

**ACTIONS**  
**Board of Supervisors Meeting of February 2, 2005**

February 3, 2005

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 9:00 a.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis and Debi Moyers.</li> </ul>	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>Former Sheriff Terry Hawkins and Sgt. Dan Blake, of the Police Department, asked the Board to consider funding the full cost of health insurance for retirees. Mr. Tucker responded that this issue would be discussed during the budget work sessions.</li> </ul>	
<p>5a. Boards and Commissions Certificate of Appreciation.</p> <ul style="list-style-type: none"> <li>Chairman <b>PRESENTED</b> certificate to Dwight Colley formally of the Police Department Citizen Advisory Committee.</li> </ul>	
<p>5b. Recognition of Juandiego Wade, Community Service Award.</p> <ul style="list-style-type: none"> <li>Chairman recognized Juan Wade for his recognition by the Daily Progress as one of "A Distinguished Dozen" in Charlottesville for his commitment to the youth.</li> </ul>	
<p>6.2 Resolution recognizing the Rivanna Rifle and Pistol Club.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> the attached resolution and presented to Calvin Dodd.</li> </ul>	(Attachment 1)
<p>6.3 Resolution of Intent Requesting Albemarle County participation in the Virginia Department of Transportation Residential Traffic Calming Program.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> the attached resolution.</li> </ul>	<u>Clerk</u> : Forward signed resolution to Juan Wade with copy to David Benish. (Attachment 2)
<p>6.4 Jarman Lake Road (Grayrock Subdivision) Child at Play Signs.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> the attached resolution.</li> </ul>	<u>Clerk</u> : Forward signed resolution to Tex Weaver. (Attachment 3)
<p>6.5 Requested FY 2005 Appropriations.</p> <ul style="list-style-type: none"> <li><b>APPROVED</b> FY 2005 Appropriations #2005040, #2005041, and #2005042.</li> </ul>	<u>Clerk</u> : Forward signed appropriation forms to Richard Wiggans, OMB and copy appropriate individuals.
<p>6.6 Set Public Hearing to consider proposed Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, regarding membership appointment and terms of office.</p> <ul style="list-style-type: none"> <li><b>SET</b> public hearing for March 2, 2005.</li> </ul>	<u>Clerk</u> : Advertise and schedule on March 2, 2005 agenda.
<p>7. Board to Board Presentation, School Board Chairman.</p> <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> </ul>	
<p>8a. Transportation Matters not Listed on the Agenda.  <u>Jim Utterback</u>:</p> <ul style="list-style-type: none"> <li>As of January 10<sup>th</sup>, he is VDOT's Resident Administrator.</li> <li>Reported on weather conditions.</li> <li>He is reviewing VDOT's Monthly Report to look</li> </ul>	<u>Clerk</u> : Forward comments to VDOT.

at ways to condense the information. Ms. Thomas suggested that the report include road names along with the route numbers.

- Said he believes VDOT has addressed most of the requests from the last Board meeting.

David Wyant:

- Suggested VDOT let the public know which boundaries the VDOT maintenance shops cover during wintry weather.
- Asked VDOT to look at the location of the guardrail on Route 810, north of Crozet, because people are hitting it as they go around the curve.
- Asked VDOT to follow-up on the water situation on Lake Albemarle Road.
- Asked who would be reviewing the bridge work in the next coming weeks for the Old Trail project.

Sally Thomas:

- Mentioned her previous request for the need for guardrail on Dry Bridge Road. Mr. Utterback said he would follow-up.
- Asked that VDOT and the School system communicate to the public how the conditions of roads affect the closing of schools. Mr. Utterback said he has asked VDOT staff to contact the School system to find out exactly what they go through in making a determination. Mr. Wyant stated the public needs information on the treatment of roads and why certain treatment does not work in all cases.

Ken Boyd:

- Mentioned two issues he had passed on to Teresa Butler. One had to do with snow removal at Forest Lakes and the other was the Route 20 South guardrail.
- Asked about the timeframe for the Rural Rustic Roads Projects. He is concerned about Gilbert Station Road. Mr. Utterback stated Rural Rustic Roads projects are being prepared for advertisement. Mr. Boyd asked Mr. Utterback to provide him with a schedule of dates.
- Asked that the Board get the VDOT monthly report in the Board packet.

Lindsay Dorrier:

- Asked if VDOT could install reflectors down the center line of a couple of roads: Route 20 South between Carter's Bridge and Scottsville; between Ashlawn Road and Route 53; and on Route 20 South all the way to Scottsville. Mr. Utterback stated he would check into the request.

Dennis Rooker:

- Stated he has three roads that have heavy traffic and could use reflectors due to development in the rural areas: Garth Road, Earlysville Road and Woodlands Road.

Clerk: Forward to Jim Utterback deadlines to Clerk for Board packets.

<ul style="list-style-type: none"> <li>• Asked that he be provided with any update on the Georgetown Road project.</li> <li>• Asked for a response on whether the Southern Parkway qualifies for secondary road funds.</li> <li>• Asked the staff to send the most recent set of proffers for North Pointe to Mr. Utterback's office so that the Board can get some feedback on how that development will impact traffic flow in the area.</li> <li>• Mentioned calls from the public regarding the Route 250 Bridge. He asked that VDOT provide information on the schedule for completion of the bridge when the public calls.</li> <li>• Asked if VDOT has been contacted regarding the traffic impact and potential connections of the Briarwood rezoning. Mr. Utterback said he will check with his staff.</li> </ul>	<p><u>Elaine Echols</u>: Forward to VDOT.</p>
<p>9. Presentation: Water Supply Alternatives, Tom Frederick.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> <li>• Mr. Rooker asked for more information on the reasons for eliminating Beaver Creek and Chris Greene Lake from the options.</li> <li>• Mr. Wyant asked about sedimentation rate data for Beaver Creek.</li> </ul>	<p><u>Clerk</u>: Forward comments to Tom Frederick.</p>
<ul style="list-style-type: none"> <li>• The Board recessed at 11:48 a.m. and reconvened at 11:57 a.m.</li> </ul>	
<p>10. Commission on Children and Families Annual Report.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED</b> report.</li> </ul>	
<p>11. Presentation: Streamwatch Program, John Murphy.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED</b> presentation.</li> </ul>	
<p>12a. Second Quarter Financial Report.</p> <ul style="list-style-type: none"> <li>• <b>ACCEPTED</b> FY 05 Second Quarter Financial Report.</li> </ul>	
<p>12b. Updated FY 05/06 revenue projections and budget guidance.</p> <ul style="list-style-type: none"> <li>• <b>ACCEPTED</b> the updated FY 06 General Fund revenue estimates.</li> <li>• <b>APPROVED</b> the revised allocation of General Fund revenues to the Capital Improvement Program; the revised allocation of the increased local tax revenues to the Board's Reserve Fund, as directed by the Board of Supervisors at its January 19<sup>th</sup> work session; and the additional allocation of new non-property tax revenues to general government and school division operations.</li> </ul>	<p><u>OMB</u>: Proceed as directed.</p>
<p>13. Closed Session: Personnel and Legal Matters.</p> <ul style="list-style-type: none"> <li>• At 12:50 p.m., the Board went into closed session to consider appointments to boards and commissions, to consult with legal counsel and staff regarding pending litigation relating to a site plan denial, and to consult with legal counsel and staff regarding specific matters requiring legal advice relating to two interjurisdictional agreements.</li> </ul>	
<p>14. Certified Close Session.</p>	



<ul style="list-style-type: none"> <li>• Suggested the Board adopt a resolution in recognition of VML's 100<sup>th</sup> Anniversary.</li> <li>• Mentioned a letter he received from a Boy Scout regarding seat belts on school buses. He will pass the letter onto the School Board.</li> <li>• Deferred reappointments of Jefferson Area Board on Aging.</li> </ul> <p><u>Larry Davis:</u></p> <ul style="list-style-type: none"> <li>• Requested the Board authorize the County Executive to execute a Local Government Guarantee for Rivanna Solid Waste Authority Post-Closure and Remediation Plans.</li> </ul> <p><b>APPROVED</b> by a vote of 6:0.</p>	<p><u>Clerk:</u> Prepare resolution and put on March 2<sup>nd</sup> consent agenda.</p> <p><u>Clerk:</u> Schedule on March 2<sup>nd</sup> agenda.</p> <p>(Attachment 8)</p>
<p>23. Adjourn to February 9, 2005, 3:30 p.m.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 5:55 P.M.</li> </ul>	

/djm

- Attachment 1 – Resolution recognizing the Rivanna Rifle and Pistol Club
- Attachment 2 – Resolution of Intent Requesting Albemarle County participation in the Virginia Department of Transportation Residential Traffic Calming Program
- Attachment 3 – Jarman Lake Road (Grayrock Subdivision) Child at Play Signs
- Attachment 4 – Attachments B & C of Charlottesville-Albemarle Airport Comprehensive Plan
- Attachment 5 – Ordinance to amend Section 3.1, Gas or Oil Transmission Line
- Attachment 6 – Briarwood Proffers 2/1/05
- Attachment 7 – Proposed Charter of the Albemarle County Audit Committee
- Attachment 8 – Local Government Guarantee for Rivanna Solid Waste Authority

*On Behalf of the Albemarle County Board of Supervisors and local government, the county would like to honor and recognize*

***The Rivanna Rifle and Pistol Club***

***for their continued support of the Albemarle County Police Department's firearms training needs.***

*The Albemarle County Police Department depends on the skill and accuracy of its officers in the use of their firearms when confronted with life threatening situations.*

*That skill and accuracy requires significant training and firing range time to allow officers to become proficient in a variety of situations which may involve the use of a firearm.*

*For the past ten years, officers of the Albemarle County Police Department have been granted use of the Rivanna Rifle and Pistol Club in a partnership arrangement that has benefited the Department greatly.*

*Without the availability of the Rivanna Rifle and Pistol Club, the Department would have had to locate or construct adequate facilities for their firearms training, which would have incurred significant costs and created inconvenience for officers attempting to meet their training and certification needs.*

*It is with great appreciation that the Albemarle County Board of Supervisors, on behalf of our entire community, commends the Rivanna Rifle and Pistol Club for their generosity and community spirit in sharing their firing range with County Police Officers. The support and civic mindedness of organizations like the Rivanna Rifle and Pistol Club truly make our county a better and safer place for all residents.*

**RESOLUTION REQUESTING VDOT MAKE AVAILABLE THE *RESIDENTIAL TRAFFIC CALMING PROGRAM* IN ALBEMARLE COUNTY**

**WHEREAS**, residents of Albemarle County make requests to the County for traffic calming measures to help control speeding in neighborhoods and residential subdivisions; and

**WHEREAS**, the Virginia Department of Transportation has a Residential Traffic Calming Program to provide communities with a traffic management tool dealing specifically with speeding in residential neighborhoods; and

**WHEREAS**, the Virginia Department of Transportation Residential Traffic Calming Program stipulates that the County take the lead role in the traffic calming process pursuant to the VDOT *Traffic Calming Guide For Local Residential Streets*; and

**WHEREAS**, the Virginia Department of Transportation requires that the Board of Supervisors adopt a resolution requesting that the VDOT Residential Traffic Calming Program be made available to the County.

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Albemarle Board of Supervisors does hereby request the Virginia Department of Transportation make the Residential Traffic Calming Program available to the County, and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors does hereby request, pursuant to Section VI. A. of the *Traffic Calming Guide for Local Residential Street*, that Albemarle County include the use of "All Way Stop Controls" as a traffic calming measure; and

**FINALLY, BE IT RESOLVED**, that the Board of Supervisors does hereby authorize the County Executive, or his designee, to be the County's coordinator for traffic calming.

**RESOLUTION SUPPORTING RESIDENTS' REQUEST FOR THE  
INSTALLATION OF A "CHILD AT PLAY" SIGN**

**WHEREAS**, the residents of the Grayrock subdivision are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live in the subdivision; and

**WHEREAS**, there is a tot lot located on Jarman Lake Road and the residents believe that a "Child At Play" sign would help alleviate some of the safety concerns by alerting motorists of the potential for children to be playing in the area; and

**WHEREAS**, the Grayrock Homeowners Association has requested the County's support of the Association's request to have VDOT install such signs on Jarman Lake Road.

**NOW, THERE FORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors does hereby support the community's request for VDOT to install the necessary "Child At Play" signs on Jarman Lake Road, and that these signs be located along the segment of Jarman Lake Road between Jarman's Gap Road (Rt. 691) and Grayrock Drive.



## General Principles for Transportation

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### Other Transportation Types

#### Air Travel

The purpose of the Charlottesville-Albemarle Master Plan August 18, 2004 is to provide the Charlottesville-Albemarle Airport Authority with useful, understandable information and guidance to develop and maintain a safe and efficient airport. It also provides the Federal Aviation Administration (FAA) and the Virginia Department of Aviation with information concerning the planned development at Charlottesville-Albemarle Airport. The Airport Master Plan is a comprehensive planning guide that ensures the Charlottesville-Albemarle Airport remains a safe, efficient and environmentally sensitive air transportation facility, while serving the growing needs of air travelers throughout the region.

The Airport has maintained a Master Plan for facility development since 1972. Prior updates include 1982 and 1994. FAA requires an airport to maintain a master plan in order to be eligible to receive grant-in-aid funding through its airport improvement program. There are no set guidelines from FAA on how often an airport master plan should be updated. Each master plan includes forecasts of aviation activity that are applicable for 5, 10 & 20 year periods. Historically, the Charlottesville-Albemarle Airport has conducted an update every 10-12 years.

Charlottesville-Albemarle Airport (CHO) is the only commercial service airport in the region (the Louisa County Industrial Airpark is a general aviation airport). The Charlottesville-Albemarle Airport is located in northern Albemarle County west of Route 29 at Routes 649 and 606, approximately eight miles north of Charlottesville. It is both a general aviation and a non-hub, commercial service airport offering 60 daily non-stop flights to and from Charlotte, Philadelphia, New York/LaGuardia, Washington/Dulles, Cincinnati, and Atlanta. The airport is served by DeltaConnection, United Express, US Airways Express and Northwest. Service was initiated at the Airport by Piedmont Airlines in 1955. Since then, the facility has grown to include a 60,000 square foot terminal facility with modern customer amenities offering on-site rental cars, ground transportation, and food service. General aviation facilities include an executive terminal offering a full-service fixed base operation, flight schools, and aircraft charter firms. Significant increases in the number of passengers departing from the airport on commercial flights have occurred. The Charlottesville-Albemarle Airport continues to grow, from 65,620 passengers departing on commercial flights in 1980 to 132,432 in 1990, and serving 163,416 passengers in 2003.

The County is aware of the need to address infrastructure needs which would improve airport operations, such as public utility and road improvements. Any future land acquisition and development by the Authority will also need to be coordinated with the County to insure consistency with the Comprehensive Plan and all applicable ordinances, and to minimize negative impacts of expansions.

#### Recommendations

- The Charlottesville-Albemarle Master Plan- August 18, 2004 is recognized as a guide for the development Charlottesville-Albemarle Airport. Continue to recognize the Airport Authority as responsible for the management, planning and expansion of the Charlottesville-Albemarle Airport facilities. The County and the Airport Authority should coordinate long-term land use and development plans for the airport area.

## Hollymead Community

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- Re-alignment of Route 606 (and Route 743) to meet Federal Aviation Administration (FAA) safety requirements.
- The Charlottesville-Albemarle Airport and the improvements included in the Charlottesville-Albemarle Airport Master Plan Update –August 18, 2004. The Master Plan is recognized as the guide for the development of the Airport.

**ORDINANCE NO. 05-18(2)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, is hereby amended and reordained as follows:

**By Amending:**

Sec. 3.1. Definitions.

**Chapter 18. Zoning**

**Article I. General Provisions**

**Sec. 3.1 Definitions.**

. . .

*Transmission line, gas or oil:* The term “gas or oil transmission line” means: (1) a pipeline that conveys gas or oil for the purpose of supplying gas or oil to a system including, but not limited to, the pipelines owned and operated by the City of Charlottesville extending from the Columbia Gas Transmission System at the Buck Mountain Gate Station to the City of Charlottesville’s Route 29 Substation; or (2) a pipeline that conveys gas or oil, any portion of which is within the rural areas (RA) zoning district or within a public right-of-way abutting such district, serving as a common source of supply directly from a system station or substation to: (i) two or more distribution lines within the County of Albemarle, the City of Charlottesville, or the Town of Scottsville; or (ii) one or more distribution lines located within a county abutting the County of Albemarle. For purposes of this definition, the term “distribution line” means a pipeline other than a transmission line serving as a common source of supply directly from a transmission line to a service line, or a pipeline that serves as a service line. For purposes of this definition, the term “service line” means a pipeline other than a transmission line that distributes gas or oil from a common source of supply to an individual customer, to two adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold, and which ends at the outlet of the customer meter or at the connection to a customer’s piping, whichever is further downstream, or at the connection to customer piping if there is no meter. Any nonconforming transmission lines existing on February 2, 2005 shall be deemed to be distribution lines for the purpose of repair, reconstruction or replacement but not for extension or enlargement.

Original Proffer ZMA 91-13  
Amended Proffer ZMA 95-05  
(Amendment # 2) (ZMA 2004-014)

**PROFFER FORM**

Date: 1/27/2005  
ZMA #ZMA 2004-014  
Tax Map and Parcel Number(s) 32G-1, 32G-3-A, 32G-3-83

123.612 Acres to be rezoned from PRD to PRD

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

1. Approval is for a maximum of 661 dwellings, exclusive of the Ray Beard lots identified on the Application Plan, subject to conditions contained herein. The locations and acreages of various land uses shall be as shown on the approved Application Plan. As part of the final site plan and/or subdivision plat processes, the aggregate area of established open space shall at all times be at least proportional to the aggregate number of dwelling units (site plans) or lots (subdivision plats) approved. After each primary recreation area identified on the Application Plan is established, it shall be conveyed to a homeowners association whose formation documents shall be reviewed and approved by the County Attorney. Off street parking and access for the recreation area shall be limited as shown on the original PRN plan for ZMA 79-32, as referenced on the Briarwood Application Plan most recently revised January 19, 2005 (hereinafter, the "Application Plan"). The means to limit such access shall be addressed as part of the site plan or subdivision plat review.

2. No grading permit or building permit shall be issued by the County in any phase until the owner obtains final site plan and/or subdivision plat approval for that phase, with the exception that necessary permits for the construction of Briarwood Drive may be issued by the County once the owner obtains VDOT approval of the road plans for Briarwood Drive.

3. Critical slopes may be disturbed for the construction of roads only with the prior approval of the County Engineer. Otherwise, the disturbance of critical slopes is permitted only as authorized by the applicable Albemarle County Zoning Ordinance regulations as provided by Zoning Ordinance § 8.5.5.2.

4. The owner shall obtain County approval of recreational facilities to include: one tot lot with Phase 3C and one tot lot with Phase 1B; the dedication of open space with the approval of Phases 4 and 5 for the passive recreational area which shall include the construction of walking/jogging trails; and, the primary recreation area south of Camelot shall be built or bonded for its construction prior to final plat approval of Phase 4. This recreational area shall be built prior to completion of Phase 4 and shall consist of a baseball/multi-purpose field, two half basketball courts, playgroup equipment and picnic facilities. All recreation facilities shall be installed by the owner. The walking/jogging trails shall be constructed and maintained by the owner as a primitive path in accordance with the applicable design and construction standards in the County's Design Standards Manual.

5. Sidewalks shall be constructed at the time of corresponding road construction along the southerly side of Austin Drive from Route 29 North to Briarwood Drive and along the westerly side of the entire length of Briarwood Drive. The sidewalks shall be constructed to VDOT standards.



<b>Phase</b>	<b>Type of Dwelling Unit</b>			<b>Totals</b>
<b>TOTALS</b>	<b>144</b>	<b>292</b>	<b>225</b>	<b>661</b>

10. Landscaping to provide screening shall be provided as required by Albemarle County Code § 18-32.7.9.8 along the rear of all townhouse units located on double frontage lots.

11. The owner shall provide 25 units of affordable housing (for sale townhouses) with the construction of Phases 1A (subphases 3 and 4), 1B, and 8 as identified on the Application Plan. The owner shall convey the responsibility of constructing the affordable units to the subsequent purchaser of the subject property. The current owner or the subsequent owner shall create units affordable to households with incomes less than 80% of the area median income such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITI) do not exceed 30% of the gross household income. All purchasers of these units shall be approved by the Albemarle County Housing Office or its designee. The owner/builder shall provide the County or its designee a period of 90 days to identify and prequalify an eligible purchaser for the affordable units. The 90 day period shall commence upon written notice from the owner that the units will be available for sale. This notice shall not be given more than 60 days prior to the anticipated receipt of the certificate of occupancy. If the County or its designee does not provide a qualified purchaser during this period, the owner shall have the right to sell the unit(s) without any restriction on sales price or income of purchaser.

For the lands subject to this rezoning, these proffers supersede the proffers accepted by the Albemarle County Board of Supervisors for ZMA 91-13 and ZMA 95-05.

**Albemarle County**  
**Audit Committee Charter**

**I. Charge:**

The Audit Committee is a committee of the Board of Supervisors. Its primary function is to assist the Board in carrying out its oversight responsibilities by reviewing financial information provided in the County's Annual Financial Report, by reviewing any material weaknesses in the County's system of internal accounting controls, as reported by the external auditor, and by reviewing the annual audit process and its results.

**II. Membership:**

The Audit Committee shall be appointed annually at the first meeting in January by the Board of Supervisors and be comprised of the following members. Only elected officials will be voting members of the Audit Committee.

- Two members of the Board of Supervisors
- One member of the School Board (appointed by the School Board)
- County Executive or designee
- Director of Finance
- Superintendent of Schools or designee

**III. Responsibilities:**

- Recommend the selection, retention or termination of the County's external auditors.
- Review the overall plan for the audit with the external auditor and County management
- Review the annual financial statements and external audit results with the auditors and County management.
- Review any material weaknesses in internal accounting controls, as outlined in the auditors' Management Letter to the County
- Prepare the Audit Committee's report to the Board of Supervisors.

**IV. Operating Procedures:**

- The Committee will meet twice a year, or more frequently at the discretion of the Committee, in conjunction with the County's external audit process. The Committee may meet more frequently at the discretion of the Committee to discuss other matters of concern.
- The purpose of the first meeting in June will be to discuss the auditor's preliminary fieldwork and review the auditor's scope of work and scheduling for the upcoming audit. The second meeting, to be held in December, will focus on the Annual Financial Report, prior to its presentation to the Board of Supervisors, as well as any issues raised by the external auditor in the Management Letter.
- The Audit Committee may select a Chairperson whose responsibility it will be to preside over the meetings. With assistance from the Director of Finance, the Chairperson will schedule the meetings and prepare a written agenda.
- Audit Committee meetings will be public meetings. The meeting agenda for regularly scheduled meetings shall be posted three days prior to the meeting date. Notice for all meetings shall be given pursuant to the requirements of the Virginia Freedom of Information Act.
- Agendas and any written material to be reviewed at the meeting will be sent to committee members prior to the meeting.
- The Director of Finance will assist the Auditor in preparing presentation materials and will prepare and distribute minutes to Committee members after each meeting.

## LOCAL GOVERNMENT GUARANTEE

Guarantee made this 26th day of February, 2005, by the CITY OF CHARLOTTESVILLE, VIRGINIA and the COUNTY OF ALBEMARLE, VIRGINIA, each a local government created under the laws of the state of Virginia (herein referred to collectively, as "Guarantor"). This guarantee is made on behalf of the RIVANNA SOLID WASTE AUTHORITY (the "Authority") of 695 Moores Creek Lane, Charlottesville, Virginia 22902, to the Virginia Department of Environmental Quality ("Department"), obligee.

## Recitals

1. Guarantor meets or exceeds the financial test criteria in 9 VAC 20-70-210 and agrees to comply with the reporting requirements for guarantors as specified in 9 VAC 20-70-230 of the Financial Assurance Regulations for Solid Waste Disposal, Treatment and Transfer Facilities ("Regulations").
2. The Authority owns or operates the following solid waste management facility covered by this guarantee: Ivy Material Utilization Center, 4576 Dick Woods Road, Charlottesville, Virginia 22903, Solid Waste Facility Permit Number 125. This guarantee is for the Authority's post-closure care and corrective action obligations as incorporated into Solid Waste Facility Permit Number 125, Permit Module Attachment II-1 (Gas Management Plan), Permit Module Attachment II-2 (Gas Management Plan-Attachment A), Permit Module X (Final Detection Groundwater Monitoring, Permit Module XI (Assessment Groundwater Monitoring), Permit Module XIII (Post-Closure Care) and Permit Module XIV (Corrective Action) .
3. "Closure plans" and "post-closure care plans" as used below refer to the plans maintained as required by the Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) or Vegetative Waste Management and Yard Waste Composting Regulations (9 VAC 20-101-10 et seq.).
4. For value received from the Authority, Guarantor jointly and severally guarantees to the Department that in the event that the Authority fails to perform post-closure care or corrective action of the above facility in accordance with the closure or post-closure care plans and other requirements of the permit whenever required to do so, the Guarantor shall do so or establish a trust fund as specified in 9 VAC 20-70-150 in the name of the Authority in the amount of the current cost estimates.
5. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the Guarantor fails to meet the financial test criteria, Guarantor shall send within 90 days, by certified mail, notice to the director and to the Authority that he intends to provide alternate financial assurance as specified in Article 4 of Part III of the Regulations, in the name of the Authority. Within 120 days after the end of such fiscal year, the Guarantor shall establish such financial assurance unless the Authority has done so.
6. The Guarantor agrees to notify the director by certified mail, of a voluntary or involuntary proceeding under Title 11 (bankruptcy), U.S. Code, naming Guarantor as debtor, within 10 days after commencement of the proceeding.
7. Guarantor agrees that within 30 days after being notified by the director of a determination that Guarantor no longer meets the financial test criteria or that it is disallowed from continuing as a guarantor of closure, post-closure care, or corrective action, it shall establish alternate financial assurance as specified in Article 4 of Part III of the Regulations in the name of the Authority unless the Authority has done so.
8. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the closure or post-closure plan, amendment or modification of the closure or post-closure plan, amendment or modification of the permit, amendment or modification of the order, the extension or reduction of the time of performance of the closure or post-closure, or any other modification or alteration of an obligation of the owner or operator pursuant to the Virginia Solid Waste Management Regulations.
9. Guarantor agrees to remain bound under this guarantee for so long as the Authority shall comply with the applicable financial assurance requirements of Article 4 of Part III of the Regulations for the above-listed facilities, except as provided in paragraph 10 of this agreement.
10. Guarantor may terminate this guarantee by sending notice by certified mail to the Director of the Department of Environmental Quality and to the Authority, provided that this guarantee may not be terminated unless and until the Authority obtains and the director approves, alternate post-closure or corrective action coverage complying with the requirements of 9 VAC 20-70-10 et seq.
11. Guarantor agrees that if the Authority fails to provide alternate financial assurance as specified in Article 4 of Part III of the Regulations, and obtain written approval of such assurance from the director with 90 days after a notice of cancellation by the Guarantor is received by the director from Guarantor, Guarantor shall provide such alternate financial assurance in the name of the Authority.



12. Guarantor expressly waives notice of acceptance of this guarantee by the Department or by the Authority. Guarantor also expressly waives notice of amendments or modifications of the closure and/or post-closure plan and of amendments or modifications of the facility permit.

We hereby certify that the wording of this guarantee is identical to the wording specified in 9 VAC 20-70-290 K of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities as such regulations were constituted on the date shown immediately below, except for the Addendum attached hereto and made a part hereof.

Effective Date: February 26, 2005

City of Charlottesville

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

Name: Gary B. O'Connell

County of Albemarle

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

Name: Robert W. Tucker, Jr.

ADDENDUM TO LOCAL GOVERNMENT GUARANTEE  
BY THE CITY OF CHARLOTTESVILLE AND  
THE COUNTY OF ALBEMARLE  
DATED FEBRUARY 26, 2005

Notwithstanding anything to the contrary contained in Paragraphs 4, 5, 7 and 11 of the attached Local Government Guarantee (the "Guarantee") by the City of Charlottesville, Virginia (the "City") and the County of Albemarle, Virginia (the "County") to the Virginia Department of Environmental Quality (the "Department"), and in recognition of the limitations on the incurrence of debt imposed on local governments under Article VII, Section 10 of the Constitution of Virginia, to the extent any provision in the Guarantee requires the payment of money to the Department or performance of an obligation for which funds must be appropriated by the City and/or the County in order to render such performance, such promise to pay money or appropriate funds for the performance of such obligation is limited to the "moral obligation" of the City and the County to provide sufficient funds for such payment or performance under the Guarantee, and is subject to and conditioned upon the actual approval and appropriation of such funds by the City Council of the City and the Board of Supervisors of the County, and is subject further to the condition that the approval and appropriation of any funds by the City and the County pursuant hereto is solely for the fiscal year in which such appropriation is made, and is further subject to any prohibitions or restrictions imposed by the laws of the Commonwealth of Virginia.

CITY OF CHARLOTTESVILLE, VIRGINIA

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

Name: Gary B. O'Connell

Title: City Manager

COUNTY OF ALBEMARLE, VIRGINIA

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

Name: Robert W. Tucker, Jr.

Title: County Executive

Accepted and Agreed To:  
COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

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

Name: Leslie D. Beckwith

Title: Director, Office of Financial Assurance