRESH | 1220 | 5401 | 000 | 000 | (25,370.38) | |
| | INFORMATION TECHNOLOGY | | 1220 | 5401 | 000 | 004 | 25,370.38 | |
| 6/29/2018 | HUMAN RESOURCES | MEMBERSHIPS/BOOKS | 1203 | 5506 | 000 | 000 | (1,000.00) | |
| | HUMAN RESOURCES | | 1203 | 5411 | 000 | 000 | 1,000.00 | |
| 6/29/2018 | COMMONWEALTH'S ATTORNEY | PAYROLL PROMOTIONS 6/18 | 2201 | 1003 | 000 | 000 | (2,000.00) | |
| | COMMONWEALTH'S ATTORNEY | | 2201 | 1001 | 000 | 049 | 2,000.00 | |
| | FIRE AND RESCUE | | 3505 | 1003 | 000 | 003 | (715.00) | |
| | FIRE AND RESCUE | | 3505 | 1001 | 000 | 036 | 715.00 | |
| | FIRE AND RESCUE | | 3505 | 1007 | 000 | 001 | (270.00) | |
| | FIRE AND RESCUE | | 3505 | 1001 | 000 | 076 | 270.00 | |
| 7/2/2018 | INFORMATION TECHNOLOGY | COVER COMCAST BILL FOR JUNE | 1220 | 5204 | 000 | 000 | (225.00) | |
| | INFORMATION TECHNOLOGY | | 1220 | 5299 | 000 | 000 | 225.00 | |
| 7/9/2018 | INFORMATION TECHNOLOGY | COVER VERIZON WIRELESS | 1220 | 5204 | 000 | 000 | 800.00 | |
| | MANAGEMENT INFORMATION SYSTEMS | | 1220 | 5401 | 000 | 000 | (800.00) | |
| 7/9/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | ELECTRIC AT FREDERICK COUNTY MIDDLE SCHOOL | 4304 | 5101 | 000 | 000 | (605.36) | |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5101 | 000 | 010 | 605.36 | |
| 7/10/2018 | SHERIFF | EXPENSE FOR JUNE 2018 | 3102 | 5401 | 000 | 000 | (425.95) | |
| | SHERIFF | | 3102 | 3004 | 000 | 001 | 425.95 | |
| | SHERIFF | | 3102 | 5506 | 000 | 001 | (574.20) | |
| | SHERIFF | | 3102 | 3010 | 000 | 000 | 574.20 | |
| | SHERIFF | | 3102 | 5409 | 000 | 000 | (1,716.26) | |
| | SHERIFF | | 3102 | 5204 | 000 | 000 | 1,716.26 | |
| | SHERIFF | | 3102 | 5401 | 000 | 000 | (64.58) | |
| | SHERIFF | | 3102 | 5409 | 000 | 002 | 64.58 | |
| | SHERIFF | | 3102 | 5409 | 000 | 000 | (3,133.73) | |
| | SHERIFF | | 3102 | 5410 | 000 | 000 | 3,133.73 | |
| | SHERIFF | | 3102 | 5409 | 000 | 000 | (3,068.73) | |
| | SHERIFF | | 3102 | 5506 | 000 | 000 | 3,068.73 | |
| 7/10/2018 | SHERIFF | EXPENSES FOR JUNE FY18 DR. HILL | 3102 | 5401 | 000 | 000 | (800.00) | |
| | SHERIFF | | 3102 | 3001 | 000 | 000 | 800.00 | |
| 7/10/2018 | SHERIFF | UNIFORMS BOOTS FOR JUNE FY18 | 3102 | 5402 | 000 | 001 | (2,582.11) | |
| | SHERIFF | | 3102 | 5410 | 000 | 000 | 2,582.11 | |
| 7/10/2018 | SHERIFF | VEHICLE MAINTENANCE | 3102 | 5408 | 000 | 000 | (12,662.75) | |
| | SHERIFF | | 3102 | 3004 | 000 | 002 | 12,662.75 | |
| 7/10/2018 | BOARD OF SUPERVISORS | TO COVER DEFICIT IN BOOKS AND SUBSCRIPTIONS | 1101 | 3006 | 000 | 000 | (578.00) | |
| | BOARD OF SUPERVISORS | | 1101 | 5411 | 000 | 000 | 578.00 | |



We work with the people who work the land.

722-B East Queen Street
Strasburg, VA 22657
Telephone: (540) 465-2424, Ext. 5
Website: <http://lfsxcd.org>



June 28, 2018

Ms. Jennifer Place
Budget Analyst
County of Frederick
107 North Kent Street
Winchester, VA 22601

Dear Ms. Place,

Many thanks for your letter of June 26 announcing Frederick County's contribution of \$7,000 for the Lord Fairfax Soil and Water Conservation District.

Kindly convey our thanks to supervisors and staff for having made this possible.

I enclose herewith a copy of our quarterly newsletter, The Watershed.

Sincerely,

Richard W. Hoover
Chairman
Lord Fairfax SWCD

THE WATERSHED

June 2018



We work with the people who work the land.

BOARD OF DIRECTORS:

Joan Comanor, Shenandoah
Mary Gessner, Shenandoah
Kitty Hockman-Nicholas, Frederick
Marietta Cather Walls, Frederick
H.B. Simpson, Winchester
Michael Neese, Winchester
Richard Hoover, Warren
Ira Richards III, Warren
Wayne Webb, Clarke
Justin Mackay-Smith, Clarke
James Fagan, Shenandoah At-Large
C. Corey Childs, Warren At-Large
Bernard Nagelvoort, Associate Director
James Martin, Associate Director
Rick Stanford, Associate Director
Karen Gnegy, Associate Director
Vincent Dibenedetto, Associate Director

DISTRICT PERSONNEL:

Amanda Campbell, Administrative Assistant
Sheryl Ferguson, Support Staff
Dana Gochenour, Senior Conservation Specialist
Sam Truban, Conservation Specialist
Alison Sloop, Conservation Specialist
Nick Livesay, Conservation Specialist
Allyson Ponn, Education & Program Support Specialist

Welcome Message

From my understanding, it's been awhile since the district has had a newsletter. For me, I can think of no better way to introduce myself to everyone, conveniently all at once. For those of you who I have not had the pleasure of meeting yet, my name is Allyson Ponn and I am the new Education & Program Support Specialist for LFSWCD. I am so excited to be here, working with all of you and continuing the efforts done by our District.

During my first week, I did a lot of research through files, trying to grasp what I needed to do to fill my new role. Looking through archived documents, I found the following statement, which I believe sums up the newsletter purpose perfectly.

"A watershed is an area of land in which all the surface water collects and drains through a common point. Likewise, our goal is to collect information about conservation and natural resources and make it available to the public through a common publication - The Watershed."

I believe that this document, The Watershed, is a great way for all of us to stay connected. It is a great way for *everyone* to stay updated on *everything* going on in the District. So again, welcome to the official LFSWCD Newsletter, and thank you for this opportunity.

If you would like to add anything to the quarterly newsletter, or just want to say "hello", please feel free to contact me at allyson.ponn@lfswcd.org or (540) 465-2424 EXT 104.

All programs and services of the District are offered on a nondiscriminatory basis, without regard to race, color, national origin, religion, sex, age, marital status, handicap, or political affiliation.

The Commonwealth of Virginia supports Lord Fairfax Soil & Water Conservation District through financial and administrative assistance provided by the Department of Conservation and Recreation. Funding is also provided by Clarke, Frederick, Shenandoah and Warren Counties."

722 East Queen Street
Strasburg, Virginia 22657

(540) 465-2424, EXT 5

LFSWCD.ORG



Richard "Dick" Hoover, Warren County Director

The Lord Fairfax Soil and Water Conservation District continues the battle for cleaner water by working to exclude livestock from our streams and rivers and to promote the smarter management of soil, animal waste and nutrients. We have no doubt but that our efforts are contributing to the steady improvements, however slight, in the health of the Chesapeake Bay. The University of Maryland's Center for Environmental Science, for example, reports that decreased nutrient levels are significantly improving Chesapeake Bay health.

On other fronts, in 2017 the District received from the National Association of Conservation Districts a \$50,000 urban agriculture conservation grant to institute a self-sustaining Community Garden in Strasburg. We were one of only 19 districts nation-wide to be so awarded. I leave to our incredible staff the incredible details of how far this project has come, how it has engaged every corner of the Strasburg community.

As for the relatively new Virginia Conservation Assistance Program, which provides funding to reduce the environmental impact of urban storm water, the District has applied for funding to provide 4000 square feet of conservation landscaping in Warren County.

By the way: when asked if our increasing urban activities were not compromising our agricultural missions, Senior Conservation Specialist Dana Gochenour replied that "Lord Fairfax must be multi-faceted!"

Further, Lord Fairfax was fortunate to receive funding from the DuPont Settlement Grant for four projects totaling \$361,534. In Warren County alone, three of them will protect 25,710 linear feet of stream bank and improve grazing on 371 acres. (NOTE: five other stream exclusion projects are already in progress in Warren to protect 23,640 linear feet).

In addition, I am delighted to inform everyone that after several years Lord Fairfax has obtained funding to eliminate its vast backlog of 100 % cost share stream exclusion projects; with that behind us, we will again be able to provide cost share funding for Virginia's entire suite of Ag Best Management Practices, beginning in FY 2019.

Not least in our battle was the role played by our former Information and Education Coordinator, Jay Pinsky, whose weekly conservation columns in the Northern Virginia Daily earned him the Virginia Farm Bureau's Journalist of the Year Award for 2017. Great going, Jay!

Finally, after a highly competitive process, Lord Fairfax has hired Ms. Allyson Ponn of Strasburg as Education and Program Support Specialist. A 2015 graduate of James Madison University, Allyson concentrated on Environmental Studies and Agricultural Science. She is driven by the relationship between Soil/Water quality and food production--how one impacts the other. An expert in garden maintenance and community engagement, she comes to us from FoodCorps (as an Americorps program volunteer in Marshall, Arkansas) and from JMU (admissions counseling, education outreach and application processing management).

Allyson, Welcome Aboard!

2018 Dominion Envirothon Results

The LFSWCD Envirothon was held on April 4th at the Northern VA 4-H Education Center in Front Royal, Virginia. We had 4 teams compete this year: Two teams from Massanutten Regional Governor’s School, one from Mountain Vista Governor’s School and one team from Sherando High School.

The four teams each gave a 20-minute oral presentation on the special topic, Pasture Land Management, followed by field tests focused on soil, aquatics, forestry and wildlife. Even though it started as a rainy day,



the students were able to complete their rotations, with Mountain Vista Governor’s School winning this year’s local level Envirothon. Mountain Vista, as well as the two teams from Massanutten Regional went on to compete at the Area 1 Envirothon competition.

We would like to thank the following individuals for judging the field test stations: Brad Fink with the Department of Game and Inland Fisheries (Aquatics), Matt Wolanski with the Department of Forestry (Forestry), Fred Frenzel with the Department of Game and Inland Fisheries (Wildlife), and Don



Flegel with the Natural Resources Conservation Service (Soils). We would also like to thank Director Kitty Hockman-Nicholas for her food donation and every other volunteer that helped make this event a success.



LFSWCD Directors Dick Hoover and Wayne Webb, along with our Education Specialist, Allyson Ponn, joined the Virginia Association as volunteers for the state Envirothon Competition. This year’s competition was held at Ferrum College on May 20-21, featuring 12 teams from 10 districts.

Wayne acted as the official event photographer during the oral presentations, and escorted teams around the “in-the-field” test stations. Allyson was also a team escort, for the oral presentations and field stations. Dick helped judge the presentations, and acted as an official time keeper at the wildlife station.



| Overall Envirothon Competition Results | |
|--|---|
| 1 st | Jamestown High School - Colonial SWCD (pictured) |
| 2 nd | Fort Defiance High School - Headwaters SWCD |
| 3 rd | Louisa County High School - Thomas Jefferson SWCD |

2019 SPECIAL TOPIC

Agriculture and the Environment: Knowledge and Technology to Feed the World

What's Been Growing; Strasburg Community Garden Update

With the 2018 Growing Season well underway, growth is happening throughout the Strasburg Community Garden. All of the garden plots have been rented out to community members, with most showing the promise of sprouts and transplants. Plot holders have planted an array of garden favorites, including different tomato varieties, beans, herbs, carrots, greens and flowers.



All of the plot holders agreed to donate a portion of the produce grown as their "rental fee". Some of the plot holders, which are local organizations, plan to donate 100% of what's growing in their bed. We have set a goal to donate 250 pounds of produce this season, which will be given to two local food pantries: Restore Hope House and Compassion Cupboard.

By donating a portion of the produce grown, as well as conducting educational workshops for the community, the project hopes to connect people to their food. Ali, Nick, and the project partners hope to help the community understand where their food comes from, the effort behind production, as well as providing access to fresh, health food. Strasburg, Virginia is considered a "food desert", which means that our town has a high number of low-income families that are more than a mile away from a grocery store. By supporting projects like ours, and targeting these families, the Strasburg Community Garden hopes to create better access for our town, and empower its residents to lead healthier lives.



BEFORE:



Outside of the plots, we've added more aspects to the garden. Members of the Strasburg High School senior class, as part of a community "Give Back" day, helped install a Bioswale along the edge of the garden. Bioswales are designed to help control and manage stormwater runoff, typically from a larger impervious area. Our bioswale collects the water running through the culvert by the road, diverting it along the edge of the garden to drain at the opposite corner. In addition to digging the trench, students also planted the vegetation along the bioswale slope, including fruit bushes, herbs and grasses. A big "Thank You" to all of the students that helped with this project!

DURING:



AFTER:



Mark Your Calendars; Upcoming June Events

Wednesday, 13th: Composting 101 @ Pot Town Organics, 6:30-8pm
(This event is a kid friendly event)

Saturday, 16th: Fish Fry Float for Father's Day @ Strasburg Town Park,
11a-6pm (Hosted by the Town of Strasburg and Friends of the
North Fork. Garden tours and kids activities, 11am-3pm)

Wednesday 27th: Food Preservation Workshop @ United Methodist Church, 5:30-8pm

Chesapeake Bay Midpoint Assessment; Are We On Track?

The past few weeks have brought us rain and lots of it. The Winchester Star reported on June 4th that the region has gotten approximately 15 to 20 inches of rain over the past 30 days, with two major rain events falling within that time period. Flooding in the Shenandoah Valley and LFSWCD jurisdiction was remarkable, closing roads, bridges, and demanding repairs in some locations. Then there were some locations, like Ellicott City MD, that was engulfed in rain and flooding, getting their second 1,000-year rain event in just two years.

Now, we all know what happens when it rains and how our land must then process all of that water. However, when you have land that is already saturated from previous storms (like the month of May), all of that rain quickly becomes runoff. Runoff from our impervious surfaces like roads, parking lots, and buildings, and runoff from the land, like nutrients and sediment. All of which taking residence in our local streams and rivers, making its way to the Chesapeake Bay.

As you all know, in 2010, the six states impacting the Chesapeake Bay banded together with local agencies to reduce pollution within the watershed by 2025, creating the Clean Water Blueprint. Now, as the 2017 year comes to a close, we have reached the “halfway point” in this plan of action. So, are we on track?

According to Dr. Beth McGee, CBF’s Director of Science and Agriculture Policy, we are. As a collective, the plan hoped to reach 60% of the goal by the mid-way point. The watershed as a whole met the phosphorus and sediment goals, however we are still far behind for nitrogen. According to Dr. McGee, one-third of the nitrogen entering the bay is actually airborne, coming from our cars, agriculture and even from as far away as mid-west coal plants. Many of the states were relying on the several EPA Clean Air Act’s to cover this portion of the action plan, however most, if not all, are currently being rolled back under the Trump Administration. In the “Are We On Track” podcast published by the CBF, Dr. McGee said the following regarding the airborne nitrogen levels and Clean Air Act,

“We’re worried about looking forward, because we are counting on the projections, the future reductions we would expect to get as fleet cars turn over and become less polluting in the future.

We were counting on those reductions to achieve our goals. If.... we don’t get these regulations implemented, if they are rolled back, then we are going to lose those reductions we are counting on.”




Graphic posted to the CBF website for the Chesapeake Clean Water Blueprint, that shows where we are at the mid-way point. It lists progress and also challenged faced moving forward to 2025.

Chesapeake Bay Midpoint Assessment; Are We On Track? Cont.

Now, let's zoom in a little closer to home. Virginia, Maryland and Pennsylvania make up about 85% of the Chesapeake Watershed. Virginia and Maryland are doing better than Pennsylvania at this point in the process, meeting their overall 2017 goals. Pennsylvania missed their 2017 reduction goals, falling far behind in nitrogen. Most of PA is agriculture, with approximately 19,000 miles of impaired streams. The Foundation hopes that by targeting high-impact counties, and setting a goal for 10 million new trees, they can help the state reach its reduction goal for 2025.

As for the state of Virginia, we achieved some of our nitrogen and phosphorus goals, but none for sediment. The state of Virginia exceeded the Wastewater and Combined Sewer Outflow reduction goal, as well as the phosphorus goal for Agriculture. The state is still struggling with Urban and Suburban Runoff efforts on all three pollutants.

| | | Nitrogen | Phosphorus | Sediment |
|---|----------------------|-----------------|-----------------|-----------------|
|  | Agriculture | Did not achieve | Achieved | Did not achieve |
| | U&S Polluted Runoff† | Did not achieve | Did not achieve | Did not achieve |
| | Wastewater & CSO†† | Achieved | Achieved | N/A* |
| | ALL SOURCES | Achieved | Achieved | Did not achieve |

Key

| | | | |
|---|------------------------|----|---|
|  | Did not achieve | * | No contribution from this source sector |
|  | Within 5% of achieving | † | Urban & Suburban |
|  | Achieved | †† | Combined Sewer Outflow |

The good news is, we know what we've done up this point is working. The Chesapeake Bay is responding to all the work being done across the watershed. The CBF reports that they've seen a decrease in the "dead zone" area, and an increase in underwater grasses. The living resources within the Bay are responding well, so even though we are behind on our goals, what we are doing will eventually get us there. The Chesapeake Bay Foundation has high hopes moving forward, and so should we. With our cost-share backlog being funded, we can now expand our work across our jurisdiction to include more practices that will continue to have a positive impact on the Bay. All in a days work.

Read more about the Chesapeake Bay Clean Water Blueprint midpoint assessment at the following link: <http://www.cbf.org/how-we-save-the-bay/chesapeake-clean-water-blueprint/blueprint-progress-tracking.html>

Or, listen to CBF's podcast, "Turning the Tide", titled "Are We On Track" where President Will Baker and Dr. Beth McGee discuss the midpoint assessment, and moving forward: <http://www.cbf.org/news-media/multimedia/podcasts/83-are-we-on-track.html>



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

June 8, 2018

Cheryl B. Shiffler
Finance Director
County of Frederick
107 N. Kent Street
Winchester, VA 22601

Dear Ms. Shiffler:

A panel of independent reviewers has completed its examination of your Popular Annual Financial Report (PAFR) submitted to Government Finance Officers Association (GFOA). We are pleased to notify you that your PAFR for the fiscal year ended June 30, 2017, has substantially met the requirements of the PAFR Program. In the absence of authoritative standards governing the presentation, these requirements are based on an evaluation of information presented, reader appeal, understandability, distribution, and other elements (such as whether the PAFR is a notable achievement for the government given the government's type and size, and the PAFR's creativity and usefulness). The report received a weighted average score of 75.00 percent or above from three of the four highest individual reviews.

Each entity submitting a report to the PAFR Program is provided with confidential comments and suggestions for possible improvements in the subsequent year's presentation. Your comments and suggestions, as well as a "Summary of Grading" form, are enclosed. We urge you to carefully consider the suggestions offered by our reviewers as you prepare your next PAFR.

Continuing participants will find a Certificate and brass medallion enclosed with these results. The brass medallion may be mounted on your ten-year plaque. First-time recipients will find a Certificate enclosed with these results and will receive a plaque in approximately 10 weeks. The Award commemorates your achievement and may be used for formal presentations.

A current holder of a PAFR Award may include a reproduction of the Certificate in its immediately subsequent PAFR. A camera-ready copy of your Certificate is enclosed for that purpose. If you reproduce your Certificate in your next report, please refer to the enclosed instructions.

Cheryl B. Shiffler
June 8, 2018
Page 2

The PAFR Award is valid for one year. To continue your participation in the program, it will be necessary for you to submit your next PAFR to GFOA within six months of the end of your entity's fiscal year. Enclosed is an application to facilitate a timely submission. If submitting electronically, the completed application can be scanned and e-mailed along with a link to the electronic version of the PAFR. If hard copies are submitted, four copies of the completed application should be enclosed with four copies of the PAFR. The appropriate fee may be paid by credit card or check.

We appreciate your participation in this program, and we sincerely hope that your example will encourage others in their efforts to achieve and maintain a well-presented PAFR. If we can be of further assistance, please do not hesitate to contact the PAFR Program staff in the Technical Services Center at (312) 977-9700.

Sincerely,

A handwritten signature in black ink that reads "Michele Mark Levine". The signature is written in a cursive, flowing style.

Michele Mark Levine
Director, Technical Services Center

Enclosures



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806



June 18, 2018

Cheryl B. Shiffler
Finance Director
County of Frederick
107 North Kent Street
Winchester, VA 22601

Dear Ms. Shiffler:

We are pleased to notify you that your 2017 fiscal year end comprehensive annual financial report (CAFR) qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment. Congratulations for having satisfied the high standards of the program. We hope that your example will encourage others in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

A "Summary of Grading" form and a confidential list of comments and suggestions for possible improvements are enclosed. We want to strongly encourage the recommended improvements be made in the next report, and that the report be submitted to the program within six months of your next fiscal year end. Certificate of Achievement Program policy requires that written responses to the comments and suggestions for improvement accompany the next fiscal year's submission. The written responses should provide details about how each item is addressed within this report. These responses will be provided to those Special Review Committee members participating in the review. If a comment is unclear or there appears to be a discrepancy, please contact the Technical Services Center at (312) 977-9700 and ask to speak with a Certificate of Achievement Program in-house reviewer.

When a Certificate of Achievement for Excellence in Financial Reporting is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. An AFRA is enclosed for the preparer as designated on the application.

Continuing participants will find a brass medallion enclosed with these results. First-time recipients will receive a plaque in about 10 weeks. You may arrange for a formal presentation of the Award. We hope that appropriate publicity will be given to this notable achievement. A sample news release has been enclosed.

A current holder of a Certificate of Achievement may include a reproduction of the Certificate in its immediately subsequent CAFR. A camera-ready copy of your Certificate is enclosed for that purpose. If you reproduce your Certificate in your next report, please refer to the enclosed instructions. A Certificate of Achievement is valid for a period of one year.

A Certificate of Achievement Program application is posted on GFOA's website. This application must be completed and accompany your next submission. See sections III and IV of the application for instructions. **The entity's GFOA membership number appears on the attached comments and must be listed on the application.** Your continued interest in and support of the Certificate of Achievement Program is most appreciated. If we may be of any further assistance, please contact the Technical Services Center at (312) 977-9700.

Sincerely,

A handwritten signature in cursive script that reads "Michele Mark Levine".

Michele Mark Levine
Director, Technical Services Center



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

06/18/2018

For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
E-mail: mlevine@gfoa.org

(Chicago, Illinois)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **County of Frederick** by Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s) or department designated by the government as primarily responsible for preparing the award-winning CAFR.

The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

Government Finance Officers Association is a major professional association servicing the needs of nearly 19,000 appointed and elected local, state, and provincial-level government officials and other finance practitioners. It provides top quality publications, training programs, services, and products designed to enhance the skills and performance of those responsible for government finance policy and management. The association is headquartered in Chicago, Illinois, with offices in Washington, D.C.

D

PARKS AND RECREATION COMMISSION REPORT to the BOARD OF SUPERVISORS

Tuesday, June 12, 2018

7:00 p.m.

107 NORTH KENT STREET, WINCHESTER, VIRGINIA

To: Jay Tibbs, Deputy County Administrator for Human Services
From: Jason L. Robertson, Director, Parks & Recreation Dept.
Date: June 13, 2018
Subject: Parks and Recreation Commission Action

The Parks and Recreation Commission met on June 12, 2018. Members present were: Randy Carter, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, Amy Strosnider, Charles Sandy, Jr., and Robert Wells (Board of Supervisors' Non-Voting Liason). Members absent: Guss Morrison.

Items Requiring Board of Supervisors Action:

1. Master Plan-The Commission recommended adopting the Master Plan; Mr. Sandy moved to approve, seconded by Mr. Madagan, carried unanimously (7-0). Master Plan will be forwarded to the Board at a work session, date to be determined.

Submitted for Board Information Only:

1. Economic Disadvantage Fees Policy (500.08)-The Commission recommended adjusting the Economic Disadvantage Fee Policy (500.08) to allow County residents to utilize the PLAY Fund for basicREC, Camp basicREC, or ASE during the waiting period while economic eligibility status is being determined by the Frederick County Social Services Department. Mr. Madagan moved to approve the proposed change, seconded by Mr. Sandy, carried unanimously (7-0).

2. Youth Sports Committee-The Youth Sport Committee recommended forming a Youth Sports Partnership with the Top of Virginia Hockey Alliance to be facilitated at JWMS, seconded by Mrs. Strosnider, carried unanimously (7-0).

Cc: Randy Carter, Chairman
Robert Wells, Board of Supervisors' Non-Voting Liaison

+ +

PARKS AND RECREATION COMMISSION REPORT to the BOARD OF SUPERVISORS

Tuesday, July 10, 2018

7:00 p.m.

107 NORTH KENT STREET, WINCHESTER, VIRGINIA

To: Jay Tibbs, Deputy County Administrator for Human Services
From: Jason L. Robertson, Director, Parks & Recreation Dept.
Date: July 11, 2018
Subject: Parks and Recreation Commission Action

The Parks and Recreation Commission met on July 10, 2018. Members present were: Randy Carter, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan,, and Robert Wells (Board of Supervisors' Non-Voting Liason). Members absent: Guss Morrison, Amy Strosnider, Rusty Sandy.

Submitted for Board Information Only:

1. PLAY Fund -The Commission recommended requesting a supplemental appropriation from the Finance Committee in the amount of \$1270.50 to be moved from the PLAY Fund to the appropriate revenue codes which represents scholarships provided to County Youth during FY 18. Mr. Madagan moved to approve the request, seconded by Mr. Fordney, carried unanimously (5-0).

2. Building and Grounds Committee-The Building and Grounds Committee recommended accepting a \$15,000 donation from Blue Ridge Volleyball to build a sand court at Clearbrook Park and to upgrade the existing one, seconded by Mr. Longerbeam, carried unanimously (5-0).

Cc: Randy Carter, Chairman
Robert Wells, Board of Supervisors' Non-Voting Liaison

E

PUBLIC SAFETY COMMITTEE REPORT to the BOARD OF SUPERVISORS
Thursday, June 21, 2018
8:30 a.m.
1080 COVERSTONE DRIVE, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Chairman Bob Wells, Blaine Dunn, Helen Lake, Chuck Torpy.

Committee Members Absent: Walt Cunningham, Judy McCann-Slaughter.

Staff present: Director of Communications LeeAnna Pyles, Fire Chief Dennis Linaburg, Volunteer Fire & Rescue Association President Dan Cunningham, Deputy County Administrator Jay Tibbs, Sheriff Lenny Millholland, Deputy Director of Emergency Management Chester Lauck, Assistant County Attorney Erin Swisshelm, 1st Lieutenant Barry Kittoe and Human Resources Manager DeLois Blevins.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS: - None

ITEMS FOR INFORMATION ONLY

1. Review of Public Safety Committee charter (see attached):

The Committee reviewed the current Public Safety charter, there were no changes noted.

2. Departmental presentations:

Director LeeAnna Pyles, Chief Linaburg and Sheriff Millholland gave brief overviews of their respective departments which included staffing, statistics and general departmental information.

3. Sheriff's Criminal Investigations Division Workload:

Sheriff Millholland also presented an in depth look at his current Criminal Investigations Division (CID) staffing and workload. Currently there are 9 investigators tasked with investigating specific types of cases. Most cases can take months to complete and with multiple cases assigned to each investigator results in a very heavy workload. The Sheriff discussed the need to hire more investigators to alleviate some of this workload.

(Committee member Helen Lake had to leave the meeting and as a result a quorum was no longer present, so the Committee could not take any formal actions.)

4. Sheriff's Request for Armored Tactical Vehicle:

Sheriff Millholland spoke about his department's need for an armored tactical vehicle to transport the SWAT/TAC teams to incidents. He previously submitted a similar request to the Finance Committee, in April 2018, to transfer funds from the current year's budget to cover some of the costs. The Committee recommended denial of the request. The Sheriff presented the request to the Public Safety Committee for consideration and recommendation to the Finance Committee. He noted the proposed vehicle would cost somewhere between \$135,000-\$175,000 depending on vehicle add-ons and passenger capacity.

The consensus of the Public Safety Committee was to refer this request to the Finance Committee with a recommendation of approval for an appropriation of up to \$175,000 for the purchase of an armored tactical vehicle for the Sheriff's Department.

Respectfully submitted,

Public Safety Committee

Bob Welles
Judy McCann-Slaughter

Blaine Dunn
Helen Lake

Chuck Torpy
Walt Cunningham

Frederick County Board of Supervisor's Public Safety Committee Charter

I. Organization

There shall be a committee of the Board of Supervisors ("Board") of Frederick County, Virginia ("County") known as the Public Safety Committee ("Committee"). The Committee shall be comprised of three (3) members of the Board of Supervisors who will be appointed by the Chairman of the Board, with one appointed as Chair, and three (3) citizen members as appointed by the Chairman of the Board. Other members of the committee include: President of the Frederick County Fire & Rescue Association; Sheriff; Fire Chief; Director of Emergency Communications; County Administrator; County Attorney; Commonwealth's Attorney; and liaisons from the Winchester-Frederick General District Court and Winchester-Frederick Juvenile & Domestic Relations Court. This Charter shall govern the Committee with regard to its duties and responsibilities.

II. Purpose

The primary function of the Committee is to assist the Board in dealing with matters related to law enforcement and the criminal justice system of the county, court functions, fire and rescue functions, 911 service, the emergency communications center, and other related issues.

The Committee will primarily fulfill these responsibilities by carrying out the activities enumerated in Section IV of this Charter.

III. Meetings

The Committee shall meet bi monthly or more or less frequently as circumstances dictate. The Chairman of the Board, the Chairman of the Committee, or a majority of the Committee members may call or cancel meetings of the Committee. The Chairman of the Committee shall prepare or approve an agenda in advance of each meeting. Department heads or department representatives with items to be considered by the Committee shall be invited to the meetings. Other officials may be invited as necessary.

IV. Responsibilities

The Committee shall have the following duties and responsibilities:

1. Review and advise the Board of Supervisors with respect to public safety and law enforcement initiatives.
2. Prepare minutes of all meetings of the Committee, and report to the Board on the matters discussed at each Committee meeting, as appropriate.
3. Forward all recommendations to the Board of Supervisors for final approval.
4. Review and reassess annually the adequacy of this Charter, and conduct an annual self-assessment of this Committee's performance.
5. Perform any other activities consistent with this Charter, the County's goals, objectives and governing law, as the Committee or the Board deems necessary or appropriate.

(Approved Board of Supervisors Meeting of 03/14/2012; Revised 09/14/16)

F

TRANSPORTATION COMMITTEE REPORT to the BOARD OF SUPERVISORS
Monday, June 25, 2018
8:30 a.m.
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Gary Lofton Chairman (Voting), Judith McCann-Slaughter (Voting), Gary Oates (Liaison PC/Voting-left early), Barry Schnoor (Voting-left early), James Racey (Voting), and Lewis Boyer (Liaison Stephens City).

Committee Members Absent: Mark Davis (Liaison Middletown)

Staff present: Planning and Development Director Mike Ruddy, Assistant Director - Transportation John Bishop, Sherriff Lenny Millholland, Traffic Division Commander Lt. Warren Gosnell, and Kathy Smith, Secretary

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

1-SmartScale Project Support Resolution (Attached): Staff presented a resolution in support of all Regional SmartScale applications that are in Frederick County to the Committee.

Upon motions by Ms. Judith McCann-Slaughter, seconded by Mr. James Racey the Committee recommended that Staff forward the Resolution of Support of Frederick County Board of Supervisors for Frederick County and Regional SmartScale Applications to the Board of Supervisors for recommendation of approval. The motion was unanimously approved.

2-Intersection of Route 50 and Independence Agreements (Attached): Staff presented to the Committee the updated language drafts of the Transportation Partnership Opportunity Fund Agreement and Backstop Agreement.

Upon motions by Ms. Judith McCann-Slaughter, seconded by Mr. James Racey the Committee recommended that Staff forward the updated Transportation Partnership Opportunity Fund Agreement and Backstop Agreement to the Board of Supervisors for recommendation of approval. The motion was unanimously approved.

3-Interstate 81 Corridor Study (Resolution Attached): The corridor study is under the direction of the SB 971 for Interstate 81. The June 12, 2018 public meeting at Strasburg High School was well attended. This was just one (1) public meeting of three (3) within the area with VDOT. Staff will be making recommendations on formal comments for Frederick County.

ITEMS FOR INFORMATION ONLY

1-Safety Overview: Lt. Warren Gosnell, Traffic Division Commander with the Frederick County Sheriff's Office demonstrated the Traffic Records Electronic Data System (TREDS) software to the Committee. The TREDS is a database used by the Sheriff's office to identify crash data and related information. It addresses the highway safety concerns with the information entered by the Sheriff's Department Deputies.

2-County Projects Updates: Tevis Street Extension/Airport Road/I-81 Bridge: The right-of-way plats are nearly completed while VDOT completes the review of the 100% design. Once the right-of-way plats are complete, the County Attorney will be preparing deeds of dedication. VDOT comments are expected to be back by the end of June. The County, VDOT, and DHR have signed the Memorandum of Agreement for Historical Resources which will govern the installation of two interpretive signs along the corridor; we are just waiting for the signature from Shenandoah Valley Battlefield Foundation.

Renaissance Drive: The Geotech report has been received and a design kickoff meeting is being planned at the Staunton District Offices for mid-July. The State Environmental Review Process is also underway. Staff has received the fully executed preliminary engineering agreement from CSX for review of the bridge designs.

Coverstone Drive: No activity currently.

Jubal Early Drive Extension and Interchange with Route 37: No activity currently.

3-Upcoming Agenda Items: July: Route 11 South Stars-MPO, Transportation Forum
TBD: Oakdale Crossing Traffic Calming Study



**RESOLUTION OF SUPPORT
FREDERICK COUNTY BOARD OF SUPERVISORS
FOR FREDERICK COUNTY AND REGIONAL
SMARTSCALE APPLICATIONS**

Action:

BOARD OF SUPERVISORS: July 25, 2018

WHEREAS, this resolution supports the following Frederick County and Regional SmartScale Applications within Frederick County for the following projects:

Frederick County Applications

1. Exit 317 NB Ramp Realignment/Redbud Road
2. Route 11 North Corridor Improvements
3. Route 522 at Costello Drive Turn Lane and Intersection Operations Improvements
4. Route 11/Shawnee Drive/Opequon Church Lane Intersection Improvements

Winchester Frederick County MPO Applications

5. I-81 Exit 317 Accel/Decel Lane Extensions
6. I-81 Exit 307 Roundabouts
7. I-81 Exit 313 Bridge Capacity Improvement
8. I-81 Winchester Hard Running Shoulders

Northern Shenandoah Valley Regional Commission Applications

9. Route 11 South Corridor Enhancements

WHEREAS, the Virginia Department of Transportation (hereafter referred to as the DEPARTMENT) has adopted procedures for evaluating and scoring projects consistent with SmartScale requirements; and

WHEREAS, the DEPARTMENT has requested applications to be submitted by localities to be considered for inclusion in the DEPARTMENT'S Six-Year Improvement Program for Fiscal Years 2020 through 2025; and

WHEREAS, projects will be evaluated for inclusion in the Six-Year Improvement Program through screening and scoring process to be undertaken by the DEPARTMENT; and

WHEREAS, each of the listed projects play important roles in the County's long-range transportation plan, and near-term traffic safety concerns; and

WHEREAS, the County of Frederick is an eligible entity to apply for transportation funding under House Bill 2;

NOW, THEREFORE, BE IT RESOLVED THAT the Frederick County Board of Supervisors is supportive of each of these applications for inclusion into the Six-Year Improvement Program fiscal years 2020 through 2025.

ADOPTED, this 25th day of July 2018.

This resolution was approved by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Shannon G. Trout

Judith McCann-Slaughter

Blain P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

**Agreement Regarding Transportation Partnership Opportunity Fund Grant
To Frederick County for Intersection Improvements
At US Route 50/17 and Independence Drive (Route 1092)
Related to Navy Federal Credit Union Facility Expansion**

THIS AGREEMENT, made and dated this ___ day of _____, 2018, is made by and between the **COUNTY OF FREDERICK, VIRGINIA** (the “County”), a political subdivision of Virginia, and **NAVY FEDERAL CREDIT UNION** (“NFCU”), a federally chartered credit union.

RECITALS:

WHEREAS, NFCU has previously announced its intention to expand, equip, improve, and operate its support and service operations center located in Frederick County (the “Facility”), making a new capital investment of \$100,000,000 in Frederick County and creating and maintaining 1,400 new jobs in Frederick County, all as of December 31, 2022 (the “Expansion”); and

WHEREAS, NFCU anticipates receiving various state-level and local-level incentives for the Expansion, including, from the Commonwealth of Virginia, from the Commonwealth’s Development Opportunity Fund, from the Virginia Jobs Investment Program, and from a Virginia Economic Development Incentive Grant, and, from the County, through the County’s Economic Development Authority, a Local Economic Development Incentive Grant; and

WHEREAS, the Expansion will result in increased traffic to and from the Facility, including impacts to the intersection of US Route 50/17 and Independence Drive (Route 1092) (the “Intersection”); and

WHEREAS, to mitigate such impacts, various improvements, generally identified on the attached Exhibit A (Intersection Improvements Exhibit, August 22, 2017, prepared by Greenway Engineering), to the Intersection (the “Road Improvements”) are appropriate; and

WHEREAS, the County has applied for a Transportation Partnership Opportunity Fund (“TPOF”) Grant (the “TPOF Grant”), pursuant to the provisions of Section 33.2-1529.1 of the Code of Virginia, a copy of the application for the TPOF Grant being attached as Exhibit B, to provide funds to government entities to address the transportation aspects of economic development opportunities, the purpose of the application being to obtain funding for all or a portion of the construction and construction management of the Road Improvements (the construction and construction management of the Road Improvements being the “Road Improvements Project”); and

WHEREAS, as the TPOF Grant would be to the County, with the Virginia Department of Transportation (“VDOT”) administering the Road Improvements Project and NFCU providing for remaining funding for completion of the Road Improvements Project, to the extent that costs of the Road Improvements Project exceed the amount of the TPOF Grant; and

WHEREAS, the guidelines and criteria for TPOF require that a locality receiving TPOF grant funds enter into a TPOF agreement with VDOT governing the use of the TPOF grant funds

and that such agreement provide that, among other things, in the event an economic development project for which a TPOF grant is awarded does not meet the job creation/retention and capital investment levels by the performance date and maintain those levels throughout a thirty-six month period following such date, the government entity receiving funds from TPOF must repay a specified amount to TPOF; and

WHEREAS, the parties desire to provide a means by which NFCU is to reimburse the County (i) for any and all costs of the Road Improvements Project that may be incurred by the County, to the extent any and all costs exceed the amount of the TPOF Grant, and (ii) for any repayment the County must make to TPOF in the event NFCU fails to meet specified job creation/retention and capital investment levels by a specified performance date and maintain those levels throughout a thirty-six month period following such date.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of Ten Dollars, (\$10.00), cash in hand paid by each of the parties hereto unto the other, the receipt and sufficiency of which is hereby acknowledged, the parties do agree as follows:

THIS AGREEMENT supersedes the Agreement made and dated January 11, 2018, by and between the County and NFCU, as well as, as set forth in section 6a, any other prior understandings, whether oral or written, of the parties regarding the subject matter of the Agreement.

1. **RECITALS:** The Recitals are made a material part hereof and incorporated herein by reference as if set out in full.
2. **THE PERFORMANCE AGREEMENT:** NFCU and the County have entered into a Commonwealth's Development Opportunity Fund Performance Agreement (the "Performance Agreement"), for NFCU to receive various state-level and local-level incentives for the Expansion, including, from the Commonwealth of Virginia, from the Commonwealth's Development Opportunity Fund, from the Virginia Jobs Investment Program, and from a Virginia Economic Development Incentive Grant, and, from the County, through the County's Economic Development Authority, a Local Economic Development Incentive Grant.
3. **THE TPOF GRANT:** The County has received approval of its application for the TPOF Grant, in the amount of \$1,290,000.00, and the County may, in its reasonable discretion, enter in to a TPOF agreement (the "TPOF Agreement") with VDOT. In the event, however, that the County does not enter into the TPOF Agreement, or to the extent that the County does not receive TPOF Grant funds, then the parties shall have no further obligations to each other under this Agreement and this Agreement shall be otherwise null and void.
4. **NFCU'S PAYMENT OBLIGATIONS:**
 - a. As soon as practicable after being notified by VDOT of receipt by VDOT of the estimate for the Road Improvements Project, the County shall notify NFCU of the amount of the estimate, should it exceed the available awarded funding. Within five

- (5) working days thereafter, NFCU may notify the County that it does not wish to proceed with the Road Improvements Project, in which case the County shall notify VDOT of the same and request that VDOT not award a contract for the Road Improvements Project. If NFCU does not so notify the County, then the Road Improvements Project will proceed, subject to the other provisions of this Agreement.
- b. To the extent that any and all costs of the Road Improvements Project exceed the amount of the TPOF Grant, NFCU shall pay to the County such excess costs, within 30 days of receiving an invoice from the County for the same, with the County thereafter invoicing NFCU on a monthly basis as to previously unpaid excess costs and as to new incurred excess costs, subject, however, to the provisions of subsection c of this section.
 - c. In the event NFCU fails to meet the following job creation/retention and capital investment levels and, to the extent that VDOT, pursuant to the terms of the TPOF Grant, requires from the County the repayment of any or all of the TPOF Grant, NFCU shall pay upon 30 days written notice, on a pro rata basis based on the extent to which NFCU fails to meet the following job creation/retention and capital investment levels, to the County the amount equal to the repayment VDOT requires from the County:
 - i. New capital investment of \$100,000,000 in Frederick County by not later than December 31, 2022; and
 - ii. Creating and maintaining 1,400 new jobs in Frederick County, as of December 31, 2022; and
 - iii. Maintaining the levels in (i) and (ii) through and including December 31, 2025.
 - d. In the event NFCU fails to satisfy any outstanding obligations to the County under this Agreement, NFCU agrees that the County may, and authorizes the County to, withhold such sums from any amounts that may be due to NFCU from the County, including under the Performance Agreement, and including whether such amounts are pass-through funds from the Commonwealth's Development Opportunity Fund, the Virginia Jobs Investment Program, or a Virginia Economic Development Incentive Grant, or whether such amounts are from the County, through the County's Economic Development Authority, as a Local Economic Development Incentive Grant. Furthermore, NFCU indemnifies and holds harmless the County and its officials and employees from and against any and all claims against them that may arise from or relate to the withholding of funds as provided for in this section 4d.
5. **NOTICES:** All notices, demands, or other communications that may be necessary or proper hereunder shall be deemed duly given if personally delivered, or when deposited in the United States mail, postage prepaid, first class, registered or certified, return receipt requested, or when sent via a nationally recognized overnight courier, addressed respectively as follows:

County: County of Frederick
Department of Planning and Development
107 N. Kent Street
Winchester, VA 22601
Attn: John A. Bishop

With a copy to: County of Frederick
County Attorney
107 North Kent Street
Winchester, VA 22601
Attn: Roderick B. Williams

NFCU: Navy Federal Credit Union
141 Security Drive
Winchester, VA 22602
Attn: Susan Brooks

With a copy to: Navy Federal Credit Union
820 Follin Lane
Vienna, VA 22180
Attn: George Eichert

6. ENTIRE AGREEMENT; AMENDMENTS; TERM OF AGREEMENT; TIME:

- a. This Agreement constitutes the entire agreement of the parties and supersedes any prior understandings, whether oral or written, of the parties regarding the subject matter of the Agreement and no amendment to this Agreement shall be effective unless made in writing and signed by both parties.
- b. Time is of the essence with respect to all matters set forth in this Agreement.
- c. The provisions of this Agreement shall extend to the later of completion of construction of the Road Improvements Project or the date for completion of all of NFCU's obligations under section 4 of this Agreement.
- d. This Agreement shall be binding upon and the obligations and benefits hereof shall accrue to the parties hereto and their successors and assigns.

- 7. GOVERNING LAW; VENUE:** This Agreement shall be governed by and interpreted according to the laws of the Commonwealth of Virginia and any dispute hereunder shall be heard only in the Circuit Court of Frederick County, Virginia.

WITNESS the following signatures and seals:

COUNTY OF FREDERICK, VIRGINIA

By _____ (SEAL)

NAVY FEDERAL CREDIT UNION

[Handwritten Signature] SUP. ADMIN SERVICES

By *Teresa M. Roe* (SEAL)



TRANSPORTATION PARTNERSHIP OPPORTUNITY FUND
AWARD AGREEMENT

This **Award Agreement** (this “Agreement”) is made and entered into as of **July XX, 2018**, by and among the **Virginia Department of Transportation** (“VDOT” or the “Department”), an agency of the Commonwealth of Virginia (the “Commonwealth”), and the **County of Frederick, Virginia** (the “Recipient” or the “County”), a political subdivision of the Commonwealth.

Explanatory Statement

A. The Transportation Partnership Opportunity Fund (“TPOF” or the “Fund”) was created under Section §33.2-1529.1 of the Code of Virginia (the “Code”) to provide funds to address transportation aspects of economic development opportunities.

B. The Governor is authorized to award assistance from the Fund in various forms to an agency or political subdivision of the Commonwealth.

C. The Recipient is a duly created and validly existing political subdivision of the Commonwealth and is eligible to receive financial assistance from the Fund.

D. The Recipient submitted an application requesting **one million, two hundred and ninety thousand dollars (\$1,290,000.00)** in the form of a grant from the Fund to assist in **the US Route 50/17 and Independence Drive Intersection Improvements project** as defined in Exhibit A (the “Project Description” or the “Project”). The Project facilitates an economic development opportunity for the Commonwealth, thereby meeting the Transportation Evaluation Criteria established for the Fund, and VDOT is the entity selected by Frederick County to perform the work prescribed. The projected costs of the Project are identified in Exhibit B (the “Project Budget and Sources of Funds”) to this Agreement.

E. The TPOF Advisory Panel (the “Panel”) has evaluated the application and has found that it meets the requirements of the Code and the Transportation Evaluation Criteria established in the Fund’s Guidelines and Criteria, dated January 2016. The Panel recommended on **December 14, 2017** to the Secretary of Transportation and the Secretary of Commerce and Trade, an award by the Governor of a **one million, two hundred and ninety thousand dollars (\$1,290,000.00)** grant, subject to certain conditions.

F. On **January 11, 2018** the Governor approved the award of the **one million, two hundred and ninety thousand dollars (\$1,290,000.00)** (the “Grant”) to the Recipient. A copy of the Decision Brief signed by the Governor is provided as Exhibit C.

G. Sufficient monies exist in the Fund to consider the recipient’s request for financial assistance.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1. Purpose of Agreement. The purpose of this Agreement is to provide for the terms and conditions required for making the Grant, the disbursement and application or use of the proceeds of the Grant and other matters related thereto.

2. Disbursement Authorization and Application and Use of TPOF Grant Proceeds.

(a) Disbursement. The County will allow VDOT to administer the funds with concurrence to apply the grant funding after expenditures are incurred. Prior to applying the funding to VDOT incurred costs, the County will be provided project expenditure details to review the application of the Fund to those expenditures.

(b) Application and Use of Grant Proceeds. The Grant proceeds shall be used for the sole purpose of funding the cost and expenses of the activities and tasks undertaken by the Department in the development and procurement of the Project as generally summarized in the Project Budget and described in more detail in the Recipient's TPOF application (the "Work" or "Work Product"). Project expenditures, will be composed of but not limited to right-of-way acquisition, professional and inspection services, construction contractor payments and a contingency. The Grant will be limited to **one million, two hundred and ninety thousand dollars (\$1,290,000.00)** and along with the other identified monies, is expected to be adequate to fully fund the tasks identified in the Project Budget. Any Project cost exceeding the amount of the Grant shall be paid for by the Recipient using its own monies.

(c) As soon as practical after receipt of the estimate for the project, VDOT shall notify the County of the amount of the estimate should it exceed the available awarded funding. Thereafter, VDOT shall not proceed with award of the contract for the project until the County reviews and agrees to the amount of the estimate. If the County does not respond within 10 working days, the Department will assume the estimate is approved and proceed to enter into the contract as received.

(d) Performance Date. Means December 31, 2022. If the Recipient, in cooperation with VDOT, deems that full faith and reasonable efforts have been made and are being made by the Recipient to achieve the Targets, as defined in section 2(e), VDOT may extend the Performance Date by six (6) months. If the Performance Date is extended, this new Performance Date will for the purpose of this agreement be the Performance Date.

The Performance Date shall only be extended twice during the life of the Project.

(e) Targets. The Recipient agrees that the capital investment will be \$100,000,000 and the number of jobs created, as defined by the Commonwealth Opportunity Fund agreement dated will be 1,400. These amounts will be achieved on or prior to the Performance Date and shall be maintained for a total of thirty-six (36) months after the Performance Date.

The average annual wage of new jobs will be \$60,314.

The capital investment is limited to the capital investment specific for this grant.

(f) Reporting Period. The reporting period is from the date of this Agreement to thirty-six (36) months after the Performance Date.

3. Project Schedule.

Every good faith effort shall be made by the Recipient to cause the completion of components of the Work no later **December 31, 2019.**

4. Reports and Records.

(a) Maintenance Requirements. Full and detailed accounts and records shall be maintained, as appropriate, by the Department for the Project and the Grant and such controls shall be exercised as may be necessary for proper financial management, using accounting and control systems in accordance with generally accepted accounting principles and standards, so as to provide complete records to fully support the use of the Grant proceeds to pay any cost and/or expense charged to the Work. During the performance of the Work, access shall be afforded by the parties to each other and their representatives and agents to the records, books, correspondence, receipts, subcontracts, purchase orders, vouchers, memoranda and other data, including but not limited to electronic schedules and other electronic data (all collectively referred to as the "Books and Records") relating to the Work. Recipient's Books and Records shall be maintained at the Edinburg Residency located at 14031 Old Valley Pike Edinburg, VA 22824.

(b) Periodic Reports. On April 1 and October 1 of each year until the End of the Reporting Period, the Recipient shall provide to VDOT's Chief Financial Officer a summary outlining the use of the TPOF monies and the status of the Project. The Department will provide a project status update to the Recipient to support the report. This report should also provide an update on all progress made in order to achieve the Project's investment and employment Targets set forth in section 2(e) which the County will be responsible for obtaining. In addition, the Recipient shall promptly notify VDOT of any material events that could affect the Recipient's ability to meet its financial obligations toward the Project.

5. Extension in the Performance Date. If the Recipient has not achieved at least 90% of its new jobs and capital investment Targets by the Performance Date set forth in this agreement, an extension may be granted, as long as the Recipient can provide sufficient evidence to VDOT that a full faith effort is underway in achieving its Targets. Generally, an extension will be granted only in circumstances under which it is reasonable to believe that the Recipient is likely to make significant progress toward meeting its performance Targets by the extension date.

6. Failure of Compliance. If Targets are not met, the Recipient will be issued a Notice of Failure and will be held responsible for any repayments as calculated by VDOT. The recipient will have a period of Thirty (30) days to respond to a failure and

repayment notice, after which time the Recipient will be required and responsible for returning the grant monies to the Commonwealth within ninety (90) days of the Notice of Failure.

7. Repayment Obligation. Repayment obligations will be assessed based on an equal weighting of the Targets. In the event that the Project covers Jobs and Investment, each Target is weighted at 50% and the repayment obligation will be based on the combined level of failure to meet the Targets. For projects that only have a single Target, this Target will be the only calculation for repayment obligation.

The formula for calculating the failure for Job Targets

$$\frac{\text{Target Jobs less Actual Jobs}}{\text{Target Jobs}}$$

The formula for calculating the failure in Capital Investment Targets

$$\frac{\text{Target Capital Investment less Actual Capital Investment}}{\text{Target Capital Investment}}$$

A 100% claw back may be required if at any time VDOT concludes that the Recipient will be unable to meet its new jobs and capital investment Targets by the Performance Date OR a failure to reach Targets is equal or greater than 75% of the combined Targets.

8. Representations. The Recipient further represents, covenants and agrees as follows:

(a) The Recipient has full right, power and authority to execute and deliver this Agreement, to perform its obligations under the Agreement, and to carry out the tasks associated with the Work and the Project.

(b) Any of the transportation improvements completed with TPOF funds shall be accomplished using applicable industry standards and specifications.

(c) To the best of the Recipient's knowledge, there are no pending or threatened suits or actions of any nature that may have an adverse effect on the Recipient's condition (financial or otherwise) or its ability to perform under the Agreement and there has been no material adverse change in the financial condition of the Recipient as indicated in the information furnished to VDOT.

(d) The Recipient shall be responsible for all activities necessary to complete the Project and shall coordinate with Department staff for all reviews, approvals and necessary oversight as required.

9. Public Property. The Work Product shall not become private property, but shall become or remain public property following completion.

10. Amendment. The provisions of this Agreement may be amended, modified or waived only by written instrument executed by both parties.

11. Applicable Law. This Agreement shall be governed by and construed under the laws of the Commonwealth of Virginia.

12. Permits. The Recipient shall obtain all necessary permits for all Work associated with the Project.

13. Notices. All notices, approvals, consents, requests and other communications under this Agreement shall be in writing and shall be deemed to have been given when delivered in person, or when sent by Federal Express or a comparable express courier service, or when mailed by registered or certified mail, postage prepaid, addressed to the parties at the following addresses or such other addresses as a party may designate by prior written notice to the other:

(a) if to VDOT:

Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219
Attn: Chief Financial Officer

with a copy to:

Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219
Attn: Director, Financial Planning Division

and

Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219
Attn: Senior Assistant Attorney General, Chief - Transportation Section

(b) if to the Recipient:

County of Frederick
107 N. Kent Street, Suite 202
Winchester, VA 22601
Attn: Assistant Director, Transportation

14. Entire Agreement. This Agreement, together with the Exhibits, constitutes the entire agreement of the parties with respect to its subject matter and supersedes all prior or

contemporaneous, oral or written agreements or understandings with respect to such subject matter.

15. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but of which together shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties, intending to be legally bound, have executed this Agreement on the date first written above.

VIRGINIA DEPARTMENT OF TRANSPORTATION

By: _____

Name: Stephen C. Brich, P.E.

Title: Commissioner of Highways

Recipient

By: _____

Name: Kris Tierney

Title: County Administrator

EXHIBIT A
PROJECT DESCRIPTION

US Route 50/17 and Independence Drive Intersection Improvements

The TPOF Grant funds will be used to provide signalization and turn lane improvements. The project will be upgrading the intersection as follows:

- Implementation/extension of the westbound left turn lane on Route 50.
- Implementation/extension of the eastbound left turn lane on Route 50 to include drainage upgrades to allow for future double left.
- Implementation/extension of the eastbound right turn lane on Route 50.
- Turn lane improvements and widening of Independence Drive in the functional area of the intersection.

**EXHIBIT B
PROJECT BUDGET
AND SOURCES OF FUNDS**

US Route 50/17 and Independence Drive (Route 1092) Intersection Improvements

| TPOF Project Budget | |
|---|-----------------------|
| Task | Estimated Cost |
| VDOT Administered Construction | \$1,161,000 |
| Construction (10% contingency included) | \$129,000 |
| Total | \$1,290,000 |

| Sources of Funds | |
|---|---------------|
| Source | Amount |
| Transportation Partnership Opportunity Fund | \$1,290,000 |
| Total | \$1,290,000 |

**EXHIBIT C
EXECUTED DECISION BRIEF**

**Decision Brief
for
The Honorable Terence R. McAuliffe**

Request: Governor's action to award financial assistance from the Transportation Partnership Opportunity Fund (the "Fund" or "TPOF") to the County of Frederick (the "County") to complete intersection upgrades in support of the expansion of Navy Federal Credit Union located near the intersection of Route 50 and Independence Drive in Frederick County.

Recommendation: It is recommended that the Governor approve, subject to the conditions contained within, a TPOF grant of \$1,290,000 to the County of Frederick, Virginia.


John W. Lawson, VDOT CFO 12/21/2017
Date

CONCURRENCE

Secretary of Transportation:

Recommend
Recommend w/ Modification
Deny

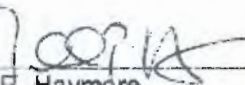

Aubrey L. Layne, Jr.

12-27-2017

Date

Secretary of Commerce and Trade:

Recommend
Recommend w/ Modification
Deny


Todd P. Haymore

1-8-17

Date

Secretary of Finance:

Recommend
Recommend w/ Modification
Deny


Richard D. Brown


1/8/18

Date

APPROVAL

Approve Approve w/ Modification Deny

Governor:


Terence R. McAuliffe

1/11/18
Date

**EXHIBIT D
REQUISITION FOR DISBURSEMENT**

[ON RECIPIENT LETTERHEAD]

[Date]

Mrs. Laura A. Farmer, Director
Financial Planning Division
Virginia Department of Transportation
1401 East Broad Street
Old Highway Building – 4th Floor
Richmond, Virginia 23219

Re: Transportation Partnership Opportunity Fund

Dear Mrs. Farmer:

This requisition, Number _____, is submitted in connection with the Grant Agreement dated as of _____ (the "Agreement"), between the Virginia Department of Transportation and _____ (the "Recipient").

The undersigned authorized representative of the Recipient hereby requests disbursement of proceeds under the Agreement in the amount of \$ _____, for the purposes of payment of project costs as set forth in Schedule 1 attached hereto.

Attached hereto are the invoices relating to the items for which payment is requested and that have been approved by the Recipient.

The undersigned certifies that i) the amounts requested by the requisition will be applied solely and exclusively to the payment, or to the reimbursement of the Recipient for the payment of project costs, and ii) any materials, supplies or equipment covered by this requisition are not subject to any lien or security interest or such lien or security interest will be released upon payment of the requisition.

This requisition includes an accompanying Certificate of the Project Manager/Project Engineer as to the performance of work.

Sincerely,

Recipient's Authorized Representative
Title

Attachments

SCHEDULE 1
TRANSPORTATION PARTNERSHIP OPPORTUNITY FUND
FORM TO ACCOMPANY REQUEST FOR DISBURSEMENT

REQUISITION NUMBER: _____

RECIPIENT: _____

PROJECT NAME: _____

CERTIFYING SIGNATURE: _____

TITLE: _____

| Cost Category | Amount Budgeted | Previous Disbursements | Expenditures This Period | Total Expenditures To Date | Net Balance Available |
|---------------|-----------------|------------------------|--------------------------|----------------------------|-----------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| TOTALS | | | | | |

Total Amount of Assistance
 Previous Disbursements
 Balance
 This Request
 Proceeds Remaining

**TRANSPORTATION PARTNERSHIP OPPORTUNITY FUND
CERTIFICATE OF THE PROJECT MANAGER/PROJECT ENGINEER
FORM TO ACCOMPANY REQUEST FOR DISBURSEMENT**

This Certificate is being executed and delivered in connection with Requisition Number _____, dated _____, 20____, submitted by the _____ (the "Recipient"), pursuant to the Grant Agreement dated _____, between the Virginia Department of Transportation and the Recipient.

The undersigned consulting engineer for the Recipient hereby certifies that, insofar as the amounts covered by this requisition include payments for labor or to contractors, builders or materialmen, i) such work was actually performed or such materials, supplies and/or equipment were actually furnished to or installed in the construction portion of the Transportation Partnership Opportunity Fund project and ii) expenditures for such work have not been submitted as a part of a previous requisition.

[Project Manager/Project Engineer Firm]

By: _____

Date: _____, 20____



**A RESOLUTION FOR THE BOARD OF SUPERVISORS
OF THE COUNTY OF FREDERICK, VIRGINIA
TO COMMENT ON THE
INTERSTATE 81 CORRIDOR STUDY**

At a regularly scheduled meeting of the Frederick County Board of Supervisors held on July 25, 2018, the following resolution was adopted:

WHEREAS, under Senate Bill 971 VDOT is conducting a corridor study for I-81; and,

WHEREAS, VDOT and the Office of Intermodal Planning and Investment are seeking comments from individuals and localities on various items under study; and,

WHEREAS, The Frederick County Board of Supervisors has congestion and safety concerns at all of the I-81 Interchanges but particularly Exits 307, 313, 315, 317, and 323 primarily during peak hours of operation; and

WHEREAS, The Frederick County Board of Supervisors has congestion and safety concerns for the through lanes of I-81, particularly the area between exit 310 and 317 through the majority of the operational day which results in numerous accidents and delays; and

WHEREAS, The Frederick County Board of Supervisors would continue to encourage the consideration of the future Route 37 Eastern loop as a potential alternative to I-81 widening or to reduce the extent of I-81 widening; and

WHEREAS, The Frederick County Board of Supervisors is supportive of analyzing various funding scenarios and particularly federal and state funding options so long as any proposed solution does not place an unequitable burden on Frederick County Taxpayers; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick hereby submits this resolution for the first round of public comments for the I-81 corridor study and looks forward to further opportunities for continued involvement.

Passed this 25th day of July 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

Robert W. Wells

J. Douglas McCarthy

Shannon G. Trout

Judith McCann-Slaughter

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

G



Memorandum

To: Frederick County Board of Supervisors

From: Mark R. Cheran, Zoning and Subdivision Administrator *MRC*

Date: July 18, 2018

RE: Whitehall Commerce Center – Business Boulevard

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

| | |
|--|------------|
| Business Boulevard, State Route Number 720 | 0.30 miles |
| Business Boulevard, State Route Number 720 | 0.09 miles |

Staff is available to answer any questions.

MRC/dlw



**RESOLUTION
BY THE
FREDERICK COUNTY BOARD OF
SUPERVISORS**

The Board of Supervisors of Frederick County, in regular meeting on the 25th day of July, adopted the following:

WHEREAS, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Frederick County; and

WHEREAS, the Resident Engineer of the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

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

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Blaine P. Dunn

Shannon G. Trout

Judith McCann-Slaughter

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

In the County of Frederick

By resolution of the governing body adopted July 25, 2018

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Whitehall Commerce Center

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

Business Boulevard, State Route Number 720

Old Route Number: 0

- From: 0.09 mile west of Route 11, Martinsburg Pike
To: Intersection with Route 669, Woodbine Road, a distance of: 0.30 miles.

Recordation Reference: N/A

Right of Way width (feet) = 80'

Street Name and/or Route Number

Business Boulevard, State Route Number 720

Old Route Number: 0

- From: Route 11, Martinsburg Pike
To: 0.09 mile west of Route 11, Martinsburg Pike, a distance of: 0.09 miles.

Recordation Reference: N/A

Right of Way width (feet) = 91'

H



COUNTY of FREDERICK

Jay E. Tibbs

Deputy County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

jtibbs@co.frederick.va.us

MEMORANDUM

| | |
|-----------------|---|
| TO: | Board of Supervisors |
| FROM: | Jay E. Tibbs, Deputy County Administrator <i>Jay E. Tibbs</i> |
| SUBJECT: | Northwestern Community Services Performance Contract |
| DATE: | July 18, 2018 |

Northwestern Community Services is responsible for assuring, based upon available resources, the delivery of publicly funded community-based behavioral health care services within the counties of Clarke, Frederick, Page, Shenandoah, and Warren and the City of Winchester. Each year Northwestern Community Services is required to enter into a performance contract with the Virginia Department of Behavioral Health and Development Services. A stipulation of the contract is a requirement that Northwestern Community Services submit this contract to the local governments of the served localities for approval. This approval does not create any additional burdens for the locality.

There is not budgetary impact to the locality as the contract is between Northwestern Community Services and the Virginia Department of Behavioral Health and Development Services. The local governing body is not a party to the contract. In fact, a local government's approval of the contract is signified by its approval of the community services board's budget request for local matching funds.

Frederick County is being asked to approve the Northwestern Community Services' performance contract. Given that the Board has previously approved the community services board's budgetary request, the approval of this performance contract is a formality.

Staff is seeking Board approval of the performance contract for Northwestern Community Services.

Attachment



Memorandum

To: County Administrators/City Manager *awp*
From: Michael F. Elwell, Chief Executive Officer *awp*
Re: Review of NWCS' Fiscal Year 2019 Performance Contract
Date: July 12, 2018

In accordance with State requirements, each locality is asked to review and endorse their area CSB's Performance Contract. Therefore, I am providing pertinent information from that document for your review as submitted to the Virginia Department of Behavioral Health and Developmental Services.

This document reflects allocated Federal, State and local funds, and other reimbursements to be received in order to carry out the work of our Board of Directors for FY 2019. Please note that these amounts are subject to change.

I am requesting that this be presented to your respective Board/Council for endorsement. **Please complete the bottom portion of this memo and return it to my office by September 26, 2018.**

If you have any specific questions, please do not hesitate to call.

Attachment

pc: Ms. Katie Russell, Chief Financial Officer
File

The Board of Supervisors/City Council of _____ reviewed and endorsed
Northwestern CSB's FY 2019 Performance Contract at its _____ meeting.

County Administrator/City Manager

FY 2019 And FY2020 Community Services Performance Contract

FY 2019 Exhibit A: Resources and Services

Northwestern Community Services

| Consolidated Budget (Pages AF-3 through AF-9) | | | | |
|--|------------------------------------|------------------------------------|--|-------------------|
| Funding Sources | Mental Health (MH) Services | Developmental (DV) Services | Substance Use Disorder (SUD) Services | TOTAL |
| State Funds | 5,526,056 | 165,120 | 1,330,138 | 7,021,314 |
| Local Matching Funds | 234,028 | 44,864 | 1,062,258 | 1,341,150 |
| Total Fees | 3,877,386 | 2,063,179 | 867,302 | 6,807,867 |
| Transfer Fees In/(Out) | 0 | 0 | 0 | 0 |
| Federal Funds | 57,993 | 0 | 732,613 | 790,606 |
| Other Funds | 127,540 | 0 | 0 | 127,540 |
| State Retained Earnings | 0 | 0 | 0 | 0 |
| Federal Retained Earnings | 0 | | 0 | 0 |
| Other Retained Earnings | 0 | 0 | 0 | 0 |
| Subtotal Ongoing Funds | 9,823,003 | 2,273,163 | 3,992,311 | 16,088,477 |
| State Funds One-Time | 0 | | 0 | 0 |
| Federal Funds One-Time | 0 | | 0 | 0 |
| Subtotal One -Time Funds | 0 | 0 | 0 | 0 |
| TOTAL ALL FUNDS | 9,823,003 | 2,273,163 | 3,992,311 | 16,088,477 |
| Cost for MH/DV/SUD Services | 8,083,231 | 2,273,163 | 2,831,151 | 13,187,545 |
| Cost for Emergency Services (AP-4) | | | | 2,231,343 |
| Cost for Ancillary Services (AP-4) | | | | 624,099 |
| Total Cost for Services | | | | 16,042,987 |

| Local Match Computation | |
|--|-----------|
| Total State Funds | 7,021,314 |
| Total Local Matching Funds | 1,341,150 |
| Total State and Local Funds | 8,362,464 |
| Total Local Match %
(Local / Total State + Local) | 16.04% |

| CSB Administrative Percentage | |
|--------------------------------------|------------|
| Administrative Expenses | 1,999,657 |
| Total Cost for Services | 16,042,987 |
| Admin / Total Expenses | 12.46% |

FY 2019 Exhibit A: Resources and Services

Mental Health (MH) Services
Northwestern Community Services

| Funding Sources | Funds |
|--|-----------|
| <u>FEES</u> | |
| MH Medicaid Fees | 3,877,386 |
| MH Fees: Other | 0 |
| Total MH Fees | 3,877,386 |
| MH Transfer Fees In/(Out) | 0 |
| MH Net Fees | 3,877,386 |
| <u>FEDERAL FUNDS</u> | |
| MH FBG SED Child & Adolescent (93.958) | 41,467 |
| MH FBG Young Adult SMI (93.958) | 0 |
| MH FBG SMI (93.958) | 16,526 |
| MH FBG SMI PACT (93.958) | 0 |
| MH FBG SMI SWVBH Board (93.958) | 0 |
| Total MH FBG SMI Funds | 16,526 |
| MH FBG Geriatrics (93.958) | 0 |
| MH FBG Peer Services (93.958) | 0 |
| Total MH FBG Adult Funds | 16,526 |
| MH Federal PATH (93.150) | 0 |
| MH Federal CABHI (93.243) | 0 |
| MH Federal Pre-Trial Diversion Initiative (16.745) | 0 |
| MH Other Federal - DBHDS | 0 |
| MH Other Federal - CSB | 0 |
| Total MH Federal Funds | 57,993 |
| <u>STATE FUNDS</u> | |
| <u>Regional Funds</u> | |
| MH Acute Care (Fiscal Agent) | 0 |
| MH Acute Care Transfer In/(Out) | 0 |
| Total MH Net Acute Care - Restricted | 0 |
| MH Regional DAP (Fiscal Agent) | 0 |
| MH Regional DAP Transfer In/(Out) | 1,035,042 |
| Total MH Net Regional DAP - Restricted | 1,035,042 |
| MH Regional Residential DAP - Restricted | 0 |
| MH Crisis Stabilization (Fiscal Agent) | 0 |
| MH Crisis Stabilization - Transfer In/(Out) | 0 |
| Total Net MH Crisis Stabilization - Restricted | 0 |
| MH Transfers from DBHDS Facilities (Fiscal Agent) | 0 |
| MH Transfers from DBHDS Facilities - Transfer In/(Out) | 0 |
| Total Net MH Transfers from DBHDS Facilities | 0 |

FY 2019 Exhibit A: Resources and Services

Mental Health (MH) Services
Northwestern Community Services

| <u>Funding Sources</u> | <u>Funds</u> |
|--|---------------|
| MH Recovery (Fiscal Agent) | 0 |
| MH Other Merged Regional Funds (Fiscal Agent) | 950,857 |
| MH Total Regional Transfer In/(Out) | <u>0</u> |
| Total MH Net Unrestricted Regional State Funds | 950,857 |
| Total MH Net Regional State Funds | 1,985,899 |
| <u>Children State Funds</u> | |
| MH Child & Adolescent Services Initiative | 113,382 |
| MH Children's Outpatient Services | <u>75,000</u> |
| Total MH Restricted Children's Funds | 188,382 |
| MH State Children's Services | 25,000 |
| MH Juvenile Detention | 65,880 |
| MH Demo Proj-System of Care (Child) | <u>0</u> |
| Total MH Unrestricted Children's Funds | 90,880 |
| MH Crisis Response & Child Psychiatry (Fiscal Agent) | 0 |
| MH Crisis Response & Child Psychiatry Transfer In/(Out) | <u>0</u> |
| Total MH Net Restricted Crisis Response & Child Psychiatry | 0 |
| Total State MH Children's Funds (Restricted for Children) | 279,262 |
| <u>Other State Funds</u> | |
| MH Law Reform | 331,492 |
| MH Pharmacy - Medication Supports | 274,679 |
| MH Jail Diversion Services | 0 |
| MH Assisted Living Facility Support | 0 |
| MH Docket Pilot JMHCP Match | 0 |
| MH Adult Outpatient Competency Restoration Services | 0 |
| MH CIT-Assessment Sites | 0 |
| MH Expand Telepsychiatry Capacity | 14,000 |
| MH Young Adult SMI | 0 |
| MH PACT | 850,000 |
| MH PACT - Forensic Enhancement | 0 |
| MH Gero-Psychiatric Services | 0 |
| MH Permanent Supportive Housing | 0 |
| MH STEP-VA | 270,000 |
| MH Expanded Community Capacity (Fiscal Agent) | 0 |
| MH Expanded Community Capacity Transfer In/(Out) | <u>0</u> |
| Total MH Net Expanded Community Capacity | 0 |
| MH First Aid and Suicide Prevention (Fiscal Agent) | 0 |
| MH First Aid and Suicide Prevention Transfer In/(Out) | <u>0</u> |
| Total MH Net First Aid and Suicide Prevention | 0 |
| Total MH Restricted Other State Funds | 1,740,171 |

FY 2019 Exhibit A: Resources and Services

Mental Health (MH) Services
Northwestern Community Services

| <u>Funding Sources</u> | <u>Funds</u> |
|--|------------------|
| MH State Funds | 1,520,724 |
| MH State Regional Deaf Services | 0 |
| MH State NGR1 Funds | 0 |
| MH Geriatrics Services | 0 |
| Total MH Unrestricted Other State Funds | 1,520,724 |
| Total MH Other State Funds | 3,260,895 |
| TOTAL MH STATE FUNDS | 5,526,056 |
| <u>OTHER FUNDS</u> | |
| MH Other Funds | 127,540 |
| MH Federal Retained Earnings | 0 |
| MH State Retained Earnings | 0 |
| MH State Retained Earnings - Regional Programs | 0 |
| MH Other Retained Earnings | 0 |
| Total MH Other Funds | 127,540 |
| <u>LOCAL MATCHING FUNDS</u> | |
| MH Local Government Appropriations | 234,028 |
| MH Philanthropic Cash Contributions | 0 |
| MH In-Kind Contributions | 0 |
| MH Local Interest Revenue | 0 |
| Total MH Local Matching Funds | 234,028 |
| Total MH Funds | 9,823,003 |
| <u>MH ONE TIME FUNDS</u> | |
| MH FBG SMI (93.958) | 0 |
| MH FBG SED Child & Adolescent (93.958) | 0 |
| MH FBG Peer Services (93.958) | 0 |
| MH State Funds | 0 |
| Total One Time MH Funds | 0 |
| Total MH All Funds | 9,823,003 |

FY 2019 Exhibit A: Resources and Services

Developmental Services (DV)
Northwestern Community Services

| <u>Funding Sources</u> | <u>Funds</u> |
|--|------------------|
| <u>FEES</u> | |
| DV Medicaid DD Waiver Fees | 0 |
| DV Other Medicaid Fees | 0 |
| DV Medicaid ICF/IDD Fees | 2,063,179 |
| DV Fees: Other | 0 |
| Total DV Fees | 2,063,179 |
| DV Transfer Fees In/(Out) | 0 |
| DV NET FEES | 2,063,179 |
| <u>FEDERAL FUNDS</u> | |
| DV Other Federal - DBHDS | 0 |
| DV Other Federal - CSB | 0 |
| Total DV Federal Funds | 0 |
| <u>STATE FUNDS</u> | |
| DV State Funds | 165,120 |
| DV OBRA Funds | 0 |
| Total DV Unrestricted State Funds | 165,120 |
| DV Rental Subsidies | 0 |
| DV Guardianship Funding | 0 |
| DV Crisis Stabilization (Fiscal Agent) | 0 |
| DV Crisis Stabilization Transfer In(Out) | 0 |
| DV Net Crisis Stabilization | 0 |
| DV Crisis Stabilization-Children (Fiscal Agent) | 0 |
| DV Crisis Stabilization-Children Transfer In(Out) | 0 |
| DV Net Crisis Stabilization -Children | 0 |
| DV Transfers from DBHDS Facilities (Fiscal Agent) | 0 |
| DV Transfers from DBHDS Facilities - Transfer In/(Out) | 0 |
| Total Net DV Transfers from DBHDS Facilities | 0 |
| Total DV Restricted State Funds | 0 |
| Total DV State Funds | 165,120 |
| <u>OTHER FUNDS</u> | |
| DV Workshop Sales | 0 |
| DV Other Funds | 0 |
| DV State Retained Earnings | 0 |
| DV State Retained Earnings-Regional Programs | 0 |
| DV Other Retained Earnings | 0 |
| Total DV Other Funds | 0 |

FY 2019 And FY2020 Community Services Performance Contract

FY 2019 Exhibit A: Resources and Services

Developmental Services (DV)
Northwestern Community Services

| <u>Funding Sources</u> | <u>Funds</u> |
|--------------------------------------|------------------|
| <u>LOCAL MATCHING FUNDS</u> | |
| DV Local Government Appropriations | 44,864 |
| DV Philanthropic Cash Contributions | 0 |
| DV In-Kind Contributions | 0 |
| DV Local Interest Revenue | 0 |
| Total DV Local Matching Funds | 44,864 |
| Total DV All Funds | 2,273,163 |

FY 2019 And FY2020 Community Services Performance Contract

FY 2019 Exhibit A: Resources and Services

Substance Use Disorder (SUD) Services

Northwestern Community Services

| <u>Funding Sources</u> | <u>Funds</u> |
|---|----------------|
| <u>FEES</u> | |
| SUD Medicaid Fees | 409,875 |
| SUD Fees: Other | 457,427 |
| Total SUD Fees | 867,302 |
| SUD Transfer Fees In/(Out) | 0 |
| SUD NET FEES | 867,302 |
| <u>FEDERAL FUNDS</u> | |
| SUD FBG Alcohol/Drug Treatment (93.959) | 400,532 |
| SUD FBG SARPOS (93.959) | 92,780 |
| SUD FBG Jail Services (93.959) | 0 |
| SUD FBG Co-Occurring (93.959) | 9,643 |
| SUD FBG New Directions (93.959) | 0 |
| SUD FBG Recovery (93.959) | 0 |
| SUD FBG MAT - Medically Assisted Treatment (93.959) | 0 |
| Tota SUD FBG Alcohol/Drug Treatment Funds | 502,955 |
| SUD FBG Women (includes LINK at 6 CSBs) (93.959) | 78,127 |
| SUD FBG Prevention-Women (LINK) (93.959) | 0 |
| Total SUD FBG Women Funds | 78,127 |
| SUD FBG Prevention (93.959) | 151,531 |
| SUD FBG Prev-Family Wellness (93.959) | 0 |
| Total SUD FBG Prevention Funds | 151,531 |
| SUD Federal VA Project LINK/PPW (93.243) | 0 |
| SUD Federal CABHI (93.243) | 0 |
| SUD Federal Strategic Prevention (93.243) | 0 |
| SUD Federal YSAT – Implementation (93.243) | 0 |
| SUD Federal OPT-R - Prevention (93.788) | 0 |
| SUD Federal OPT-R - Treatment (93.788) | 0 |
| SUD Federal OPT-R - Recovery (93.788) | 0 |
| Total SUD Federal OPT-R Funds (93.788) | 0 |
| SUD Other Federal - DBHDS | 0 |
| SUD Other Federal - CSB | 0 |
| TOTAL SUD FEDERAL FUNDS | 732,613 |
| <u>STATE FUNDS</u> | |
| <u>Regional Funds</u> | |
| SUD Facility Reinvestment (Fiscal Agent) | 0 |
| SUD Facility Reinvestment Transfer In/(Out) | 0 |
| Total SUD Net Facility Reinvestment | 0 |
| SUD Transfers from DBHDS Facilities (Fiscal Agent) | 0 |
| SUD Transfers from DBHDS Facilities - Transfer In/(Out) | 0 |
| Total Net SUD Transfers from DBHDS Facilities | 0 |

FY 2019 And FY2020 Community Services Performance Contract

FY 2019 Exhibit A: Resources and Services

Substance Use Disorder (SUD) Services

Northwestern Community Services

| <u>Funding Sources</u> | <u>Funds</u> |
|--|------------------|
| <u>Other State Funds</u> | |
| SUD Community Detoxification | 0 |
| SUD Women (includes LINK at 4 CSBs) (Restricted) | 16,200 |
| SUD Recovery Employment | 0 |
| SUD MAT - Medically Assisted Treatment | 0 |
| SUD Peer Support Recovery | 130,425 |
| Total SUD Restricted Other State Funds | 146,625 |
| SUD State Funds | 1,139,569 |
| SUD Region V Residential | 0 |
| SUD Jail Services/Juvenile Detention | 0 |
| SUD SARPOS | 43,944 |
| SUD Recovery | 0 |
| SUD HIV/AIDS | 0 |
| Total SUD Unrestricted Other State Funds | 1,183,513 |
| Total SUD Other State Funds | 1,330,138 |
| TOTAL SUD STATE FUNDS | 1,330,138 |
| <u>OTHER FUNDS</u> | |
| SUD Other Funds | 0 |
| SUD Federal Retained Earnings | 0 |
| SUD State Retained Earnings | 0 |
| SUD State Retained Earnings-Regional Programs | 0 |
| SUD Other Retained Earnings | 0 |
| Total SUD Other Funds | 0 |
| <u>LOCAL MATCHING FUNDS</u> | |
| SUD Local Government Appropriations | 1,062,258 |
| SUD Philanthropic Cash Contributions | 0 |
| SUD In-Kind Contributions | 0 |
| SUD Local Interest Revenue | 0 |
| Total SUD Local Matching Funds | 1,062,258 |
| Total SUD Funds | 3,992,311 |
| <u>SUD ONE-TIME FUNDS</u> | |
| SUD FBG Alcohol/Drug Treatment (93.959) | 0 |
| SUD FBG Women (includes LINK-6 CSBs) (93.959) | 0 |
| SUD FBG Prevention (93.959) | 0 |
| SUD State Funds | 0 |
| Total SUD One-Time Funds | 0 |
| Total All SUD Funds | 3,992,311 |

FY 2019 And FY2020 Community Services Performance Contract

FY 2019 Exhibit A: Resources and Services

Local Government Tax Appropriations

Northwestern Community Services

| City/County | Tax Appropriation |
|--|--------------------------|
| Shenandoah County | 240,646 |
| Winchester City | 222,306 |
| Warren County | 303,298 |
| Clarke County | 92,000 |
| Page County | 86,227 |
| Frederick County | 396,673 |
| Total Local Government Tax Funds: | 1,341,150 |

FY 2019 And FY2020 Community Services Performance Contract

FY 2019 Exhibit A: Resources and Services

Supplemental Information

Reconciliation of Projected Resources and Core Services Costs by Program Area

Northwestern Community Services

| | MH
Services | DV
Services | SUD
Services | Emergency
Services | Ancillary
Services | Total |
|--|------------------------|------------------------|-------------------------|-------------------------------|-------------------------------|--------------|
| Total All Funds (Page AF-1) | 9,823,003 | 2,273,163 | 3,992,311 | | | 16,088,477 |
| Cost for MH, DV, SUD,
Emergency, and Ancillary Services | 8,083,231 | 2,273,163 | 2,831,151 | 2,231,343 | 624,099 | 16,042,987 |
| Difference | 1,739,772 | 0 | 1,161,160 | -2,231,343 | -624,099 | 45,490 |

Difference results from

Other: 45,490

Explanation of Other in Table Above:

\$45,490 not reflected in core services as this relates to Boxwood Regional Program.

FY 2019 And FY2020 Community Services Performance Contract

FY 2019 Exhibit A: Resources and Services

CSB 100 Mental Health Services
Northwestern Community Services

Report for Form 11

| Core Services | Projected Service Capacity | Projected Numbers of Individuals Receiving Services | Projected Total Service Costs |
|------------------------------------|----------------------------|---|-------------------------------|
| 310 Outpatient Services | 10 FTEs | 100 | \$1,014,268 |
| 312 Medical Services | 10 FTEs | 1950 | \$1,035,678 |
| 350 Assertive Community Treatment | 60 FTEs | 10 | \$1,064,613 |
| 320 Case Management Services | 31 FTEs | 1550 | \$3,290,357 |
| 425 Mental Health Rehabilitation | 33 Slots | 70 | \$643,272 |
| 521 Intensive Residential Services | 26.59 Beds | 40 | \$1,035,043 |
| | Totals | 3,720 | \$8,083,231 |

FY 2019 And FY2020 Community Services Performance Contract

FY 2019 Exhibit A: Resources and Services

CSB 200 Developmental Services

Northwestern Community Services

Report for Form 21

| Core Services | Projected
Service
Capacity | Projected
Numbers of
Individuals
Receiving
Services | Projected
Total
Service
Costs |
|-------------------------------------|----------------------------------|---|--|
| 320 Case Management Services | 22 FTEs | 700 | \$1,760,949 |
| 430 Sheltered Employment | 10.9 Slots | 17 | \$61,958 |
| 551 Supervised Residential Services | 1.82 Beds | 3 | \$99,212 |
| 581 Supportive Residential Services | 2 FTEs | 23 | \$351,044 |
| Totals | | 743 | \$2,273,163 |

FY 2019 And FY2020 Community Services Performance Contract

FY 2019 Exhibit A: Resources and Services

CSB 300 Substance Use Disorder Services

Northwestern Community Services

Report for Form 31

| Core Services | Projected Service Capacity | Projected Numbers of Individuals Receiving Services | Projected Total Service Costs |
|------------------------------------|----------------------------|---|-------------------------------|
| 310 Outpatient Services | 4.25 FTEs | 700 | \$1,449,623 |
| 312 Medical Services | 4 FTEs | 200 | \$659,689 |
| 313 Intensive Outpatient Services | 1 FTEs | 30 | \$80,932 |
| 320 Case Management Services | 5 FTEs | 36 | \$344,686 |
| 521 Intensive Residential Services | 3.81 Beds | 26 | \$128,546 |
| 610 Prevention Services | 1.15 FTEs | | \$167,675 |
| Totals | | 992 | \$2,831,151 |

FY 2019 And FY2020 Community Services Performance Contract

FY 2019 Exhibit A: Resources and Services

CSB 400 Emergency and Ancillary Services

Northwestern Community Services

Report for Form 01

| Core Services | Projected Service Capacity | Projected Numbers of Individuals Receiving Services | Projected Total Service Costs |
|--|----------------------------|---|-------------------------------|
| 100 Emergency Services | 20.25 FTEs | 2344 | \$2,231,343 |
| 390 Consumer Monitoring Services | 1.6 FTEs | 250 | \$278,357 |
| 730 Consumer Run Services (No. Individuals Served) | | | \$345,742 |
| Totals | | 2,594 | \$2,855,442 |

FY 2019 And FY2020 Community Services Performance Contract

Table 2: Board Management Salary Costs

| Name of CSB: | Northwestern Community Services | | FY 2019 | | |
|---------------------------|---------------------------------|--------------|--------------|---------------|--------|
| Table 2a: | FY 2019 | Salary Range | | Budgeted Tot. | Tenure |
| Management Position Title | Beginning | Ending | Salary Cost | (yrs) | |
| Executive Director | | | \$146,711.00 | 2.80 | |

Table 2: Integrated Behavioral and Primary Health Care Questions

1. Is the CSB participating in a partnership with a federally qualified health center, free clinic, or local health department to integrate the provision of behavioral health and primary health care?

Yes

2. If yes, who is the partner?

a federally qualified health center

Name:

a free clinic

Name: St. Luke and Shenandoah Free Clinics

a local health department, or

Name:

another organization

Name: Shenandoah Pediatrics

3. Where is primary health (medical) care provided?

on-site in a CSB program,

on-site at the primary health care provider, or

another site --specify:

4. Where is behavioral health care provided?

on-site in a CSB program,

on-site at the primary health care provider, or

another site --specify:

I



COUNTY of FREDERICK

Jay E. Tibbs
Deputy County Administrator

540/665-5666
Fax 540/667-0370

E-mail:
jtibbs@fcva.us

MEMORANDUM

| | |
|----------|---|
| TO: | Board of Supervisors |
| FROM: | Jay E. Tibbs, Deputy County Administrator <i>Jay E. Tibbs</i> |
| SUBJECT: | Resolution Commenting on CoLG Report on Annexation Alternatives |
| DATE: | July 19, 2018 |

Attached for the Board's consideration please find attached a proposed resolution supporting certain concepts identified in the Commission on Local Government's draft report on annexation alternatives. By way of background, during the 2016 regular session of the General Assembly, the existing moratoria for city annexation, county immunity from annexation, and the granting of new city charters was extended until 2024. In addition, the Commission on Local Government was directed to study and provide a report to the General Assembly on the following:

1. Evaluate the structure of cities and counties in the Commonwealth;
2. Evaluate the impact of annexation upon localities;
3. Consider alternatives to the current moratorium on annexation by cities; and
4. Consult with and seek input from the Virginia Municipal League, Virginia Association of Counties, and localities directly affected by moratorium.

A copy of the full draft report is attached for your reference and information.

Staff has prepared the attached resolution supporting certain concepts identified in the study, those being:

- Support for making the annexation moratoria permanent;
- Granting additional powers to counties through reversion and other interlocal agreements, which could include, but not be limited to, granting/relaxing taxing and debt power/limits to counties affected by reversion and granting/relaxing taxing and debt powers/limits to counties that participate in economic growth-sharing agreements;

- incentivizing additional regional cooperation and regional programs through restoration of previous funding levels to Planning District Commissions and evaluation of other state programs to identify opportunities for more regional focus; and
- modifying consolidation statutes to remove obstacles including removing or altering the required voter referendum for local consolidation.

The Commission on Local Government will hold a hearing in Staunton on September 4, 2018 at which the Commission will be accepting comments on the proposed draft report. If the Board endorses the attached resolution, staff will forward it to the Commission.

Attachment

**RESOLUTION SUPPORTING CONCEPTS FROM THE
COMMISSION ON LOCAL GOVERNMENT
DRAFT REPORT ON ANNEXATION ALTERNATIVES**

WHEREAS, the structure of Virginia local government originated from a need to meet certain service needs of citizens at a more geographical proximate level; and

WHEREAS, counties were established as the general form of local government with a mandate to provide a standard level of service; and

WHEREAS, cities and towns originated to provide urban types of services such as police and water and sewer infrastructure, in addition to other mandated services; and

WHEREAS, cities in Virginia are independent, which means they do not share in some services or tax bases with counties, in the same manner as towns, this feature being unique to Virginia; and

WHEREAS, annexation has been historically used to allow cities and towns to extend the delivery of service and for future economic development, which allowed cities and towns to grow their tax base; and

WHEREAS, annexations have caused disputes and other disagreements which have resulted in costly and lengthy legal battles and created a general sprit of distrust and hostility between many of Virginia's cities and counties; and

WHEREAS, the General Assembly, during its 2016 regular session, extended the existing moratoria for city annexation, county immunity from city annexation, and the granting of new city charters until 2024 and directed the Commission on Local Government to study and provide a report to the General Assembly by 2018 on the following:

1. Evaluate the structure of cities and counties in the Commonwealth;
2. Evaluate the impact of annexation upon localities;
3. Consider alternatives to the current moratorium; and
4. Consult with and seek input from the Virginia Municipal League, Virginia Association of Counties and localities directly affected by the moratorium; and

WHEREAS, the Commission on Local Government prepared a draft report regarding annexation alternatives dated June 2018; and

WHEREAS, the Commission believes that granting cities the ability to annex in the future to be a very low probability and an ineffective solution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, supports making the annexation moratoria permanent; and

BE IT FURTHER RESOLVED, that this Board supports the concept of granting additional powers to counties through reversion and other interlocal agreements, which could include, but not be limited to, granting/relaxing taxing and debt power/limits to counties affected by reversion and granting/relaxing taxing and debt powers/limits to counties that participate in economic growth-sharing agreements; and

BE IT FURTHER RESOLVED, that this Board supports the concept of incentivizing additional regional cooperation and regional programs through restoration of previous funding levels to Planning District Commissions and evaluation of other state programs to identify opportunities for more regional focus; and

BE IT FURTHER RESOLVED, that this Board supports the concept of modifying consolidation statutes to remove obstacles to include removing or altering the required voter referendum for local consolidation.

ADOPTED this _____ day of July, 2018.

VOTE:

Charles S. DeHaven, Jr. _____
Gary A. Lofton _____
Blaine P. Dunn _____
J. Douglas McCarthy _____

Judith McCann-Slaughter _____
Shannon G. Trout _____
Robert W. Wells _____

Kris C. Tierney, Clerk
Frederick County Board of Supervisors

**REPORT ON
ANNEXATION ALTERNATIVES**



**Commission on Local Government
Commonwealth of Virginia**

June 2018

Acknowledgements

The Commission on Local Government would like to thank the General Assembly for the opportunity to examine this matter, especially given the time that has elapsed since enactment of the moratoria. In order to conduct a thorough study and reach our recommendations, the Commission requested and benefited from the assistance of a talented and collegial group of people and organizations. Therefore, the Commission would like to formally recognize and thank the following people and organizations for their contributions to this effort:

Mr. David Blount, Thomas Jefferson Planning District Commission
Mr. C. Richard Cranwell, Cranwell and Moore, PLC
Mr. Carter Glass, IV, Troutman Sanders
Ms. Michelle Gowdy, Virginia Municipal League
Ms. Kelly Harris-Braxton, Virginia First Cities
Mr. Kurt Hodgen, former City Manager, Harrisonburg
Mr. Stephen King, County Administrator, Rockingham
Mr. Joe Lerch, Virginia Association of Counties
Dr. John Moeser, University of Richmond
Mr. Kimball Payne, former City Manager, Lynchburg; former County Administrator, Spotsylvania
Mr. Jim Regimbal, Fiscal Analytics, Ltd.
Mr. Jeff Sharp, Virginia Department of Legislative Services
Mr. Brian Thrower, City Manager, Emporia
Mr. David Whittington, County Administrator, Greensville
The Central Shenandoah Planning District Commission
The Thomas Jefferson Planning District Commission
The Virginia Housing Development Authority
Staff at the Virginia Department of Housing and Community Development

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Executive Summary

During the 2016 regular session of the General Assembly, the existing moratoria for city annexation, county immunity from city annexation, and the granting of new city charters was extended until 2024 (Appendix A). Additionally, the Commission on Local Government (CLG) was directed to study and provide a report to the General Assembly by Dec. 1, 2018, on the following:

1. Evaluate the structure of cities and counties in the Commonwealth;
2. Evaluate the impact of annexation upon localities;
3. Consider alternatives to the current moratorium on annexation by cities; and
4. Consult with and seek input from the Virginia Municipal League, Virginia Association of Counties and localities directly affected by moratorium.

Pursuant to § 15.2-2900 of the Code of Virginia, the CLG was established as a way “to create a procedure whereby the Commonwealth will help ensure that all of its localities are maintained as viable communities in which their citizens can live.” Complementary to that charge and for purposes of this study, the CLG established a guiding principle for its evaluation and consideration of alternatives. The CLG believes that healthy, viable local governments are critical to the well-being of the Commonwealth and that a harmonious and successful relationship between and among the Commonwealth and its localities ensures greater health, welfare, and prosperity for all of the Commonwealth’s citizens and businesses.

Virginia’s local government structure originated from a need to meet certain service needs of citizens at a more geographically proximate level. Counties were established as the general form of local government with the mandate to provide a standard level of service, while cities and towns originated to provide urban types of services, such as police and water and sewer infrastructure, in addition to other standard mandated services. While towns were established as component units of counties, thereby sharing some services and tax bases with counties, all of Virginia’s cities are independent, which means they do not – by default – share these matters with counties. This feature distinguishes Virginia from every other state in the nation.

Because of their independent status, city annexation removes such area – including the tax base – from the affected county forever. Historically, annexation was usually perceived as reasonable and uncontested. Cities and towns annexed to encapsulate areas of extended or planned service delivery, especially urban services, and for future economic development. It allowed the city or town to grow its tax base and connect communities of interest. More recent circumstances, such as urbanization of counties and race relations, made annexation challenging and created a contentious environment. Some counties and towns consolidated to form new cities to prevent future annexation, while other eligible urbanized counties declared themselves statutorily immune from city annexation and the establishment of new independent cities. Meanwhile, other cities aggressively pursued final annexation efforts. Overall, these annexation disputes and other disagreements resulted in costly and lengthy legal battles and created a general spirit of distrust and hostility between many of Virginia’s cities and counties.

In an effort to address the controversial circumstances surrounding city annexation in Virginia, the Commonwealth commissioned a number of studies on this and other related matters. On two such occasions (1971 and 1987), temporary moratoria on annexation were enacted while the studies were underway. While some recommendations were implemented with varying degrees of success, others were left unaddressed, and the final temporary moratoria enacted in 1987 remain in effect today. Furthermore, despite including a compromise that would lift the moratoria if certain funds were not appropriated based on a statutory formula, exceptions to this requirement for 12 biennial cycles (including three future biennia) have been enacted. Moreover, the moratoria have remained for so long that many leaders present during enactment of the 1987 moratoria are no longer serving in the same capacity. Of the current 140 sitting elected Delegates and Senators in the Virginia General Assembly, only three were in office at the time.

Consequently, with a few exceptions, Virginia cities and counties have remained in the same geographic form for over 30 years. Conversely, nearly 50 town and county annexation-related matters have continued to occur, likely – in part – due to the more harmonious, overlapping nature of town and county structures in the Commonwealth. Meanwhile, other issues have surfaced or grown in significance and present new challenges to the Commonwealth and its local governments. One issue of growing importance is local government fiscal stress, which is primarily concentrated in cities and the more rural regions of the Commonwealth. One reason these communities are stressed is because their relatively smaller – and oftentimes poorer – revenue bases make it more difficult to afford various local service demands – many of which are mandated at the state and federal level.

Furthermore, in many respects, the economy, population growth and development, service demands, and other issues that influence fiscal stress have outgrown the footprint usually exclusive to individual localities. Instead, the Commonwealth faces a growing landscape of regional issues, such as the opioid epidemic, uneven job growth, and suburban poverty. While opportunities for regional cooperation exist and have been implemented, a number of obstacles have prevented additional regional successes from occurring. Comparing measures of fiscal stress with other indicators suggests that additional efforts to assist with or incentivize interlocal cooperation, local transitions, and operational efficiencies in addition to more direct financial actions at the state level may be necessary and that such efforts could produce state and/or local costs savings.

The Commission, through research and consultation with a variety of stakeholders, identified a variety of considerations that could help address these matters. While some are not directly related to annexation and cover significant topics that may warrant additional review, the Commission thought these matters were important to raise and perhaps could address issues indirectly related to the moratoria. With their aforementioned guiding principle in mind, the Commission believes these considerations will help ensure that all of the Commonwealth's localities are viable places in which their citizens can live and that many of the hardships of fiscal stress, concentrated poverty, and others identified in this report can be alleviated.

Most importantly, given the historic volatility of city annexation relative to independent city structure in the Commonwealth, the Commission considers granting cities the ability to annex in the

future to be a very low probability and an ineffective solution. It seems reasonable that if the moratoria were lifted, many counties eligible for full or partial annexation immunity would pursue such action and end annexation for some cities forever. Meanwhile, the few remaining cities would likely pursue annexation, which would be fiercely opposed and litigated. Furthermore, many of these cities are located in areas where fiscal stress is regional, so annexation would not likely solve fiscal matters. Similarly, many towns that could pursue transition to independent city status would probably face the same opposition and potentially threaten the fiscal viability of many counties. Consequently, these scenarios would lead to a significant disruption in the lives and operations of many of the Commonwealth's citizens and businesses, respectively, and run counter to fostering positive intergovernmental relations in the Commonwealth. For these reasons, the Commission suggests that the Commonwealth consider making the moratoria, especially relative to independent city structure, permanent.

Notwithstanding that assertion, the Commission believes that other structural and fiscal matters could be considered and implemented that would achieve more success and better promote and sustain the viability of all local governments in the Commonwealth through positive intergovernmental relations, regional efforts, and other more general matters. Accordingly, the Commission has identified the following for consideration:

1. Modify reversion and consolidation statutes to remove obstacles.
2. Make reversion and consolidation more cost-effective through incentives.
3. Grant additional powers to counties through reversion and other interlocal agreements.
4. Evaluate mandated service delivery methods to identify appropriate service level.
5. Relax the requirements for the establishment of joint authorities and special districts.
6. Provide planning grants to explore interlocal agreements and other operational efficiencies.
7. Evaluate adequacy of local fiscal resources to identify enhancements.
8. Create or expand programs to reduce local fiscal stress.
9. Incentivize additional regional cooperation and regional programs.

The Commission recognizes the sensitivity of some of these issues and associated considerations. Despite this reality, the Commission believes they are far more attainable and practical solutions than what would be gained from lifting the annexation moratoria. It is our sincere hope that these options will be considered for implementation as a means to continue to foster the growing momentum among localities to foster regional collaboration which benefits the Commonwealth's residents and businesses.

Scope of Review

During the 2016 General Assembly session, the existing moratoria for city-initiated annexation, full or partial county immunity from annexation, and the granting of new city charters was extended until 2024.¹ The Commission on Local Government (CLG) was also directed to study this matter and report to the General Assembly by Dec. 1, 2018, on the following:

1. Evaluate the structure of cities and counties in the Commonwealth;
2. Evaluate the impact of annexation upon localities;
3. Consider alternatives to the current moratorium on annexation by cities; and
4. Consult with and seek input from the Virginia Municipal League, Virginia Association of Counties and localities directly affected by moratorium.

At the beginning of its study, the Commission held two public hearings in Richmond and Staunton to solicit initial public input on the direction of the study. Prince George County and the City of Martinsville both provided comments (Appendix B). These comments help frame the dichotomy of issues surrounding city annexation and local government structure and also highlight other significant local government issues that have resulted from or are related to the moratoria. They are summarized below:

Prince George County:

- Annexation created a historic atmosphere of distrust between cities and counties
- Many counties chose to provide urban-type services and began to prevail in annexation cases
- The moratoria should remain in place
- Support for equalization of tax and debt powers and opportunities for regional collaboration

City of Martinsville:

- Moratoria froze local government structure in time with most growth now outside of cities
- Without growth, many cities face elevated fiscal stress and difficulty meeting service demands
- Counties should be the pre-eminent local government form and independent city concept should be abolished
- Incentivize local service consolidation and honor 599 funding obligation

Over the course of the last two and a half years, the Commission assembled a panel of stakeholders to advise the Commission for this study. Stakeholders included representatives from the Virginia Association of Counties, Virginia Municipal League, two pairs of cities and counties directly affected by the moratoria (Emporia/Greensville and Harrisonburg/Rockingham), and several other stakeholders with extensive backgrounds in local government matters. The stakeholders met collectively seven times, alternating between meeting in the Richmond and Charlottesville areas. The earlier meetings were a discussion of context and issues surrounding the moratoria and local government structure, while the latter meetings focused on developing solutions for consideration.

¹ Section 15.2-3201 of the Code of Virginia

Once there appeared to be consensus among the stakeholders regarding the potential solutions, which were divided into structural and fiscal topics, the Commission deliberated on these topics and directed staff to write a draft report. The Commission solicited public comment on the draft report by posting it on the Commission’s webpage and by holding two public hearings in July and September of 2018 in Richmond and Staunton, respectively.

Based on the public hearings and public comment period, the Commission received comments from [REDACTED] (Appendix C). Overall these comments [REDACTED].

After consideration of this input, the Commission directed staff to produce a final draft version of the report for their November 2018 meeting. At such meeting, the Commission [REDACTED].

Virginia Local Government History

The evaluation of the issues in this study would benefit from an exploration of the history of local government in the Commonwealth and the evolution of many of the issues surrounding structure, responsibilities, and growth. In fact, the legislative mandate directing this study requires an evaluation of the structure of cities and counties in the Commonwealth, which is achieved by looking more closely at those topics. Furthermore, regarding local government history in Virginia, annexation is likely one of the most important subjects, especially in more recent times when the traditional distinction between cities and counties began to blur and the resulting significant disputes on the matter led to the moratoria. It is through the examination of these linked issues and additional related context that potential solutions to these matters were identified.

Colonial Days and Establishment of Local Government

Virginia’s local government origins date back to the time of the Virginia Colony, which began as a corporate endeavor to settle and harvest the vast resources of the New World. The Virginia Company made several efforts to encourage and sustain permanent settlement, which was necessary for its success. First, it allowed settlers to own, develop, and harvest plots of land for their own profit rather than on company-owned land. These areas, oftentimes referred to as “hundreds” or “plantations,” were largely managed under their own self-government with little corporate interference. As its geographic footprint grew, settlements were organized into subdivided territory of four incorporations known as “citties” along the James River. These are not to be confused with Virginia’s modern day cities; however, they were given names that remain in Virginia local government history and structure today: Charles Cittie, Elizabeth Cittie, Henrico Cittie, and James Cittie.²

Despite some of its early successes, especially commodifying tobacco, the King forbade the Virginia Company from directly trading with other countries. The resulting fiscal stresses – in addition to the demise of 25% of the colonists from a conflict with Native Americans – triggered the dissolution of the

² Emily J. Salmon and Edward D.C. Campbell, Jr., *The Hornbook of Virginia History*, 4th ed. (Richmond: Library of Virginia, 1994), pp. 10-14.

Virginia Company and the denial of future charter requests by the King. Instead, Virginia evolved into a Royal Colony managed by a Royal Governor in 1624 with additional affairs addressed by the Virginia General Assembly, which was established soon thereafter in 1627.³

The resulting population growth and diversifying economy overwhelmed the General Assembly. More minor and area-specific needs of colonists did not require the General Assembly's attention. Consequently, in 1634, Virginia was subdivided into eight shires – later referred to as counties – for more efficient service delivery to colonists. Each county was governed by a county court. Additional officials included the sheriff, clerk, and county lieutenant, who all were mandated to provide ministerial and law-and-order services to the colonists. The eight original counties included: Accomack (Northampton County), Charles City, Charles River (York County), Elizabeth City (Virginia Beach), Henrico, James City, Warrosquyoake (Isle of Wight), and Warwick River (Newport News).⁴

This pattern of growth, westward expansion, and an increasing need for more effective and organized service delivery continued for about 250 years. Consequently, additional counties – and states in some cases – were formed to more effectively subdivide management and service delivery. The pattern was so extensive that Virginia's claims to territory covered the following eight present-day states: Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, West Virginia, and Wisconsin. For Virginia, alone, the county subdivision process continued so that no one would be less than one day's horse ride away from a county courthouse, echoing the logic of ensuring citizen accessibility to services. Consequently, Virginia county government structure has remained largely unchanged – with some notable exceptions described later in this report – since 1880 when Dickenson County, Virginia's youngest county, was created.⁵ Overall, the change in these geographic and political subdivisions was extensive and reflected the rapid growth and evolution of Virginia as a colony and state (Appendix D).

Initially, cities and towns were rare; however, some circumstances necessitated the establishment of these denser population centers. Originally, some of these areas originated for defense purposes as they were palisaded forts.⁶ However, once greater stability was achieved, westward migration accelerated and newer population centers formed from the discovery of resources and other physical assets beneficial to commerce and trade.⁷ Furthermore, the need for cities and towns was a consequence of available transportation options. Without most modern-day transportation options, the reasonable distance one could travel was by foot or horse. Density made logical sense; therefore, it was through that condition that cities and towns became commercial, industrial, and cultural urban hubs.

Local Responsibilities, Independent Cities, and Annexation

Throughout these changes, local governments were created for more efficient service delivery to citizens. The scope and variety of services evolved and grew over time, especially as society became more complex and additional services, such as free public education, were considered a right to every

³ Ibid. pp 14-15.

⁴ Ibid. pp 14-17, 159

⁵ Ibid. p. 159.

⁶ Ibid. p. 21

⁷ Ibid. pp. 24-25.

citizen. What began as the general law and order and ministerial services of county local government in the 1600s and 1700s, grew to include k-12 education, transportation, community development, elections, public health, and others. Furthermore, the breadth of services provided and/or mandated depended on the type of community, which was largely influenced by development patterns. Given the urbanized density of cities and towns, a greater array of services (e.g. water, sewer, police, fire, public transportation, etc.) were needed and provided through the granting of municipal charters.⁸ Counties, however, traditionally remained rural and served as subdivisions of the state to administer general law.⁹

While towns were established as component units of counties and shared some service responsibilities, cities instead were established as being wholly independent from their surrounding county or counties – unlike any other state in the nation.¹⁰ Of the 41 existing independent cities in the United States, 38 are located in Virginia. While several legal references were made to Virginia’s independent cities post-Reconstruction, the distinction was not officially recognized and explicitly stated until the current 1971 Constitution.¹¹ Due to their independent status, cities in the Commonwealth – by default – do not share services and tax bases with counties. While one benefit of this arrangement has been the lack of double-taxation, the independent status of cities in Virginia has also been one of its most debated and controversial measures.

As cities and towns grew denser and newer ones formed, demand for urban services in the developing vicinity also grew. Consequently, annexation allowed cities and towns – the traditional providers of such urban services – to expand their boundaries to meet these needs and connect to communities of interest. It also expanded their tax bases through existing and future development, which helped pay for growing service demands. Initially, given the dichotomy of dense urban cities and towns relative to their rural, more sparsely populated county counterparts, annexation was usually not controversial. With most population concentrated in cities and towns, the extension of urban services to outlying areas was seen as a positive for regions overall. Reflecting this view, the matter was reviewed at the state level by Special Acts of the Assembly.¹²

Urbanization of Counties and Annexation Disputes

In the decades leading up to World War II and shortly after its end, the development patterns of the United States rapidly changed. Increased production of the automobile and creation of Interstate Highways opened up previously rural counties to more urban type of development. Many federal programs offered some returning soldiers and their families assistance to purchase homes in these areas. Simultaneously, the era of Jim Crow, segregation, housing discrimination, and others promoted an era of “white flight” from cities. These circumstances contributed in many ways to the dawn of many

⁸ Virginia General Assembly Special Commission, Local Government Structures and Relationships. (Richmond, 1990), Appendix B

⁹ Ibid.

¹⁰ Emily J. Salmon and Edward D.C. Campbell, Jr., The Hornbook of Virginia History, 4th ed. (Richmond: Library of Virginia, 1994), p. 89.

¹¹ Ibid.

¹² Virginia General Assembly Special Commission, Local Government Structures and Relationships. (Richmond, 1990), Appendix B

of the nation's first suburbs. Generally, these areas were (and continue to be) less dense but still urbanized with mostly single-family homes and other non-residential uses customary to the environment. Consequently, many formerly rural counties surrounding traditional central cities and large towns faced rapidly growing populations and commercial bases that demanded many of the same urban services traditionally provided by cities and towns. As this trend continued, so, too, did an exodus of wealth and stability for many cities. Poverty, which was once a mostly rural issue in 1960, began to flip-flop with most areas of concentrated poverty becoming isolated in cities (Appendix E).

Simultaneously, the traditional view of city annexation changed. While it would have been a reasonable action for cities to address the growth and service demands outside their boundaries, its success could jeopardize the fiscal sustainability and viability of counties because of the winner-take-all scenario resulting from independent city status. Many counties had begun to provide similar urban services so some arguments for the necessity of annexation diminished. Moreover, many other issues of the time, especially race relations, segregation, and discrimination, transformed annexation into a topic outside of its traditional perspective and into one that was vehemently opposed by some citizens.

These and many other issues contributed to the final decades of city annexation escalating into significant, expensive, time-consuming lawsuits – some of which even made their way to the United States Supreme Court.¹³ A spirit of distrust, competition, and hostility between the Commonwealth's cities and counties ensued that ensnared citizens, businesses, and elected officials, alike. Some communities opted to prevent future annexations from neighboring cities by becoming consolidated cities, themselves. One prime example of this tactic is the concentration of adjacent cities in the Hampton Roads region that were created to prevent Norfolk and Portsmouth from future annexation. Other counties became able to declare full or partial immunity from city annexation and the creation of new independent cities if they met criteria equating as being sufficiently urbanized.¹⁴

Despite the relief this placed on certain regions of the Commonwealth, annexation continued to remain a divisive issue for communities where it was still possible. Consequently, many other high profile, costly, and lengthy legal battles ensued between communities such as the City of Harrisonburg and Rockingham County¹⁵ and the City of Danville and Pittsylvania County.¹⁶ Meanwhile, counter to the volatility of city annexation, town-initiated annexations continued to proceed, likely – in part – due to the more harmonious, overlapping nature of town and county structures in the Commonwealth.

Efforts to Address Local Structures and Annexation Issues

The growing disputes and animosity over annexation and many related issues prompted the General Assembly to examine the matter more closely on multiple occasions to determine if a workable solution could be identified and implemented. On two such occasions, in 1971 and 1987, the General Assembly

¹³ U.S. Supreme Court *City of Richmond v. United States*, 422 U.S. 358 (1975)

¹⁴ Sections 15.2-3300 et seq.

¹⁵ Commonwealth of Virginia, Commission on Local Government. Report on the City of Harrisonburg – County of Rockingham Annexation Case (1981).

¹⁶ Commonwealth of Virginia, Commission on Local Government. Report on the City of Danville Annexation Action and County of Pittsylvania Partial Immunity Act (1984).

also issued a temporary moratorium on annexation while a workable solution could be identified. Some of the recommendations from these studies were implemented in some way, including:

- Creation of regional planning districts (today's current Planning District Commissions (PDCs))
- Inclusion of the term "regional government" in Article VII of the Virginia Constitution
- Establishment of CLG to review annexation and interlocal agreements/transitions prior to court
- Full/partial immunity from annexation/new independent cities for urbanized counties
- Additional funding for law enforcement, constitutional officers, social welfare, and highways

The most recent significant study on this subject was the Commission on Local Government Structures and Relationships (Grayson Commission) in 1990. It suggested that the meaning of "independent" cities be redefined so that a city was considered independent if was capable of sustaining itself without the need for annexation. Further, it claimed a population of 125,000 was a sufficient threshold for achieving a balanced economy of scale. Consequently, it recommended that cities with a population size greater than 125,000 remain wholly independent while those below the threshold be allowed to become towns or component units of counties ("Class A Cities") with the ability to annex by ordinance. It recommended granting the CLG final authority over the approval of boundary adjustments, local transitions, and consolidations. It also suggested state funding be held harmless for five fiscal years following various local consolidations, which has been instrumental in assisting with transitions related to such cases.

Despite the numerous studies identifying and sometimes implementing recommendations on the topic, Virginia local government structure – with a few exceptions – has remained the same for over 30 years. In many cases, this has allowed suburban counties in Virginia to achieve greater relative wealth and prosperity than their urban neighbors. Meanwhile, many traditional cities have experienced decades of decline and adversity with potential significant consequences for those who remained. Moreover, similar challenges are also occurring in other more rural regions of the Commonwealth for other reasons. The following section will look at this matter more closely from a variety of perspectives.

Context: Virginia Local Government in the Modern Day

Despite the moratoria, there have been some noteworthy changes to local governments since 1987. Population growth, settlement patterns, local statuses, and fiscal matters have all continued to change over the last 30 years in a way that sometimes blurs the distinction between cities and counties. Moreover, they raise the importance of regional matters and needs from two perspectives: individual regions and two statewide regions (the Urban Crescent and Rural Horsehoe). Altogether, this suggests that more interlocal and regional approaches may be necessary to better address these and other future challenges in addition to more standard fiscal and structural considerations.

Population Growth

First, population has continued to increase in many of the suburban counties surrounding traditional cities. When viewing this pattern overall, counties have gained the largest share of population growth in the Commonwealth compared to cities. Since 1990, the Census year closest to enactment of the 1987 moratoria, counties have grown by more than 50%, which is five times the city rate of slightly more than 10% and greater than the statewide rate of just over 36%.^{17 18} Prior to the moratoria, from 1900 to 1990 cities grew by 630%, while counties grew by just over 150%, and the state grew by over 230%.¹⁹ Some of this city growth is likely because of annexation. Proportionately, as of 2017, 70% of the state's population lives in counties and 30% are in cities, representing a 4% increase and decrease for counties and cities, respectively, since 2000.²⁰ This scenario is rather logical given that cities only grow from within their existing, oftentimes largely built-out but static boundaries.

Additionally, many counties are now larger and denser than cities. For example, Fairfax County is the most populous locality with a population greater than 1.1 million – nearly three hundred times the size of Norton, Virginia's smallest city.²¹ From a population density perspective, the City of Alexandria is still densest at greater than 10,500 persons per square mile, but the next densest locality is Arlington County – nearly 40 times denser than Suffolk, Virginia's least dense city.²²

Additionally, as some urbanized counties now resemble cities, a ripple effect is occurring through the urbanization of outlying rural counties that now resemble the first wave of suburban counties. These areas, referred to as exurbs, include counties such as Goochland, Loudoun, and Stafford that are on the periphery of suburban areas within a larger metropolitan region and are experiencing significant growth relative to their historically rural character. Furthermore, from a statewide regional perspective, the Commonwealth is also experiencing significant growth along the Urban Crescent. This is defined as the area from Northern Virginia south along the I-95 corridor to Richmond and then east along I-64 to Hampton Roads. Conversely, the more rural regions of the Commonwealth (Eastern Shore, Southside, Southwest, and parts of the Shenandoah Valley – recently referred to as the Rural Horseshoe²³) have experienced low growth or – in many cases – population decline.

These characteristics run counter to how one would describe and define “city” and “county.” Furthermore, despite this blurring distinction where some counties have attained or exceeded the

¹⁷ Steven Manson, Jonathan Schroeder, David Van Riper, and Steven Ruggles. *IPUMS National Historical Geographic Information System: Version 12.0* [Database]. Minneapolis: University of Minnesota. 2017. <http://doi.org/10.18128/D050.V12.0>

¹⁸ University of Virginia, Weldon Cooper Center for Public Service. Virginia Population Estimates, July 1, 2017 Estimates: <https://demographics.coopercenter.org/virginia-population-estimates>

¹⁹ Steven Manson, Jonathan Schroeder, David Van Riper, and Steven Ruggles. *IPUMS National Historical Geographic Information System: Version 12.0* [Database]. Minneapolis: University of Minnesota. 2017. <http://doi.org/10.18128/D050.V12.0>

²⁰ University of Virginia, Weldon Cooper Center for Public Service. Virginia Population Estimates, July 1, 2017 Estimates: <https://demographics.coopercenter.org/virginia-population-estimates>

²¹ Ibid.

²² Ibid.

²³ Commonwealth of Virginia, Virginia Community College System. <http://www.vccs.edu/giving/rural-horseshoe-initiative/>

urbanized status of many cities, their legal classification as such remains, which affects the parameters through which they may operate (Appendix F). While some counties now possess additional powers traditionally reserved for cities²⁴, this option is far from the norm and has been difficult for some counties to attain because it required a successful voter referendum or the effort failed to pass legislatively.

Conversely, some cities have explored and occasionally enacted changes to their legal structure through consolidation and reversion. Two or more units of local government may consolidate into a county or city subject to review and a successful voter referendum.²⁵ Accordingly, the last successful consolidation occurred in 1974 when the City of Suffolk consolidated with Nansemond County to form the City of Suffolk. Nine subsequent consolidation efforts have failed at the voter referendum stage²⁶ generally because of local identity obstacles. Reversion, where cities with a population less than 50,000 may become a town, has been more successful because it does not involve a voter referendum. Since its enactment, three reversions have occurred²⁷ and several others have been discussed, including most recently by Petersburg as an option to address its recent fiscal distress difficulties.

Local Government Fiscal Stress

Similar to Petersburg's situation, in most cases, consolidation or reversion were pursued to alleviate fiscal stresses resulting from the mandate to provide services while facing a limited or shrinking tax base and other significant socioeconomic challenges. Without the traditional option of annexation to grow their fiscal base and absorb growth occurring since the moratoria's enactment, consolidation and reversion have been viable alternatives for some cities to consider to alleviate fiscal stresses. Through such actions, cities may achieve greater economies of scale by merging some or all mandated services, such as k-12 education – representing approximately 54% of local expenditures, on average²⁸ – with a county.

Echoing these fiscal challenges for cities, the CLG's Fiscal Stress Index has consistently ranked cities as having greater levels of fiscal stress relative to counties. The report illustrates a city or county's ability to generate additional revenues from its tax base relative to the rest of Commonwealth. It is a statistical averaging of relative scores based upon revenue capacity, revenue effort, and median household income. The index weighs all three variables evenly which are defined as:

- (1) revenue capacity – the revenue a locality could generate if it taxed at statewide average rates,
- (2) revenue effort – a ratio of a locality's actual tax collections to its revenue capacity, and
- (3) median household income – the level where half of households earn more and half earn less.

²⁴ Sections 58.1-3817 et seq, 58.1-3819 et seq, 38.1-3830 et seq, 58.1-3833 et seq, 58.1-3840 et seq.

²⁵ Section 15.2-3500 et seq, 15.2-3520 et seq.

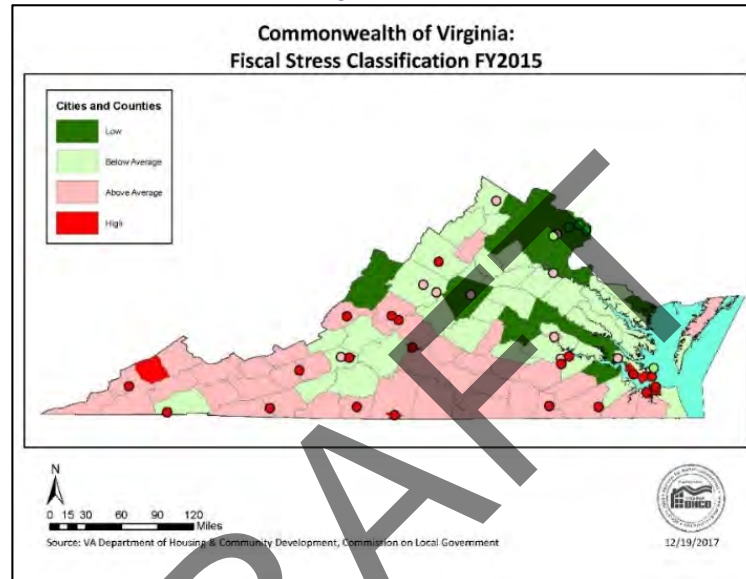
²⁶ Commonwealth of Virginia, Commission on Local Government. "Past Consolidation Efforts in Virginia" (2015), <http://www.dhcd.virginia.gov/images/clg/docs/Consolidation%20History.pdf>

²⁷ Commonwealth of Virginia, Commission on Local Government. "City Transition to Town Status in Virginia" (2015). <http://www.dhcd.virginia.gov/images/clg/docs/CompletedReversions.pdf>

²⁸ Commonwealth of Virginia, Auditor of Public Accounts. "Comparative Report on Local Government Revenues and Expenditures for the Fiscal Year Ended June 30, 2014," Amended February 1, 2016. http://www.apa.virginia.gov/APA_Reports/LG_ComparativeReports.aspx

The composite score is then compared to the statewide average, which is set at 100. Any score over 100 indicates above average or high fiscal stress and anything below 100 is below average or low fiscal stress, using standard deviations. For FY2015, 19 of the top 20 most fiscally stressed localities are cities.²⁹ The average city score is 102.94, and the average county score is 98.83. Despite the concentration of cities, some counties – especially in more rural regions (Southside, Southwest, parts of the Shenandoah Valley and Eastern Shore) – also experience elevated levels of fiscal stress as seen in Figure 1.

Figure 1



Because fiscal stress relatively measures tax bases and the degree bases are taxed, it seems reasonable comparing fiscal stress and local/state expenditures for mandated services (Appendix G). Most localities with elevated local/state expenditures and fiscal stress are cities (73.7% and 57.9% of all cities in Quadrant B of Figures 2 and 3, respectively). Most areas of lower local/state expenditures and fiscal stress are counties (41.1% and 42.1% of all counties in Quadrant C of Figures 2 and 3, respectively). A majority (96.6%) of localities with elevated fiscal stress and local expenditures are cities, and the majority (58.5%) for state expenditures are counties (Quadrant B of Figures 2 and 3, respectively).

²⁹ In descending order: the Cities of Emporia, Franklin, Petersburg, Martinsville, Buena Vista, Galax, Bristol, Hopewell, Lynchburg, Portsmouth, Radford, Norfolk, Covington, Danville, Norton, Newport News, Hampton, Roanoke; Dickenson County; and the City of Lexington.

Figure 2

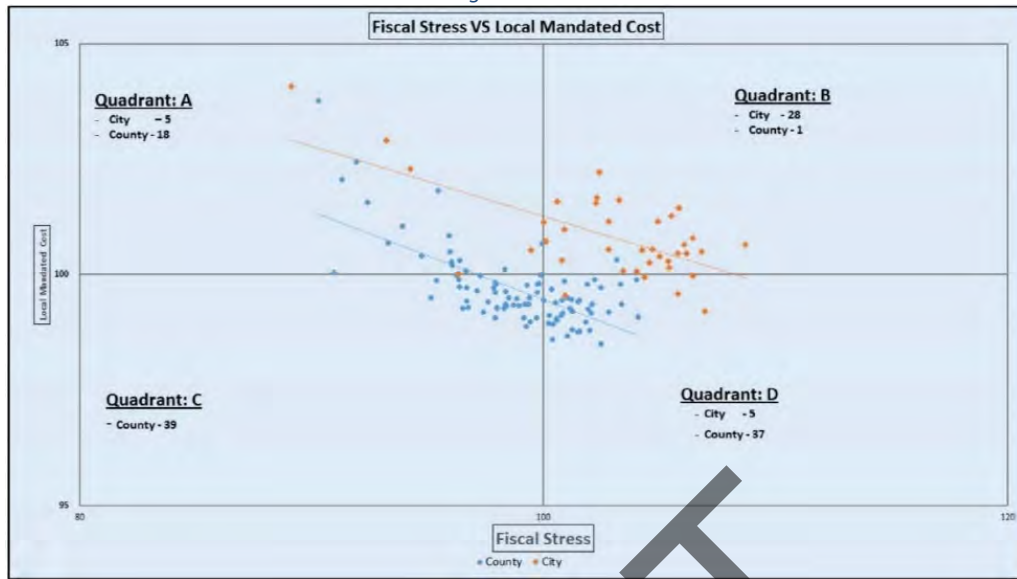


Figure 3

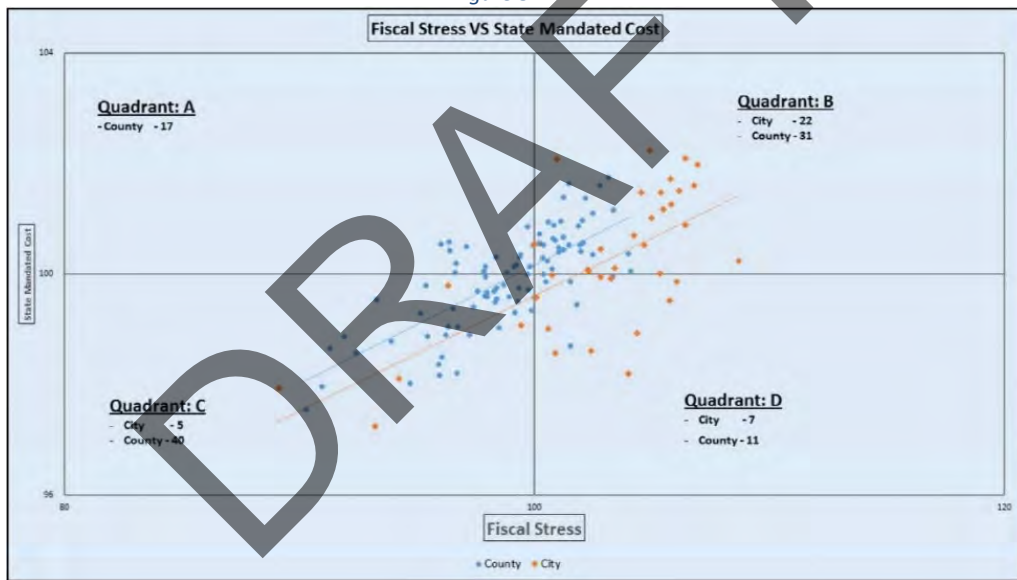


Figure 4 shows that elevated local expenditures and stress are primarily in cities (shaded red), and areas of elevated state expenditures and stress (Quadrant B of Figure 3) are mostly counties in Southside and Southwest Virginia and some cities (Figure 5). Nine localities – all cities – have higher local shares expenses (Figure 4), but the state share is lower (Figure 5). Eight counties and one city with elevated stress and lower local expenses (Figure 4) also have lower state expenses.

Figure 4

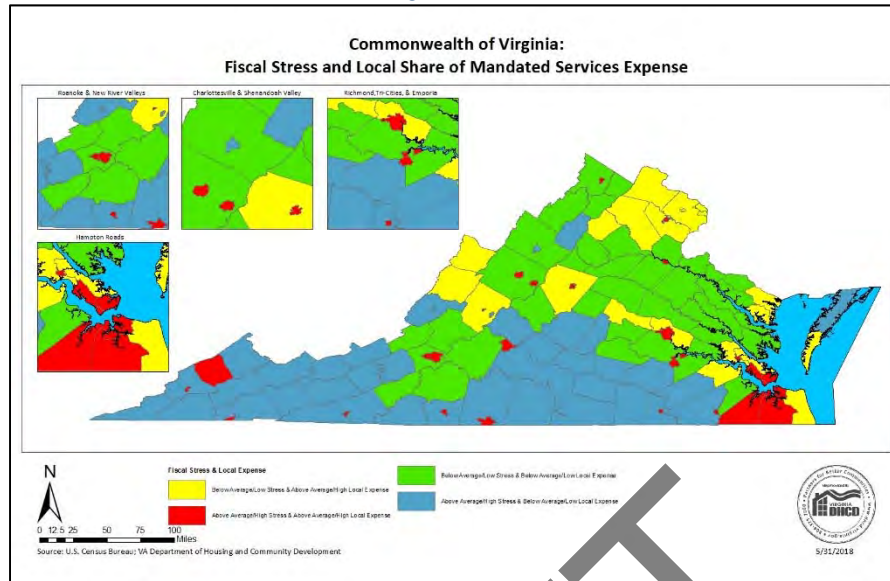
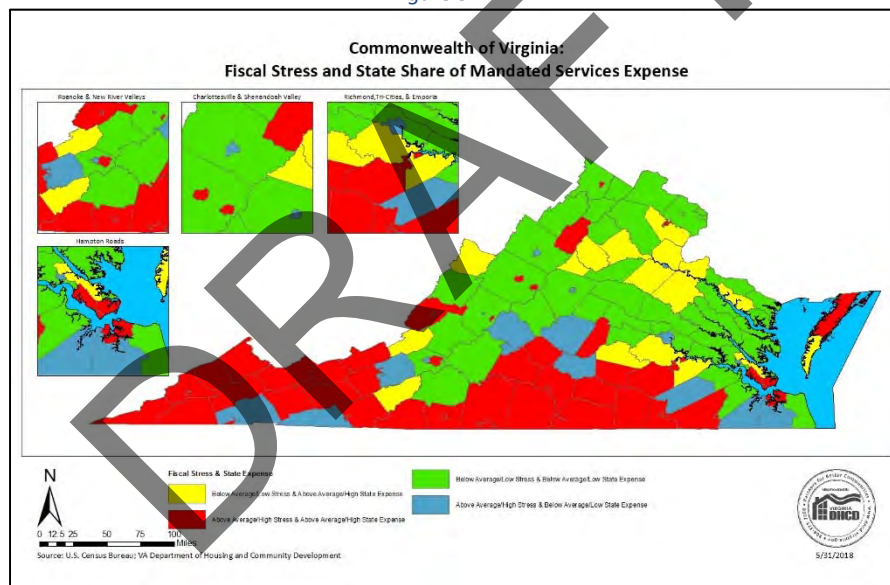


Figure 5



From a size perspective, fiscal stress is concentrated in smaller communities, which supports the benefits of economies of scale. Of the 97 cities and counties with a population of 50,000 or less, over half (57.7%) have above average or high fiscal stress. Even at below 100,000, 56.8% are classified with above average or high fiscal stress. A smaller share (29.4%) of cities and counties with a population greater than 100,000 experience above average or high fiscal stress. Moreover, when examining population size relative to local and state expenditures for mandated services, small cities (populations less than 100,000) are where elevated levels of fiscal stress and local/state expenditures occur (60.5% and 50% of all cities in Quadrant B of Figures 6 and 7, respectively), but small counties (32.6% of all counties) also experience similar circumstances.

Figure 6

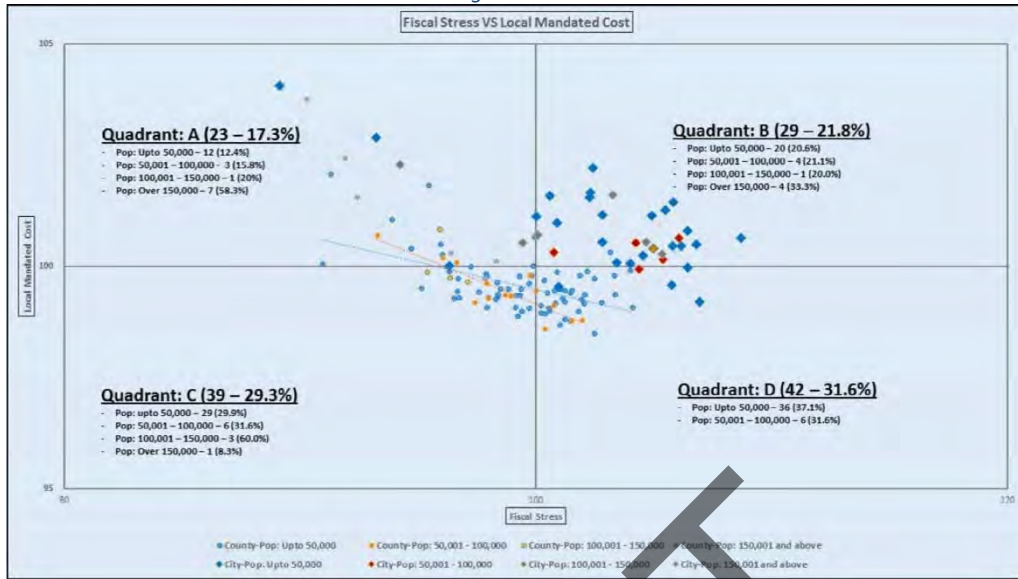
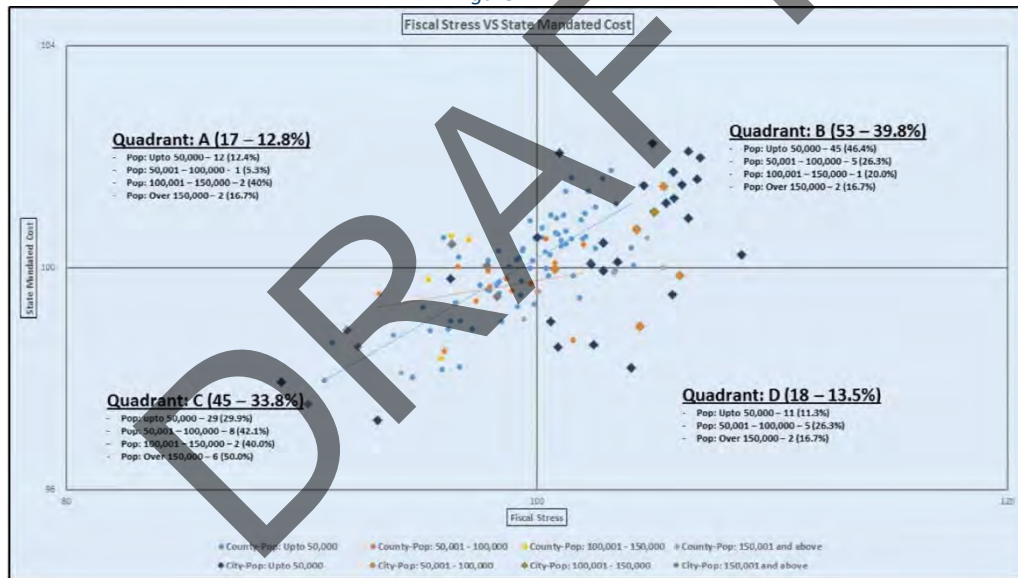


Figure 7



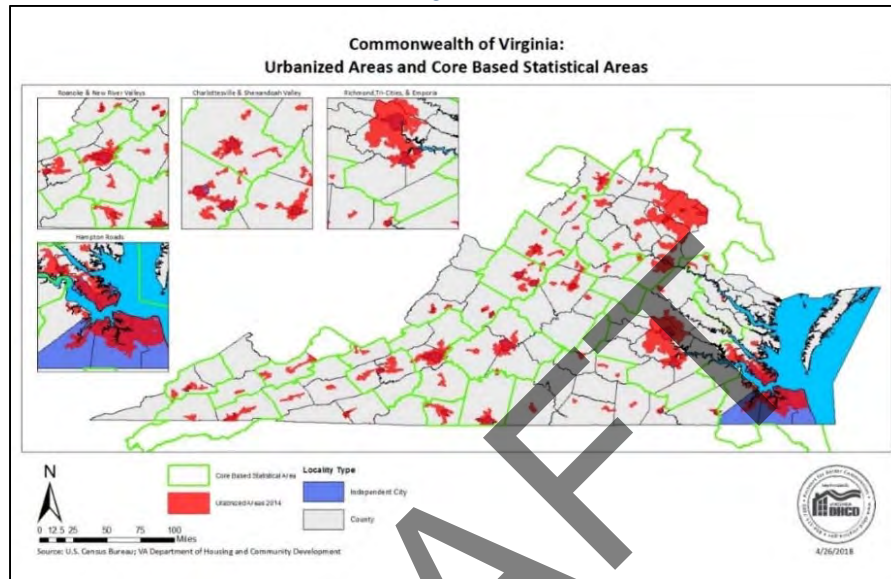
Regional Matters

Hypothetically, ignoring the moratoria and independent city status, local government boundaries may have changed based on two Census datasets. First, Urbanized Areas are densely settled cores of census tracts/blocks (500 to 1,000 persons per square mile) with adjacent non-residential urban land uses or lower populations linking other dense areas with the core (red areas in Figure 8)³⁰. They cover the Commonwealth’s cities, many major towns, and surrounding counties. Alternatively, Core-Based Statistical Areas (CBSAs) containing a substantial population nucleus with adjacent communities having a

³⁰ United States Census Bureau. “2010 Census Urban Areas FAQ.”
<https://www.census.gov/geo/reference/ua/uafaq.html>

high degree of economic and social integration (green outlines in Figure 8)³¹. Only six of the Commonwealth’s cities are outside of CBSAs. While these are purely theoretical scenarios, they illustrate how urbanized growth now transcends the boundaries of one city or county. They also illustrate how some cities may not yet be fully urbanized, but they are legally classified as cities, nonetheless.

Figure 8



Despite growth and settlement patterns demonstrating how communities have grown regionally, disparities and stark differences in opportunity remain – oftentimes just across boundary lines within these regions – and within the context of communities that may no longer fully identify with or function based on those boundary lines. While the fiscal condition of urbanized counties was protected because of the moratoria, the fiscal condition of some cities deteriorated due to factors such as concentrated poverty, shrinking tax bases, and greater demand for services from those who remain with limited options or resources for their city to address those issues.

Notwithstanding these differences, in some cases, the issues are spreading to counties, especially urbanized counties, while some cities have experienced a rebound in desirability resulting from an influx of millennials and to a lesser-extent empty nesters.³² This has led to the gentrification of many formerly working-class or impoverished areas as former residents are pushed to outlying areas, oftentimes to the inner-ring suburbs built when counties first urbanized.³³ Additionally, modern day issues such as the opioid epidemic and the Great Recession have had a more regional footprint and affected cities and counties, alike.

³¹ United States Census Bureau. “Geographic Terms and Concepts - Core Based Statistical Areas and Related Statistical Areas.” https://www.census.gov/geo/reference/gtc/gtc_cbsa.html

³² Juday, Luke J. “The Changing Shape of American Cities.” University of Virginia, Weldon Cooper Center for Public Service. 2015. https://demographics.coopercenter.org/sites/demographics/files/ChangingShape-AmericanCities_UVA-CooperCenter_February2015.pdf

³³ Ibid.

Furthermore, additional changes in the global and national economy have influenced population growth and migration patterns in other parts of the state. As one large segment of the state continues to be the dominant growth engine, other areas have lagged behind. On one hand, Virginia is defined by the Urban Crescent, which is the largely urbanized and suburban segment of the state, representing 68% of the population and 79% of the state's growth domestic product on only 24% of the land area. Conversely, and with some exception, the remainder of the state is comprised of largely rural areas with smaller cities and towns scattered throughout. This covers the Eastern Shore, Shenandoah Valley, Southside, and Southwest Virginia and has recently been referred to as the Rural Horseshoe.

The result of these factors is that there is considerably more fiscal stress upon cities and the cities and counties in other parts of the Commonwealth experiencing economic and population contraction. As it relates to the difficulty for these local governments to effectively deliver quality services to residents, geography is becoming destiny for many and contributes to socioeconomic challenges such as the achievement gap, access to jobs, income inequality, and others. These and other issues are of growing importance to the viability of many of the Commonwealth's local governments because they pose a threat to the well-being of the Commonwealth. It is through a more harmonious relationship, especially among the localities in each region, that greater health, welfare, and prosperity for all of the Commonwealth's citizens and businesses can be ensured.

Alternatives to the Moratoria: Preamble

While one potential suggestion for this study could have been to raise the annexation moratoria, this option was considered highly unlikely and problematic. First, while the Commonwealth continues to urbanize, it is still largely a state with a majority county interest. The likelihood that such an effort would succeed legislatively is low.

Second, raising the moratoria would likely lead to additional costly legal battles among the remaining cities and counties where annexation is still possible nor would it solve underlying issues customarily alleviated by annexation. Six counties have already declared statutory immunity, and ten other counties appear eligible (Appendix H). Consequently, only 21 cities would be eligible to annex, but some face additional obstacles. Four have a neighboring county with partial immunity, and another four are surrounded by other cities thereby negating annexation altogether. Moreover, annexation would likely not solve underlying issues for most of the remaining 13 cities, especially as it relates to the economy and fiscal stress.³⁴

Raising the moratoria may also no longer be a desirable option for some cities, some of which are beginning to grow and revitalize. Generally, two significant demographic groups, millennials and baby boomers, are driving this change. Generally, they prefer dense, mixed use, walkable communities with

³⁴ Based on the CLG's FY2015 Fiscal Stress data, of the 13 identified cities adjacent to counties that are also classified as experiencing elevated levels of fiscal stress, 11 are adjacent to at least one county where fiscal stress levels are also elevated.

opportunities for transit, which many traditional cities provide. While this has been beneficial for many cities, it has also pushed pockets of poverty out to the inner ring suburbs of surrounding counties through gentrification. Notwithstanding the many related issues emanating from this matter, such as a need for more affordable housing, it seems logical that some cities would choose to forgo annexation because doing so could run counter to their improving bases.

Finally, though the population eligibility threshold by which a town would choose to become a city is low (1,000 persons),³⁵ it seems unlikely that many towns would choose this option because of the potential for costly legal disputes with counties and other cost-prohibitive circumstances. Furthermore, many towns currently enjoy the benefit of shared services with counties, which would be negated by their newfound status as independent cities. While the matter has recently been discussed in some large towns,³⁶ overall, it would be in the best interest of the Commonwealth and the affected citizens for towns to be unable to become independent cities in Virginia.

For these reasons, the Commission suggests making the annexation moratoria permanent. As they stand now, the moratoria have existed for over 30 years so establishing their permanency would not rescind any local government's ability that was recently exercised. However, the consequences for making the moratoria permanent – many of which have already been experienced during the last 30+ years of the moratoria's temporary status – should be mitigated through the following other structural and fiscal considerations.

Structural Considerations

Modify reversion and consolidation statutes to remove obstacles

- Allow cities reverting to town status to retain “city” title in a different form
- Remove or alter the required voter referendum for local consolidation

Because of the stigma resulting from losing the title “city” as a result of reversion, the Commission suggests finding a way for the “city” title to remain but clearly distinguishing it from other independent cities in the Commonwealth. These dependent cities would operate similar to towns but not have full powers reserved for cities. This would help overcome some local identity issues, which have been obstacles to previous considerations of reversion. If this is enacted, additional consideration may be needed to consider how to address the three former cities that reverted to town status.

One other way to alleviate issues of fiscal stress emanating from economies of scale is for two or more localities to consider consolidation. Although consolidation would benefit some localities, there are obstacles to making the process easier and more outcome driven, especially as it relates to the required voter referendum. This stage occurs after the localities have already spent significant time and

³⁵ Section 1, Article VII of the Constitution of Virginia, §15.2-3602 of the Code of Virginia.

³⁶ Rannaivo, Yann. “Blacksburg to explore converting to city status.” The Roanoke Times. March 21, 2017. http://www.roanoke.com/news/local/blacksburg/blacksburg-to-explore-converting-to-city-status/article_b56d59fc-3578-5146-afb9-e40af0c98f3d.html

money negotiating and reaching a consolidation agreement and after the CLG and courts have reviewed the case as directed by law. While earlier consolidation efforts have been successful, since 1974 every consolidation effort has failed at the referendum level with the voters – again usually because of the obstacles related to local identity. As such, it is costly and time consuming for localities and the Commonwealth to go through the process and have the initiative fail at the ballot.

Alternatively, reversion is a more unilateral process that does not require a voter referendum but does require the CLG and special court to review the case before an order granting reversion can be made. This review includes consideration of the probable impact upon the citizens affected by the consolidation and opportunities for public comment before the CLG. Therefore, a viable improvement to the consolidation process could be to remove the voter referendum requirement but still preserve the opportunity for public comment during other stages of the process. While Article VII Section II of the Constitution of Virginia requires a voter referendum for the organization of a regional government, it is silent on consolidation. Another alternative could be to keep the voter referendum, but the referendum would be collective rather than separate elections in each locality, which would represent the majority of opinions of those voting in the region instead of individual localities. Moreover, it would still provide an opportunity for voter input.

Make reversion and consolidation more cost-effective through incentives

- Cap hold harmless funding for reversion and consolidation to five years
- Provide incentive funds to school divisions consolidating as a result of reversion or consolidation

One of the concerns for reversion and consolidation cases is the burden of taking on the other locality's debt and expenses, which can be daunting. Furthermore, it can take time to resolve and adjust to the impacts of consolidation or reversion on local operations. In order to alleviate these burdens, there are some incentives offered to make the transition easier on localities.

“Hold harmless funding” distributes money to the localities as though they remain separate entities by distributing the same funding for 15 or 20 years for reversion and consolidation, respectively. While this has been useful to localities, it can be cost prohibitive to the state as indicated in a study conducted by JLARC.³⁷ Furthermore, when the concept was originally available, hold harmless funding was capped at five years before legislation in 2000 established its present length³⁸. Returning the “hold-harmless” funding to a five-year cap would still incentivize localities to consolidate with financial assistance and would also save the state money.

One tool previously available to localities as it relates to school division consolidations – which would be a consequence of reversion or local government consolidation – is no longer available. The provision would have given the consolidated school system funding based on a previously prescribed formula that was originally intended for one specific consolidation but remained in state code

³⁷ Commonwealth of Virginia, Joint Legislative Audit and Review Commission. “Local Government and School Division Consolidation.” House Document 14. September 2014. <http://jlarc.virginia.gov/pdfs/reports/Rpt458.pdf>

³⁸ Chapter 708, 2000 Acts of Assembly.

indefinitely.³⁹ A JLARC study showed that it was cost prohibitive for the state to fund the school divisions in such a way so the incentive was eliminated and no replacement has been enacted. Despite the arbitrary nature by which the funding formula was derived, it was essential in incentivizing other reversions and or consolidations to be discussed and/or take place, especially given the significant portion of local budgets that are dedicated to k-12 expenses.

The current budget language reads “*Notwithstanding the funding provisions in § 22.1-25 D, Code of Virginia, additional state funding for future consolidations shall be as set forth in future Appropriation Acts.*” The General Assembly should consider replacing the previous financial incentive with a new one to be capped at a five-year duration. The CLG recommended a formula in a 2015 study that would have used its Fiscal Stress Scores as the basis for allocating funding while avoiding potentially high exposure to the state based on the previous formula. Moreover, it would have directed the incentives to localities that would need it most: those with elevated levels of fiscal stress.⁴⁰

Grant additional powers to counties through reversion and other interlocal agreements

- Grant/relax taxing and debt powers/limits to counties affected by reversion
- Grant/relax taxing and debt powers/limits to counties that participate in economic growth-sharing agreements

In the event of reversion, the General Assembly may want to consider giving counties additional powers as an incentive. These incentives could be used to make the reversion process more cooperative between the two localities and avoid the potential for legal disputes, which occurred in some previous reversion cases. Such powers could include additional taxing and debt powers that are otherwise reserved for cities. Furthermore, other limitations to existing county powers, such as certain tax rates, could be elevated or made equal to what was available to the city. As a way to ease reversion cases that include long-term fiscal obligations for counties or will affect the county in some other fiscal way, counties could be granted a waiver from the referendum requirement. In many cases, it stands to reason that the long-term debt would in some way be benefiting a region rather than just the county.

Counties also face additional obstacles when entering into various interlocal agreements that contain economic growth sharing provisions or other long-term fiscal obligations. Counties cannot carry long-term debt without a voter referendum or by diluting the certainty of the agreement by making such revenue sharing subject to annual appropriation. Moreover, their ability to share various revenue streams as part of interlocal agreements is impeded by the statutory limitations by which they may tax. One way to encourage additional economic growth sharing agreements between cities and counties and towns and counties could be to give counties the same taxing authority as any city or town for which they agree to share revenues for the duration of such agreements.

³⁹ Commonwealth of Virginia, Commission on Local Government. “Report on Local Government Consolidation Incentives.” Report Document 425. November 2015. <https://rga.lis.virginia.gov/Published/2015/RD425/PDF>

⁴⁰ Ibid.

Evaluate mandated service delivery methods to identify appropriate service level

In some regards, cities have struggled to stably generate revenue to meet public service demands as a result of the moratoria. Meanwhile, more urbanized and populated counties and those with limited economic bases have also begun to experience similar circumstances. In the context of where city and county boundaries meet, especially where suburban poverty abuts city poverty, the boundaries between each locality become somewhat arbitrary as it relates to service needs for these communities. There is more in common with these communities, and they therefore could be considered communities of interest – a standard by which annexation cases are reviewed. Nevertheless, the boundary line that separates the community of interest also separates the outcomes and opportunities that those within the community may experience or benefit.

A JLARC study from 1993 echoed many similar points and offered numerous suggestions – some of which are echoed in this report – for ways to address these circumstances.⁴¹ The report concluded that localities were spending more than the state; but in order to achieve greater common wealth and prosperity across the state, the state should take a greater role. The report cited regional jails as a success and suggested that environmental protection, economic development, education, and other capital intensive efforts could be other opportunities for greater success.

Given that it has been over 20 years since the JLARC study was conducted, the General Assembly should consider a new evaluation of state-funded public services and re-assess the appropriate delivery level. In some cases, the best approach may be different based on the region of the Commonwealth or based on the size of the population evolved. Therefore, it may be more appropriate for the adjacent localities to have joint service coordination or perhaps have the state administer certain services to the region. In circumstances where the need is more widespread at a regional level and a city-county distinction does not exist, other regional service delivery options may be more appropriate instead. Many localities participate in a variety of joint service delivery arrangements, so such analysis could also include an investigation of best practices and any need for amendments to State Code.

Relax the requirements for the establishment of joint authorities and special districts

- Consider more uniform procedures for establishment of authorities and districts
- Consider expansion of financial tools available to authorities and districts
- Focus on regional incentives and flexibility when considering new legislation

While numerous options, such as the Joint Exercise of Powers,⁴² are available for localities to establish joint operations and service deliveries at a more efficient level, many other procedural and structural requirements make the process unpredictable or cumbersome. Several such authorities require a successful referendum to be established, others require a circuit court order, and many others simply form by ordinance of the governing body.⁴³ From a structural standpoint, very few such

⁴¹ <http://jlarc.virginia.gov/pdfs/reports/Rpt150.pdf>

⁴² § 15.2-1301 of the Code of Virginia.

⁴³ Commonwealth of Virginia, Commission on Local Government. “Discretionary Authorities and Special Districts Available to Local Governments in Virginia.” 2009.

<http://www.dhcd.virginia.gov/CommissiononLocalGovernment/PDFs/Authorities.pdf>

authorities have taxing power, and many others also have limited bonding authority or such power depends on other entities such as the Commonwealth issues such bonds.⁴⁴ Furthermore, some local government functions, including those involving significant state and local costs, such as k-12 education, are not identified as services that may be delivered through a joint authority or district. While such a joint action may be possible through the Joint Exercise of Powers, a more uniform and streamlined approach could be established via statute in anticipation of regional efforts to address such a service delivery method.

Accordingly, the Commonwealth should evaluate and implement ways to streamline how Joint Authorities and Special Districts are formed and operated. In addition, when reviewing the tax code and introducing new legislation, the General Assembly should consider bills and acts that incentivize and offer regulatory flexibility to make it easier for localities to cooperate at a regional level. Significant progress has been made with this effort on topics such as economic development through the creation of GO Virginia, and it seems likely that other opportunities to encourage regional efforts may exist.

Fiscal Considerations

Provide planning grants to explore interlocal agreements and other operational efficiencies

Oftentimes, even though various interlocal agreements could benefit localities through improved economies of scale or more efficient service delivery, they are unable to research and investigate the benefits of such agreements because of the initial administrative or cost-prohibitive barriers. The creation of a program whereby an agency of the Commonwealth could review proposals for such interlocal agreements and provide matching grants to localities for a more thorough examination of these potential arrangements could be one way to help localities overcome these initial hurdles. Because the program would require matching local funds, it would be reasonable to assume that such agreements would be pursued with a more serious commitment by the localities.

The types of agreements covered by such planning grants could include interlocal agreements and transitions under review by the CLG, full or contractual consolidation of certain locally mandated services (e.g. school divisions, public health, etc.), joint authorities, and other cooperative options not codified but executable through special legislation. Other states, including Massachusetts,⁴⁵ Ohio,⁴⁶ and New York⁴⁷ offer opportunities for local governments to look into these matters from a regional perspective and intra-locally. Massachusetts, for example, provided about \$2 million in efficiency and regionalization grants in fiscal year 2018 on topics including share public health and emergency services,

⁴⁴ Ibid.

⁴⁵ Commonwealth of Massachusetts, Department of Revenue, Division of Local Services, Efficiency and Regionalization grant program. <https://www.mass.gov/efficiency-regionalization-grant-program>

⁴⁶ Ohio Office of the State Auditor, Performance Audits. <https://ohioauditor.gov/performance.html>

⁴⁷ New York Department of State, Division of Local Government Services, Local Government Efficiency Program. <https://www.dos.ny.gov/lg/lge/index.html>

regional economic development, school consolidations, and local efficiencies. The success of programs such as these could be replicated in the Commonwealth.

Evaluate adequacy of local fiscal resources to identify enhancements

Given the growing and diversifying national and state economy, many traditional revenue sources at the state and local level have evolved. Furthermore, demands for services have also changed and in many cases grown. As these two elements have shifted, existing financial tools and funding streams may no longer adequately collect revenue or provide aid at a sufficient level for delivery of services that have also grown or changed in some way. For example, despite the growing service-based economy, the Commonwealth's existing state and local option sales tax does not consider the sale of services to be a tangible good subject to such tax. In a similar vein, the communication sales and use tax may not match businesses activity as it stands today. Online streaming services that have grown significantly over the last decade did not exist and were not anticipated when such revenue streams were developed. Additionally, frequent recent efforts to alter or remove some local fiscal powers suggests that compromise may be necessary so that local taxing authorities are protected while also ensuring a business friendly climate. At least three studies explored some of these issues in 1998 and 2001; however, many of their recommendations have yet to be implemented.

Moreover, various local funding streams at the state and federal level have changed or been reduced over time, especially most recently in response to the Great Recession. However, even as the economy has stabilized, many of these reductions remain despite growing needs and prevailing local practices. For example, the Standards of Quality (SOQ) caps the number of k-12 support positions to one for every 4.17 SOQ-recognized teachers, but previous allocation was based on prevailing local practices. While all local governments are affected by these reductions, those with elevated stress levels may experience these and other consequences more acutely, which can perpetuate disparities and fiscal stress among localities and among regions.

Also, while there is a general distinction between mostly rural and suburban counties compared to more densely settled cities, there are many, growing exceptions to that rule as previously discussed. Despite these conditions, many existing laws continue to allocate powers and authority to communities based on their legal classification rather than on the reality of their settlement patterns, size, and consequential service demands. Moreover, some more developed regions of the Commonwealth have the authority to collect certain regional taxes to address issues of greater than local significance, such as transportation, that are critical to their economies. While the other regions of the Commonwealth may have smaller economies comparatively, their economic vitality is no less important and their regional economies could benefit from similar regional revenue sources that could be used to enhance and fortify commerce-stimulating infrastructure within their regions.

The Commission recognizes the sensitivity of these issues – many of which are outside its purview; however, if the right of annexation is taken away from cities – which has been true for over 30 years with the existing temporary moratoria – then appropriate options and resources should be given to cities and many other similarly situated counties to address their fiscal needs while compensating for the loss of such a significant tool. Furthermore, in some cases, the funding compromise agreed to as it

relates to the moratoria has not always been adhered to, which suggests that a new assessment and compromise may be necessary. Therefore, the Commission suggests that a study of all local funding streams and local fiscal powers be conducted relative to locally mandated services to determine whether such funding and powers are adequate to meet such service needs, including based on locality type and regions.

Create or expand programs to reduce local fiscal stress

- Establish a critically stressed localities fund to grow the tax bases and overcome service delivery challenges for fiscally stressed localities
- Consider greater prioritization of fiscal stress in programs that provide aid to localities

As interest in local government fiscal stress has continued to evolve, more evidence seems to point to the heavy fiscal burden that many local governments face. Fiscal crises such as what occurred in the City of Petersburg highlight communities with difficulties providing adequate services to their citizens and then faced near insolvency and explored local transitions when matters became more serious. While supplemental temporary financial and technical assistance by the Commonwealth helped the City stabilize, the City still had to make serious cuts to its budget and lay off employees for critical positions, including schoolteachers. The Commonwealth has taken proactive measures in response to this situation by establishing the Early Warning Fiscal Distress Detection System managed by the Auditor of Public Accounts (APA). The various ratios used in the system allow a uniform process to assess how well local governments are managing their finances and identify potential needs for state assistance.

The CLG's Fiscal Stress Index could also serve as another measure to allocate additional resources to localities with depressed economic bases. The index identifies communities that may not be able to sustain efficient and adequate mandated operations without straining their revenue bases with higher taxes, making significant cuts to critical services, or both. Accordingly, the Commonwealth should consider creating a critically stressed localities fund. Such a program could address economic base and service delivery challenges experienced by these communities that contribute to their elevated levels of fiscal stress. From an economic base perspective, the fund could help provide capital funding for construction or expansion of infrastructure, such as broadband. This could help stimulate and grow local economies and consequently generate more revenue for the locality and the Commonwealth. From a service delivery perspective, such a fund could address important human service delivery needs such as teacher shortages in challenged schools, community wealth building programs, expanded workforce development programs, and other needs that strain local service demands but the improvement of which could grow local economies over time.

Alternatively, a variety of existing programs provide aid to localities and help stimulate economic development and improve mandated service delivery – both issues that contribute to local government fiscal stress – so consideration of these programs relative to creating a new program will help assess its overall need. Therefore, evaluation of these programs, such as the Governor's Opportunity Fund, and the extent to which they consider the CLG's Fiscal Stress Index could also identify opportunities where gaps related to fiscal stress as a factor may exist.

Incentivize additional regional cooperation and regional programs.

- Consider restoring previous funding levels to Planning District Commissions
- Evaluate other state programs to identify opportunities for more regional focus

Given the regional paradigm by which many of the issues affecting the Commonwealth's communities exists, it will also take a regional approach. The Commonwealth has 21 Regional Planning District Commissions (PDCs) whose purpose is to encourage and facilitate local government cooperation in addressing, on a regional basis, problems of greater than local significance. These organizations have had a successful track record for meeting this mandate. For example, during the 2014 – 2016 biennium, PDCs conducted over 500 studies on issues and problems of regional significance, reviewed nearly 800 local government aid applications, and assisted state agencies in the development of substate plans 120 times.⁴⁸

Despite these achievements, more could be accomplished by channeling additional efforts and resources through them. For example, these organizations reached their highest funding level in FY2004 when state appropriations ranged from \$81,274 to \$364,439. These appropriations now range between \$75,971 and \$151,943. While circumstances such as the Great Recession played a role in the decision to reduce this funding stream, the issues that they are required to address have grown. Some prime examples of these issues would include the increasing opioid epidemic, transportation needs, broadband, and workforce development.

Another potential way by which the Commonwealth could consider facilitating and incentivizing regional cooperation is to ensure that its various programs consider regional efforts when addressing need. This has already been accomplished from an economic development perspective through the creation of the GO Virginia program and through other efforts such as regional jails. However, there could be other opportunities for which this policy could be explored and/or expanded in the sectors of education, social services, and transportation.

⁴⁸ Commonwealth of Virginia, Department of Housing and Community Development. "Biennial Report to the Governor and General Assembly on Virginia's Planning District Commissions for Fiscal Years 2015 and 2016." September 2016. <http://www.dhcd.virginia.gov/images/clg/PDC%20Biennial%20Report%202015-16.pdf>

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APPENDICES

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Appendix A: Study Directive

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 158

An Act to amend and reenact § 15.2-3201 of the Code of Virginia, relating to annexation.

[S 309]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-3201 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-3201. Temporary restrictions on granting of city charters, filing annexation notices, institutions of annexation proceedings, and county immunity proceedings.

Beginning January 1, 1987, and terminating on the first to occur of (i) July 1, ~~2018~~ 2024, or (ii) the July 1 next following the expiration of any biennium, other than the 1998-2000, 2000-2002, 2002-2004, 2006-2008, 2008-2010, 2010-2012, 2012-2014, ~~and~~ 2014-2016, 2016-2018, 2018-2020, 2020-2022, and 2022-2024 bienniums, during which the General Assembly appropriated for distribution to localities for aid in their law-enforcement expenditures pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 an amount that is less than the total amount required to be appropriated for such purpose pursuant to subsection A of § 9.1-169, no city shall file against any county an annexation notice with the Commission on Local Government pursuant to § 15.2-2907, and no city shall institute an annexation court action against any county under any provision of this chapter except a city that filed an annexation notice before the Commission on Local Government prior to January 1, 1987. During the same period, with the exception of a charter for a proposed consolidated city, no city charter shall be granted or come into force and no suit or notice shall be filed to secure a city charter. However, the foregoing shall not prohibit the institution of nor require the stay of an annexation proceeding or the filing of an annexation notice for the purpose of implementing an annexation agreement, the extent, terms and conditions of which have been agreed upon by a county and city; nor shall the foregoing prohibit the institution of or require the stay of an annexation proceeding by a city which, prior to January 1, 1987, commenced a proceeding before the Commission on Local Government to review a proposed voluntary settlement pursuant to § 15.2-3400; nor shall the foregoing prohibit the institution of or require the stay of any annexation proceeding commenced pursuant to § 15.2-2907 or 15.2-3203, except that no such proceeding may be commenced by a city against any county, nor shall any city be a petitioner in any annexation proceeding instituted pursuant to § 15.2-3203.

Beginning January 1, 1988, and terminating on the first to occur of (i) July 1, ~~2018~~ 2024, or (ii) the July 1 next following the expiration of any biennium, other than the 1998-2000, 2000-2002, 2002-2004, 2006-2008, 2008-2010, 2010-2012, 2012-2014, ~~and~~ 2014-2016, 2016-2018, 2018-2020, 2020-2022, and 2022-2024 bienniums, during which the General Assembly appropriated for distribution to localities for aid in their law-enforcement expenditures pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 an amount that is less than the total amount required to be appropriated for such purpose pursuant to subsection A of § 9.1-169, no county shall file a notice or petition pursuant to the provisions of Chapter 29 (§ 15.2-2900 et seq.) or Chapter 33 (§ 15.2-3300 et seq.) requesting total or partial immunity from city-initiated annexation and from the incorporation of new cities within its boundaries. However, the foregoing shall not prohibit the institution of nor require the stay of an immunity proceeding or the filing of an immunity notice for the purpose of implementing an immunity agreement, the extent, terms and conditions of which have been agreed upon by a county and city.

2. That the Commission on Local Government be directed to evaluate the structure of cities and counties in the Commonwealth and the impact of annexation upon localities. In doing so, the Commission shall consider alternatives to the current moratorium on annexation by cities. The Commission shall issue its findings and recommended policy changes to the General Assembly no later than December 1, 2018. During its evaluation, the Commission shall consult with and seek input from the Virginia Municipal League, the Virginia Association of Counties, and the localities directly affected by the current annexation moratorium. All agencies of the Commonwealth shall provide assistance to the Commission for this evaluation upon request.

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 364

An Act to amend and reenact § 15.2-3201 of the Code of Virginia, relating to annexation.

[H 945]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-3201 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-3201. Temporary restrictions on granting of city charters, filing annexation notices, institutions of annexation proceedings, and county immunity proceedings.

Beginning January 1, 1987, and terminating on the first to occur of (i) July 1, ~~2018~~ 2024, or (ii) the July 1 next following the expiration of any biennium, other than the 1998-2000, 2000-2002, 2002-2004, 2006-2008, 2008-2010, 2010-2012, 2012-2014, ~~and~~ 2014-2016, 2016-2018, 2018-2020, 2020-2022, and 2022-2024 bienniums, during which the General Assembly appropriated for distribution to localities for aid in their law-enforcement expenditures pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 an amount that is less than the total amount required to be appropriated for such purpose pursuant to subsection A of § 9.1-169, no city shall file against any county an annexation notice with the Commission on Local Government pursuant to § 15.2-2907, and no city shall institute an annexation court action against any county under any provision of this chapter except a city that filed an annexation notice before the Commission on Local Government prior to January 1, 1987. During the same period, with the exception of a charter for a proposed consolidated city, no city charter shall be granted or come into force and no suit or notice shall be filed to secure a city charter. However, the foregoing shall not prohibit the institution of nor require the stay of an annexation proceeding or the filing of an annexation notice for the purpose of implementing an annexation agreement, the extent, terms and conditions of which have been agreed upon by a county and city; nor shall the foregoing prohibit the institution of or require the stay of an annexation proceeding by a city which, prior to January 1, 1987, commenced a proceeding before the Commission on Local Government to review a proposed voluntary settlement pursuant to § 15.2-3400; nor shall the foregoing prohibit the institution of or require the stay of any annexation proceeding commenced pursuant to § 15.2-2907 or 15.2-3203, except that no such proceeding may be commenced by a city against any county, nor shall any city be a petitioner in any annexation proceeding instituted pursuant to § 15.2-3203.

Beginning January 1, 1988, and terminating on the first to occur of (i) July 1, ~~2018~~ 2024, or (ii) the July 1 next following the expiration of any biennium, other than the 1998-2000, 2000-2002, 2002-2004, 2006-2008, 2008-2010, 2010-2012, 2012-2014, ~~and~~ 2014-2016, 2016-2018, 2018-2020, 2020-2022, and 2022-2024 bienniums, during which the General Assembly appropriated for distribution to localities for aid in their law-enforcement expenditures pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 an amount that is less than the total amount required to be appropriated for such purpose pursuant to subsection A of § 9.1-169, no county shall file a notice or petition pursuant to the provisions of Chapter 29 (§ 15.2-2900 et seq.) or Chapter 33 (§ 15.2-3300 et seq.) requesting total or partial immunity from city-initiated annexation and from the incorporation of new cities within its boundaries. However, the foregoing shall not prohibit the institution of nor require the stay of an immunity proceeding or the filing of an immunity notice for the purpose of implementing an immunity agreement, the extent, terms and conditions of which have been agreed upon by a county and city.

2. That the Commission on Local Government be directed to evaluate the structure of cities and counties in the Commonwealth and the impact of annexation upon localities. In doing so, the Commission shall consider alternatives to the current moratorium on annexation by cities. The Commission shall issue its findings and recommended policy changes to the General Assembly no later than December 1, 2018. During its evaluation, the Commission shall consult with and seek input from the Virginia Municipal League, the Virginia Association of Counties, and the localities directly affected by the current annexation moratorium. All agencies of the Commonwealth shall provide assistance to the Commission for this evaluation upon request.

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Appendix B: Initial Public Comments

STATEMENT TO COMMISSION ON LOCAL GOVERNMENT

STAUNTON, VIRGINIA
September 13, 2016

Mr. Chairman, members of the Commission:

I am Bill Robertson, Chairman of the Board of Supervisors of Prince George County. I have been a member of the Board of Supervisors since 2004.

PRINCE GEORGE

Prince George County is located in south central Virginia adjacent to the Cities of Hopewell and Petersburg as well as a number of other cities and counties (Map 1). The County is comprised of 282 square miles with a current estimated population of 37,862. Since the Civil War, over 23.65 square miles have been taken from Prince George as the result of the incorporation of Hopewell as a city and numerous annexations since then by Petersburg and Hopewell.

The County is governed by a five-member Board of Supervisors elected from two elections districts. Prince George itself, provides most services that you would expect to see in cities. The County has recently received a number of upgrades in its bond rating and currently is rated as a AA+ locality. For the last 12 years, the County has received the GFOA Award for Excellence in government accounting.

ANNEXATION

A short look at the history of annexation of Prince George County provides a perfect case study in why city annexation of adjacent counties is an archaic, outdated process that solves nothing and surprisingly; actually can cause harm to the annexing city in addition to the harm that it inflicts on counties. The annexation process also harms the State as a whole because it destabilizes citizens' expectations and complicates long-term investment decisions by businesses.

1971 ANNEXATION

In the last successful annexation of Prince George by Petersburg in 1971, Petersburg obtained over nine (9) square miles of the County, in part because the City argued that it was better prepared to provide municipal-type services than Prince George and that the City needed more land for expected new development. The annexation also stripped Prince George of much of its commercial tax base.

1985 ANNEXATION

Fast forward just 14 years, to 1985 and Petersburg was back at the table again seeking more land from Prince George. This time the City of Hopewell also joined the fray to try to pick off commercial areas of Prince George, a city that already had huge amounts of taxable industry within its borders. But this time, after five years of expensive and disruptive litigation, the results were different. Virginia courts, including the Supreme Court, unanimously ruled that the cities had not shown that annexation would benefit their cities or was necessary to provide effective governmental services to Prince George residents.

IMPACTS OF ANNEXATION

But even after winning and with no change in Prince George's boundaries, the annexation litigation touched off decades of negative impact on regional relationships. These strained relationships slowed down regional progress and eroded business confidence in the region. The level of local hostility was so high that the normally very conservative voters in Prince George voted 4,375 to 270 to treat Prince George as a city for the purpose of issuing debt thereby eliminating the referendum requirement for debt issuance. This was a remarkable response from a very conservative electorate to the threat of annexation. And for years after the litigation, governmental services in the County had to be shaped in ways to make sure that Prince George would be in a position to defend itself against any future annexation attempts.

CITY GOVERNANCE

Nor does just adding acreage to cities cure political conflict within city councils or cure governance problems within cities. As an example, much of the undeveloped acreage annexed from Prince George in 1971 was still undeveloped by the time of the 1985 annexation; a point dwelt upon by the court when rejecting Petersburg's annexation petition. And I might add this land is still mostly vacant today. And although Prince George has thrived during the moratorium period, Petersburg continues to struggle with internal governance issues. Also in 1985 the U. S. Department of Defense weighed in on a local issue by strongly opposing Petersburg's attempted annexation because of the presence of Fort Lee in Prince George. Now with the annexation moratorium in place for a number of years, I feel we – in the Tri-Cities area, have moved beyond the destructive, blunt instrument of annexation.

EQUALIZATION OF POWERS

Significantly, during the annexation moratorium, the powers of cities and counties have been largely equalized by the General Assembly. There is virtually nothing now that a city can do that a county cannot do. Counties can now use varied approaches to providing services and can easily differentiate between developed and undeveloped areas when responding to different needs.

REGIONAL COOPERATION

Since the last annexation, the General Assembly's emphasis has been on incentivizing regional cooperation and the joint provisions of services. For example, in today's positive moratorium environment, Prince George participates with many other jurisdictions to provide regional services in such areas as:

1. Community Corrections - probation/drug court;
2. Libraries (1 city & 2 counties);
3. Economic development (3 cities & 5 counties);
4. Regional jail (3 cities & 3 counties);
5. Vocational high school (3 counties);
6. Sewer, water and waste authorities (2 cities & 3 counties);
7. Police and fire mutual aid agreements (all adjoining localities – we are first responders in certain areas of Hopewell [Fire]);
8. Workforce Investment Board (4 cities & 5 counties).

Localities can only participate in these positive relationships, partnerships or joint ventures when they are not threatened by annexation.

MOBILITY OF CITIZENS

Much else has changed in society since the 1971 annexation of Prince George as well. A notable change is the increased mobility of citizens who will not be constrained by artificial political boundaries caused by annexation that run roughshod over their personal decisions about where they want to live. If citizens are unhappy about being involuntarily switched to a different locality, they will vote with their feet by moving.

IN CONCLUSION

For all these reasons we are asking the Commission to recommend the continuation of the current moratorium on city-initiated annexations. All of the demonstrated negative impacts of annexation are not just conjecture or guesses. These bad outcomes have been confirmed for years by the reality of governmental relations in the Tri-Cities area. Annexation is an antiquated system that has no relevance today and opening up the possibilities of annexation makes no sense for Virginia in the future.

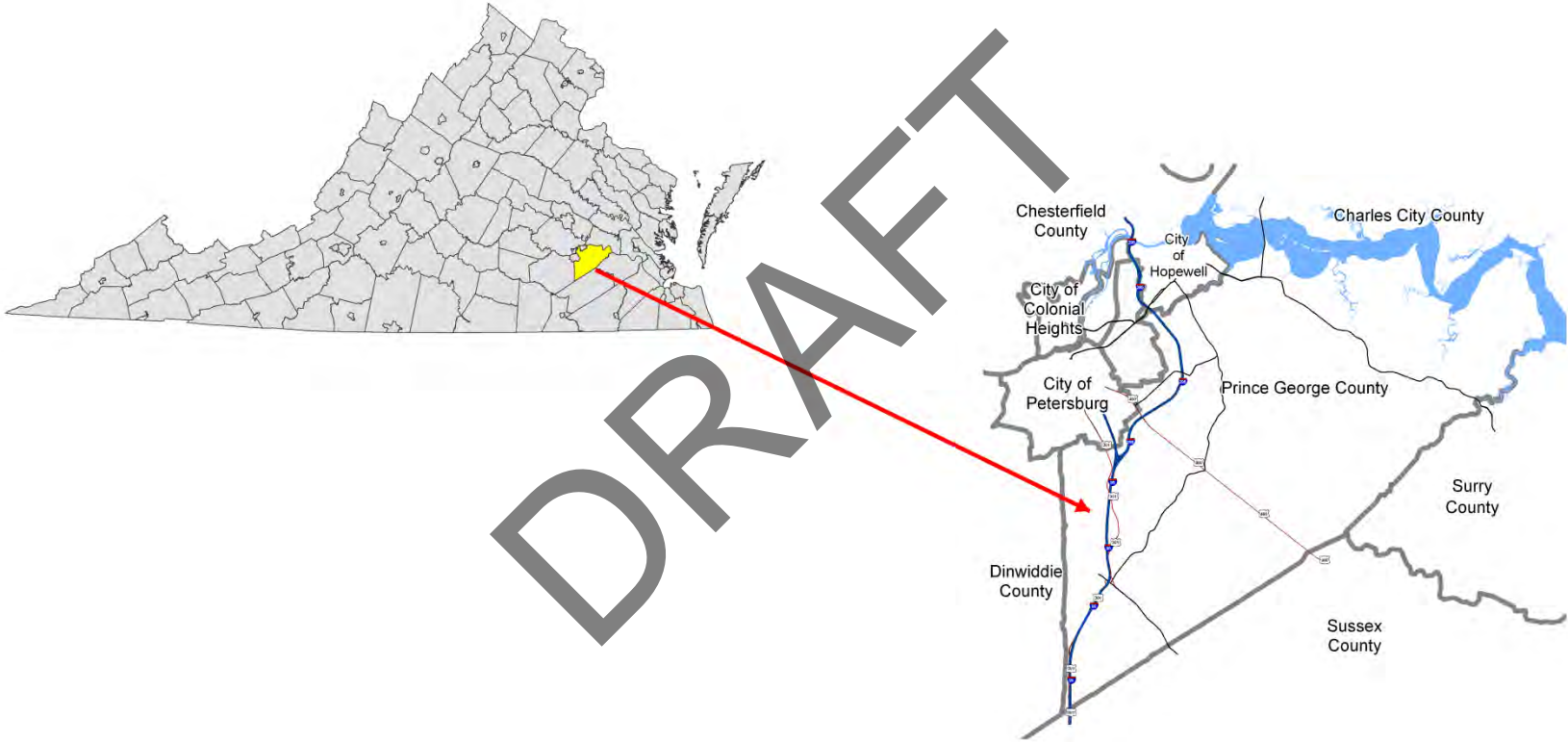
Thank you for your time.

Respectfully submitted,

William A. Robertson, Jr., Chairman
Prince George County Board of Supervisors

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County of Prince George Location



COMMONWEALTH OF VIRGINIA:

Commission on Local Government, Annexation Moratorium Study

Comments from the City of Martinsville

The annexation moratorium, and the special-legislation immunity certain counties have from annexation, has locked local government into the 1980s. Since that time, massive changes in population and demographics, industry and economy, and governmental growth have occurred in Virginia, but the inability of cities to grow through annexation ignores all of this, and forces cities to address 21st century issues within a footprint which is now almost four decades out of date.

The annexation moratorium was originally intended to be a short-term solution to the antagonism inherent in growth scenarios arising between independent and separate cities and counties. It was anticipated that a comprehensive, rather than stop-gap, solution to local government structure would be developed, but over 35 years later this has yet to occur.

The concept of cities completely independent from counties, with the respective tax bases being a zero-sum game, is rooted in the 18th and 19th centuries. Virginia is the only state in the Union which still follows this system of local government, and it puts the Commonwealth at a competitive disadvantage against all of the 49 other states. The annexation moratorium is merely one symptom of this antiquated system. Virginia should adopt comprehensive reform in its system of local government, to conform to the structure of the rest of America. It is imperative that the Commonwealth address the urgent need to bring local government in Virginia into the modern age. It is essential that reform actually occur through the passage of legislation, and that such reform occur quickly. Merely conducting a study, or forming a special commission to make recommendations which are then shelved, will do nothing to alleviate the fundamental challenges facing Virginia's outdated local government structure.

Under the current structure, independent cities are landlocked. With changes in the economy shifting manufacturing out of the country, or in some cases simply ceasing to exist as changes in manufacturing and technology occurs, many cities experience financial stress as costs to provide city services escalates while revenue to support those services shows little to no growth. Coupled with unfunded mandates, the state consistently underfunding its share of local obligations and responsibilities (599 funding for example), and the state reaching into local government coffers to address state budget shortfalls, cities are forced to continually raise taxes and fees, cut services, or examine reversion scenarios to survive, all of which serves to widen a clear division between how independent cities and counties function in the Commonwealth.

Efforts should be placed on much higher priority issues in our communities— education, economic development, and employment opportunities for example, than playing shell games with taxpayer’s money to stretch already meager resources year after year to simply survive through another budget season.

Specifically:

1. The Commonwealth should immediately adopt financial incentives, similar to those offered in the Bedford City/County reversion, to encourage consolidation of school systems in the bottom quartile of the LCI, or which are experiencing declining enrollment in excess of 5% per annum.
2. The Commonwealth should consider additional financial incentives to encourage consolidation of duplicative departments in contiguous localities—such as social services, parks and recreations, and public safety. Consolidation or elimination of constitutional offices should also be made an easier option for localities.
3. The Commonwealth should consider conversion of the system of local government to that of the county as the preeminent unit of local government, and abandoning the concept of completely independent cities. Such a system (North Carolina being an example) would dramatically reduce the adversarial, zero-sum nature of annexation between counties and cities, would create enhanced opportunities for economic development, and would enable greater economies of scale in the provision of public services.
4. The Commonwealth must fulfill the commitment it made to localities at the time the annexation moratorium was originally imposed by fully funding its commitment to local public safety in the HB 599 formula. The Commonwealth should increase HB 599 funding for cities to a higher rate to provide more support of Public Safety similar to Sherriff’s criminal operations in counties. If HB 599 is not fully honored or increased, then the annexation moratorium should be repealed.

Appendix C: Public Comments on Draft Report

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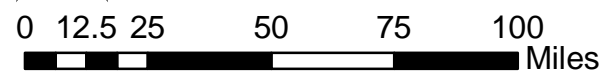
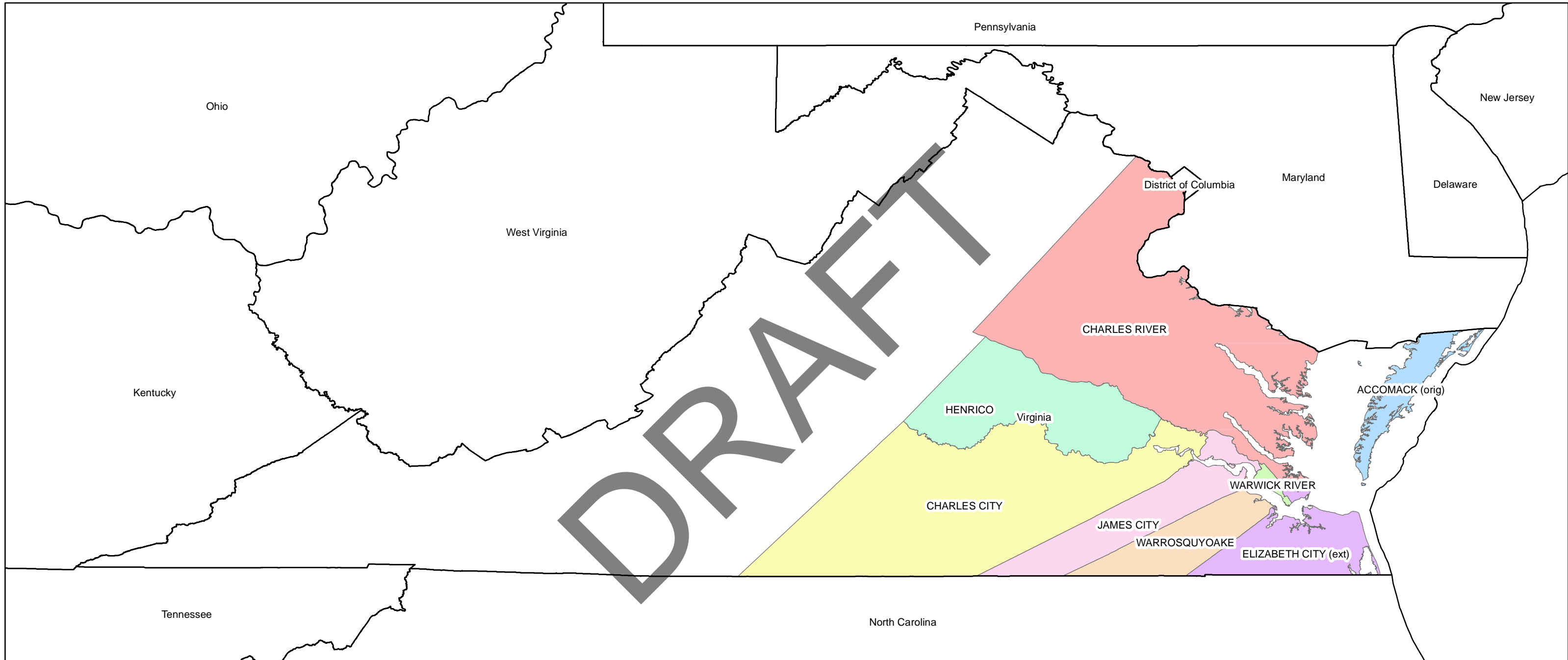
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Appendix D: Virginia Local Government Boundary Maps Time Series

Commonwealth of Virginia: 1634: Original Eight Counties

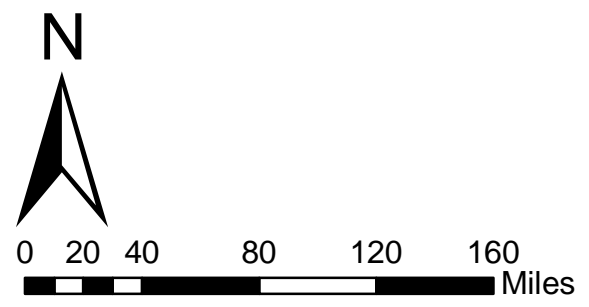
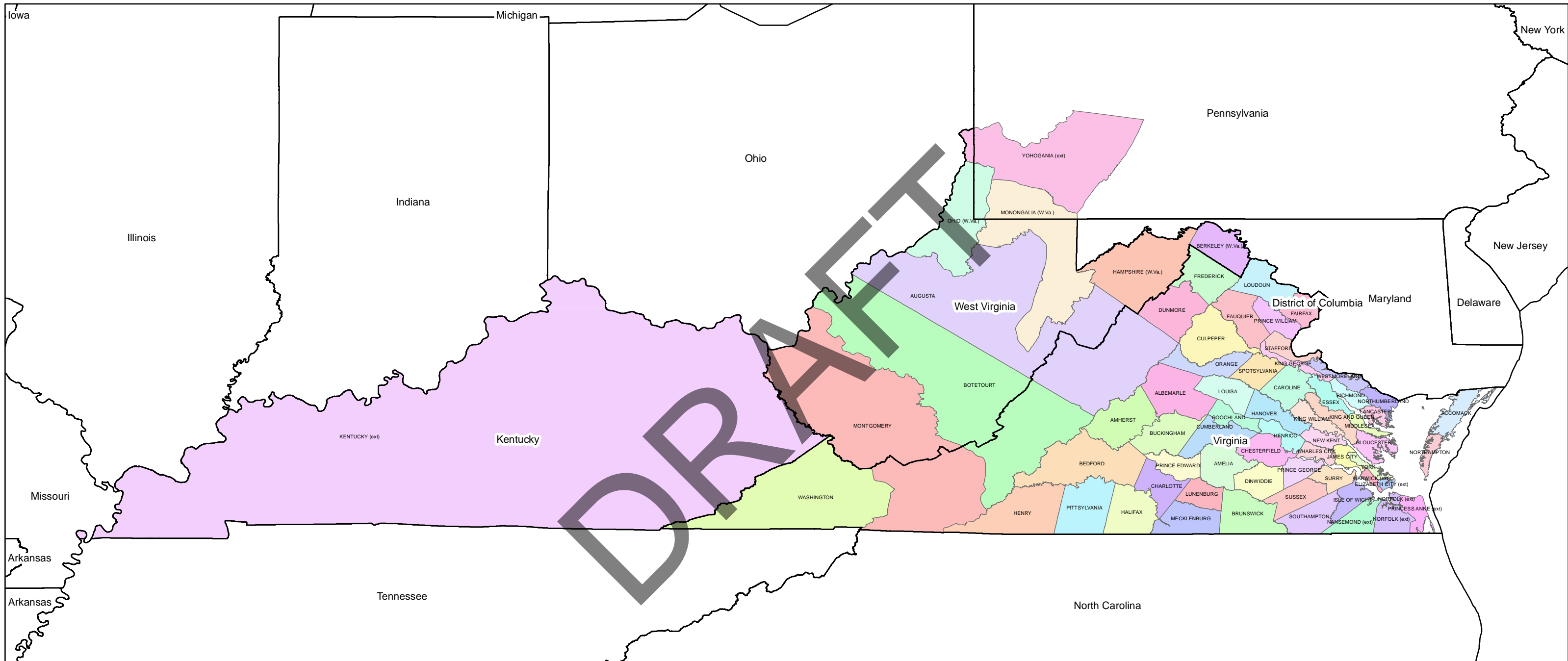


Source: U.S. Census Bureau; VA Department of Housing and Community Development; DenBoer, Gordon, and Peggy Tuck Sinko. Virginia Historical Counties. Data Set. Laura Rico-Beck, digital comp. Atlas of Historical County Boundaries, ed. by John H. Long. Chicago: The Newberry Library, 2010. Available online from <http://www.newberry.org/ahcbp>

Commonwealth of Virginia:

1776: 67 Counties

Includes territory in modern-day Kentucky, Pennsylvania, and West Virginia

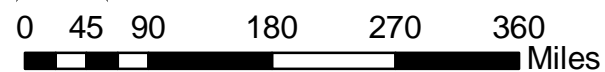
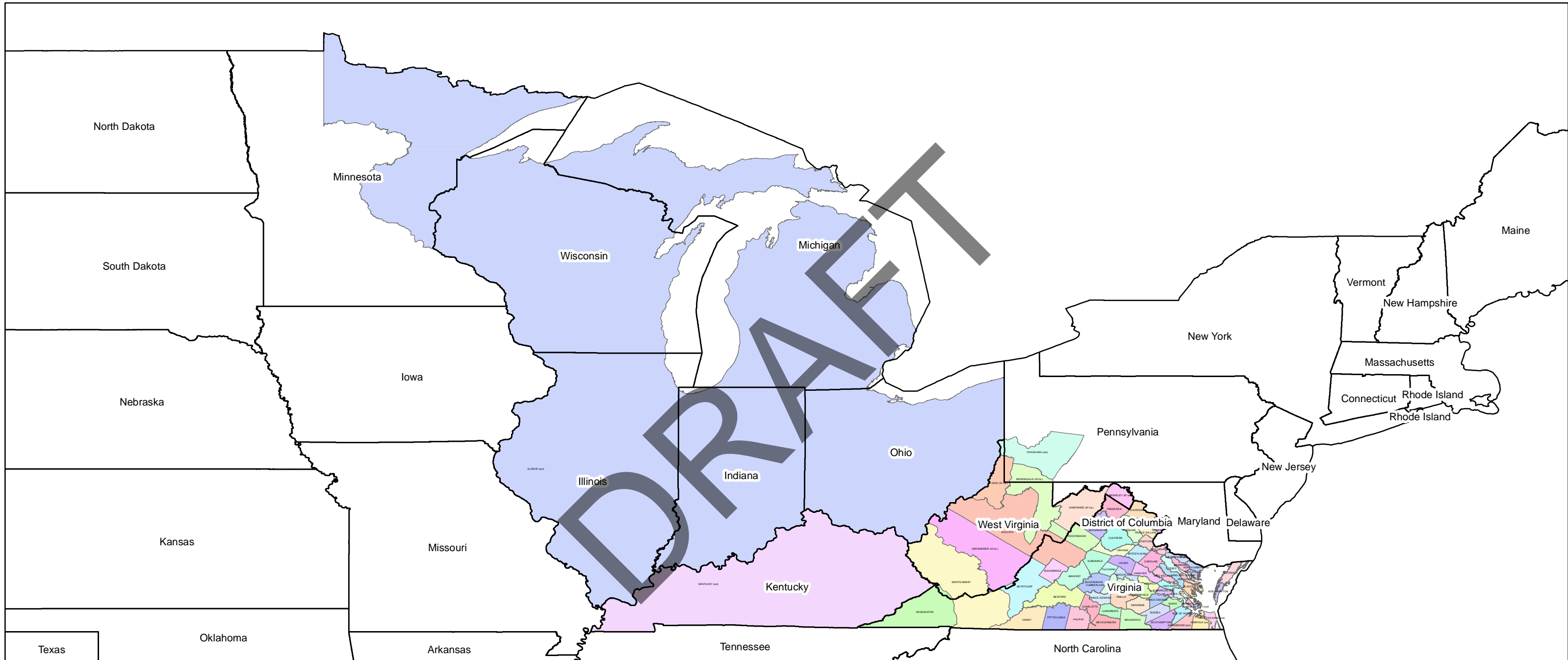


Source: U.S. Census Bureau; VA Department of Housing and Community Development; DenBoer, Gordon, and Peggy Tuck Sinko. Virginia Historical Counties. Data Set. Laura Rico-Beck, digital comp. Atlas of Historical County Boundaries, ed. by John H. Long. Chicago: The Newberry Library, 2010. Available online from <http://www.newberry.org/ahcbp>

Commonwealth of Virginia:

1778: 73 Counties

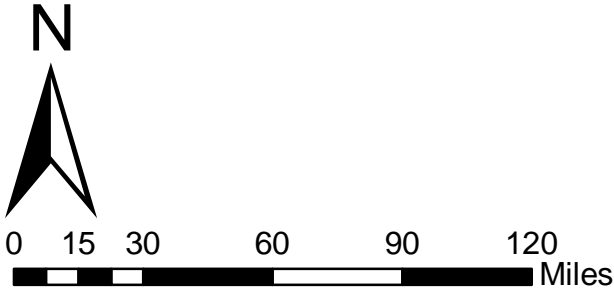
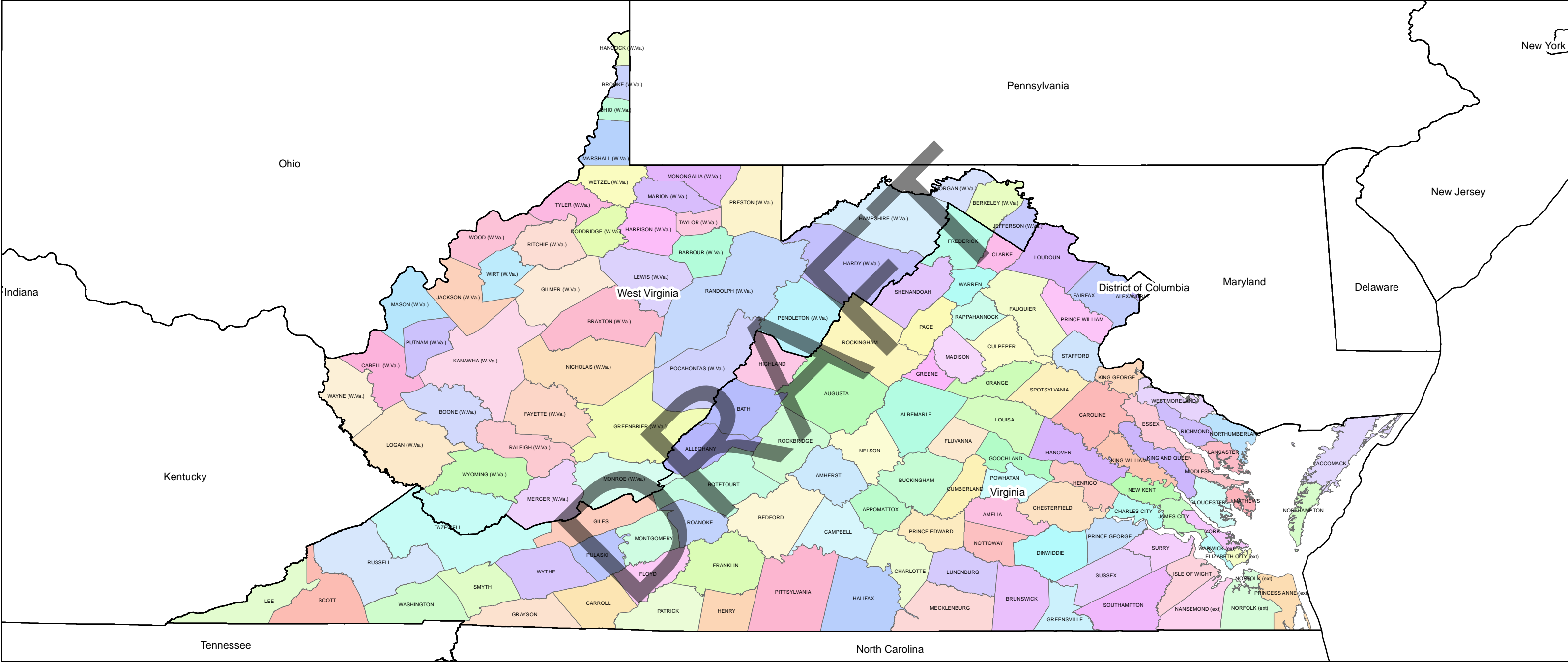
Includes territory in 8 modern-day states (IL, IN, KY, MI, MN, OH, PA, WV)



Source: U.S. Census Bureau; VA Department of Housing and Community Development; DenBoer, Gordon, and Peggy Tuck Sinko. Virginia Historical Counties. Data Set. Laura Rico-Beck, digital comp. Atlas of Historical County Boundaries, ed. by John H. Long. Chicago: The Newberry Library, 2010. Available online from <http://www.newberry.org/ahcbp>

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Commonwealth of Virginia: 1850: 137 Counties West Virginia not yet a State

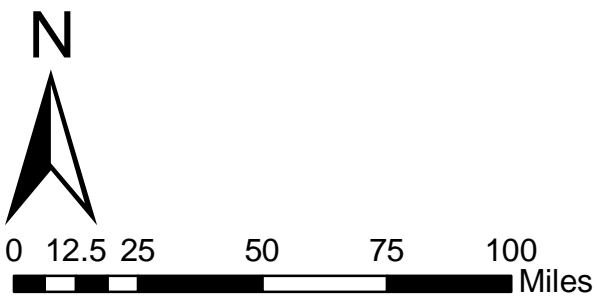
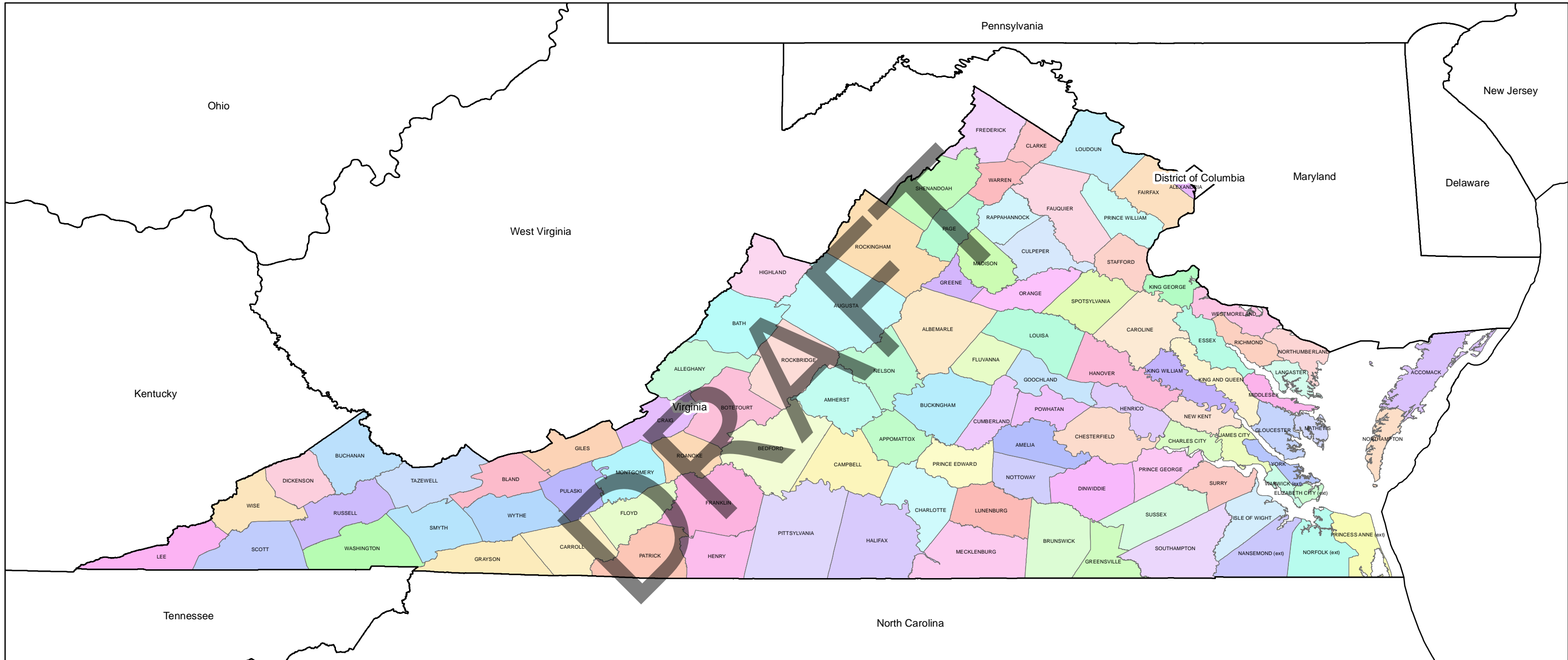


Source: U.S. Census Bureau; VA Department of Housing and Community Development; DenBoer, Gordon, and Peggy Tuck Sinko. Virginia Historical Counties. Data Set. Laura Rico-Beck, digital comp. Atlas of Historical County Boundaries, ed. by John H. Long. Chicago: The Newberry Library, 2010. Available online from <http://www.newberry.org/ahcbp>

Commonwealth of Virginia:

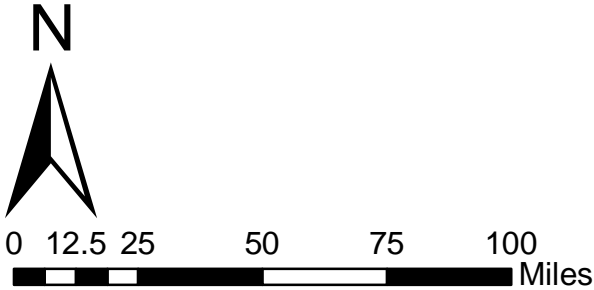
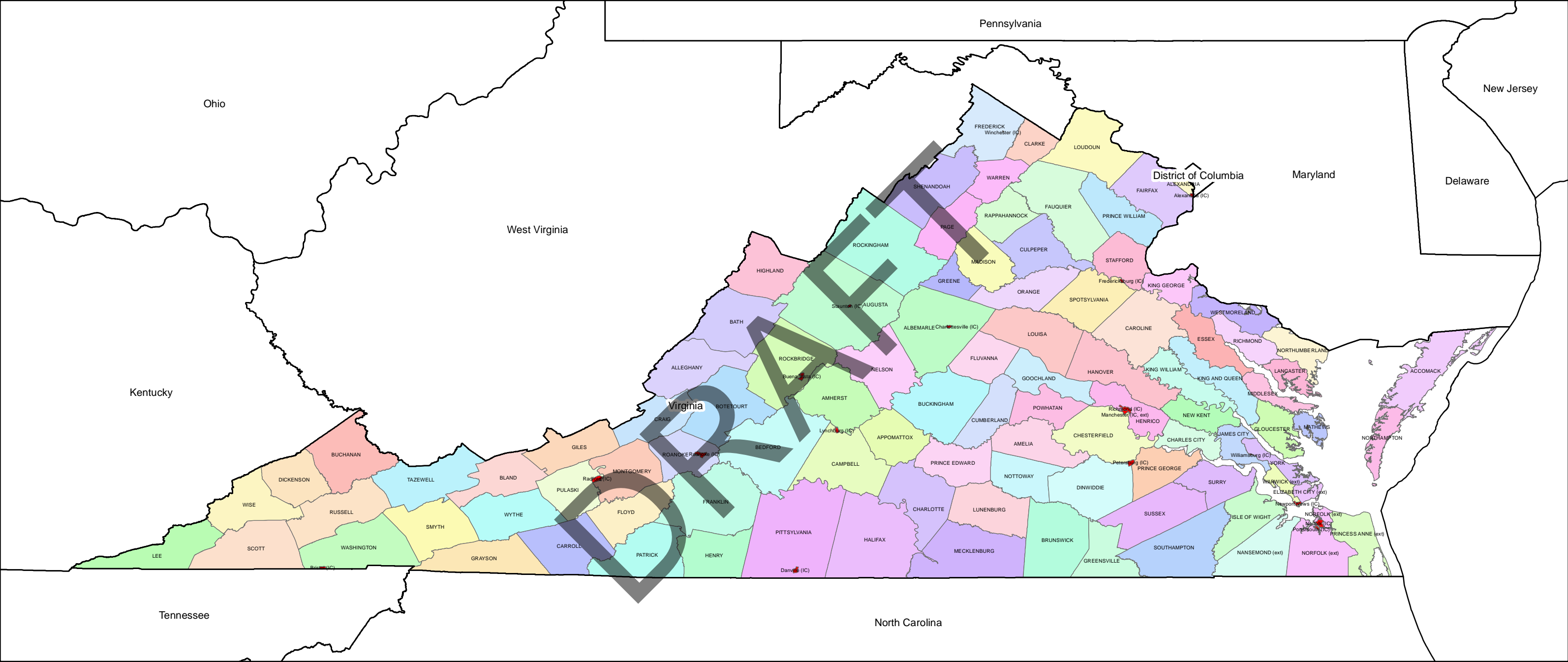
1880: 100 Counties

West Virginia now a separate State, Dickenson County is last VA County to be created



Source: U.S. Census Bureau; VA Department of Housing and Community Development; DenBoer, Gordon, and Peggy Tuck Sinko. Virginia Historical Counties. Data Set. Laura Rico-Beck, digital comp. Atlas of Historical County Boundaries, ed. by John H. Long. Chicago: The Newberry Library, 2010. Available online from <http://www.newberry.org/ahcbp>

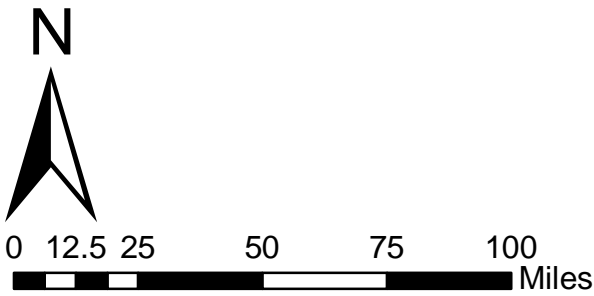
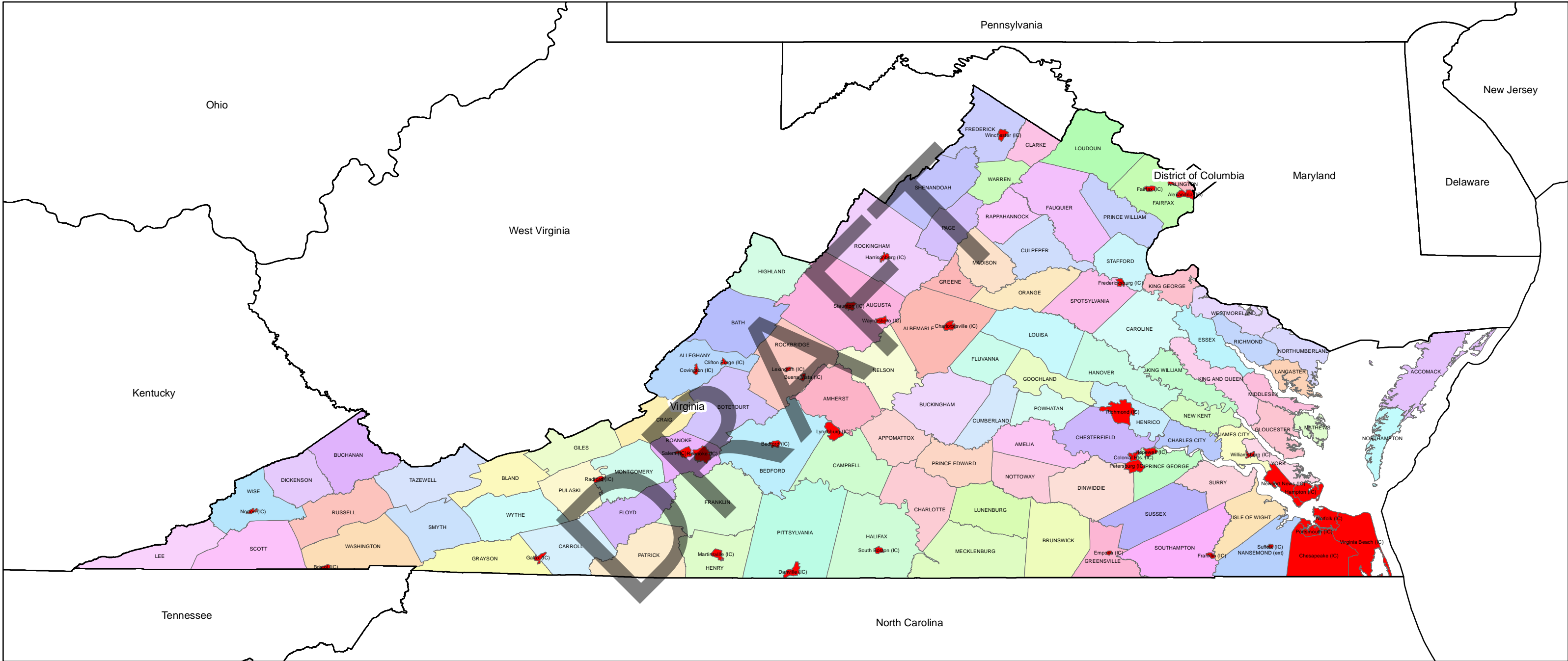
Commonwealth of Virginia: 1902: 118 Localities (100 Counties and 18 Independent Cities) VA 1902 Constitution informally recognizes cities as independent



Source: U.S. Census Bureau; VA Department of Housing and Community Development; DenBoer, Gordon, and Peggy Tuck Sinko. Virginia Historical Counties. Data Set. Laura Rico-Beck, digital comp. Atlas of Historical County Boundaries, ed. by John H. Long. Chicago: The Newberry Library, 2010. Available online from <http://www.newberry.org/ahcbp>



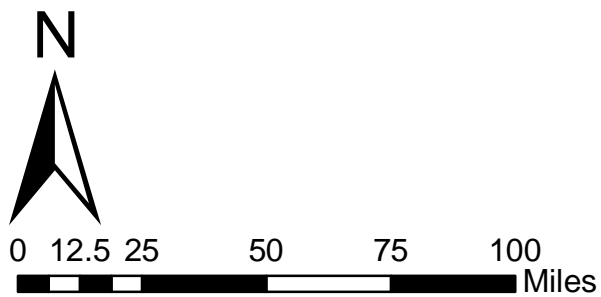
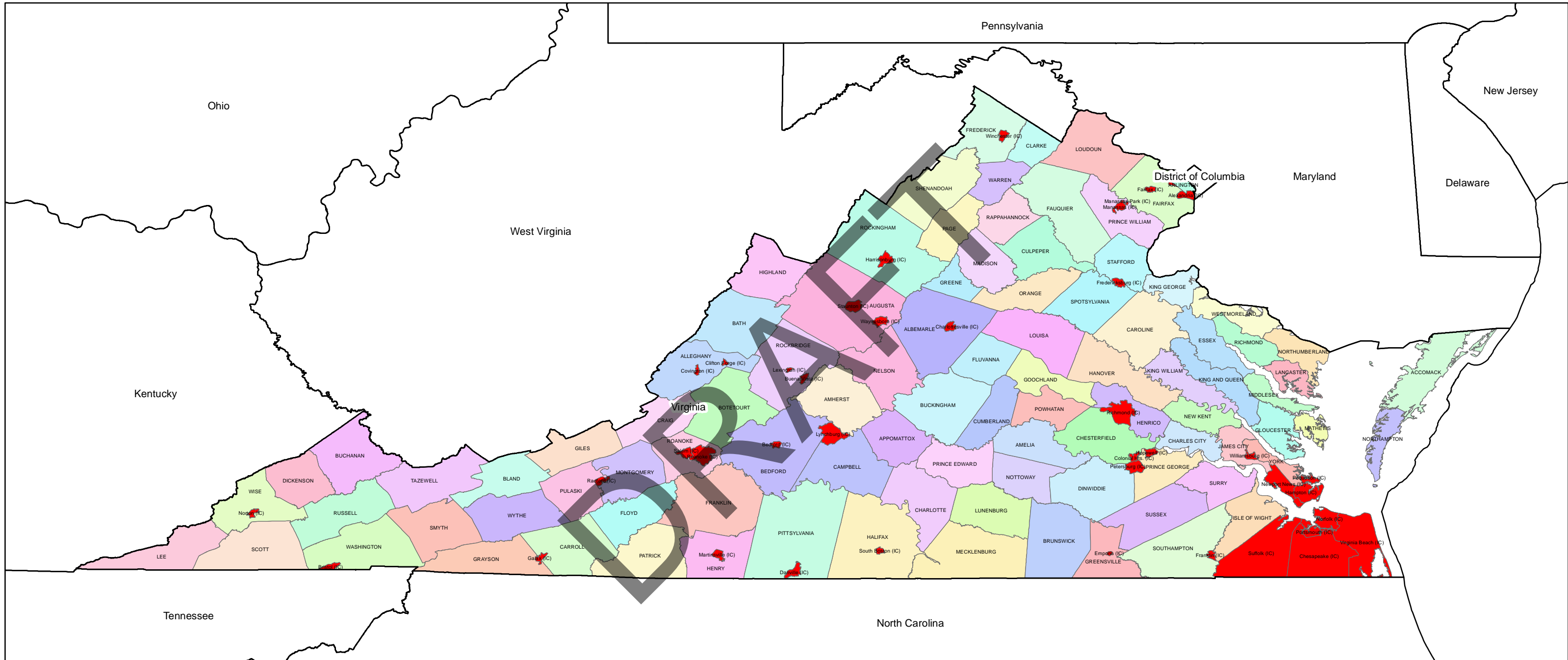
Commonwealth of Virginia: 1971: 134 Localities (96 Counties and 38 Independent Cities) VA 1971 Constitution (current) formally recognizes cities as being independent



Source: U.S. Census Bureau; VA Department of Housing and Community Development; DenBoer, Gordon, and Peggy Tuck Sinko. Virginia Historical Counties. Data Set. Laura Rico-Beck, digital comp. Atlas of Historical County Boundaries, ed. by John H. Long. Chicago: The Newberry Library, 2010. Available online from <http://www.newberry.org/ahcbp>

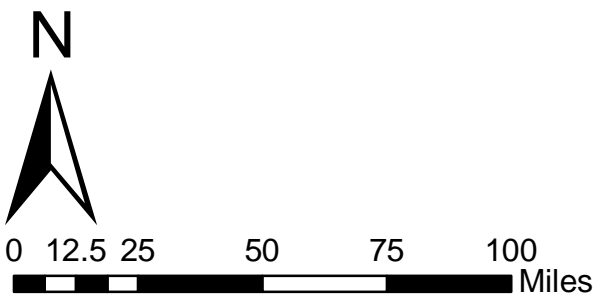
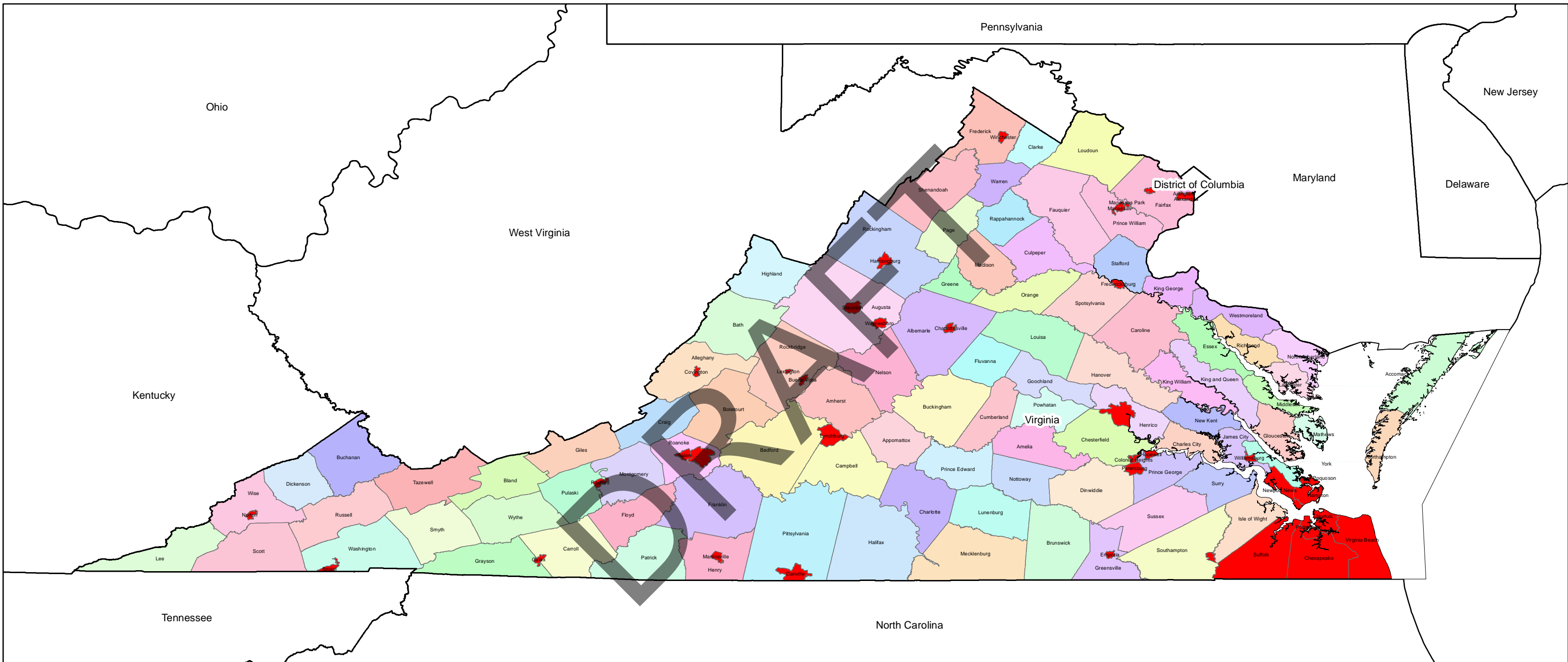


Commonwealth of Virginia: 1987: 136 Localities (95 Counties and 41 Independent Cities) Annexation moratoria are in effect



Source: U.S. Census Bureau; VA Department of Housing and Community Development; DenBoer, Gordon, and Peggy Tuck Sinko. Virginia Historical Counties. Data Set. Laura Rico-Beck, digital comp. Atlas of Historical County Boundaries, ed. by John H. Long. Chicago: The Newberry Library, 2010. Available online from <http://www.newberry.org/ahcbp>

Commonwealth of Virginia: 2018: 133 Localities (95 Counties and 38 Independent Cities) Current VA local government structure, moratoria still in effect

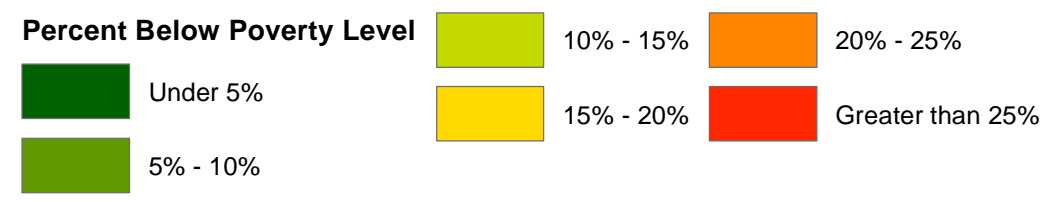
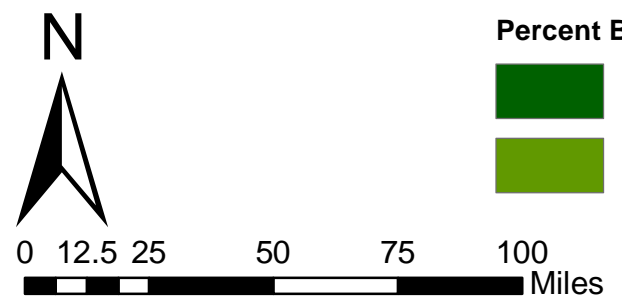
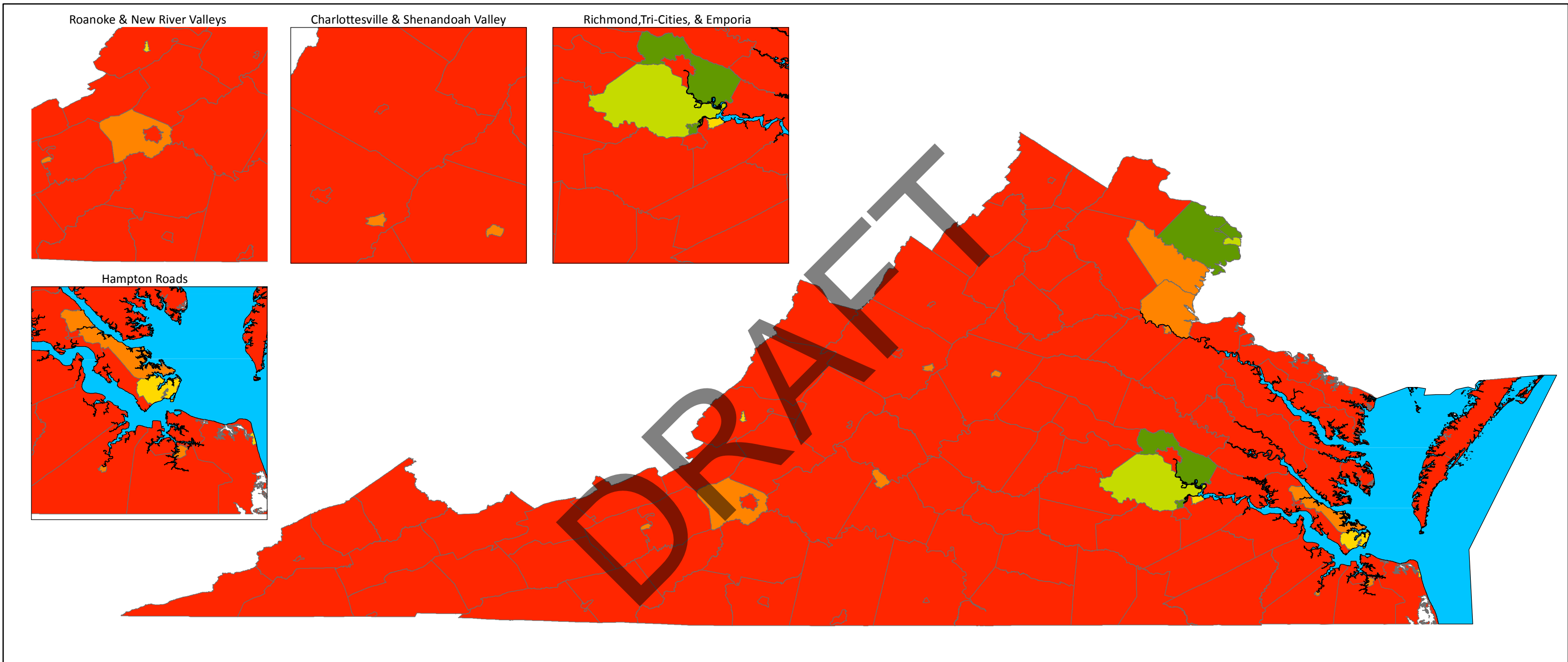


Source: U.S. Census Bureau; VA Department of Housing and Community Development; DenBoer, Gordon, and Peggy Tuck Sinko. Virginia Historical Counties. Data Set. Laura Rico-Beck, digital comp. Atlas of Historical County Boundaries, ed. by John H. Long. Chicago: The Newberry Library, 2010. Available online from <http://www.newberry.org/ahcbp>

Appendix E: Poverty by City and County: 1960 - 2015

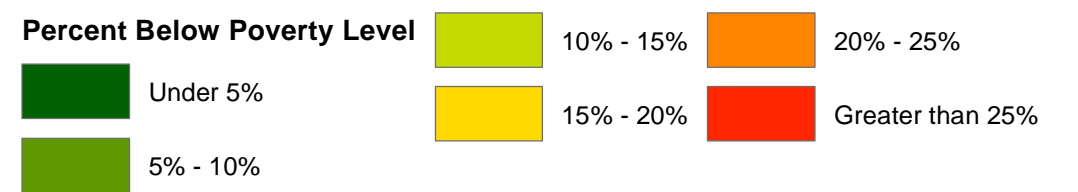
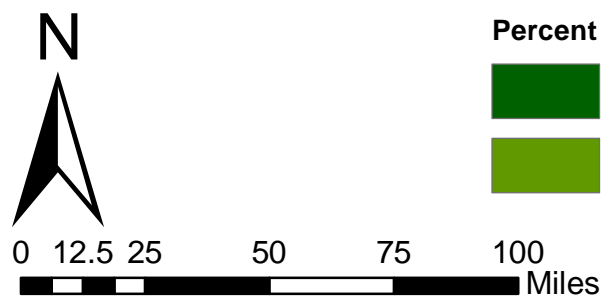
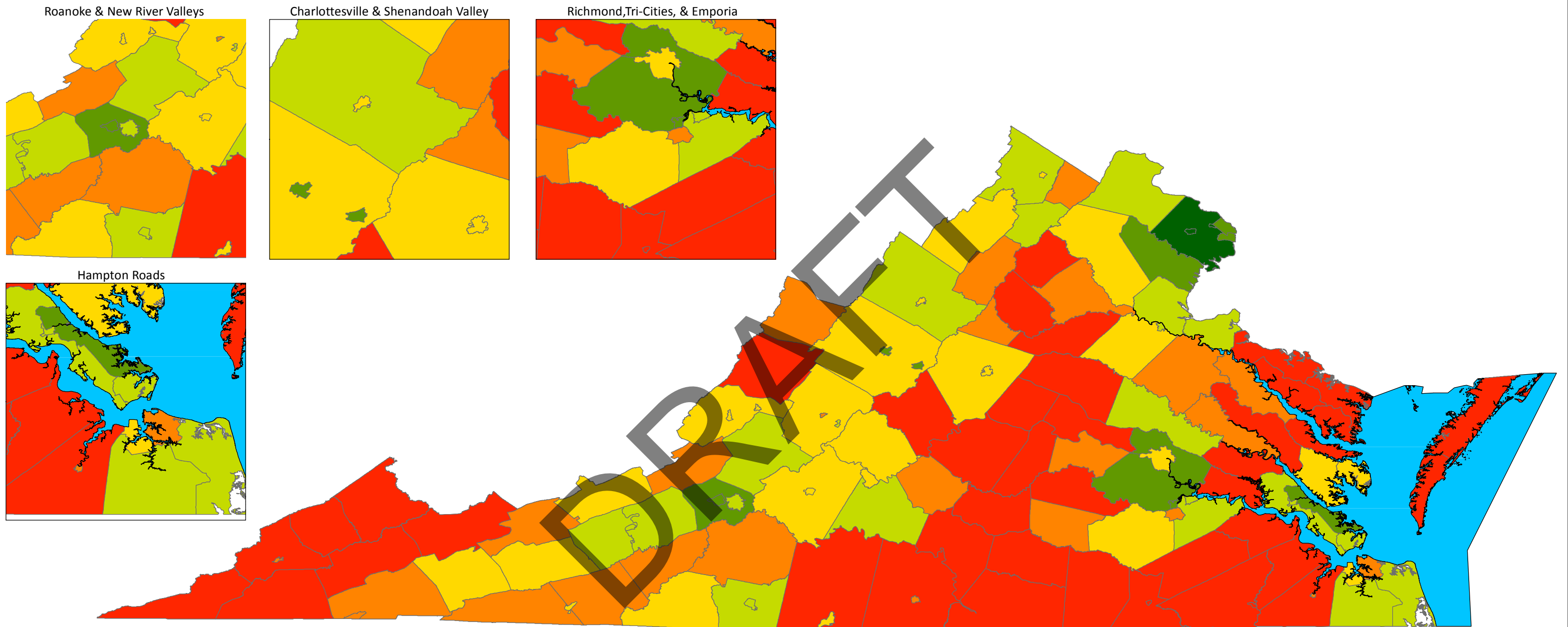
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Commonwealth of Virginia: 1960 Poverty By Locality



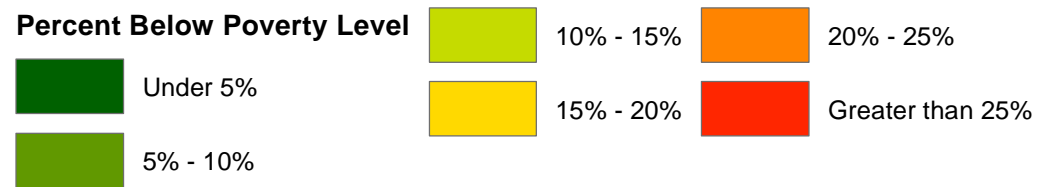
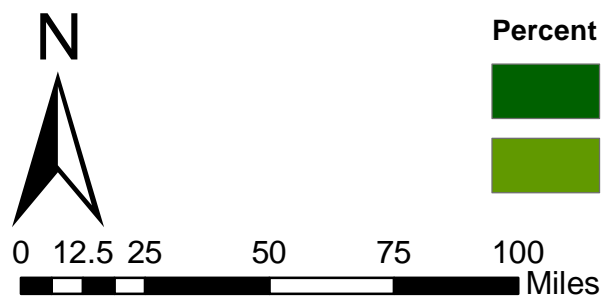
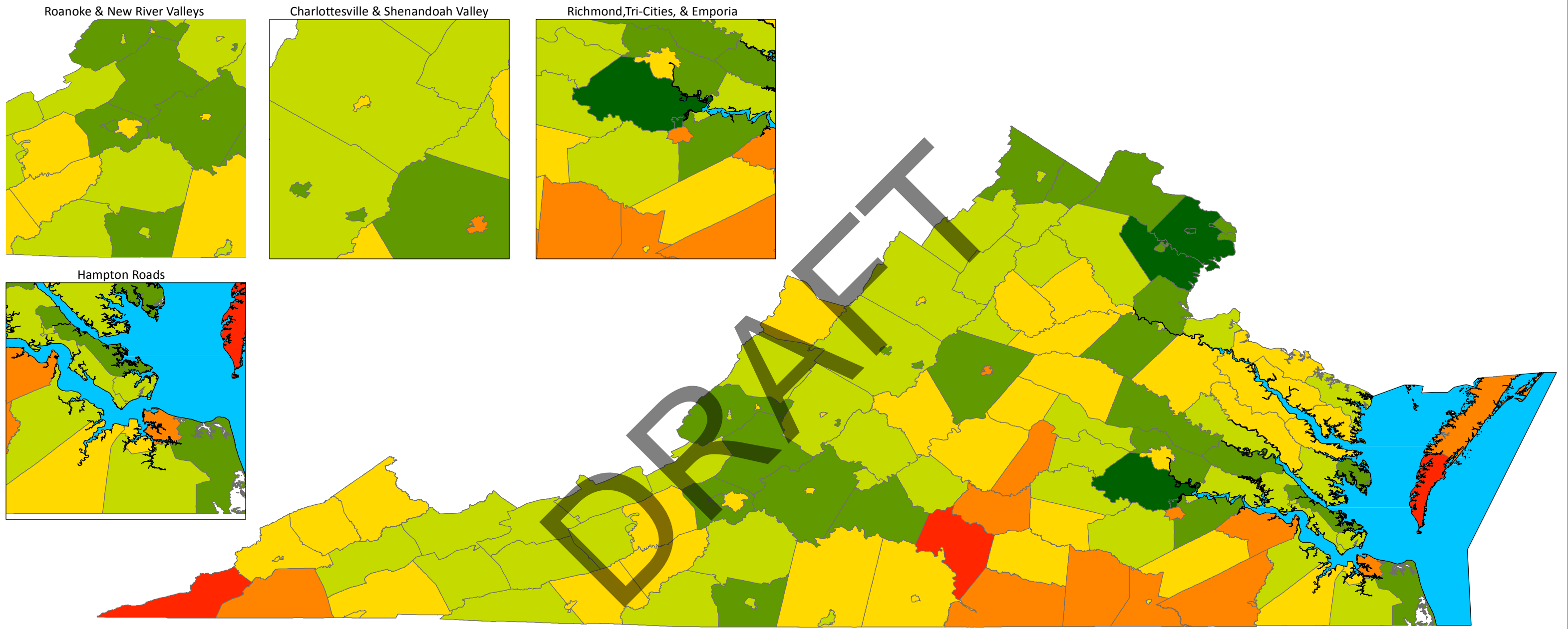
Source: U.S. Census Bureau; VA Department of Housing and Community Development; Steven Manson, Jonathan Schroeder, David Van Riper, and Steven Ruggles. IPUMS National Historical Geographic Information System:Version 12.0 [Database]. Minneapolis: University of Minnesota. 2017. <http://doi.org/10.18128/D050.V12.0>

Commonwealth of Virginia: 1970 Poverty By Locality



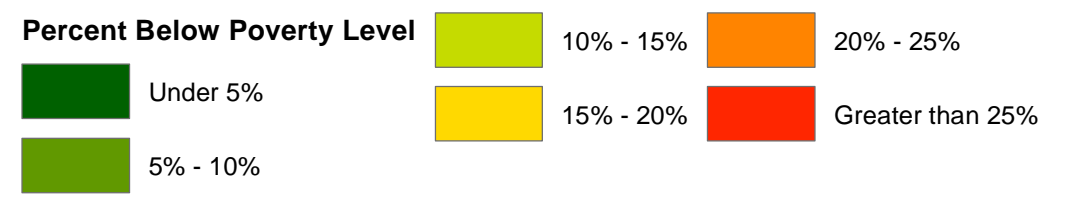
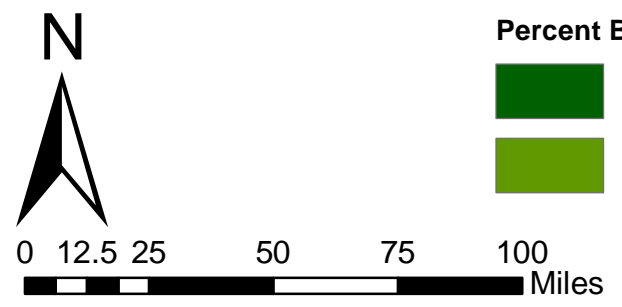
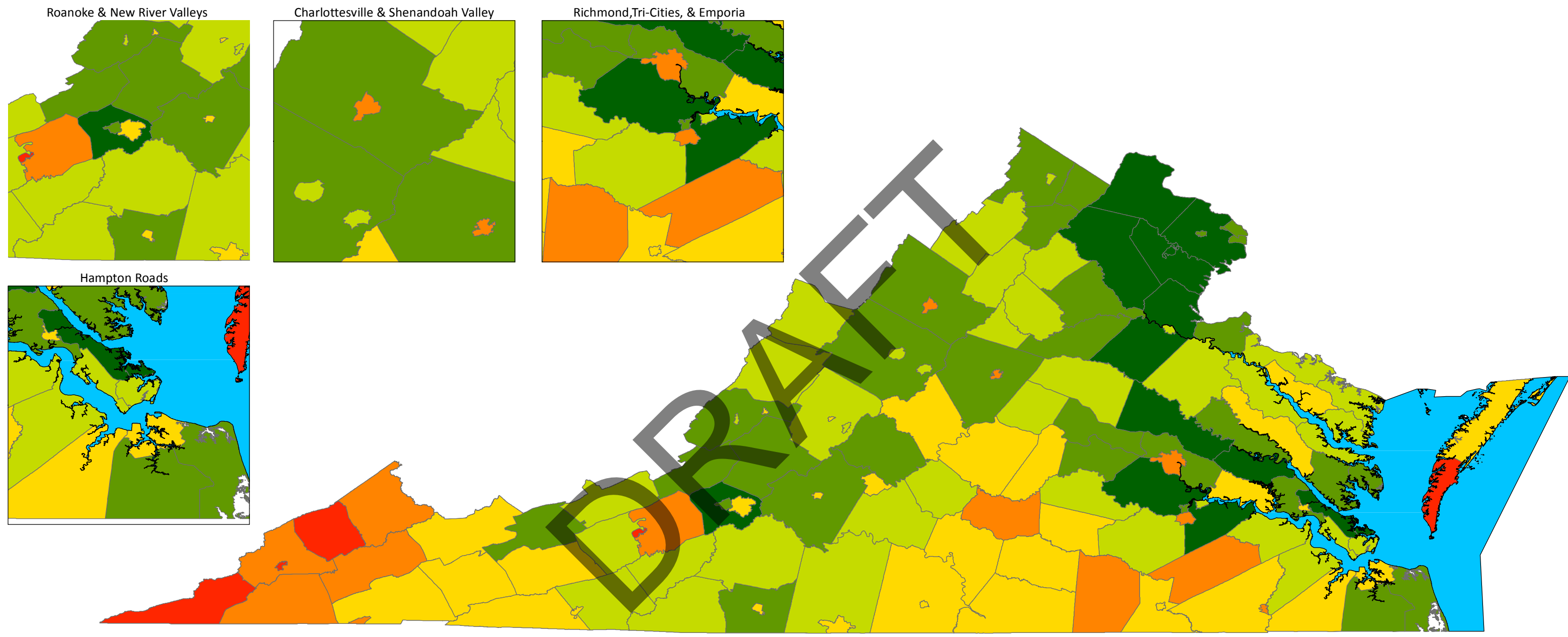
Source: U.S. Census Bureau; VA Department of Housing and Community Development; Steven Manson, Jonathan Schroeder, David Van Riper, and Steven Ruggles. IPUMS National Historical Geographic Information System:Version 12.0 [Database]. Minneapolis: University of Minnesota. 2017. <http://doi.org/10.18128/D050.V12.0>

Commonwealth of Virginia: 1980 Poverty By Locality



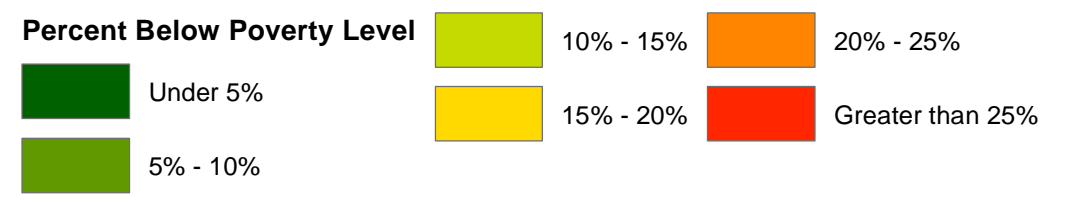
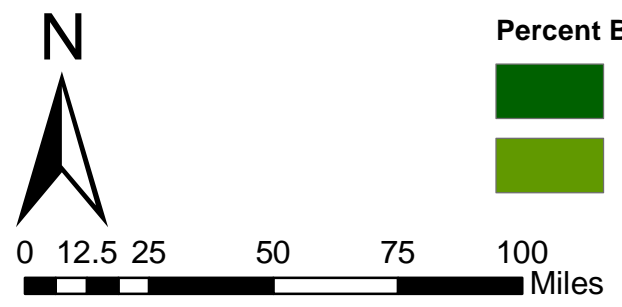
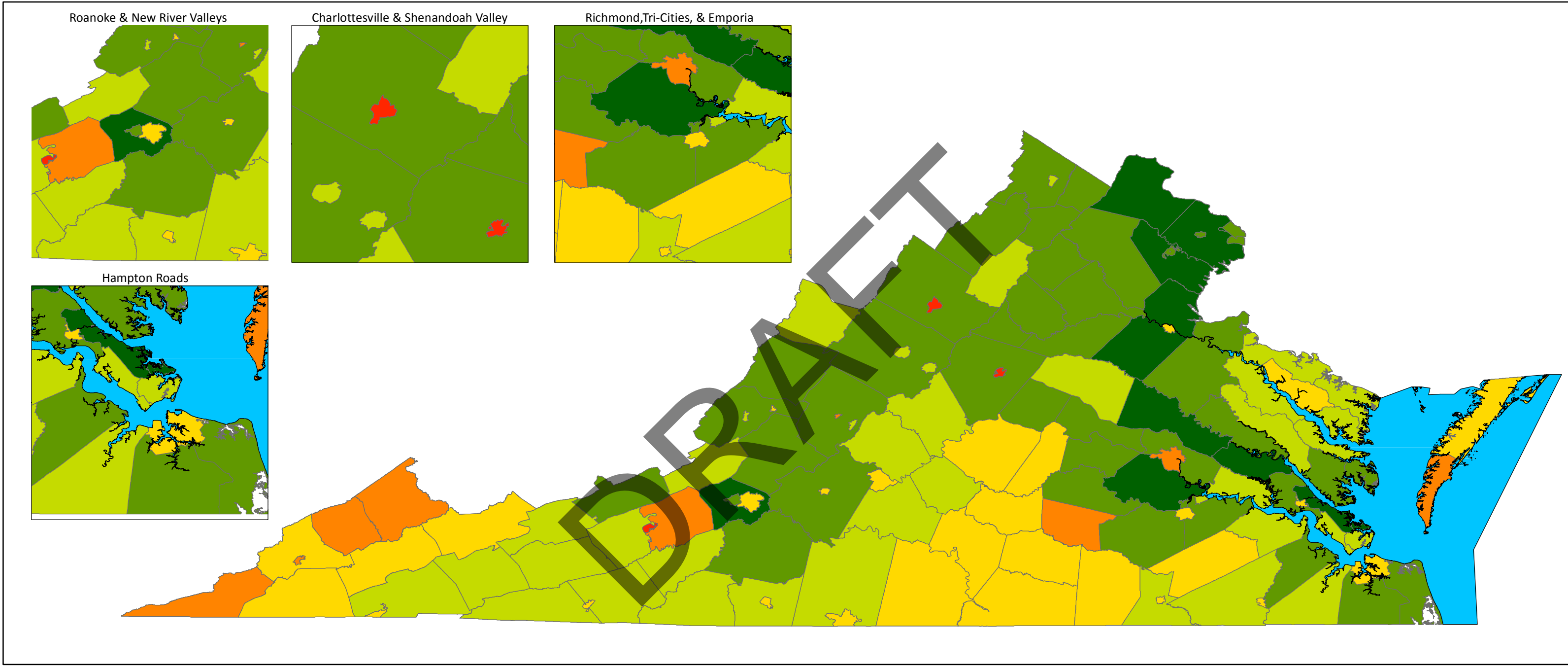
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Commonwealth of Virginia: 1990 Poverty By Locality



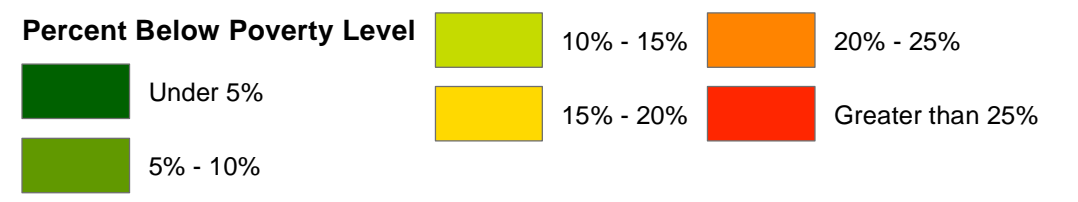
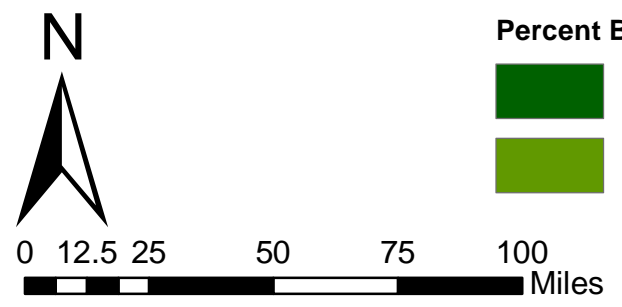
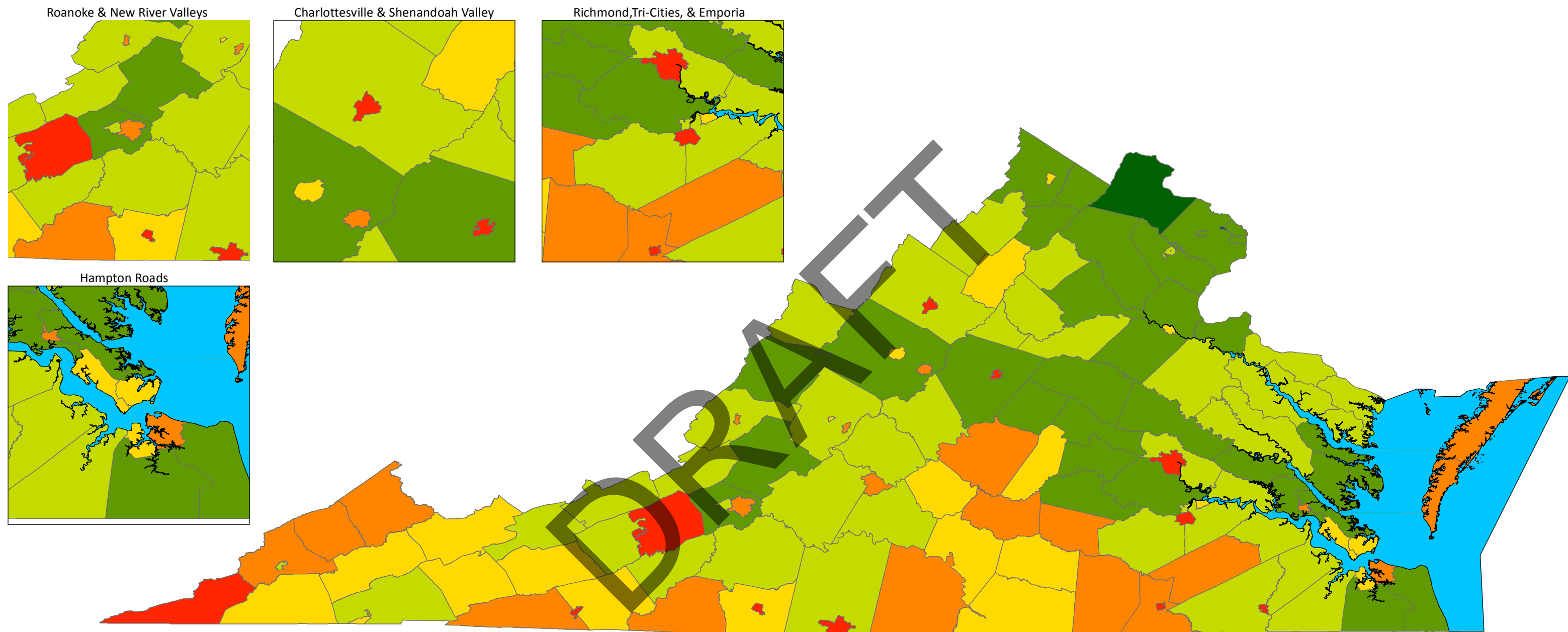
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Commonwealth of Virginia: 2000 Poverty By Locality



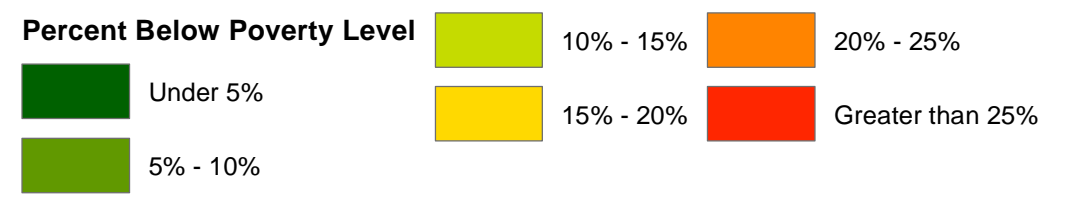
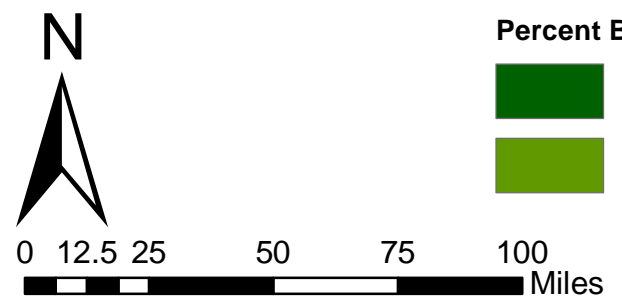
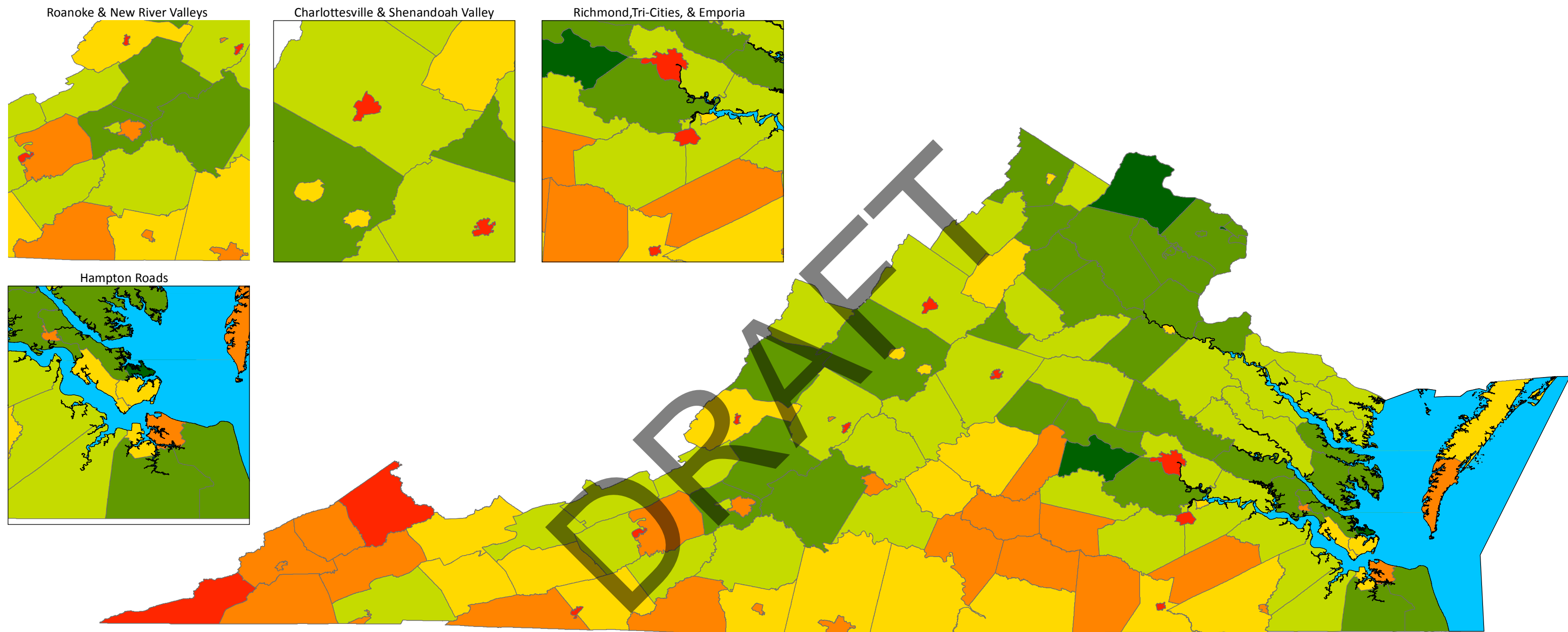
Source: U.S. Census Bureau; VA Department of Housing and Community Development; Steven Manson, Jonathan Schroeder, David Van Riper, and Steven Ruggles. IPUMS National Historical Geographic Information System:Version 12.0 [Database]. Minneapolis: University of Minnesota. 2017. <http://doi.org/10.18128/D050.V12.0>

Commonwealth of Virginia: 2010 Poverty By Locality



Source: U.S. Census Bureau; VA Department of Housing and Community Development; Steven Manson, Jonathan Schroeder, David Van Riper, and Steven Ruggles. IPUMS National Historical Geographic Information System:Version 12.0 [Database]. Minneapolis: University of Minnesota. 2017. <http://doi.org/10.18128/D050.V12.0>

Commonwealth of Virginia: 2015 Poverty By Locality



Source: U.S. Census Bureau; VA Department of Housing and Community Development; Steven Manson, Jonathan Schroeder, David Van Riper, and Steven Ruggles. IPUMS National Historical Geographic Information System:Version 12.0 [Database]. Minneapolis: University of Minnesota. 2017. <http://doi.org/10.18128/D050.V12.0>

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Appendix F: Local Taxing and Selected Functional Authority Summary

TAXING POWERS GRANTED TO VIRGINIA COUNTIES, CITIES, AND TOWNS

| <u>VA Code</u> | <u>Taxing Authority</u> | <u>Local Governments Empowered to Levy</u> | <u>County - Town Relationship</u> | <u>Remarks</u> |
|--------------------------------|----------------------------|--|---|--|
| §58.1-3200 | Real Property | Counties, Cities, Towns, and Special Districts | Town tax is levied in addition to county tax. Towns may conduct own reassessment, but none currently do so; all rely on county assessment. | See Note 2 for discussion on service district taxes. |
| §§58.1-3501; 58.1-3523 et seq. | Tangible Personal Property | Counties, Cities, and Towns | Town tax is levied in addition to county tax. | See Note 3 for discussion on state reimbursement of taxes levied. |
| §58.1-3507 | Machinery and Tools | Counties, Cities, and Towns | Town tax is levied in addition to county tax. | Rate may not be higher than levied on tangible personal property. Idle machinery and tools are classified as intangible personal property are not subject to local taxation. |
| §58.1-3509 | Merchants' Capital | Counties, Cities, and Towns | Town tax is levied in addition to county tax. | Rate may not exceed the rate in effect on 1/1/78. May not be levied on any class on which BPOL tax is levied. |
| §§58.1-605, 58.1-606 | Sales and Use | Counties and Cities | Town may levy tax if its county does not. | Limited to 1% of the gross sales price of an item. Towns with separate school districts receive a proportion of the county's total sales tax revenue, based on school-age population. For all other towns, one-half of the county's revenue is divided among the county and towns, based on school-age population. |
| §46.2-752 | Motor Vehicle License | Counties, Cities, and Towns | Imposition of tax by town constitutes a credit for taxpayers on the county tax. The taxpayer is liable to the county for the difference between the town tax and the county tax. When town constitutes a separate school district and charges tax, county shall not impose its tax on town residents. | Tax may not exceed motor vehicle license tax imposed by State. |

| VA Code | Taxing Authority | Local Governments Empowered to Levy | County - Town Relationship | Remarks |
|---|-------------------------|---|---|---|
| §58.1-3814 | Utility Consumers | Counties, Cities, and Towns | If a county imposes the tax, it cannot apply within towns provided that the town provides police or fire protection, and water or sewer service; or if the town constitutes a separate school division. | Rate not to exceed 20% and applicable only to first \$15 of bill for residential customers. (Beginning in 2001, rate on electricity or gas consumption to be based on number of kilowatt hours or cubic feet consumed. The effective cap of \$3 per month would remain the same, however, unless locality had a higher tax on 1/1/07.) After January 1, 2007, localities may not levy consumer utility tax on landline or wireless telephone service or cable television service. |
| §§58.1-3833, 58.1-3840, 58.1-3842 | Food and Beverage | Counties, Cities, and Towns | If town levies tax, county tax applicable in town only if council agrees. | Counties limited to maximum rate of 4% and may levy tax only after approved in referendum, except for Arlington, Frederick, Montgomery, Roanoke, and Rockbridge Counties which may impose tax if unanimously approved by board of supervisors. Madison and Rappahannock Counties may levy a combined food and beverage and transient occupancy tax at a maximum rate of 4% on bed and breakfast establishments. No limit on towns or cities and referendum not required. |
| §58.1-3830, 58.1-3831 | Cigarettes | Arlington and Fairfax Counties; Cities, and Towns | If town levies tax, county tax applicable in town only if council agrees. | Cities and towns may levy tax only if they had authority to do so prior to 1/1/77. Arlington and Fairfax limited to tax of \$0.05 per pack, or amount levied by State law, whichever is greater. |
| §§58.1-3819, 58.1-3822, 58.1-3824, 58.1-3825, 58.1-3840 | Transient Occupancy | Counties, Cities, and Towns | If town levies tax, county tax applicable in town only if council agrees. | Counties limited to maximum rate of 2%. 47 counties have been authorized to impose an additional 3% to promote tourism, and are listed in § 58.1-3819(A). Roanoke County's charter permits a 5% rate. Arlington, Bath, Fairfax, Henrico, Chesterfield, Hanover, James City, Rockbridge, and York are authorized to collect additional amounts for specific regional projects, tourism promotion or other specified uses. No limit on cities or towns. |

| VA Code | Taxing Authority | Local Governments Empowered to Levy | County - Town Relationship | Remarks |
|--------------------------------------|-------------------------|--|--|--|
| §§58.1-3818, 58.1-3818.01, 58.1-3840 | Admissions | Fairfax, Arlington, Brunswick, Charlotte, Culpeper, Clarke, Dinwiddie, James City, Madison, Nelson, New Kent, Prince George, Roanoke, Scott, Stafford, and Sussex Counties; Cities and Towns | County tax is in addition to any town tax. | Counties authorized to levy tax are limited to maximum of 10% except Roanoke, which has general charter power. Charlotte, Clarke, Madison, Nelson, and Sussex Counties may levy tax only for admissions to spectator events. Scott County may only impose \$0.25 tax on admissions to any off-track horse race wagering facility. Stafford County's authorization is applicable in very limited circumstances described in § 58.1-3818.02. All localities may elect not to collect tax for events raising funds for charitable purposes. |
| §58.1-3800 | Recordation | Counties and Cities | | Limited to one-third of State recordation tax. |
| §58.1-3805 | Probate | Counties and Cities | | Limited to one-third of State recordation tax. Localities also can charge a \$25 fee to record a list of heirs of a decedent who died intestate. |
| §58.1-1730, 58.1-662 | E-911 | Counties, Cities, and Towns | | Effective January 1, 2007, a uniform E-911 tax of \$0.75 per landline phone is collected by the State and deposited in the Communications Sales and Use Tax Trust Fund before remittance to localities (see Note 4). |

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| VA Code | Taxing Authority | Local Governments Empowered to Levy | County - Town Relationship | Remarks |
|---|--|--|--|---|
| §58.1-3700, et seq. | Business, Professional and Occupational License [BPOL] | Counties, Cities, and Towns | Counties cannot levy BPOL taxes within a town that also levies BPOL taxes, unless the town agrees. | Commonly called “gross receipts tax”; may be levied on almost any type of business or occupation. State law places variety of caps on rates that can be levied against particular types of businesses. Also, localities with populations over 50,000 may not levy tax against a business with gross receipts of less than \$100,000. For those localities with a population of 25,000 to 50,000, the threshold is \$50,000. All localities may impose a license fee in those instances in which the tax is not levied. The fee may range from \$30 to \$100, depending on the size of the locality. Any locality imposing a fee or tax must adopt a uniform ordinance. No category can be required to pay both merchants’ capital tax and BPOL tax to the same jurisdiction. Numerous business types are exempted. Beginning in 2011, localities may opt to levy BPOL on Virginia taxable income instead of gross receipts. |
| §58.1-3510.4 et seq. | Short-Term Rental Property | Counties, Cities, and Towns | Town tax is levied in addition to county tax. | Limited to 1% of gross proceeds of short-term equipment rental, or 1.5 % for heavy-equipment rental. |
| §§ 58.1-3286, 58.1-3740 et seq. | Coal Severance | Counties and Cities | | Limited to maximum of 1% of gross receipts from sale of coal mined. For small mines, the maximum levy is 0.75%. |
| §§58.1-3286, 58.1-3712, and 58.1-3713.4 | Gas Severance | Counties and Cities | | Limited to maximum of 2% of gross receipts from sale of gas produced. 25% of revenues in counties and city in Southwest Virginia paid to Virginia Coalfield Economic Development Fund. |

| VA Code | Taxing Authority | Local Governments Empowered to Levy | County - Town Relationship | Remarks |
|---|-------------------------------|--|---|---|
| §58.1-3713,
§58.1- 3741 | Coal and Gas Road Improvement | Counties and Cities | 20% of revenue in Wise County required to be distributed to towns and city situated in county. Of that portion, 25% distributed according to number of registered motor vehicles and remainder divided equally. | Limited to maximum of 1% of gross receipts of sale of coal or gas mined or produced, or a maximum of 0.75% for small mines. Locality retains 75% of revenue which goes into special road improvement fund. However, locality may elect to use 25% to 50% of the retained amount to fund construction of new water systems and lines. Remaining 25% of revenue paid to Virginia Coalfield Economic Development Fund. Authority expires at end of 2015. |
| §58.1-3731 | Utility License | Counties, Cities, and Towns | If town levies tax, county tax applicable in town only if council agrees. | Form of BPOL tax. Limited to maximum of 0.5% of gross receipts of utility company accruing from business in locality. After December 1, 2000, localities may not impose tax on electric or gas companies. Tax to be replaced by consumption tax established by State, collected by utility company, and distributed to locality. |
| §§4.1-205 and 4.1-233 | Alcohol License | Counties, Cities, and Towns | If a town levies a tax, county tax not applicable in town. | Localities authorized to collect license taxes from persons engaged in manufacturing, selling, or bottling alcoholic beverages and mixed beverages. Maximum taxes set by § 4.1-233. |
| §§58.1-1208, §58.1-1209, §58.1-1210, §58.1-1211 | Bank Franchise | Counties, Cities, and Towns | Counties may tax only those banks located outside town corporate limits. | Limited to maximum of 80% of the State rate on each \$100 of net capital of bank in the locality. |
| §15.2-2108.1:1, 15.2-2108.22, 15.2-2108.23 | Cable TV Franchise | Counties, Cities, and Towns | | Fee rate from franchises negotiated by individual localities and in effect prior to 1/1/07 is frozen and fees are now collected by state and remitted from Communications Sale and Use Tax Trust Fund to individual localities (see Note 4). |

NOTES:

1. This table outlines taxing authority allowed local governments by statutory law. In addition to this authority, cities and towns which have incorporated the Uniform Charter Powers Act (§§15.2-1100 – 15.2-1126) into their charters have a general taxing authority (§15.2-1104). Consequently, some municipalities may levy taxes as a result of this provision, or through explicit authority granted in their charters, which are not on this chart.
2. Counties, cities, and towns can implement service districts and levy additional taxes on real estate within the district for a variety of purposes. The locality must then appropriate the collected taxes to provide the service (§§15.2-2400 – 15.2-2403). Localities may also impose special assessments upon abutting property owners for constructing capital improvements (15.2-2404-2413). In

addition, counties can create sanitary districts for a variety of services and fund them through a tax on property in the districts (21-112.22 et seq.). Counties can levy property taxes, either countywide or in one or more magisterial districts, to pay for contracted fire protection services (§27-3). The General Assembly has authorized the creation of special transportation districts within counties or between counties. Urban counties as defined in 15.2-2403.1 may, upon agreement with the Commonwealth Transportation Board, designate urban transportation service districts within which they must maintain the roads. Such counties will receive lane-mile maintenance payments equivalent to those made to cities and towns. Special property taxes can be levied on business or commercial properties within those districts (§§15.2-4806 and 15.2-4607).

3. In 1998, to offset the cost of the personal property tax on motor vehicle, the State reimbursed motor vehicle owners 100% of the tax paid on vehicles with an assessed value of \$1,000 or less. Vehicles assessed at more than \$1,000 and up to a maximum assessed value of \$20,000, the reimbursement was 12.5% of the tax levied. After 1998, the proportion of the tax the State reimbursed to localities was to be increase until it reaches 100% in 2002, but the 2002 General Assembly limited the reimbursement to 70%. The owners of vehicles with an assessed value of more than \$20,000 are responsible for the entire tax on the value above \$20,000. The State reimbursement is applicable only to vehicles used for non-business purposes and is limited to the local effective tax rate in effect on August 1, 1997. Localities are not prohibited from increasing the personal property tax rate on motor vehicles, but the owners of any motor vehicles in any locality doing so will be responsible for paying the entire difference between the amount owed under the new rate and what would have been owed under the base rate.

4. House Bill 568 (2006) replaced an array of state and local taxes on communications with a Communications Sale and Use Tax and an E-911 Tax administered by the state. The Communications Sale and Use Tax is imposed on consumers of communications services including landline and wireless telephone, (including Voice-Over-Internet-Protocol), paging, cable television, and satellite radio and television. Service providers collect the tax from consumers and remit it to the state, which deposits revenues in the Communications Sale and Use Tax Trust Fund. The state also collects cable TV franchise fees and E-911 taxes and deposits them in the Fund. After paying franchise fees to the localities that generated them, the state deducts amounts for administration and the operation of phone relay service for the deaf and hard-of-hearing. The remainder is then distributed to localities based on the percentage of total communications taxes (landline and wireless phone, E-911, consumer utility tax on cable TV, BPOL tax in excess of 0.5%, cable TV franchise fees, video programming excise tax) that they collected pursuant to local rates in effect as of 1/1/06.

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Selection of Functional Authority of Virginia Local Government

| Functional Activity | Counties | Cities | Towns | State Financial Assistance |
|---------------------------------|---|---|--|--|
| Finance | | | | |
| Incurring Debt | Authorized to issue general obligation bonds only if approved by voters in referendum, except for certain school bonds. There is no referendum required nor amount limitation imposed regarding revenue bonds. (Virginia Constitution, Article VII, §10) | Authorized to issue general obligation bonds so long as total general indebtedness does not exceed ten percent of assessed value of taxable real property; no referendum required. There is no amount limitation imposed regarding revenue bonds. (Virginia Constitution, Article VII, §10) | Authorized to issue general obligation bonds so long as total general indebtedness does not exceed ten percent of assessed value of taxable real property; no referendum required. There is no amount limitation imposed regarding revenue bonds. (Virginia Constitution, Article VII, §10) | N/A |
| Public Safety | | | | |
| Law Enforcement | Provided by sheriff in most counties. Counties prohibited from creating police departments unless approved in referendum and subsequently authorized by General Assembly, except for those operating under the County Executive, County Manager, and Urban County Executive alternative forms of government and those with charter provisions allowing police departments. (§§15.2-528, 15.2-632, 15.2-836, and 15.2-1702) | Provided by police departments, as authorized by charters. (§§15.2-1700 and 15.2-1701) | Provided by police departments, as authorized by charters. (§§15.2-1700 and 15.2-1701) The sheriff has a duty to enforce all criminal laws within his jurisdiction, which includes towns within the county for which he is elected. (See Op. Va. Att’y. Gen., 1981-82, 333 and 1985-1986, 255, and Commonwealth v. Malbon, 195 Va. 368). If town does not have police department, county sheriff may enter into agreement to provide law enforcement services to town and serve as police chief of town. By implication, these services would be more intensive than those ordinarily provided by sheriffs to the town. (§15.2-1726) | State assistance provided for total cost of the salaries and other expenses of sheriffs’ offices, as approved by the Compensation Board. State assistance for law enforcement is also provided to cities and towns, and those counties with police departments, through a statutory formula based on crime rates. (§§9.1-166 through 9.1-172, 15.2-1609.7) |
| Highway and Street Construction | State is responsible for construction of all roads accepted into the state highway system in all counties except Arlington and Henrico, which have retained responsibility for construction of secondary highways within their jurisdictions. The latter localities are authorized to relinquish that responsibility to the state if they choose. (§§33.2-243 through 33.2-246). Any county may enter into agreement with Commonwealth Transportation Commissioner to resume responsibility for planning, constructing, maintaining, and operating secondary highways (33.2-342). Any county may use local funds to supplement state construction activity. (§33.2-338) | Authorized to construct and control streets and highways within jurisdiction, except for interstate and primary highways. (§§15.2-2000 and 15.2-2001) | Authorized to construct and control streets and highways within jurisdiction which are not part of state highway system. However, in towns with less than 3,500, streets which constitute connecting links between roads in the secondary system are included in the secondary system. (§§15.2-2000, 15.2-2001, 33.2-320, and 33.2-324) | State is responsible for construction and control of interstate, primary, and secondary highways. (§§33.2-310, 33.2-300, 33.2-324, and 33.2-326) State pays 98 per cent of cost of construction of qualifying roadway in cities and in towns with a population of more than 3,500. In towns with population under 3,500, state will pay entire cost of construction of qualifying roadway. (§33.2-348) |

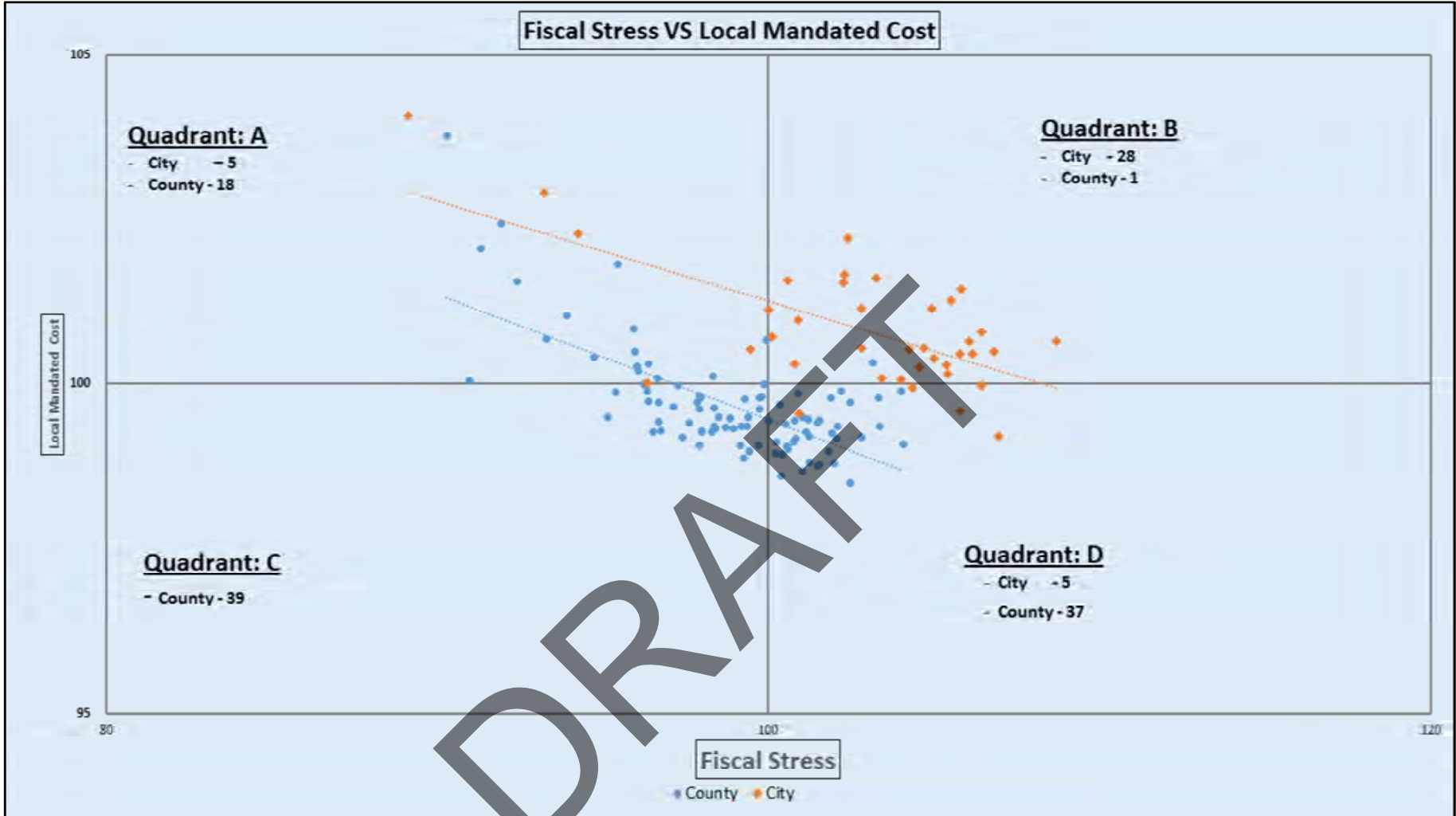
Selection of Functional Authority of Virginia Local Government

| Functional Activity | Counties | Cities | Towns | State Financial Assistance |
|---------------------------------------|---|--|--|--|
| Transportation | | | | |
| <p>Highway and Street Maintenance</p> | <p>State is responsible for maintenance of all roads accepted into the state highway system in all counties except Arlington and Henrico, which have retained responsibility for maintenance of secondary highways within their jurisdiction. The latter localities are authorized to relinquish that responsibility to the State if they choose. (§§33.2-343 through 33.2-346)</p> | <p>Authorized to maintain streets and highways within jurisdiction, except for interstate and primary highways (§§15.2-2000 and 15.2-2001)</p> | <p>Authorized to maintain streets and highways within jurisdiction, except for interstate and primary highways. (§§15.2-2000 and 15.2-2001). For towns with less than 3,500 population, state will, with consent of town, incorporate into the state highway system, and maintain, those streets which constitute connecting links in the state highway system. (§§33.2-319 and 33.2-320) Such towns may request that the state maintain up to 2 miles of roads whether or not they constitute such connecting links, and may further request that the state accept for maintenance up to 1/4 mile of roads annually (§33.2-339). Towns under 3,500 that otherwise choose to maintain their own roads may still add some roads to state secondary system, provided the roads meet certain requirements (33.2-340).</p> | <p>State maintains interstate, primary, and secondary highways. (§§33.2-310, 33.2-300, and 33.2-326) For cities and for towns with a population of 3,500 or more, state provides funds to assist in maintaining urban streets that meet state standards; payments based on number of moving lane-miles, with rate based on cost to state of maintaining roads in counties. (§33.2-319)</p> |

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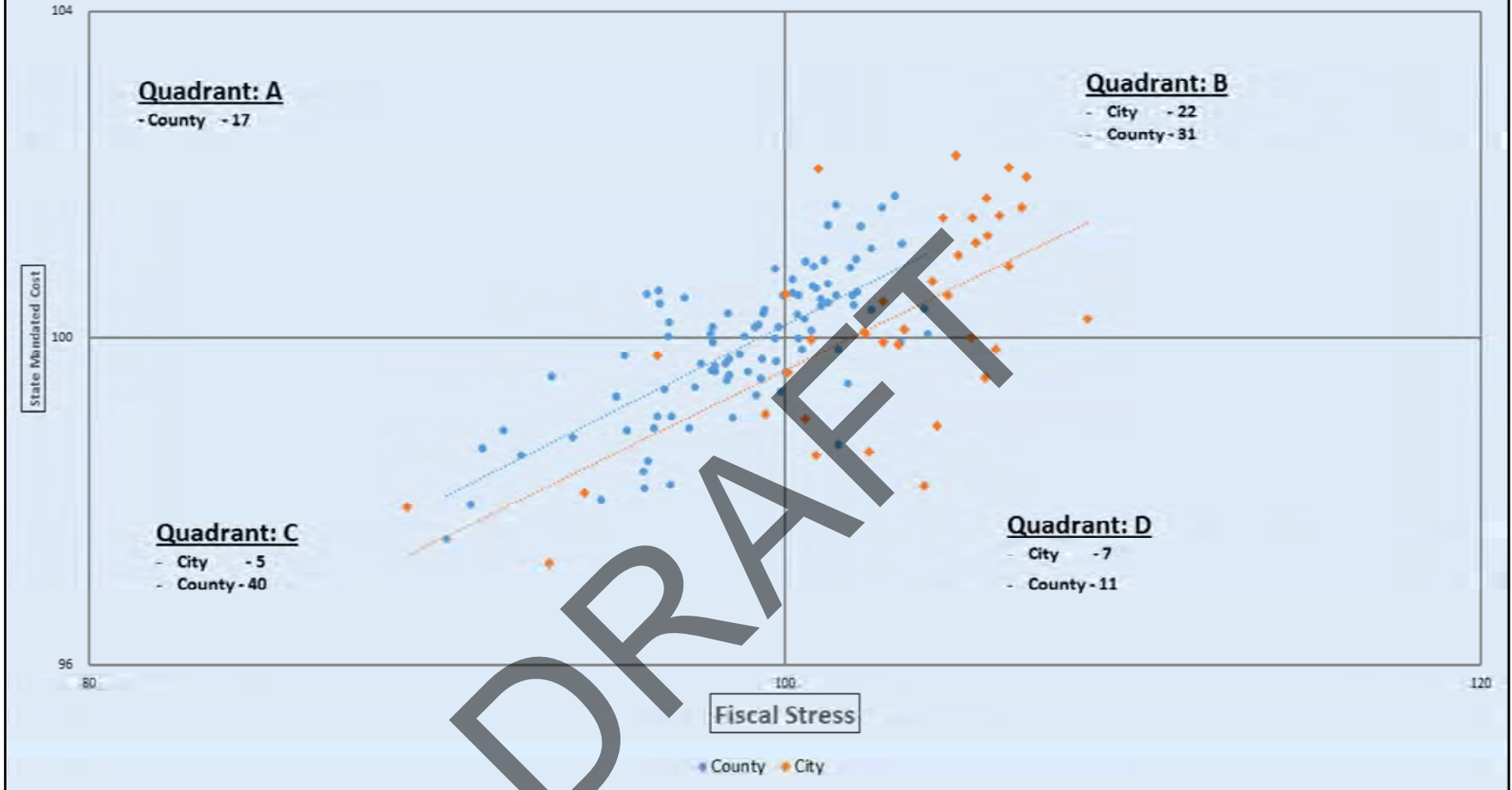
Appendix G: Analysis of State and Local Cost of Mandated Services



- **Quadrant: A** – **City** – Alexandria, Fairfax, Falls Church, Poquoson and Virginia Beach. (5) **County** – Albemarle, Arlington, Bath, Fairfax, Fauquier, Goochland, Henrico, Highland, James City, Lancaster, Loudoun, Northampton, Northumberland, Prince William, Rappahannock, Rockbridge, Surry and York. (18)
- **Quadrant: B** – **City** – Bristol, Charlottesville, Chesapeake, Colonial Heights, Danville, Emporia, Franklin, Fredericksburg, Galax, Hampton, Hopewell, Lexington, Lynchburg, Manassas, Martinsville, Newport News, Norfolk, Norton, Petersburg, Portsmouth, Richmond, Roanoke, Salem, Staunton, Suffolk, Waynesboro, Williamsburg and Winchester. (28) **County** – Dickenson. (1)
- **Quadrant: C** – **County** – Amelia, Augusta, Bedford, Botetourt, Caroline, Charles City, Chesterfield, Clarke, Craig, Culpeper, Essex, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Greene, Hanover, Isle of Wight, King and Queen, King George, King William, Louisa, Madison, Mathews, Middlesex, Nelson, New Kent, Orange, Powhatan, Prince George, Richmond, Roanoke, Rockingham, Shenandoah, Spotsylvania, Stafford, Warren and Westmoreland. (39)
- **Quadrant: D** – **City** – Buena Vista, Covington, Radford, Harrisonburg and Manassas Park. (5) **County** – Accomack, Alleghany, Amherst, Appomattox, Bland, Brunswick, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Cumberland, Dinwiddie, Giles, Grayson, Greenville, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Montgomery, Nottoway, Page, Patrick, Pittsylvania, Prince Edward, Pulaski, Russell, Scott, Smyth, Southampton, Sussex, Tazewell, Washington, Wise and Wythe. (37)

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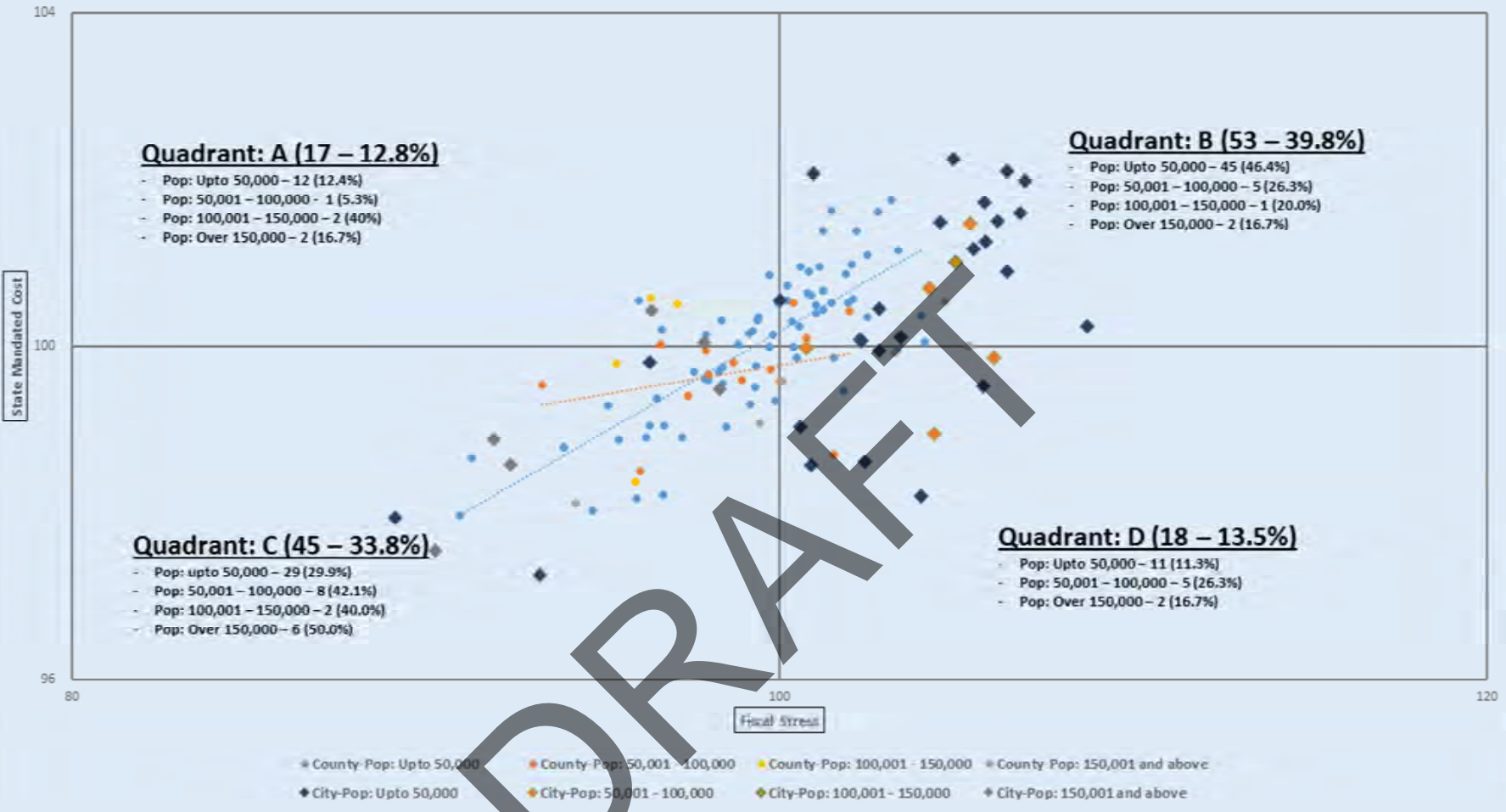
Fiscal Stress VS State Mandated Cost



- **Quadrant: A** – **County** – Amelia, Caroline, Chesterfield, Craig, Culpeper, Floyd, Greene, Highland, King George, Madison, Northampton, Prince George, Prince William, Richmond, Spotsylvania, Stafford and York. (17)
- **Quadrant: B** – **City** Bristol, Buena Vista, Colonial Heights, Covington, Danville, Emporia, Franklin, Galax, Hampton, Hopewell, Manassas, Manassas Park, Martinsville, Newport News, Norfolk, Norton, Petersburg, Portsmouth, Roanoke, Staunton, Waynesboro and Winchester. (22) **County** – Accomack, Alleghany, Appomattox, Bland, Brunswick, Buchanan, Campbell, Carroll, Charlotte, Cumberland, Dickenson, Dinwiddie, Giles, Greensville, Halifax, Lee, Lunenburg, Henry, Mecklenburg, Nottoway, Page, Patrick, Pittsylvania, Pulaski, Russell, Scott, Smyth, Southampton, Tazewell, Wise and Wythe. (31)
- **Quadrant: C** – **City** – Alexandria, Fairfax, Falls Church, Poquoson and Virginia Beach. (5) **County** - Albemarle, Arlington, Augusta, Bath, Bedford, Botetourt, Charles City, Clarke, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Hanover, Henrico, Isle of Wight, James City, King and Queen, King William, Lancaster, Loudoun, Louisa, Mathews, Middlesex, Nelson, New Kent, Northumberland, Orange, Powhatan, Rappahannock, Roanoke, Rockbridge, Rockingham, Shenandoah, Surry, Warren and Westmoreland. (40)
- **Quadrant: D** – **City** – Amherst, Buckingham, Grayson, Montgomery, Prince Edward, Sussex and Washington. (7) **County** – Charlottesville, Chesapeake, Fredericksburg, Harrisonburg, Lexington, Lynchburg, Radford, Richmond, Salem, Suffolk and Williamsburg. (11)

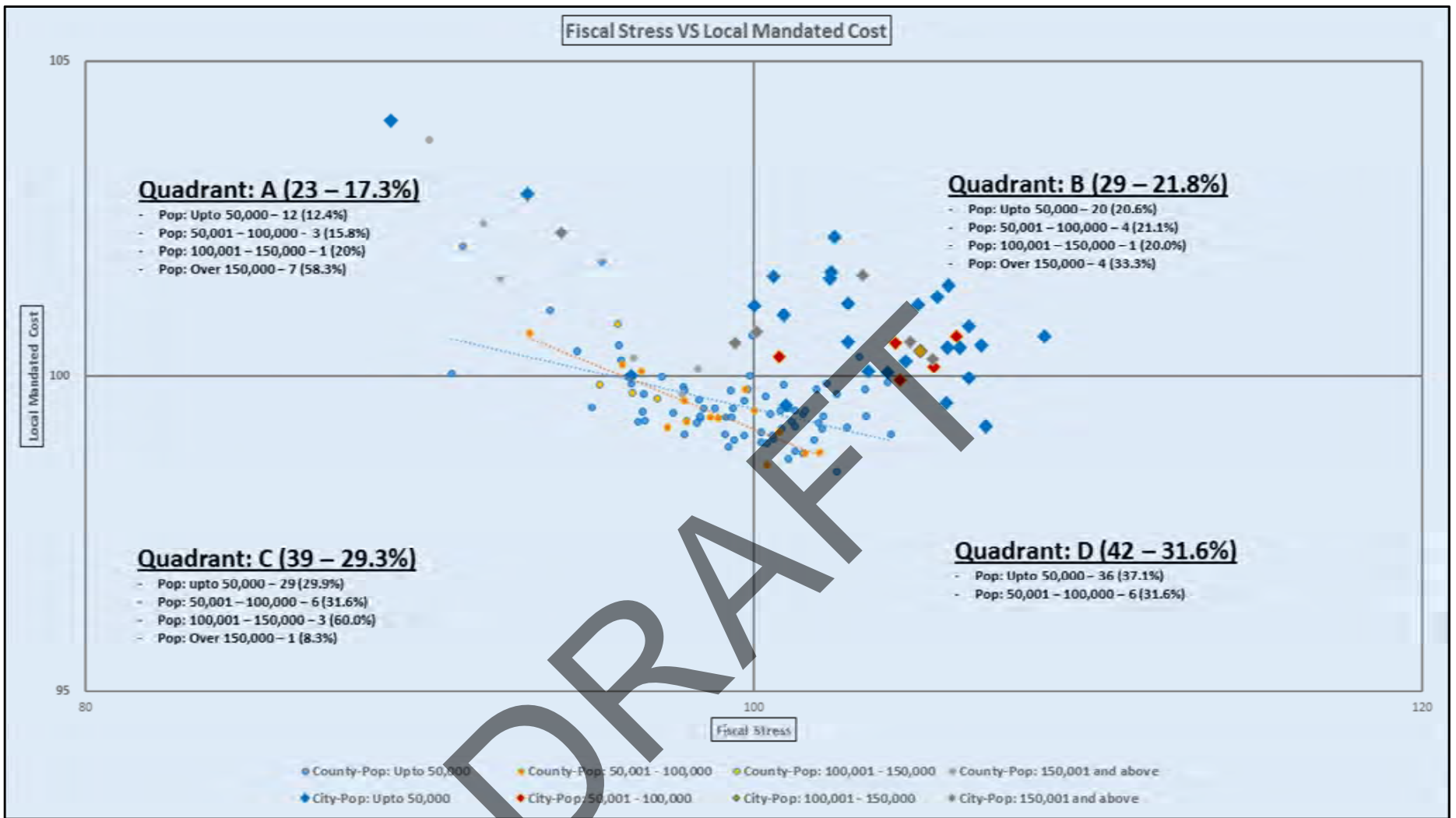
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Fiscal Stress VS State Mandated Cost



- **Quadrant: A** – **County** – Northampton, Caroline, Prince George, Craig, Richmond, Floyd, Amelia, Greene, Culpeper, Madison, Chesterfield, Spotsylvania, King George, York, Prince William, Stafford and Highland (17)
- **Quadrant: B** – **City** – Emporia, Buena Vista, Petersburg, Martinsville, Covington, Galax, Franklin, Hopewell, Bristol, Portsmouth, Norfolk, Hampton, Norton, Newport News, Danville, Roanoke, Staunton, Waynesboro, Winchester, Colonial Heights, Manassas Park and Manassas. **County** – Accomack, Alleghany, Appomattox, Bland, Brunswick, Buchanan, Campbell, Carroll, Charlotte, Cumberland, Dickenson, Dinwiddie, Giles, Greensville, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Nottoway, Page, Patrick, Pittsylvania, Pulaski, Russell, Scott, Smyth, Southampton, Tazewell, Wise and Wythe (53)
- **Quadrant: C** – **City** – Alexandria, Fairfax Falls Church, Poquoson and Virginia Beach. **County** – Albemarle, Arlington, Augusta, Bath, Bedford, Botetourt, Charles City, Clarke, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Hanover, Henrico, Isle of Wight, James City, King and Queen, King William, Lancaster, Loudoun, Louisa, Mathews, Middlesex, Nelson, New Kent, Northumberland, Orange, Powhatan, Rappahannock, Roanoke, Rockbridge, Rockingham, Shenandoah, Surry, Warren and Westmoreland (45)
- **Quadrant: D** – **City** – Charlottesville, Chesapeake, Fredericksburg, Harrisonburg, Lexington, Lynchburg, Radford, Richmond, Salem, Suffolk and Williamsburg. **County** – Amherst, Buckingham, Grayson, Montgomery, Prince, Edward, Sussex and Washington. (18)

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- **Quadrant: A** – **City** - Alexandria, Fairfax, Falls Church, Poquoson and Virginia Beach **County** – Albemarle, Arlington, Bath, Fairfax, Fauquier, Goochland, Henrico, Highland, James City, Lancaster, Loudoun, Northampton, Northumberland, Prince William, Rappahannock, Rockbridge, Surry and York (23)
- **Quadrant: B** – **City** – Bristol, Charlottesville, Chesapeake, Colonial Heights, Danville, Franklin, Fredericksburg, Emporia, Galax, Hampton, Hopewell, Lexington, Lynchburg, Manassas, Martinsville, Newport News, Norfolk, Norton, Petersburg, Portsmouth, Richmond, Roanoke, Salem, Staunton, Suffolk, Waynesboro, Williamsburg and Winchester . **County** - Dickenson County (29)
- **Quadrant: C** – **County** – Amelia, Augusta, Bedford, Botetourt, Caroline, Charles City, Chesterfield, Clarke, Craig, Culpeper, Essex, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Greene, Hanover, Isle of Wight, King and Queen, King George, King William, Louisa, Madison, Mathews, Middlesex, Nelson, New Kent, Orange, Powhatan, Prince George, Richmond, Roanoke, Rockingham, Shenandoah, Spotsylvania, Stafford, Warren and Westmoreland (39)
- **Quadrant: D** – **City** - Buena Vista, Covington, Harrisonburg, Manassas Park and Radford. **County** – Accomack, Alleghany, Amherst, Appomattox, Bland, Brunswick, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Cumberland, Dinwiddie, Giles, Grayson, Greensville, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Montgomery, Nottoway, Page, Patrick, Pittsylvania, Prince Edward, Pulaski, Russell, Scott, Smyth, Southampton, Sussex, Tazewell, Washington, Wise and Wythe. (42)

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Appendix H: Annexation Immunity Analysis

*Eligibility for Total/Partial Immunity from Annexation

Annexation Immunity Analysis

| County | Area | Census 2010 | | Weldon Cooper 2017 | | Eligibility Attained | Adjacent/Interior Cities |
|----------------|--------|-------------|----------|--------------------|----------|----------------------------|--|
| | | Population | Density | Population | Density | | |
| Albemarle | 720.70 | 98,970 | 137.33 | 107,697 | 149.43 | 2017 WC above threshold | Charlottesville |
| Arlington | 25.97 | 207,627 | 7,993.50 | 239,074 | 9,204.19 | 1980 | Alexandria, Falls Church |
| Chesterfield | 423.30 | 316,236 | 747.08 | 340,020 | 803.27 | Statutory Immunity in 1981 | Colonial Heights, Hopewell, Petersburg, Richmond |
| Fairfax | 390.97 | 1,081,726 | 2,766.78 | 1,143,429 | 2,924.60 | 1980 | Alexandria, Fairfax, Falls Church |
| Frederick | 413.50 | 78,305 | 189.37 | 85,820 | 207.55 | 2000 | Winchester |
| Hanover | 468.54 | 99,863 | 213.14 | 106,375 | 227.04 | 2010 | none |
| Henrico | 233.70 | 306,935 | 1,313.39 | 324,395 | 1,388.10 | Statutory Immunity in 1980 | Richmond |
| Henry | 382.33 | 54,151 | 141.63 | 51,975 | 135.94 | Statutory Immunity in 1984 | Martinsville |
| James City | 142.44 | 67,009 | 470.45 | 74,722 | 524.60 | 2010 | Williamsburg, Newport News |
| Loudoun | 515.56 | 312,311 | 605.77 | 396,068 | 768.23 | 1990 | none |
| Montgomery | 387.01 | 94,392 | 243.90 | 98,776 | 255.23 | 1980 | Radford |
| Prince William | 336.40 | 402,002 | 1,195.01 | 455,990 | 1,355.49 | Statutory Immunity in 1982 | Manassas, Manassas Park |
| Roanoke | 250.52 | 92,376 | 368.74 | 93,735 | 374.17 | Statutory Immunity in 1982 | Roanoke, Salem |
| Spotsylvania | 401.50 | 122,397 | 304.85 | 131,549 | 327.65 | 1990 | Fredericksburg |
| Stafford | 268.96 | 128,961 | 479.49 | 145,699 | 541.72 | 1990 | Fredericksburg |
| York | 104.78 | 65,464 | 624.77 | 68,890 | 657.47 | Statutory Immunity in 1981 | Hampton, Newport News, Poquoson, Williamsburg |

*Per § 15.2-3302 of the Code of VA, to be eligible for immunity a county needs (i) a population of at least 20,000 persons and a density of at least 300 persons/mi.², or (2) a minimum population of 50,000 and a population density of at least 140 persons/mi.² based on latest Census or Weldon Cooper population estimates. However, there is a moratorium on total immunity from annexation per § 15.2-3201.

*Per § 15.2-3304 of the Code of VA, a county can be eligible for partial immunity from city-initiated annexation for areas where the provision of urban-type services are being provided. However, there is a moratorium on partial immunity from annexation per § 15.2-3201.

*Eligibility for Total/Partial Immunity from Annexation

| Cities not listed | Other cities previously listed where still be possible but other issues could be involved |
|-------------------------------|---|
| Bristol | Hopewell (Prince George - partial immunity) |
| Buena Vista | Petersburg (Dinwiddie, Prince George - partial immunity) |
| Chesapeake (not possible) | Radford (Pulaski - annex across a river?) |
| Covington | Staunton (Augusta - partial immunity) |
| Danville | Waynesboro (Augusta - partial immunity) |
| Emporia | |
| Franklin | |
| Galax | |
| Harrisonburg | |
| Lexington | |
| Lynchburg | |
| Norfolk (not possible) | |
| Norton | |
| Portsmouth (not possible) | |
| Suffolk | |
| Virginia Beach (not possible) | |

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J



COUNTY of FREDERICK

Office of the County Administrator

Tel: 540.665.6382

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MEMORANDUM

To: Members of the Board of Supervisors
From: Ann Phillips, Deputy Clerk
Date: July 20, 2018
Re: Karen Beck-Herzog, Site Manager of Cedar Creek and Belle Grove National Historical Park

Karen Beck-Herzog, is the Site Manager of Cedar Creek and Belle Grove National Historical Park in Middletown.

Ms. Beck-Herzog has worked for the National Park Service (NPS) for 20 years. She has held administrative positions at Grand Canyon National Park before moving to the NPS Comptroller's Office in Washington, DC, where she was a project manager for one of two budget formulation systems used by the NPS. Ms. Beck-Herzog transferred to Shenandoah National Park as the Management Assistant and Public Affairs Officer where she worked for 13 years on such issues as partnerships, external and community relations, lands, and media relations.

Prior to joining the National Park Service, Ms. Beck-Herzog spent four years working at an institutional investment company outside of Philadelphia, including working as a manager of client services.

Ms. Beck-Herzog is a native of New Jersey and graduated from Bucknell University with a B.A. in both International Relations and Economics. She now resides in Culpeper County with her two children and her husband, who is the Chief of Facilities Management at Shenandoah.

К




Kris C. Tierney
County Administrator

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Fax: 540/667-0370

E-mail: ktierney@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Kris C. Tierney, County Administrator 
DATE: July 19, 2018
RE: Committee Appointments

Listed below are the vacancies/appointments due through August 2018. As a reminder, in order for everyone to have ample time to review applications, and so they can be included in the agenda, please remember to submit applications prior to Friday agenda preparation. Your assistance is greatly appreciated.

VACANCIES/OTHER

Board of Building Appeals

David W. Ganse – Frederick County Representative
231 Soldiers Rest Lane
Winchester, VA 22602
Term Expires: 11/10/18
Five year term.

*(The Board of Building Appeals is comprised of six members. Members serve a five year term. **Members should, to the extent possible, represent different occupational or professional fields of the building industry. At least one member should be an experienced builder and one other member should be a licensed professional engineer or architect).***

JUNE 2018

Historic Resources Advisory Board

Denny Perry – Member-At-Large Representative
435 Woodchuck Lane
Winchester, VA 22602
Home: (540)667-9658
Term Expires: 06/23/18

Four year term

(Mr. Perry does not wish to be reappointed. Attached is an application and cover letter from Steve A. Cantu.) *(The Historic Resources Advisory Board is comprised of nine members, one member from each magisterial district and three members at large.)*

Winchester Regional Airport Authority

Gene E. Fisher – Frederick County Representative
246 Bush Drive
Winchester, VA 22602
Home: (540)662-5238
Term Expires: 06/30/18
Four year term

Robert Bearer – Frederick County Representative
140 Kinross Drive
Winchester, VA 22602
Phone: (540)550-1898
Term Expires: 06/30/18
Four year term

(Frederick County has four representatives on the Winchester Regional Airport Authority. Members are eligible for reappointment.)

Winchester-Frederick County Tourism Board

Joint Appointment with the City of Winchester

Dan Martin – Private Sector Rep. (Lodging Industry-Hampton Inn & Suites)
General Manager
Hampton Inn & Suites
170 Getty Lane
Winchester, VA 22602
Office: (540)722-2722
Term Expires: 06/30/18

(Mr. Martin is not eligible for reappointment.)

Eric Campbell – Non Profit Sector Rep. (Cedar Creek and Belle Grove National Historic Park)

P. O. Box 700
8695 Valley Pike
Middletown, VA 22645
Phone: (540)868-9176
Term Expires: 06/30/18
Three year term

(Mr. Campbell is not eligible for reappointment.)

(Staff is waiting to hear from Winchester City Council as to their action on the recommendation from Tourism Director and Tourism Board on the appointment of Lani Peterson to fill seat of Dan Martin and Shannon Moeck to fill seat of Eric Campbell.) *(The Tourism Board was formed by Joint Resolution of the Board of Supervisors and the City Council in April 2001. Members serve a three year term and may only serve two consecutive terms. Recommendation for appointment is contingent upon like approval by the City of Winchester.)*

JULY 2018

No appointments due in July.

AUGUST 2018

Conservation Easement Authority

Elaine Cain – Frederick County Representative
444 Fair Lane
Winchester, VA 22603
Home: (540)722-4882
Term Expires: 08/24/18
Three year term

Robert Solenberger – Frederick County Representative
c/o Fruit Hill Orchard
P. O. Box 2368
Winchester, VA 22604
Home: (540)662-2938
Term Expires: 08/24/18
Three year term

Charles Triplett – Planning Commission Representative

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150 Lone Willow Lane
Gore, VA 22637
Home: (540)877-1380
Term Expires: 08/24/18
Three year term

*(The Authority consists of seven citizen members, one member from the Board of Supervisors and one member from the Planning Commission. **Members shall be knowledgeable in one or more of the following fields: conservation, biology, real estate and/or rural land appraisal, accounting, farming, or forestry.** Members serve a three year term and are eligible for reappointment.)*

KCT/tjp

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Frederick County Board of Supervisors

Committee Appointments

Informational Data Sheet

Contact Information

| | | | |
|----------------------------------|----------------------|------------------------|--------------|
| Name: | STEVE A CANTU | Home Phone #: | [REDACTED] |
| Home Address: | 528 STONYMEADE DRIVE | Office Phone #: | Not answered |
| Home Address City, State: | WINCHESTER, VA | Cell Phone #: | [REDACTED] |
| Home Address ZIP: | 22602 | | [REDACTED] |

Employment/Community Information

| | | | |
|--------------------------|---------|----------------------------|-----|
| Current Employer: | Retired | Current Occupation: | N/A |
|--------------------------|---------|----------------------------|-----|

Please list any relevant civic/community activities you participate in:

- Officer of Elections - Frederick County Virginia
- Board of Directors and Office of Treasurer - Kernstown Battlefield Association
- Officer, Knights of Columbus - Sacred Heart of Jesus Church

Board/Committee Information

Board or Committee Applying for:

- (o) Frederick County Historic Resources Advisory Board

Will you be able to attend this committee's regularly scheduled meeting?

- (o) Yes

Additional information or comments you would like to provide:

Relative to history and preservation, I am a member of the following organizations:
- American Battlefield Trust (formerly Civil War Trust) since 1998, have also attended multiple annual conferences, Shenandoah Valley Battlefield Foundation - have attended several events

- Contributing/Donation member to: Preservation Historic Winchester, Preservation Virginia, Belle Grove Plantation, Ceder Creek Battlefield Association, Colonial Williamsburg, Mt. Vernon, Friends of Gettysburg, Montpelier Foundation, Museum of the Shenandoah Valley, National Trust for Historic Preservation, Shenandoah University's History Program, Thomas Jefferson Foundation

Pursuant to the Commonwealth of Virginia Conflict of Interest Act governing elected and appointed public officials, does the nature and status of your employment, business interests or ownership of property present a potential conflict of interest relative to the appointed position in which you are interested?

No

If required by applicable provision of the Conflict of Interest Act, would you be willing to file with the Deputy Clerk of the Frederick County Board of Supervisors a Public Official Disclosure Form listing all assets, business and property interest?

Yes

In lieu of a physical signature, you must type your name and today's date and select the box below before submitting this form.

Signature Name: Steve A. Cantu

Today's Date: 07/19/2018

Check here for Signature:

You may upload any supporting documentation (Resume, Cover letter, etc.) by clicking on this box and uploading your files.

July 19, 2018

Candice Perkins
Assistant Director
Frederick County Department of
Planning & Development
107 North Kent Street
Winchester, Virginia 22601

Ms. Perkins,

This morning I completed the online form and submitted it for consideration for the Frederick County Historic Resources Advisory Board position that Mr. Gary Crawford informed me about. As far as a job resume, as I'm now retired, I have slightly modified the most recent version that I composed while still employed. It conveys an overview of my 37 year work history that included 12 relocations, including a 20 month assignment in Brazil.

I am originally from San Antonio, Texas but moved to Virginia during my third-grade school year. I graduated from Woodbridge Senior High School and Virginia Tech, then accepted my initial full-time job in Canton, NC. Twelve relocations later, we chose to retire in Winchester, VA in 2015 so that we could both be near family in Woodbridge, Leesburg, and Annandale, yet be removed from the beltway and I-95 congestion. Being one who has appreciated history since my 4th grade 'Virginia History' year, choosing an area that offered local history and a college was also a key part of our criteria. After being offered opportunities to move within the corporate world that my company selected, deciding on a place of our choosing proved to be an interesting process and we couldn't be happier with our decision to retire in the Winchester area.

If possible, I would like to spend some time with you to better understand how the Historic Resources Advisory Board functions. I accessed and have read the information on the county website which is helpful, but I have a couple of general questions that remain.

Take care and I look forward to hearing from you at your convenience.

Regards,

Steve A. Carta

STEVE A. CANTU

528 Stonymeade Drive
Winchester, VA 22602

Cell Phone: _____
Email: _____

I am a retired supply chain professional with a history of delivering business results, leading business transformation initiatives, and for project management skills. I am utilizing my retirement days to assist my father with his various needs and appointments, and to volunteer in several community/church related areas.

SUMMARY:

I have a passion to win through the implementation of process improvements that provide bottom line benefits and value to our customers and to our business, and to develop my employees for their professional growth. My areas of responsibility meet or exceed established objectives, deadlines, budgets, deliver the expected results, and have served as a model that other teams and projects have tried to emulate. I consistently score in the upper quartile in the Gallup employee engagement survey and have proven to be successful in assembling and leading work teams to deliver results that are foundational, strategic, and sustainable. I am known for being well organized, for setting correct priorities, and for excellent communication skills within and outside of my area of accountability.

KEY ACCOMPLISHMENTS:

- Project Management - International Paper do Brasil - PMO Project Lead: Led and directed a multinational team of Business, Information Technology, and Change Management professionals, who delivered a strategic, comprehensive, order-to-cash supply chain business redesign and systems project on time, under budget, and that exceeded the targeted benefits.
- International Paper, Order Services - Total Cost of Ownership: Chaired a cross-functional task team commissioned to reduce manufacturing costs which netted annual savings of over \$2.7 million
- International Paper, Converting Operations Manufacturing: Led a cross-functional team consisting of operators and supervisors that developed product quality improvement processes and standards which led to 'Supplier of the Year' recognition from a key customer

EXPERIENCE:

International Paper, - September 1977 – December 2014

Sourcing Manager, Global Sourcing – April 2011 to December 2014

As of September 2011, I have accountability for the centralized team who performs Materials Requirements Planning for IP's paper mill storerooms. I also managed the Global Sourcing consulting team who supported International Paper in \$230 million of purchases from April 2011 to 2013, and was part of the team that resolved the force majeure for a major manufacturing component during 2011.

Deployment Lead and Track Resource Lead/ Global Supply Chain, EDGE - May 2009 to March 2011

Responsible for the implementation of advanced planning functionality for the Printing and Communications Papers and Coated Paperboard businesses.

Project Management, Business Redesign and Systems Project – Oct. 2007 to April 2009

International Paper do Brasil – PMO Lead for the implementation of a major business transformation supply chain project. The primary scope was to implement standard business processes and systems for the Order-to-Cash and Purchasing functions at the corporate headquarters and 3 manufacturing locations.

Responsibility included resource management, managing the budget of \$12.6 million, schedule attainment, and benefits realization of \$7.3 million per year – all met or exceeded plan. Responsible to chair and provide monthly status updates to the project steering team consisting of the business unit Executive President, Chief Financial Officer, Director of Manufacturing, Director of Supply Chain, VP Project Manager - Três Lagoas, and the Chief Information Officer for International Paper.

Email: _____

Steve A. Cantu

Cell: _____

Track Lead, Supply Chain Project, Global Supply Chain – Sept. 2000 – Sept. 2007

Managed the Planning and Scheduling Track for International Paper's Enterprise strategic initiative to improve the company's supply chain practices and operations. This was a multiyear effort to standardize and redesign the company's business processes and systems, with the goal to both improve order fulfillment for the customer, and reduce costs and improve operational efficiencies and profitability for International Paper. The primary scope for my 60 member track included the functions of Demand Planning, Master and Replenishment Planning, and Shop Floor Scheduling primarily utilizing SAP.

Director, Converting and Outsourcing – January 1997 – August 2000

Managed the outsourcing of all products for our expanding office papers business. Responsibilities ranged from identifying and qualifying third party suppliers, to ultimately outsourcing the fulfillment of the customer's orders to their requirements and specifications. Production costs in our internal converting operations were reduced through improved production planning and scheduling, and by contracting with lower cost third party converters to convert and package specialized products during the time when office superstore distribution and sales channels were being developed.

Director, Order Services – January 1995 – September 1997

Managed the centralized organization that had accountability for accurate and timely fulfillment of customer orders for several of the company's major businesses. This included order entry, production planning, scheduling, logistics, and inventory management for 1.6 million annual tons, or \$1.2 billion of annual revenue, equal to over 20% of the corporation's total. Also included was the coordination of special packaging needs to support customer inventory, and the logistics and distribution functions. Coordinated the production supply from 3 internal manufacturing mills plus our outsourcing partners, optimizing and balancing customer service, profitability, and operating parameters.

Manager, Converting Operations - 1992 – 1995

Directed and managed 380 employees at the International Paper Mill in Courtland, AL. This \$19 million/year operational complex included all aspects of employee safety, production, product quality, budgeting, and strategic planning, for the department.

- Formed employee cross-functional teams to develop and implement processes that improved product quality and reduced waste and scrap.
- Developed the benchmark for product quality for our key account, which is a major manufacturer of copiers and printers, and won 'Supplier of the Year' recognition.

EDUCATION:

Bachelor of Science, Industrial Engineering and Operations Research 1978

Virginia Polytechnic Institute & State University, Blacksburg, VA