



Finance Department  
**Cheryl B. Shiffler**  
Director

540/665-5610

Fax: 540/667-0370

E-mail: [cshiffle@co.frederick.va.us](mailto:cshiffle@co.frederick.va.us)

**TO:** Board of Supervisors  
**FROM:** Finance Committee  
**DATE:** July 15, 2009  
**SUBJECT:** Finance Committee Report and Recommendations

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The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, July 15, 2009 at 8:00 a.m. Member Stephen Swiger was absent. Item 4 (☑) was approved under consent agenda.

1. The Public Works Director requests an FY 2010 Shawneeland Fund supplemental appropriation in the amount of \$10,000. This is a carry forward from FY 2009 to continue repairs to trails. See attached memo, p. 1. The committee recommends approval.
2. The Public Works Director requests an FY 2010 General Fund supplemental appropriation in the amount of \$15,600. This amount represents grant funds awarded by the VA Department of Conservation and Recreation. See attached memo, p. 2. The committee recommends approval.
3. The NRADC Superintendent requests an FY 2010 Jail Fund supplemental appropriation in the amount of \$52,330 to hire a Pretrial Services Investigator/Case Manager. Grant dollars will be used to fund this position. No additional local funds needed. See attached memo, p. 3 – 14. The committee recommends approval.

4.  The Sheriff requests an FY 2009 General Fund supplemental appropriation in the amount of \$1,789. This amount represents a donation and DARE reimbursements. No local funds needed. See attached memos, p. 15 – 16.
5. The EDC Director requests a combination of General Fund budget cuts and carry forward funds to equal the \$108,000 less the County will be receiving from the City of Winchester for their EDC contribution and ozone study. See attached memo, p. 17. The committee recommends approval.
6. The Planning Director requests an FY 2010 General Fund supplemental appropriation in the amount of \$395,000. This amount represents matching funds for purchase development rights. \$65,000 of this amount represents local funds. See attached information, p. 18 – 22. The committee recommends approval.
7. The Sheriff requests an FY 2010 General Fund supplemental appropriation in the amount of \$20,000. This amount represents the Project Safe Neighborhoods grant. No local funds needed. See attached memo, p. 23. The committee recommends approval.
8. The Public Works Director requests an FY 2010 Shawneeland Fund supplemental appropriation in the amount of \$4,900 to provide part-time security at the beach. See attached memo, p. 24 – 25. The committee recommends approval.

Respectfully submitted,  
FINANCE COMMITTEE

Bill M. Ewing  
Richard Shickle  
Charles DeHaven  
Ron Hottle  
Richie Wilkins

By

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Cheryl B. Shiffler, Finance Director



COUNTY of FREDERICK


Finance Department  
**Cheryl B. Shiffler**  
Director

540/665-5610

Fax: 540/667-0370

E-mail: cshiffle@co.frederick.va.us

**TO:** Finance Committee and Board of Supervisors

**FROM:** Cheryl B. Shiffler, Finance Director 

**DATE:** July 10, 2009

**SUBJECT:** Finance Committee Agenda

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The Finance Committee will meet in the First Floor Conference Room at 107 North Kent Street on Wednesday, July 15, 2009 at 8:00 a.m.

1. The Public Works Director requests an FY 2010 Shawneeland Fund supplemental appropriation in the amount of \$10,000. This is a carry forward from FY 2009 to continue repairs to trails. See attached memo, p. 1.
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COUNTY of FREDERICK

Sanitary District of Shawneeland

Kevin Alderman  
District Manager

Office: 540/877-1035  
Fax: 540/877-1361

MEMORANDUM

**TO:** Harvey E. Strawsnyder Jr., P.E., Director of Public Works *HES.*  
**FROM:** Kevin C. Alderman, District Manager, Shawneeland Sanitary District *KCA*  
**SUBJECT:** Carry forward of funds FY 2009-2010  
**DATE:** June 15, 2009

I am requesting that the unused funds from line item 16-8108-8006-00- Construction Vehicles and Equipment in the amount of \$10000.00 be carried over into the FY 2009-2010 budget. The amount of the carry over will make it possible to continue repairing the damage that occurred to Rainbow Falls, Dakota, and Aspen Trails during the detour for the Cherokee Dam project. *→ balance 7/9/09 = \$10,514*

If you have any questions, do not hesitate to contact me.

KCA/kgs

cc: file




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MEMORANDUM

**TO:** Cheryl B. Shiffler  
Director of Finance

**FROM:** Harvey E. Strawsnyder, Jr., P.E.   
Director of Public Works

**RE:** Expenditure of Grant Funds  
(4203 and 4201)

**DATE:** July 2, 2009

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The purpose of this memo is to request that the finance committee approve the expenditure of \$15,600 in grant funds awarded to the Public Works Department by the Virginia Dept. Of Conservation and Recreation during the 2009-2010 Fiscal Year.

This money represents funds awarded to the public works department for environmental education (4203) and the development of a stormwater management outreach program (4201). No local funds are needed.

I would like to request that \$8,000 be transferred into a separate expenditure line item in the 10-4203 (Refuse Collection) budget and the remaining \$7,600 be transferred into a separate line item in 10-4201 (Engineering).

If you have any questions, please do not hesitate to contact Gloria Puffinburger, solid waste manager, at Extension 8219.

/gmp

cc: J. Wilder, deputy director  
file

# Northwestern Regional Adult Detention Center

Bruce R. Conover - Superintendent



141 Fort Collier Road, Winchester, VA 22603  
(540) 665-6374 (540) 665-1615 FAX

## MEMORANDUM



TO: John R. Riley, Jr.  
Frederick County Administrator

FROM: Superintendent *Bruce R. Conover*

DATE: June 19, 2009

SUBJECT: Hiring Freeze Exception

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Request exception to Frederick County personnel hiring restrictions to permit recruitment of a Pretrial Services Investigator/Case Manager at the Regional Jail. No local funding is required.

In May 2009, the Department of Criminal Justice Service (DCJS) announced the availability of incentive grant funds for expansion of the Pretrial Services Program. Grant funding is intended to increase the number of criminal defendants diverted from incarceration while they await trial. The Northwestern Regional Adult Detention Center was awarded \$52,330 under the grant, an amount sufficient to add one (1) position to our Pretrial Services Section.

This position will be used to offer pretrial diversion services to the Winchester-Frederick Juvenile & Domestic Relations Court and Winchester-Frederick General District Court. We anticipate that on average the position will assist in diverting 25-40 individuals from Jail while they await trial. This service will be provided on a trial basis for one year. The Court and the incumbent will be fully informed of this limitation.

Given the financial significance of reducing or, at a minimum, maintaining our current inmate population, request the exception be granted.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES  
 1100 BANK STREET  
 RICHMOND, VIRGINIA 23219

GRANT APPLICATION  
 DCJS-CCCA/PSA-1-0409

Grant Program: Community Corrections: New Cont. GrantNo. \_\_\_\_\_  
Pretrial Services: XXX New Cont. - Grant No. 09-M6362CC09  
 Application Jurisdiction (Fiscal Agent): Frederick County/NRADC

Jurisdiction(s) Served: Winchester/Frederick County; Clarke County GDC

**LOCAL COMMUNITY-BASED PROBATION  
 PROJECT DIRECTOR**

**PRETRIAL SERVICES  
 PROJECT DIRECTOR**

Name Suzanne Morehead  
 Title Director, Old Dominion Local Com Cor  
 Address 317 So. Cameron Street  
 Phone 540-655-5633 Fax 540-678-0730  
 E-Mail smorehead@shentel.net

Name Steinhorn-Galloway, NCC, LPC  
 Title Director, NRADC Pretrial Serv. Agency  
 Address Ft. Collier Road  
 Phone 540-655-6381 Fax 540-667-3875  
 E-Mail nsteinho@co.frederick.va.us

**PROJECT ADMINISTRATOR**

**FINANCE OFFICER**

Name John Rilev  
 Title County Administrator  
 Address 107 North Kent Street  
Winchester, VA, 22601  
 Phone 540-665-5666 fax 540-667-0370  
 E-Mail jrilev@co.frederick.va.us

Name Frederick County Government  
 Title Fiscal Agent  
 Address 107 North Kent Street, 3<sup>rd</sup> floor  
Winchester, VA, 22601  
 Phone 540-665-5610 fax 540-667-0370  
 E-Mail skibler@co.frederick.va.us

**APPLICANT AGENCY FEDERAL ID #:**  
546001290

\_\_\_\_\_  
 Signature of Project Administrator

Project Budget Summary:	Local Probation DCJS funds	Pretrial Services DCJS funds	PIC & Options DCJS funds	Total DCJS funds
Personnel	\$ <u>0</u>	\$ <u>46,511.00</u>		
Consultants	\$ <u>0</u>	\$ <u>2,970.00</u>		
Travel and Subsistence	\$ <u>0</u>	\$ <u>400.00</u>		
Equipment	\$ <u>0</u>	\$ <u>2,000.00</u>		
Indirect Costs	\$ <u>0</u>	\$ <u>00</u>		
Supplies & Other	\$ <u>0</u>	\$ <u>450.00</u>		
Operating Expenses				
Total	\$ <u>0</u>	\$ <u>52,331.00</u>	\$ <u>0</u>	\$ <u>0</u>
Local Funds:	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Fees:	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>



### Summary of Intent

Upon award of the supplemental grant, we will hire a full time Investigator/Case Manager who will be assigned to screen and case manage those who appear in our General District Courts preliminary hearings and who have not undergone earlier pretrial investigation.

Our Pretrial Services Office serves the Winchester City, Frederick County and Clarke County District Courts. Our single Pretrial Investigator is sufficient to investigate and assist in the arraignments of approximate 60-70% of those committed to the Northwestern Regional Adult Detention Center. The 30-40% who are not screened avoid investigation and assignment to the Program by fulfilling their bond obligation prior to investigation. These individuals are next available for screening and interview when they appear in court for their first hearing. Unfortunately, the workload of our single investigator precludes a presence in these courts to perform screenings, interviews and recommend enrollment. The requested FTE will serve that purpose as well as assist in the managing the additional cases that result.

The requested FTE will also be assigned to regularly reconsider those in the confined population who may have been initially considered for the program but denied. The legal and personal circumstances of pretrial detainees often change and as a result, periodic review of these individual cases may result in a recommendation for them to be included in the program. Unfortunately, as with those who bond prior to investigation, the workload of our single investigator precludes her re-review of such cases.

Given the enthusiasm of our local judicial officers for the Pretrial Services Program and the new procedures we will implement with supplemental grant assistance, we envision that our defendants population will increase substantially, approaching the one-hundred-twenty-five (125) as required by the grant agreement.

### **Hiring Process**

We shall begin advertising for the FTE position upon award of the grant. We anticipate the hiring to be complete within four (4) weeks of funding receipt. The anticipated timeline will provide for the new FTE to be hired prior to October 1, 2009.

The Pretrial Services Director and her staff will train the new investigator/case manager. As a pilot site for EBP, the PTS staff remains trained and up to date regarding the most modern philosophies and are the experts in PTCC, pretrial investigations, and case management. The director will monitor and closely attend to the progress of this individual. This individual will attend CCJB and other relevant meetings that are appropriate in exposing them to the local legal community. EBP training will begin immediately, with multiple resources being made available, as well as including EBP

focused questions during the interview process itself. The director will provide monitoring and reporting in regards to the increase of program participant to DCJS, as required.

Locality: NRADC Pretrial Services Agency \_\_\_\_\_ Grant #:09-M6362CC09 \_\_\_\_\_

**Baseline Measurements** – fill in the boxes with your agency data from the appropriate PTCC monthly pretrial services report:

	Supervision Placements		ADC		ALOS (in days)	
	M	F	M	F	M	F
July 2008 (Month to Date)	44	23	83	91	<i>Not Applicable</i>	<i>Not Applicable</i>
March 2009 (Year to Date)	366	190	98	89	86	144
FY 2008 (June YTD)	399	302	72	98	81	132

**Growth Trends** – fill in the following chart with your agency end of year data for the pretrial services:

	Supervision Placements		ADC		ALOS (in days)	
	M	F	M	F	M	F
1. 04/06 – 03/07	327	375	203	408	339	486
2. 04/07 - 03/08*	355	302	284	453	389	586
3. 04/08 – 03/09	482	166	310	381	332	139

\* Note: This period of analysis has 366 days

Use the following formulas to calculate ADC and ALOS:

**ADC** = Total Supervision days for the year divided by the total number of days under review (365 for #1 and 366 for #2)

**ALOS** = Total supervision days for the year divided by the total placements for the year

Locality: NRADC Pretrial Services Agency \_\_\_\_\_ Grant #: 09-M6362CC09 \_\_\_\_\_

Total and Percentage of Growth between FY2006 to FY2008 for the following measures:

	Supervision Placements		ADC		ALOS (in days)	
	M	F	M	F	M	F
Total Growth	155	-209	107	-27	-7	-343
Percentage Growth	47.4%	-55.29%	52.7%	-6.6%	-2.1%	-71.4%

**Formula for calculating total growth:**

Population size during Year # 3. minus population size during Year # 1. = Total Growth

**Formula for calculating Growth Rate:**

$$\frac{\text{Population size in Year \#3.} - \text{population size in Year \# 1.}}{\text{Population size in Year \# 1.}} = \text{Growth rate}$$

**Formula for calculating percentage growth:**

$$\text{Growth rate} \times 100 = \text{percentage growth}$$

For example, if Year #1 placements = 50 and Year # 3 placements = 200

Total growth:  $200 - 50 = 150$  since Year # 1Percentage growth:  $\frac{200 - 50}{50} = \frac{150}{50} = 3 \times 100 = 300\%$  growth since Year # 1

**FTE Information:** Please complete the following on your current and previous FTE level. Include all staff that currently *conduct pretrial investigations or carry a defendant (pretrial)* caseload regardless of funding source.

	Grant funded	Local funded	Other funded
Current FTEs	\$177,737	\$101,935	N/A
FY 2008 FTEs	\$183,556	\$83,601	N/A

Attachment B - PROGRAM WORKPLAN

PROGRAM CATEGORY NRADC Pretrial Services Agency

DATE 05-07-2009

LOCALITY/STATE AGENCY Winchester/Fredrick and Clarke Counties

OBJECTIVE-ACTIVITY	PLANNED		ACTUAL		DOCUMENTATION
	BEGIN	END	BEGIN	END	
New FTE candidate will be hired and in place.	07/01/09	08/15/09			
New FTE candidate will be fully trained and working independently	9/01/09	12/01/09			
New FTE will be introduced to staff and legal community and will be sworn in by judge.	07/01/09	08/01/09			
New FTE will shadow investigator until fully trained in investigations	07/15/09	09/30/09			
New FTE will shadow case managers until fully trained in case management.	08/01/09	09/30/09			
New FTE will be fully trained in PTCC	07/15/09	09/01/09			
New FTE will begin covering investigations, interviewing, doing video arraignment hearings independently.	08/15/09	11/01/09			
New FTE will have completed all training to include VPRAI, Basic Training, EBP, & Motivational Interviewing.	07/01/09	01/30/09			
New FTE and director will develop plans for working with GDC courts in the courthouse.	08/15/09	01/30/10			
New FTE and Director will develop plans for beginning to include and cover J&DR Courts at the courthouse.	12/01/09	02/01/10			
New FTE will supervise a small caseload of no more than 25 defendants.	08/30/09	10/30/09			
New FTE will be fully capable of covering investigative duties for Primary invest.	10/01/09	01/01/10			

6

Pre Trial FY10 Cost for 1 Case Manager

PT FY10 Cost for Case mgr Grant

Diagramed in agreement with Supplemental Grant Application Guide

				Total Cost
A. Personnel	Base Salary:	2080 Hrs.	\$31,748.00	
	FICA	7.65%	\$2,415.34	\$13.38 pd. from local
	VRS	13.87%	\$4,403.45	
	Life	1.00%	\$317.48	
	Health	flat rate	\$7,562.28	
	WC	2.03 per 100	\$64.45	\$14,763.00
	Total Position			\$46,511.00
B. Consulting	Drug Testing	30 x 50 weeks x \$1.98		\$2,970.00
C. Travel	Travel - non/local	183 miles @.55		\$100.00
	Subsistance - overnight			\$300.00
D. Equipment	Computer, internet, furniture, phone			\$2,000.00
E. Supplies/Other	Phone service, paper, printing, etc.			\$50.00
	Training Expenses (other than travel)			\$400.00
				\$52,331.00

**PRETRIAL SERVICES GRANT**  
**NEW FTE**  
**PROJECT BUDGET NARRATIVE**  
**2009/2010**

**1. Personnel/Employees**

All personnel are permanent, full/time employees (5) are all employed by Frederick County; 2 case managers, 1 investigator, 1 secretary, and the Director. At any point in time caseloads range from 65-100 defendants for each of the case managers, with the Director maintaining a mental health caseload of between 20-35 defendants. Another FTE is needed to operate and sustain an EBP practice standard. This practice would lower caseloads requirements, thus allowing us to facilitate closer monitoring and fulfill the in-depth case management needs of many of the defendants we serve.

The County of Frederick uses a market-based compensation plan with established pay scales for positions that are consistent with those in the surrounding area for similar job classifications. In our area, all full-time employees receive an annual merit evaluation with a proposed merit increase of 1-2% based on the results of job performance appraisals. In these economic times, however, there will be no increases this year given the state of the economy. The new FTE will be supported by the stimulus grant funds, should we receive these funds. Below, please find a narrative substantiate the budget.

**\$31,748.00 New Pretrial Services Agency Investigator/Case Manager:**  
**(\$31,748 Grant Funds)**

This individual would be responsible for the court report interviews & preparation of the VPRAI, and appears for in court hearings either through video arraignment or through the court process for Preliminary Hearings, to make pretrial recommendations. These duties would be approximately ½ of the new FTE's position. This individual will also supervise a partial caseload (no more than 25 defendants) and assist with intakes, when available.

**\$31,748.00 TOTAL EMPLOYEE SALARIES**  
**(\$31,748.00 Grant Funds)**

Fringe Benefits: Fringe benefits are paid in accordance with policies established by Frederick County. \*A new full time employee's benefits would need to be paid through the grant.

\$ 2,428.72 FICA-based on 7.65% of total salaries  
(\$2,428.72 Grant Funds)

\$ 4,403.45 Virginia Retirement System-based on 13.87% of salary  
(\$ 4,403.45 Grant Funds)

\$ 7,562.28 Health Insurance-based on \$7,562.28 per full time employee  
(\$7,562.28 Grant Funds)

\$ 50.80 Workman's Compensation-based on total salaries/100 x .16  
(\$50.58 Grant Funds)

\$ 317.48 Life Insurance-based on 1.00% of total salaries  
(\$317.48 Grant Funds)

\$14,762.83 Total Fringe Benefits  
(\$14,762.83 Grant Funds)

\$46,510.73 TOTAL PERSONNEL COSTS  
(\$\$46,510.73 Grant Funds)

**2. CONSULTANTS**

\$2,970.00 Drug Screening/Testing (30 x 50 weeks x \$1.98)  
TOTAL CONSULTANTS  
(\$2,970.00 Grant Funds)

**3. TRAVEL AND SUBSISTENCE**

Travel, Non-local 183 miles at .55/mile=\$100.00  
Over night – 3 nights at \$100.00/night = \$300.00  
\$ 400 TOTAL (Grant Funds)

**4. EQUIPMENT**

Computer, Internet, furniture, phone

\$ 2,000.00 TOTAL EQUIPMENT COSTS  
(Grant Funds)

**5. SUPPLIES AND OTHER OPERATING EXPENSES**

\$ 50.00 Phone Service, paper, printing  
\$ 400.00 Training & Conferences (other than travel)

\$ 550.00 TOTAL SUPPLIES AND OTHER OPERATING EXPENSES  
(Grant Funds)

**TOTAL BUDGET \$52,330.73 (ALL FROM GRANT FUNDS)**





**COMMONWEALTH of VIRGINIA**  
**Frederick-Winchester General District Court**

DAVID S. WHITACRE  
JUDGE

BRENDAL VANCE  
CLERK

P. O. Box 526  
Winchester, Virginia 22604  
(540) 722-7208  
(For TDD Users - Call VRC 1-800-828-1120)

To Whom it May Concern:

May 13, 2009

Re: Pretrial Service Staffing

Pretrial services has been a tremendous help to our court in the capacity of interviewing and preparing financial statements for court appointed counsel for all inmates waiting a bond arraignment. They monitor defendants' activities while out on bond awaiting a trial or preliminary.

Our court handles in excess of 40,000 cases a year. Any additional services that may be provided to us would be greatly appreciated. We could use assistance in interviewing our arraignments for those individuals that have bonded and returning to our court for the first time to have their cases set for trial or preliminary hearings. The Pretrial service office would have to have an employee come to court each morning in order to do this.

Sincerely,

David S. Whitacre  
Judge

**Allen Barr**

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**From:** Alan Barr [abarr@co.frederick.va.us]  
**Sent:** Monday, June 15, 2009 7:28 AM  
**To:** Nansy Steinhorn-Galloway  
**Subject:** Fw: Pretrial grant award announcement

----- Original Message -----

**From:** Harpster, Paula  
**To:** Nansy Steinhorn-Galloway  
**Cc:** Casale, Tony  
**Sent:** Friday, June 12, 2009 8:53 AM  
**Subject:** FW: Pretrial grant award announcement

Nansy,

Congratulations! I am pleased to inform you that your agency has been awarded an additional \$52,330 for a full time pretrial officer/investigator. The formal notification of this award will be included in your FY2010 statement of grant award and added to your current grant award. Please note that this pretrial position is required to carry a full caseload and/or conduct investigations accordingly.

As you are aware, this additional funding comes with specific expectations from the General Assembly. Above all, if we (you) can demonstrate that the additional funding leads to increased pretrial placements and jail diversions; this will substantiate the value of pretrial services to the criminal justice system and provide support for future requests for additional funding.

Again, congratulations and I hope you can get this person hired soon!

Paula

Paula Harpster  
Virginia Dept. of Criminal Justice Services  
1100 Bank Street  
Richmond, VA 23219  
☎ ph: (804) 786-1140  
☎ fax: (804) 786-9656  
✉ Paula.Harpster@dcjs.virginia.gov



please consider the environment before printing this e-mail...

# Frederick County Sheriff's Office

ROBERT T. WILLIAMSON  
Sheriff



MAJOR R. C. ECKMAN  
Chief Deputy

1080 Coverstone Drive  
Winchester, Virginia 22602

(540) 662-6168  
Fax (540) 504-6400

TO : Finance Department  
FROM : Sheriff Robert T. Williamson *RTW*  
SUBJECT : Donation and Reimbursements  
DATE : June 10, 2009

*FY09*  
*3-010-18990-0016*  
*1005*

Attached please find endorsed checks totaling ~~\$1,330.50~~ made payable to the Sheriff's Office-DARE Program.

*\$1,764*

We are requesting this amount be appropriated into the DARE budget line of 3102-5413-01.

Thank you.

RTW/asw

*cc: finance committee*

# Frederick County Sheriff's Office



ROBERT T. WILLIAMSON  
*Sheriff*

MAJOR R. C. ECKMAN  
*Chief Deputy*

1080 Coverstone Drive  
Winchester, Virginia 22602

(540) 662-6168  
Fax (540) 504-6400

TO : Finance Department

FROM : Sheriff Robert T. Williamson

SUBJECT : Donation

DATE : June 10, 2009

RTW

F409  
3-010-18990-0006  
10CR

Attached please find a check in the amount of \$25.00 made payable to the Frederick County Sheriff's Office.

This amount represents a donation from a county resident to be used where most needed.

We are requesting this donation be appropriated into the Crime Prevention/Public Relations budget line of 3102-5413-04.

Thank you.

RTW/asw

CC: finance committee

-16-



**WINCHESTER**  
 FREDERICK COUNTY  
 VIRGINIA EDC

Frederick County  
 RECEIVED


JUL 06 2009

Finance Department

MEMORANDUM

DATE July 6, 2009

TO: Cheryl Shiffler  
 Frederick County Finance Director

FROM: Patrick Barker, CEcD  
 Executive Director 

SUBJECT General Fund Reduction & Carryforward Request

The Director of Economic Development requests a General Fund budget reduction in the amount of \$108,000. This budget adjustment is needed to reflect the elimination of the city's financial commitment to EDC and the city's share of professional services attributed to the ozone study. It is requested that these funds be absorbed by budget cuts to the ozone study and various operating cuts along with a General Fund Carryforward in the amount of \$34,720 from various line items, listed below, in the FY 09 EDC budget.

Line Item	Description	Value
081020-1005-000-000	PART/TIME OVERTIME	\$9,000
081020-3002-000-000	PROFESSIONAL SERVICES - OTHE	1,100
081020-3002-000-006	PROF. SERV.-ISO/RETRAINING A	1,500
081020-3002-000-008	PROF. SERV. - WEBSITE DEVELO	1,950
081020-3002-000-017	PROF. SERV. - OZONE	2,400
081020-3006-000-000	PRINTING & BINDING	8,300
081020-3007-000-000	ADVERTISING	2,470
081020-5101-000-000	UTILITIES	1,300
081020-5204-000-002	TELEPHONE	1,000
081020-5413-000-000	OTHER OPERATING SUPPLIES	1,300
081020-5506-000-000	TRAVEL	4,400

*Funds will not be reappropriated.*  
*-CBS*

We hope this request can be added to the next Finance Committee agenda. Please advise our office if you anticipate a delay. Thank you for your consideration.

**Your Move. Our Commitment.**



Frederick County  
Conservation Easement Authority

**MEMORANDUM**

**TO:** Frederick County Finance Committee  
**FROM:** Eric R. Lawrence, Planning Director  
On Behalf of the Conservation Easement Authority  
**SUBJECT:** Funding Request – Purchase of Development Rights (PDR) Program  
**DATE:** July 8, 2009

---

In an effort to further the County's Purchase of Development Rights (PDR) program, in 2008 the County was awarded state matching grant funds from the Virginia Department of Agriculture and Consumer Services' (VDACS) Office of Farmland Preservation. Respective of our application for, and in agreement of, this state matching fund program, the County has maintained a line item that was allocated as a local match to the state granted funds.

In order to satisfy a requirement of our agreement with VDACS, and to maintain access to the state matching grant funds for land preservation, **an action of the County Board of Supervisors is being sought:**

- 1) **A supplemental appropriation of \$395,000, of this amount \$65,000 represents local funds.** The balance would be funded by grants from VDACS and USDA's FRPP.

**A favorable recommendation from the Finance Committee on these two items is requested. This is a time sensitive request as the County must certify by July 31, 2009 that the local funds are available for the PDR effort.**

Background

In 2007, the Frederick County Conservation Easement Authority (CEA) set out to establish a purchase of development rights program (PDR) that could be utilized to: promote agricultural pursuits in Frederick County; protect the rural character of the county; and reduce residential development in the County's rural areas and its demands and fiscal impacts on County capital facilities.

The County's Development Impact Model (DIM) projects that each new house that is constructed in the County creates a fiscal demand on County capital facilities of \$21,664, excluding consideration of the impacts on the transportation system. Since PDRs remove

Memorandum to the Finance Committee  
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development potential from the rural community, lessening the impact on County facilities, it may also be deemed that PDRs reduce the impacts on the County's fiscal obligations to its residents.

VDACS, through a General Assembly action, created a matching grant program to promote farmland preservation through the Purchase of Development Rights (PDR). In summer 2007, the CEA submitted an application seeking participation in the newly created state matching grant program. As part of the application process, the County allocated \$265,000 in local funds that could be used as a local match. *It is important to note that in this 2007 action, the County Board ear-marked the funds, but did not appropriate nor authorize their expenditure. It was made clear that a future Board action would be necessary if these funds were to be spent.*

In early 2008, VDACS notified the County and CEA that they had been awarded \$265,000 in state matching grants. The County and VDACS entered into an agreement dated February 2008 securing the state matching grant for the County's use.

In fall 2008, the CEA began accepting applications from property owners interested in participating in the PDR program. Following a review by the CEA, the Betty Snapp property was selected to be the County's first PDR acquisition.

The CEA developed a partnership with the Potomac Conservancy and the USDA's Farmland and Ranchland Protection Program (FRPP) – these three organizations would co-hold the conservation easement acquired on the Snapp property. The Potomac Conservancy would lead stewardship responsibilities with the Snapp property. The USDA's FRPP would provide PDR funding that the County could utilize as a local match, to off-set VDACS local match requirement. This partnership culminated on June 29, 2009, when the development rights were acquired from the Snapps, and a conservation easement was established on the Snapp's 89 acre farm. The transaction utilized \$130,000 of the \$265,000 VDACS grant. This partnership arrangement enabled the PDR transaction to occur without a significant County monetary contribution. And the PDR acquisition removed the potential for 17 residential dwellings, which would have placed a capital facility impact on the County of over \$350,000.

VDACS feels that the County must contribute financially towards the PDR transaction. As such, VDACS has advised that for future PDR acquisitions, VDACS will require that the County contribute financially to the PDR. VDACS will reimburse the County up to 50% of the County's true financial expenditures, not to exceed a VDACS contribution of \$135,000 – the funds remaining in our grant award through VDACS.

The CEA has accepted another round of PDR applications from property owners interested in preserving their farms, and selected the 98-acre Wright property as a candidate for a PDR. The CEA is now working to arrange adequate and appropriate funding to acquire the property's development rights, resulting in the placement of a conservation easement on the site. The CEA

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has also been advised that \$260,000 of USDA's FRPP funds will also be available to assist in the easement purchase. But to fulfill the newly established requirements for the VDACS grant, the County would be expected to contribute towards the purchase. While details are still being worked through, preliminary expectations are that the County would be expected to contribute at least \$65,000 towards the effort.

In order to satisfy a requirement of our agreement with VDACS, and to maintain access to the state matching grant funds for land preservation, an action of the County Board of Supervisors is being sought:

- 2) A supplemental appropriation of \$395,000, of this amount \$65,000 represents local funds. The balance would be funded by grants from VDACS and USDA's FRPP.

A favorable recommendation from the Finance Committee on these two items is requested. This is a time sensitive request as the County must certify by July 31, 2009 that the local funds are available for the PDR effort.



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## **The NEXT Potential PDR Acquisition**

### **Property Information**

Owner: Vernon and Wendy Wright

Acreage: 98

Property ID: 61-A-17

Zoned: RA

Magisterial District: Back Creek

Current Use: Pasture

- If subdivided as traditional five acre lots, the property could produce 19 lots based on current County density – not considering road right-of-way, drainfield, and other environmental constraints.
- The property joins the west side of Cedar Creek Grade, approximately 750 feet south of the intersection of Cedar Creek Grade and Barley Lane.
- The parcel is located within the Cedar Creek watershed, which is listed as impaired by the Virginia Department of Environmental Quality.
- The property is identified as having karst topography.
- The property contains prime soils for farming.
- The property qualifies for, and is currently in, agricultural Land Use
- The site is a Virginia Century Farm, having been in the family for over 150 years.

### **The Wright's Vision for Their Land**

With a long standing tradition of agricultural innovation and community involvement, the Wright family has owned and operated a working farm in Frederick County for over 150 years. The Wright's vision is to preserve the authentic farm operations and land "as is" and to continue to expand their community involvement through educational outreach via hands on and interactive agricultural education.

For the past 15 years, The Pumpkin Patch at the farm has successfully exposed almost 100,000 area children to the farm and agricultural life. Through this successful effort, they have developed and initiated plans to extend this seasonal activity to a year round interactive program. The program objectives would permit children to follow and participate in the year round

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activities of the farm through a cooperative and interactive agricultural curriculum. The Wright's ultimate goal is to make this a free, no cost to student, program.

Through obtaining a purchased easement, they would be able to achieve three key objectives for the farm and community:

- secure the open space farm and land for future generations
- obtain funds to invest in and accelerate the agriculture educational outreach program.
- preserve the rural character of Frederick County.

### **Purchase of Development Rights**

Under a Purchase of Development Rights (PDR) program, a landowner voluntarily sells his/her rights to develop a parcel of land to a public agency or qualified conservation organization. The landowner retains all other ownership rights attached to the land, and a conservation easement is placed on the land and recorded on the title.

In this case, the buyers of the easement / development rights are: Frederick County and the Potomac Conservancy, with funding help from the Virginia Department of Agricultural and Consumer Services' (VDACS) Office of Farmland Preservation, and the US Department of Agriculture's (USDA) Farm and Ranch Lands Protection Program (FRPP).

Once the buyers establish the conservation easement and purchase the right to develop the land, they essentially extinguish that right permanently, thereby assuring that development will not occur on that particular property. In placing such an easement on their farm and/or forest land, participating landowners often take the proceeds from the sale of the development rights to invest in their farming operations or retire from the business, and may allow another farmer to purchase the land at lower rates (i.e., rates devoid of development rights).

Please advise if additional materials are necessary. Thank you for your assistance and support.

ERL/bhd

cc: Diane Kearns, Chairman, Conservation Easement Authority