

ACTIONS
Board of Supervisors Meeting of September 3, 2008

September 5, 2008

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:01 a.m. by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, Ella Jordan and Meagan Hoy. 	
<p>4. Recognitions:</p> <p>a. Recognition of Police Department Reaccreditation.</p> <ul style="list-style-type: none"> Chairman recognized reaccreditation of Police Department by the Virginia Law Enforcement Professional Standards Commission (VLEPSC). <p>b. Proclamation recognizing October 2008 as Domestic Violence Awareness Month.</p> <ul style="list-style-type: none"> Chairman read and presented proclamation to Sarah Roth, a representative of the Shelter for Help in Emergency (SHE). <p>c. Proclamation recognizing the 25th Anniversary of the Literacy Volunteers of Charlottesville/ Albemarle.</p> <ul style="list-style-type: none"> Chairman read and presented proclamation to Mike Etchemendy, a representative of the Literacy Volunteers. 	<p>(Attachment 1)</p> <p>(Attachment 2)</p>
<p>5. From the Board: Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Asked about the process for reporting and paying for intake volumes of the water tankers that fill the hydrants at the Airport and Hydraulic Road. Asked if there could be a program developed for area farmers, who are running out of water, where they would not have to go to Waynesboro to get water. Will be walking the land north of the Airport with some of the neighbors and Airport personnel to get a firsthand view. If other Board members are interested in attending, let her know. Future meetings have been planned in the White Hall District to discuss the revalidation forms and tax relief. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> Updated the Board on the meeting schedule and progress of the Regional Transit Authority Joint Working Group that he and Mr. Slutzky serve on. The Group is considering requesting a sales tax increment from State Legislators. If the Legislators are not supportive of that request, the Group will seek a package similar to the Transportation Authorities in Northern Virginia and Tidewater. In response to Mr. Boyd's concerns about any tax increases, Mr. Rooker suggested adding this as an item for 	<p><u>Clerk:</u> Add RTA funding options as agenda item for discussion on September 10th.</p>

discussion on September 10th.

Sally Thomas:

- The Historic Preservation Committee will be coming to the Board with an analysis of their work. They will also bring forward a request for the Board to consider an ordinance that will slow down the demolition of historic properties.
- Mentioned a Historic Preservation and an Automobile Association publication that had several articles and advertisements on sites in Virginia, but none of the articles pertained to this region. Suggested the Tourism Board work on this.
- If Board members are interested in looking at the preliminary architectural designs for the Crozet Library, she or Ms. Mallek can assist them.
- The Rivanna River Basin Commission will be coming to the Board with a report on analyzing Best Management Practices.
- The South Fork Reservoir Stewardship Task Force recently toured the Reservoir by boat. She thanked staff for all their support of the Task Force and UVA for organizing the tour.
- Stated that the Local Government Advisory Commission to the Chesapeake Bay Program have a pot of money for small watershed grants. The Commission is interested in the work of the Rivanna River Basin Commission and there may be some financial help for study projects.

David Slutzky:

- Commented that Item 7.5 on the Consent Agenda (Resolution of Support of the Regional Action Agenda for Housing) is not the work of the Affordable Housing Task Force. The Regional Action Agenda is the collaborative work of all of the jurisdictions in the TJPDC. The Housing Task Force is comprised of the City, the County and the University, and will be a more specific body of recommendations. He then updated the Board on the work of the Affordable Housing Task Force. The Task Force hopes to be able to send a draft report to the City and County Housing Committees in the next couple of months, for them to refine and then forward to Council, Board and the University.

Ken Boyd:

- On September 11th, 7:00 p.m., he will hold a community conversation with residents near the Darden Towe Park to discuss implementation of the softball lights.
- Asked Board support to encourage staff to expedite the review process for the following two projects: Stony Point Fire Department Addition and an addition to a building being built in the proximity of NGIC. **SUPPORTED**

Wayne Cilimberg/Mark Graham: Proceed with expediting the review process for Stony Point Fire Department Addition.

	<p>staff expediting the process for Stony Point. DELAYED making a decision on expediting the process for the building near NGIC until later in the meeting to allow Mr. Graham to respond to issues raised by Board members.</p>	
6.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • Colette Hall expressed concerns about the composition of the South Fork Reservoir Stewardship Task Force. 	
7.0	<p>Resolution: Disaster Declaration Due to Drought Conditions.</p> <ul style="list-style-type: none"> • ADOPTED the attached Resolution. 	<p><u>Clerk</u>: Forward Resolution to Governor, with copy to Virginia Cooperative Extension and County Attorney. (Attachment 3)</p>
7.1	<p>State Reductions in Aid to Localities for FY 2009 and FY 2010.</p> <ul style="list-style-type: none"> • APPROVED the County's reduction election and AUTHORIZED the County Executive to submit letter and chart to the Virginia Department of Planning and Budget. 	<p><u>County Executive</u>: Proceed as approved.</p>
7.2	<p>County Facilities Revised Rental Application and Rental Rate Increase.</p> <ul style="list-style-type: none"> • APPROVED the revised application and rate adjustments. 	<p><u>General Services</u>: Proceed as approved. (Attachment 4)</p>
7.3	<p>Set public hearing to consider request to abandon 50-foot right-of-way on TMP 56-35 (Zinnser-Booth) in the Crozet Community.</p> <ul style="list-style-type: none"> • SET public hearing for November 5th to consider the requested abandonment. 	<p><u>Clerk</u>: Schedule and advertise for November 5th. <u>Juan Wade</u>: Provide Clerk with legal description.</p>
7.4	<p>Fiscal Year 2009 Performance Contract between Region Ten & the Virginia Department of Mental Health, Mental Retardation & Substance Abuse Services (VDMHMRSAS).</p> <ul style="list-style-type: none"> • APPROVED the Fiscal Year 2009 Performance Contract between Region Ten & the Virginia Department of Mental Health, Mental Retardation & Substance Abuse Services (VDMHMRSAS). • Ms. Thomas and Ms. Mallek suggested a joint meeting with the Region Ten Board to learn more about their operations. 	<p><u>Bryan Elliott</u>: Notify Region Ten of Board's action.</p>
7.5	<p>Resolution of Support of the Regional Action Agenda for Housing.</p> <ul style="list-style-type: none"> • ADOPTED the Resolution of Support. 	<p><u>Clerk</u>: Forward resolution to Ron White. (Attachment 5)</p>
7.6	<p>Requested FY 2008 Appropriations.</p> <ul style="list-style-type: none"> • APPROVED budget amendment in the amount of \$269,089.45 and APPROVED FY 2008 Appropriation #2008083. 	<p><u>Clerk</u>: Forward signed appropriations to Finance and appropriate individuals.</p>
7.7	<p>Requested FY 2008 Appropriations.</p> <ul style="list-style-type: none"> • APPROVED budget amendment in the amount of \$256,761.00 and APPROVED FY 2009 Appropriations #2009012, #2009013, #2009014, #2009015, #2009016, #2009017, and #2009018. 	<p><u>Clerk</u>: Forward signed appropriations to Finance and appropriate individuals.</p>
7.8	<p>Personnel Policy Revisions: P-84 "Annual Leave", P-80 "Absences", P-60, "Salary Administration and Position Classification" and the addition of P-89 "Workers Compensation".</p> <ul style="list-style-type: none"> • ADOPTED Resolutions, which approved 	<p><u>Clerk</u>: Forward signed resolutions to Human Resources and copy County Attorney's office. (Attachments 6, 7, 8 and 9)</p>

	<p>proposed changes to Personnel Policies P-84, P-80 and P-60, and the addition of Personnel Policy P-89.</p> <ul style="list-style-type: none"> Mr. Slutzky asked for information on Human Resources' analysis on the financial impact of the sick leave policy change. 	
7.9	<p>Resolution of the Economic Development Authority of Albemarle County, Virginia, authorizing the issuance of up to \$195,000,000 in revenue bonds for Martha Jefferson Hospital and MJH Foundation.</p> <ul style="list-style-type: none"> ADOPTED Resolution. 	<p><u>Clerk</u>: Forward signed resolution to McGuire-Woods and copy County Attorney's office. (Attachment 10)</p>
7.10	<p>Resolution to Allow Lighting of Darden Towe Park Tennis Courts (deferred from August 13, 2008).</p> <ul style="list-style-type: none"> ADOPTED Resolution. 	<p><u>Clerk</u>: Forward signed resolution to Pat Mullaney and copy County Attorney's office. (Attachment 11)</p>
8.	<p>Community Health Assessment, Lilian Peake.</p> <ul style="list-style-type: none"> RECEIVED. 	
9.	<p>Natural Heritage Committee Annual Report.</p> <ul style="list-style-type: none"> RECEIVED. Agreed to discuss possible support to the Committee during budget considerations. 	
10.	<p>Update: Journey Through Hallowed Ground Partnership, Cate Magennis Wyatt</p> <ul style="list-style-type: none"> RECEIVED. Expressed support for Virginia Byway designation. 	<p><u>David Benish</u>: Provide report to Board on October 1st.</p>
11.	<p>Crozet Pool Funding Request.</p> <ul style="list-style-type: none"> RECEIVED. 	
	<p>At 11:41 a.m., the Board recessed, and reconvened at 11:48 a.m.</p>	
12.	<p>Old Crozet School Reuse Study.</p> <ul style="list-style-type: none"> RECEIVED. Consensus that staff continue to explore the community center concept, public-private partnership and some interim use by private sector until further consideration of the project in the CIP process. 	<p><u>George Shadman</u>: Proceed as indicated.</p>
13.	<p>Request for donation to Gordonsville Branch Library.</p> <ul style="list-style-type: none"> Consensus NOT to fund the request. 	<p><u>County Executive</u>: Notify Mayor Robert Coiner of the Town of Gordonsville of Board's decision.</p>
14.	<p>Use Value Tax – Revalidation.</p> <ul style="list-style-type: none"> SET public hearing for October 1st. Suggested staff hold an open house with volunteers to assist individuals with filling out the form; suggested statement indicating the purpose of the program on the form; slight change of wording for the forestry use; and set out the late filing fee to make it more visible. Board members to send any further suggestions to Bruce Woodzell. 	<p><u>Clerk</u>: Advertise public hearing for October 1st.</p>
15.	<p>Request to set public hearings to amend the Albemarle County Service Authority jurisdictional areas:</p> <ol style="list-style-type: none"> Clifton Lake PRD – to provide water service to Tax Map 79, Parcels 23 and 23F and Tax Map 79C, Parcel 1, located approximately 2,100 feet southwest of the intersection of Rt. 250 and Shadwell Road. <ul style="list-style-type: none"> Applicant requested deferral; NO ACTION 	

<p>taken by Board.</p> <p>b. Robert and Carolyn Michie - to provide water service to Tax Map 79, Parcels 17 and 17C located on the north side of Route 250, near the intersection of Route 250 and North Milton Road.</p> <ul style="list-style-type: none"> • SET public hearing for October 1st. <p>c. Kirtley Property/University of Virginia – to provide sewer service through a non-gravity line to the existing warehouse building on Tax Map 59, Parcels 23B1. The property is located on the north side of Route 250 West, adjacent to the Northridge Building.</p> <ul style="list-style-type: none"> • SET public hearing for October 1st. • Ms. Thomas said she would like to see an agreement for a tree preservation plan since protecting the trees is one of the reasons for looking favorably upon this request. 	<p><u>Clerk:</u> Advertise public hearing for October 1st.</p> <p><u>Clerk:</u> Advertise public hearing for October 1st.</p>
<p>16. Closed Meeting.</p> <ul style="list-style-type: none"> • At 12:48 p.m. the Board went into closed meeting to consider appointments to boards, committees, and commissions; to evaluate the performance of a County department which requires the discussion of the performance of a specific individual; to consult with legal counsel and staff regarding specific legal matters requiring legal advice regarding an agreement necessary to implement a funding source for public safety services; and to consult with legal counsel pertaining to probable litigation regarding a conservation easement because such consultation in an open meeting would adversely affect the negotiating or litigating posture of the County. 	
<p>17. Certified Closed Meeting.</p> <ul style="list-style-type: none"> • At 2:39 p.m., the Board reconvened into open session and certified the closed meeting. 	
<p>18. Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> • REAPPOINTED Clifford Buys and Juan Wade to the JAUNT Board, with said terms to expire September 30, 2011. • REAPPOINTED John Murphy, Rick Odem, and Carleton Ray to the Natural Heritage Committee, with said terms to expire September 30, 2012. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
<p>19a. VDOT Monthly Report.</p> <p>Allan Sumpter updated Board members on issues in their districts:</p> <ul style="list-style-type: none"> • The signal at State Farm Boulevard and Route 250 is under construction, and should be functional by the end of November. • A signal will be installed at Burnley Station Road, with a Fall completion date. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Buckingham Branch Rail Road bridge repairs should begin during the week of September 15th, and the bridge will be closed for approximately 2 weeks. Ms. Thomas 	

<p>requested a sign to alert drivers. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Public hearing and design have been approved for the Advanced Mills Bridge, and the next phase is approval of the right of way plans, hopefully in the next two weeks. 	
<p>19b. Transportation Matters not Listed on Agenda. <u>Sally Thomas:</u></p> <ul style="list-style-type: none"> Asked about trimming trees on private roads. She will communicate with the school bus drivers as to how to deal with the problem. Asked for names and addresses related to White Mountain Road, and Mr. Sumpter advised that he will provide her with the information. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> He is disappointed that bright green markings for cross walks cannot be used in this area. Asked about the placement of illegal signs on the roads, and Mr. Sumpter advised that VDOT and County staff are currently working on that issue. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Asked if Walnut Level Road was part of the Rural Rustic Road program. Mr. Sumpter said it is part of that program, and will be completed this year 	<p><u>Clerk:</u> Forward comments to Allan Sumpter.</p>
<p>20. <u>Proposed issuance of general obligation school bonds of Albemarle County in the estimated maximum principal amount of \$30,765,000.</u></p> <ul style="list-style-type: none"> ADOPTED Resolution to authorize the issuance of bonds in the maximum principal amount of \$30,765,000 to finance certain capital improvements for the County's public schools. 	<p><u>Clerk:</u> Forward signed copies of resolution to County Attorney's office and Finance for further action. (Attachment 12)</p>
<p>21. <u>Proposed ordinance to amend Section 4-100, Definitions, and Article III, Licenses, of Chapter 4, Animals and Fowl, of the Albemarle County Code.</u></p> <ul style="list-style-type: none"> ADOPTED Ordinance, to be effective November 1, 2008. 	<p><u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office and Finance. (Attachment 13)</p>
<p>22. <u>WPTA-2008-0003. Water Protection Ordinance.</u></p> <ul style="list-style-type: none"> ADOPTED Ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office and Community Development. (Attachment 14)</p>
<p>23. Alternative Funding for ACE.</p> <ul style="list-style-type: none"> RECEIVED. 	
<p>24. Community Development Fees – Subdivision Ordinance.</p> <ul style="list-style-type: none"> ADOPTED Resolution of Intent to amend the Subdivision Ordinance. 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office and Community Development. (Attachment 15)</p>
<p>25. ZTA-2006-001. Country Stores.</p> <ul style="list-style-type: none"> DIRECTED staff to bring back a proposed ordinance to include a canopy provision that would not allow canopies over the gas pump. 	<p><u>Joan McDowell/David Benish:</u> Proceed as directed.</p>
<p>26. From the Board: Committee Reports and Matters <u>Ken Boyd:</u></p> <ul style="list-style-type: none"> Continued the earlier discussion about fast 	<p><u>Mark Graham:</u> Proceed as directed.</p>

<p>tracking the proposed request for the NGIC building, and the Board DIRECTED staff to contact the owner and advise that staff needs something in writing from his tenant (NGIC/DIA) that indicates that there is a contractual obligation or a need to have that space occupied before the December/January time frame, and also a reason as to why a higher ceiling height would be required.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Gave staff a list of possible topics for the joint ACSA/BOS meeting on September 10th, and asked that the Board members rank the items. 	<p><u>Clerk:</u> Proceed as directed.</p>
<p>27. Adjourn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 6:16 p.m. to September 10, 2:00 p.m., in Room 241. 	

/mrh

- Attachment 1 – Proclamation recognizing October 2008 as Domestic Violence Awareness Month
- Attachment 2 – Proclamation recognizing the 25th Anniversary of the Literacy Volunteers of Charlottesville/ Albemarle
- Attachment 3 – Resolution: Disaster Declaration Due to Drought Conditions
- Attachment 4 – County Facilities Revised Rental Application and Rental Rate Increase
- Attachment 5 – Resolution of Support of the Regional Action Agenda for Housing
- Attachment 6 – Resolution: P-84 “Annual Leave”
- Attachment 7 – Resolution: P-60 “Salary Administration and Position Classification”
- Attachment 8 – Resolution: P-89 “Workers Compensation”
- Attachment 9 – Resolution: P-80 “Absences”
- Attachment 10 – Resolution: Economic Development Authority
- Attachment 11 - Resolution to Allow Lighting of Darden Towe Park Tennis Courts
- Attachment 12 – VPSA Bond Resolution
- Attachment 13 –Ordinance to amend Section 4-100, Animals and Fowl
- Attachment 14 – WPTA-2008-0003. Water Protection Ordinance
- Attachment 15 – Resolution of Intent - Community Development Fees

Domestic Violence Awareness Month

Whereas, *violence against women, children, and men continues to become more prevalent as a social problem in our society; and*

Whereas, *the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and*

Whereas, *the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and*

Whereas, *in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and*

Whereas, *it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and*

Whereas, *no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and*

Whereas, *the Shelter for Help in Emergency has led the way in the County of Albemarle in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and*

Whereas, *the Shelter for Help in Emergency commemorates its 29th year of providing unparalleled services to women, children and men who have been victimized by domestic violence;*

Now, Therefore, Be It Resolved, *that in recognition of the important work being done by the Shelter for Help in Emergency, I, Kenneth C. Boyd, Chairman of the Albemarle County Board of Supervisors, do hereby proclaim the month of October 2008 as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children, and men.*

LITERACY VOLUNTEERS OF CHARLOTTESVILLE/ALBEMARLE
Celebrating its 25th Anniversary

WHEREAS, *LITERACY VOLUNTEERS OF CHARLOTTESVILLE/ALBEMARLE (LVCA) is a non-profit agency that offers free basic literacy and English as a second language, tutoring to adults through recruitment, and training of volunteer tutors who work one-on-one with learners; and*

WHEREAS, *LVCA helps adults living or working in Charlottesville become more productive workers, parents, citizens, neighbors, and consumers; and*

WHEREAS, *LVCA believes the ability to read, write, and communicate is critical for adults to fully realize their potential; and*

WHEREAS, *September 8 is National Literacy Day; and*

WHEREAS, *LVCA is celebrating its **25th Anniversary** of service to adult learners;*

NOW, THEREFORE, BE IT RESOLVED, *that I, **Kenneth C. Boyd, Chairman**, on behalf of the Albemarle County Board of Supervisors, do hereby recognize **Literacy Volunteers of Charlottesville Albemarle** as an invaluable asset to our community and call this observance to the attention of all our citizens.*

**Resolution Requesting that Albemarle County
Be Declared an Agricultural Disaster Area
Due to Drought Conditions**

WHEREAS, the drought conditions in the County of Albemarle have severely affected farmers; and

WHEREAS, during the growing season of this year the County of Albemarle has received considerably less rain than normal while experiencing unseasonably high temperatures; and

WHEREAS, the Albemarle/Charlottesville Extension Agent of the Virginia Cooperative Extension has reported that corn, hay and pasture crops will have suffered between 35 percent and 50 percent losses by the end of the year.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby requests that the County of Albemarle, Virginia be declared a drought disaster area as recommended by the Virginia Cooperative Extension in accordance with the Virginia Farmer Major Drought, Flood and Hurricane Disaster Act due to drought conditions.

BE IT FURTHER RESOLVED, that the County Executive forward this Resolution to the Governor of Virginia with a request that he takes all necessary steps to effect the disaster declaration.

Application Number _____

**APPLICATION FOR RESERVATION OF
ALBEMARLE COUNTY BUILDING AND GROUNDS**

I (we) _____, on behalf of _____ (organization) (the "Applicant"), have read and understand the attached rules and regulations and in accordance with same, I (we) hereby make application for the use of Room _____ (space wanted) on _____ (date), between the hours of _____ and _____ under the conditions indicated below:

1) The exact purposes, for which the space will be used, including the exact kind of equipment and apparatus to be brought on the property and any special equipment desired to be used:

2) The following person(s) (include contact information) will be in charge of the program:

3) The schedule of admission charges will be as follows:

4) The proceeds from such charges will be distributed and used as follows:

5) Number of anticipated people attending: _____
Number of anticipated parking spaces needed: _____

General Rules and Responsibilities of Individuals/Organizations Using County Facilities

On behalf of the Applicant, the undersigned acknowledges and hereby agrees to ensure compliance with the following rules and responsibilities:

1. The rental fee shall be paid prior to the rental date.
2. A representative designated as the Applicant's "responsible individual" shall remain on site throughout the rental period.
3. The Applicant shall provide appropriate supervision of all the individuals using the facility (to include the audience in case of performances).
4. The Applicant shall ensure all general and specific rules and regulations are adhered to, and safeguard all County property entrusted into its care.
5. Only the room/facility specifically requested and paid for (and adjacent restrooms) shall be used.
6. Dais furniture shall not be moved or otherwise rearranged.

7. No food or drink shall be brought into Lane Auditorium.
8. Other than guide dogs, hearing dogs, and service dogs for persons with disabilities, no animals shall be allowed in County buildings, without the County's prior consent.
9. No tobacco or alcohol shall be brought onto any County grounds or into any County facility.
10. Rental of Lane Auditorium shall not include the use of its audio/visual/recording /computer equipment, except by Class 1 Departments (directly supervised by the County Executive/Superintendent or sponsored by the Virginia Cooperative Extension). Other groups may bring their own equipment, if desired.
11. The Applicant shall be responsible for all damage to County property and agrees to indemnify and hold harmless the County and any of its employees or agents for any and all claims of any kind asserted for any damage, loss, injury or death to persons or property arising out of the above use of County property, including attorney's fees. Nothing herein shall be construed as a waiver of the sovereign immunity of the County.

Failure to adhere to these terms and conditions may be used as grounds to bar future use of County facilities. Allowing a group/organization to use the County's facilities does *not* constitute an endorsement of the group/organization's policies, beliefs or practices.

I hereby certify that I am authorized to sign on behalf of the Applicant. I assume full responsibility for compliance with the above Rules.

Signed _____
 (Applicant)
 By _____
 Address _____
 Phone Number _____

FOR OFFICE USE ONLY - ACTION TAKEN

- 1) () Approved for use of Room _____ on _____ pending receipt of rental fee.
- 2) Total rental fee: \$ _____ Due Date(s): _____
- 3) Classification: _____
- 4) () Disapproved for reason described below: _____

County of Albemarle

By: _____
 (General Services)

9/30/99
 Revised 7/3/02, 3/19/08, 09/03/08

COMMUNITY USE OF COUNTY FACILITIES

A) Generally

1. The Board of Supervisors believes in the full and best possible utilization of the physical facilities belonging to the citizens of the County. To achieve this end, the use of County facilities for governmental, school and related activities, as well as by outside organizations and groups, shall be encouraged when these activities will not interfere with the routine business of

the County.

2. Proper protection, safety and care of County property shall be primary considerations in the use of County facilities.

B) Eligible Organizations

1. The Board has classified various organizations and groups for the purposes of priority and the charging of fees.
 1. Classification
 - I. School and County government affiliated or related groups.
 - II. Youth agencies, educational, recreational, cultural, political, civic, charitable, social, veteran's or religious groups or organizations.
 - III. Profit making or private groups, organizations, or businesses.
 2. Membership

The membership of any group or organization requesting the use of County facilities must be largely from the County of Albemarle. This restriction shall not exclude the use of certain facilities, as determined by the County Executive, by state and national organizations that have a local sponsoring division of such organization.
 3. Commercial Activities

Commercial use of County property by any organization or individual is expressly prohibited.

C) Applications and Approval

1. Applications must be sponsored by reputable and established clubs, societies or organizations that reasonably can be held responsible for the payment of charges, compensation for damages to property and for use of the property in reasonable conformity with the regulations on the application.
2. The Board authorizes the County Executive or his designee to approve all applications for the use of County facilities that meet the requirements of the Board, that comply with implementing regulations the County Executive deems necessary to protect County property and that do not conflict with established business or commercial interests in the community. The County Executive shall design such application forms as are required. The completed and signed form shall be a binding agreement upon the applicant and the County.
3. No rental application will be considered more than six months prior to the desired rental date.
4. The County Executive or his designee reserves the right to cancel a rental contract up to ten days prior to a scheduled rental.
5. The Lane Auditorium is available during business hours (8:00 a.m. – 5:00 p.m. Monday through Friday) only if the applicant provides shuttle bus services or off-site parking for participants of the meeting. On-site parking is not available for large meetings during business hours.
6. The Lane Auditorium is not available on any day during which a local government board, commission, or other duly appointed entity is scheduled to use the facility due to the possibility of these meetings running beyond the scheduled end time.
7. Meeting rooms and Auditorium are not available on holidays, scheduled or declared, when the County Office Building is closed.

8. Reservations will automatically be cancelled when the County office buildings are closed due to inclement weather or emergency conditions.

D) Fees (See Attachment)

1. The County Executive shall establish a minimum schedule of fees and may make additional adjustments in the fees. The minimum schedule and additional adjustments shall be based upon the classification of the group or organization, the facilities to be used, the size of the group, the objectives of the organization, the approximate cost to the County and the purpose for which the facility will be used.
2. In general, the County Office Building Rental Charges schedule (attached below) will apply.
3. A full rental fee shall be charged to all groups except Classification I when County facilities are to be used for fund raising and/or when an admission charge is levied.
4. All fees must be paid at least seven (7) calendar days in advance, and the sponsoring organization whose name appears on the application shall be held responsible for any and all damages to property and equipment.

E) Protection of County Property

1. An employee of the County shall be on duty on the property at times when the facilities are in use. No equipment or furnishings may be used or moved without the consent of the employee in charge if such usage is not in conformity with the contracted agreement. The employee in charge may expel any group if said group, after ample warnings, fails to adhere to the provisions of their rental agreement.
2. The sponsoring organization shall be responsible for crowd control measures, including the employment of police protection when required. Such control shall be arranged in advance when deemed necessary by the County Executive or his designee.

F) Safety

1. Organizations and individuals using the facility shall be responsible for familiarizing themselves with the nearest exits in case of emergency evacuation. Each conference room has a Fire Escape Plan posted at its entrance which shows the primary and secondary escape routes.

G) Deposits

1. A cash bond or deposit may be required at the discretion of the County Executive or his designee prior to use of the property.

Lane Auditorium Rental Charges

<u>Classification</u>	<u>Weekday- Business Hours</u>	<u>Weekday- Evening</u>	<u>Weekends</u>
I. County/Schools*	No Charge	No Charge	No Charge
II. Youth agencies, educational, recreational, cultural, political, civic, charitable, social, veteran's or religious groups or organizations	No Charge	\$18 custodial charge	Fee: \$175 flat fee plus \$28/hr Security/Custodial Personnel Fee Deposit: \$150, to be returned upon satisfactory inspection
III. Profit Making or Private Groups, Organizations or Businesses	\$175 flat fee plus \$18 custodial charge	\$175 flat fee plus \$18 custodial charge	Fee: \$175 flat fee plus \$28/hr Security/ Custodial Personnel Fee Deposit: \$150, to be returned upon satisfactory inspection.

* Departments directly supervised by the County Executive/Superintendent or sponsored by the Virginia Cooperative Extension

The Lane Auditorium is available during business hours (8:00 a.m.-5:00 p.m. Monday through Friday) only if the Applicant provides shuttle bus services or off-site parking for participants of the meeting. On-site parking is not available for large meetings during business hours.

County Office Building Rental Charges (Other than for Lane Auditorium)

<u>Classification</u>	<u>Weekday- Business Hours</u>	<u>Weekday- Evening</u>	<u>Weekends</u>
I. County/Schools*	No Charge	No Charge	No Charge
II. Youth agencies, educational, recreational, cultural, political, civic, charitable, social, veteran's or religious groups or organizations	No Charge	\$18.00 custodial charge	Fee: \$28/hr Security/Custodial Personnel Fee Deposit: \$150, to be returned upon satisfactory inspection
III. Profit Making or Private Groups, Organizations or Businesses	\$40.00 per hour plus \$18.00 custodial charge	\$40.00 per hour plus \$18.00 custodial charge	Fees: \$40.00 per hour plus \$28/hr Security/Custodial Personnel Fee Deposit: \$150, to be returned upon satisfactory inspection.

* Departments directly supervised by the County Executive/Superintendent or sponsored by the Virginia Cooperative Extension

Additional Charges

1. Each additional room used shall incur an additional charge, pursuant to the above schedule.
2. Requests to set up additional chairs/tables shall incur a flat \$18.00 charge.
3. Any meeting scheduled past 5:30 p.m. will be subject to the applicable custodial charge.

**Resolution in Support
of the Regional Action Agenda for Housing**

WHEREAS, the Regional Housing Conference: "Finding Common Ground" was held on March 13, 2008 with participation from all localities in the Thomas Jefferson Planning District; and

WHEREAS, participants at that conference generated a number of ideas for action in our region; and

WHEREAS, the Regional Housing Conference Planning Group and the Regional Housing Directors Council have adopted the Regional Action Agenda for Housing coming out of that conference; and

WHEREAS, Albemarle County is committed to working with other localities and partners to find realistic actions to address the unmet needs for affordable housing in the region;

NOW, THEREFORE, BE IT RESOLVED THAT the County of Albemarle will send one or more representatives to the follow-up event "Finding Common Ground: Call to Action" on October 30, 2008; and

BE IT FURTHER RESOLVED that the County of Albemarle will report on action items currently underway in the County of Albemarle at the follow-up event; and

BE IT FURTHER RESOLVED that the County of Albemarle will identify at least one specific item from the Regional Action Agenda for Housing to undertake, with partners as deemed appropriate.

RESOLUTION

WHEREAS, the County of Albemarle Personnel Policy Manual has been adopted by the Board of Supervisors; and

WHEREAS, the proposed changes to Personnel Policy P-84, Annual Leave: 1) allow discretion for new employees to accrue annual leave at higher rates with County Executive and Human Resources approval; 2) change the schedule for monitoring maximum accrual of annual leave from a monthly to an annual basis; 3) allow annual leave accrued over the maximum to convert evenly to the employee's sick leave balance and the County's sick bank; and 4) make other appropriate updates and modifications; and

WHEREAS, the Board of Supervisors desires to adopt the revisions to Personnel Policy P-84.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby adopts Personnel Policy P-84, Annual Leave, of the County of Albemarle Personnel Policy Manual, as attached hereto and incorporated herein, effective September 3, 2008.

§P-84

COUNTY OF ALBEMARLE
PERSONNEL POLICY

§P-84

ANNUAL LEAVE

1. Accrual

All benefits-eligible regular employees of the County shall be granted annual leave by the County as follows:

- A. One day per month for each month employed during the first five (5) years of continuous employment.
- B. One and one-quarter days for each month employed during the sixth through the tenth (6-10) years of continuous employment.
- C. One and one-half days for each month employed during the eleventh through the fifteenth (11-15) years of continuous employment.
- D. One and three-quarter days for each month employed during the sixteenth through the twentieth (16-20) years of continuous employment.
- E. Two days for each month employed during the twenty-first through twenty-fifth (21-25) years of continuous employment.
- F. Two and one-quarter days for each month employed during the twenty-sixth (26th) and succeeding years of continuous employment.

With the approval of Human Resources and the County Executive or his designee, a new employee's annual accrual rate at the date of hire may begin at a rate other than the starting rate stated in section (A) above.

2. Use and Conversion of Unused Annual Leave

Employees are required to arrange use of paid annual leave in advance with their department head or designee. In case of a conflict because of the work schedule in a particular department, leave will be granted at the discretion of the department head or designee.

In the interest of fostering wellness for County employees, those employees with five or more years of service must take at least five (5) days of annual leave per fiscal year. Supervisors shall work with their employees to ensure that time is made available for annual leave.

On the anniversary of the employee's birth month each year, any annual leave balance that is above 320 hours automatically converts as follows: 50% to the employee's own sick leave balance and 50% donated to the County sick leave bank. The employee need not be a member of the bank. In cases where annual leave is at risk of being converted, annual leave must be used for time off prior to using compensatory leave.

Upon termination of employment, the employee will be paid for his accumulated but unused annual leave. The maximum payout of annual leave will be 320 hours, except for the employees of constitutional officers, who may not accumulate more than 240 hours of annual leave pursuant to state law.

Amended: August 7, 1996; August 2, 2000; September 13, 2000; September 3, 2008

RESOLUTION

WHEREAS, the County of Albemarle Personnel Policy Manual has been adopted by the Board of Supervisors; and

WHEREAS, the proposed changes to Personnel Policy P-60, Salary Administration and Position Classification: 1) allow for more flexibility and for consideration of relevant experience and internal equity in determining pay for promotions, demotions, voluntary movement to a lower pay grade and reclassifications; and 2) make other appropriate updates and modifications; and

WHEREAS, the Board of Supervisors desires to adopt the revisions to Personnel Policy P-60.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby adopts Personnel Policy P-60, Salary Administration and Position Classification, of the County of Albemarle Personnel Policy Manual, as attached hereto and incorporated herein, effective September 3, 2008.

§P-60

COUNTY OF ALBEMARLE
PERSONNEL POLICY

§P-60 SALARY ADMINISTRATION AND POSITION CLASSIFICATION

The County Classification and Pay Plan governs the classification and compensation of positions in County employment, and is maintained by the Human Resources Department.

The Pay Plan adopted by the Board of Supervisors is directly linked to the Classification Plan and will be based on the principle of equal pay for equal work. The Board will maintain a salary administration program will provide for payment of salaries and for recognition of and reward for differences in individual ability and performance.

Procedure for Salary Administration and Position Classification

- A. Class specifications are written descriptions of each position which include general statements of the duties, responsibilities, and qualifications necessary for that position. A class specification will be developed for each position and supervisors are to ensure that it is an accurate reflection of that position.
- B. Like classifications will be grouped in terms of common elements:
 - 1. Job Complexity
 - 2. Education and Experience
 - 3. Scope and Impact
 - 4. Supervision Received
 - 5. Working Relationships
 - 6. Working Environment
 - 7. Physical Demand

This grouping will be determined by a system of point values arrived upon in the analysis of each job.

- C. It is the responsibility of the department head/designee to maintain equitable and properly evaluated positions within his/her department. Newly created positions or major changes in the functions or responsibilities of an existing position shall be reported to the Director of Human Resources in order to initiate an evaluation study to establish a new position or reclassify an existing position.
- D. All position classifications and reclassifications must be approved prior to placement on a salary range. Recommendations must be approved by the County Executive or his designee.
- E. Salary ranges consisting of a minimum, midpoint, and maximum salary will be established for each class of positions based on the policies of the Board as well as information about similar positions in the community and, where appropriate, compared with similar positions within the state.
- F. Human Resources will ensure that the plan is kept current through periodic reviews and comparative studies of pertinent factors affecting levels of pay.
- G. Entrance Pay Rate – The entrance pay rate shall normally be the minimum rate in the pay range prescribed for the class. When a prospective employee has relevant experience and education beyond position requirements that would warrant placement above the minimum rate, the following will be used as a guide for this placement:

Less than 12 months' relevant experience	Minimum Range
1 year to less than 3 years' relevant experience	≤5% Above Minimum
3 years to less than 5 years' relevant experience	≤10% Above Minimum
5 years to less than 7 years' relevant experience	≤15% Above Minimum
7 or more years' relevant experience	≤20% Above Minimum

The County Executive is authorized to hire employees at any point within the salary range based on market conditions and the qualifications of the individual.

- H. Pay Rate Adjustment – The following personnel actions shall affect the pay status of an employee in the manner described:
 1. Promotion – When an employee is promoted from one class to another having a higher pay range and additional responsibilities, the employee may receive an increase of up to ten percent or that rate which would be granted to a newly hired employee as stated in paragraph G above with consideration given to internal equity and relevant experience. Promotions can only occur if (a) there is a vacancy in the higher pay range or (b) additional positions in the higher class are approved in the budget cycle for implementation in the next fiscal year.
 2. Demotion – When an employee is demoted from one class to another having a lower pay range, the employee shall be placed within the lower range with consideration given to internal equity and relevant experience. If an employee is reassigned for administrative purposes through no fault of the employee, his rate of pay shall remain the same. Only in such cases, if the employee's salary exceeds the maximum of the range, the rate of pay shall remain the same until the range changes, as a result of subsequent market studies and/or reclassifications, to the extent that the employee's salary then matches the new range for his position/job classification.
 3. Voluntary Movement to a Position in a Lower Pay grade – When an employee chooses to move to/apply for a position in a lower pay grade, he or she may be subject to a reduction in pay, based upon internal equity considerations and other relevant factors.
 4. Reclassification – When an employee is reclassified from one range into a higher range, the employee will receive a pay rate increase. The increased amount will be based upon the factors identified in section b, as well as internal equity considerations and the level of variance from the current position.

5. Completion of Probationary Period – Upon successful completion of their initial probationary periods, employees will:
 - i. If hired on or before November 1st of a fiscal year, receive a prorated salary increase effective the following July 1st, earned by their participation in the regular merit evaluation cycle; or,
 - ii. If hired on or after November 2nd of a fiscal year, receive a prorated salary increase based on the budgeted new increase in the fiscal year, as outlined on the Exhibit which accompanies this policy. Probationary salary increases will only be awarded for successful completion of the employee's initial probationary period. Successful completion of subsequent probationary periods, as may be required in accordance with Policy P-23, will not result in subsequent probationary increases.
6. Shift Differential – When an employee is assigned to work evening/midnight shifts, a pay differential will be paid as follows:

Evening:	4:00 p.m. – 12:00 a.m.:	4% of base salary for the position
Midnight:	12:00 a.m. – 8:00 a.m.:	5% of base salary for the position

Employees must be assigned to a shift to be eligible for the differential. If an employee works a shift that encompasses both daylight, evening or midnight shifts, the differential will be paid based on the majority of hours worked in the respective shift.

- I. Temporary work in a higher classification - All regular employees who are assigned temporary work in a higher pay grade position shall be paid the minimum rate of the higher classification (but no less than 5% above their regular rate) for those hours of such assignment if the assignment exceeds ten (10) consecutive work days.

These temporary assignments with higher pay may be made only in situations when the work requires the designation of an employee in the higher classification by the department head or County Executive/designee and are not intended to apply to occasional assignments of supervisory or administrative responsibility.

When it can be substantiated that the salary of an employee is significantly below the average salary of the relevant market for the position, or the scope of the position has expanded considerably, an in-range equity adjustment may be granted. Requests for adjustments will be submitted by the employee's supervisor to Human Resources, which will review the request based on the following factors: (1) an identification of the position's relevant market; (2) internal equity; (3) degree of position expansion; and (4) other relevant considerations. Human Resources will use this information to make a recommendation to the County Executive/designee, who shall have the sole authority to approve any adjustment to an employee's salary based on this process.

Adopted: July 1, 1993

Amended: September 13, 1993; June 19, 1995; July 8, 1996; December 8, 1997, September 3, 2008

EXHIBIT

EXAMPLE OF PRORATED MERIT FOR NEW EMPLOYEES

Hire Date	End Probation	Merit Increase July 1st	Date of Increase	Amount of Increase
<i>The following employee would participate in the regular evaluation cycle and receive an increase July 1:</i>				
July 1	December 31	12/12 x merit earned	July 1	\$600
August 1	January 31	11/12 x merit earned	July 1	\$550
September 1	February 28	10/12 x merit earned	July 1	\$500
October 1	March 31	9/12 x merit earned	July 1	\$450
November 1	April 30	8/12 x merit earned	July 1	\$400

The following employee would not participate in the regular merit program, but would receive an increase based on the payout percentage

December 1	May 31	7/12 x payout percentage	July 1	\$350
January 1	June 30	6/12 x payout percentage	July 1	\$300
February 1	July 31	5/12 x payout percentage	August 1	\$250
March 1	August 31	4/12 x payout percentage	September 1	\$200
April 1	September 30	3/12 x payout percentage	October 1	\$150
May 1	October 31	2/12 x payout percentage	November 1	\$100
June 1	November 30	1/12 x payout percentage	December 1	\$ 50

RESOLUTION

WHEREAS, the County of Albemarle Personnel Policy Manual has been adopted by the Board of Supervisors; and

WHEREAS, the proposed Personnel Policy Manual changes: 1) discontinue supplementing workers' compensation benefits through direct payment of 33 1/3% of employees' daily wages; 2) allow employees to supplement their 66 2/3% workers' compensation benefits with accrued sick, annual and compensatory time leave for up to 1/3 of the daily hours they are normally scheduled to work; and 3) make other appropriate updates and modifications; and

WHEREAS, the Board of Supervisors desires to adopt these Personnel Policy revisions.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby adopts Personnel Policy P-89, Workers' Compensation, and amends Personnel Policy P-80, Absences, as attached hereto and incorporated herein, effective September 3, 2008.

§P-89

COUNTY OF ALBEMARLE
PERSONNEL POLICY

§P-89

WORKERS' COMPENSATION

I. PURPOSE

This policy establishes procedures to administer benefits under the Virginia Workers' Compensation Act (the "Act"), Title 65.2 of the Virginia Code.

II. POLICY

A. First 7 Days of Absence. In the event an employee misses work for a work-related injury or illness that is compensable under the Act, the first seven (7) calendar days of absence are not covered/paid by Workers' Compensation. During this period, an employee may use accrued sick leave. If sick leave is exhausted, the employee may use accrued annual and/or compensatory leave in any order desired.

B. Absence After 7 Days. Starting the eighth (8) calendar day of absence due to a compensable work-related injury or illness, the employee will receive 66^{2/3}% of his average weekly wages as Workers' Compensation income benefits. From the eighth day forward, the employee may use accrued sick, annual and compensatory leave to supplement his Workers' Compensation income benefits, as follows:

1. The leave shall not exceed 1/3 of the employee's normally scheduled, non-overtime work hours on any shift.
2. Sick leave must be taken first. After sick leave is exhausted, the employee may use accrued annual and/or compensatory leave in any order desired.
3. All leave must be accrued by the time of usage. Employees may not borrow against future leave accrual.
4. The County's Sick Leave Bank may not be utilized during this period.

- C. **Benefits After 21 Days of Absence.** In the event that the absence exceeds twenty-one (21) calendar days, the employee will be reimbursed for the first seven (7) calendar days by the County's Third Party Administrator for Workers' Compensation at the calculated compensation rate. The employee will be allowed to keep this reimbursement without obligation to return any payments to the County.
- D. **Leave for Noncompensable Claims.** Should a claim not be accepted by Workers' Compensation as compensable, the employee may use all applicable leave for which he is eligible.
- E. **Employer/Employee Insurance Contributions.** The County shall continue all applicable contributions toward retirement, life insurance, health insurance and dental insurance during the period of time an employee is absent for a compensable injury/illness. It will be the employee's responsibility to make payment arrangements directly with the Payroll Department for the employee's contribution toward these benefits, as well as any other optional programs to which the employee may be contributing.
- F. **Return to Work.** Once the employee is released by his treating physician to return to work in any capacity, he is expected to return to work. Depending upon the nature of the medical restrictions, if any, and the staffing needs of the employee's department, this return may not necessarily be to the same position or duties worked by the employee at the time of the injury/illness. Should the employee turn down or fail to perform offered work that he is capable of doing, the County may take all actions permitted under law, including but not limited to, contesting the employee's entitlement to further Workers' Compensation benefits before the Virginia Workers' Compensation Commission.

III. EMPLOYEE AND EMPLOYER RESPONSIBILITIES

- A. **Workers' Compensation Third Party Administrator.** The Workers' Compensation program is administered through a third party administrator. The Third Party Administrator handles all employee claims and settlements after detailed consultation with the County's representative, including contested claims scheduled for a hearing before the Virginia Workers' Compensation Commission.
- B. **Employee Reporting.** Employees are required to report immediately all work-related injuries and illnesses to their supervisor. These include any injury that occurs while working and any illness that the employee believes to be caused by his work. All incidents shall be reported regardless of apparent significance and regardless of whether medical attention was obtained. Late reporting by the employee can result in delayed or denied Workers' Compensation benefits.
- C. **Departmental Reporting.** The employee's department is responsible for:
 - 1. Submitting an Employer's Accident Report immediately upon notification by the employee of a work-related injury or illness, or upon his knowledge of the event. All reports must be submitted electronically within 24 hours of the accident or injury.
 - 2. Accurately recording time lost due to work-related injury or illness utilizing appropriate leave code(s).
- D. **Assistance to Employees.** The Human Resources Department is responsible for providing information to employees with respect to workers' compensation benefits. Human Resources will also assist employees in completing necessary paperwork for submission to the Third Party Administrator.

Adopted: September 3, 2008

COUNTY OF ALBEMARLE
PERSONNEL POLICY

§P-80

ABSENCES

The Board strives to keep attendance of employees at a maximum and absences at a minimum. The Board recognizes, however, that absences are unavoidable and allows certain absences and absence payments. The Board will establish policies that are meant to maintain the highest possible efficiency. Allowance will be made to permit bona fide absences, and prevent employees who have been ill from becoming a hazard to other employees by returning to work too soon.

Procedure for Compliance for Absences

- A. It will remain the right of the department head/designee and the County Executive or designee to:
1. Authorize, or refuse to authorize in exceptional cases, the advance request of an employee for permission to be absent.
 2. Investigate absences.
 3. Deny leave payment for absences in violation of any Board policy.
 4. Impose reasonable disciplinary penalties upon employees who have abused their leave privileges and who violate the provisions of the "Responsibilities of Employees" section of this policy.
- B. Responsibilities of Employees
Every employee of the County has the following obligations and responsibilities concerning absence:
1. Request for Leave – When the need for being absent from work is known in advance, the employee must notify his immediate supervisor as far in advance as possible on the Leave Form provided by the Department of Human Resources.
 2. Notice of Unexpected Absence – When an employee who has not given advance notice finds that he cannot report to work, the employee must notify his supervisor prior to starting time or within thirty (30) minutes of the regular starting time unless the department has established other guidelines for notification. Employees should be aware of the notification requirements of their departments. Upon returning to work, the employee must complete a Leave Form as a record of absence.
 3. Failure to Give Notice – Failure to give the notice required shall constitute cause for a reasonable disciplinary penalty including cause for denial of absence pay allowance. Unless an absence has been authorized in advance or an absence is unavoidable, every employee shall be expected to be present and on time for his scheduled work.
- C. Employees Returning to Work After Illness
Before an employee returns to work after an absence due to illness, the employee may be requested to submit a medical release certifying the illness and that he is well enough to return to work. This medical release shall be from the employee's physician or, if required by the department head, a physician designated by the Human Resources Department. In all instances, the employee will be advised of the requirement prior to the employee being authorized to return to work.
- D. Absences for urgent personal business, bereavement, or illness will be granted at the discretion of the immediate supervisor and in compliance with Board policy. Sick Leave may be used for bereavement leave for immediate family members. (See also Sick Leave, P-85) Bereavement

leave for non-immediate family members shall be covered by compensatory time, Annual Leave or Unpaid Leave. (See also Annual Leave, P-84 and Unpaid Leave, P-82)

- E. The Board recognizes the duty of every citizen to serve on a jury when requested and will allow payment from the court for serving on jury duty. Employees serving jury duty will receive full salary as well as retain compensation received from the court. Employees are expected to give notice of jury duty and to report to work when jury is not in session. Employees who are subpoenaed to appear as witnesses in legal proceedings in their capacity as County employees will be entitled to treat time spent in such proceedings as compensable working time. However, employees who initiate or are otherwise involved in private legal actions of any kind (excluding employee grievance proceedings), whether such actions involve the County or not, will not be permitted to treat time spent during working hours in connection with such actions as compensable working time. Such employees will be required to use accrued compensatory time, Annual Leave or Unpaid Leave for all hours spent in connection with such actions that occur during working hours.
- F. Military leave of absence will be granted by the Board in accordance with existing state and federal statutes. (See also Military Leave, P-83)
- G. Breaks: There is no formal break time provided by Albemarle County. However, reasonable time shall be provided for personal care and refreshments during the workday.
- H. Lunch Time: A lunch period of at least thirty (30) minutes shall be provided to each full-time employee and, unless prior supervisory approval is received, employees may not forego the lunch period in order to shorten the workday. (See also Overtime/Compensatory Time, P-61/62)
- I. Acceptable Attendance:
Acceptable attendance is a minimum expectation of all County employees. Department Heads are responsible for monitoring attendance within their departments. Except as noted, when an employee's absenteeism exceeds four percent (4%) of available work time for Sick Leave, Unpaid Leave, and/or unplanned use of compensatory time or Annual Leave, his department head is responsible for investigating the absenteeism and taking appropriate action as necessary. Leave taken under FMLA and/or Workers' Compensation shall not be considered when determining acceptable attendance. However, nothing shall prohibit the County from determining an employee's eligibility to return to employment once FMLA has been exhausted.

Amended: August 4, 1993, April 20, 2005, September 3, 2008

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
ALBEMARLE COUNTY, VIRGINIA**

WHEREAS, the Economic Development Authority of Albemarle County, Virginia ("Authority") has considered the application of Martha Jefferson Hospital and MJH Foundation, both nonprofit Virginia non-stock corporations (collectively, "Martha Jefferson Health Services"), requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$195,000,000 ("Bonds") to be issued in one or more series from time to time to assist Martha Jefferson Health Services in financing or refinancing costs associated with (1) the acquisition, construction, equipping and furnishing of an approximately 456,358 square foot, five-story replacement acute care hospital facility (the "Replacement Hospital") to consist of approximately 176 beds to be located at the Peter Jefferson Place business office park near the intersection of Willis Drive and Peter Jefferson Parkway in Albemarle County, Virginia, (2) working capital and routine capital expenditures at the Replacement Hospital, (3) routine capital expenditures at Martha Jefferson Health Services' existing three-story healthcare and medical office facility located at 595 Peter Jefferson Parkway, Albemarle County, Virginia, in the Peter Jefferson Place business office park, and (4) costs of issuance, reserve funds and capitalized interest related to the projects or the issuance of the bonds (collectively, the "Project").

WHEREAS, the Authority held a public hearing on September 2, 2008, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended ("Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code").

WHEREAS, Section 147(f) of the Code also provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds.

WHEREAS, the Authority issues its bonds on behalf of Albemarle County, Virginia ("County"); the Project is to be located in the County; and the Board of Supervisors of Albemarle County, Virginia ("Board") constitutes the highest elected governmental unit of the County.

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds.

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:

1. The Board approves (i) the Project and (ii) the issuance of the Bonds pursuant thereto by the Authority for the benefit of Martha Jefferson Health Services, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code to assist Martha Jefferson Health Services with the Project.
2. The approval of the Project and the issuance of the Bonds do not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or Martha Jefferson Health Services.
3. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of Albemarle County, Virginia this 3rd day of September, 2008.

**RESOLUTION TO ALLOW LIGHTING
OF DARDEN TOWE PARK TENNIS COURTS**

WHEREAS, the Albemarle County Board of Supervisors has received a citizen request to allow the tennis courts at Darden Towe Park to be lighted; and

WHEREAS, Darden Towe Park is owned by both the County of Albemarle and the City of Charlottesville; and

WHEREAS, the Darden Towe Park Agreement requires the mutual agreement of the County and City before lighting of any competitive sport or recreation facility in the Park may occur; and

WHEREAS, County and City staff have recommended to the Darden Towe Park Committee that lighting of the tennis courts be allowed; and

WHEREAS, the Darden Towe Park Committee recommended that the Board of Supervisors and City Council each set this item for public hearing in order to receive input from the public prior to taking action; and

WHEREAS, the Albemarle County Board of Supervisors held a public hearing on this matter on August 13, 2008; and

WHEREAS, the Albemarle County Board of Supervisors finds that lighting of the tennis courts at Darden Towe Park will benefit the community; and

WHEREAS, the Albemarle County Board of Supervisors will only consider a lighting plan to be acceptable that includes full cut off lighting in strict accordance with the Outdoor Lighting provisions of the County's Zoning Ordinance, that is as energy efficient as possible, that allows the lighting to be on only while the courts are in use, and that will automatically cut off lighting at 10:00 p.m.; and

WHEREAS, it is contemplated that private funding will be secured to fund the capital costs of the lighting project.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby expresses its intent to allow the tennis courts at Darden Towe Park to be lighted, contingent upon approval by the City of Charlottesville and the approval of an acceptable lighting and funding plan.

**RESOLUTION AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION SCHOOL BONDS, SERIES 2008A,
OF THE COUNTY OF ALBEMARLE, VIRGINIA,
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$30,765,000
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY
AND PROVIDING FOR THE FORM AND DETAILS THEREOF**

WHEREAS, the School Board (the "School Board") of the County of Albemarle, Virginia (the "County"), has, by resolution adopted on August 14, 2008, requested the Board of Supervisors (the "Board") to authorize the issuance of the Bonds (as hereinafter defined) and consented to the issuance of the Bonds; and

WHEREAS, the Board has determined that it is necessary and expedient to borrow an amount not to exceed \$30,765,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, the County held a public hearing, duly noticed, on September 3, 2008, on the issuance of the Bonds in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the Bond Sale Agreement (as hereinafter defined) shall indicate that \$30,765,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Bonds relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of VPSA's bonds; and

WHEREAS, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bonds set forth in Section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$30,765,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes, including without limitation, the projects as described in Exhibit B. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Bonds at a price, determined by VPSA to be fair and accepted by the Chairman of the Board and the County Executive, either of whom may act [that is substantially equal to the Proceeds Requested, except that the Bonds may be sold for a purchase price not lower than 95% of the Proceeds Requested if issuing the Bonds in the maximum principal amount authorized by Section 1 of this Resolution is insufficient, given the VPSA Purchase Price Objective and market conditions, to generate an amount of proceeds substantially equal to the Proceeds Requested]. The Chairman of the Board and the County Executive, either of whom may act and such other officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 10, 2008 (the "Bond Sale Agreement"), with VPSA providing for the sale of the Bonds to VPSA. The Bond Sale Agreement shall be in substantially the form

submitted to the Board at this meeting, which form is hereby approved with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing the Bond Sale Agreement, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

3. Details of the Bonds. The Bonds shall be issued in fully registered form, dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2008A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2009 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. Interest Rates and Principal Installments. The County Executive is hereby authorized and directed to accept the interest rates on the Bonds established by VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the bonds to be issued by VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed five and fifty one-hundredths percent (5.50 %) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. The County Executive is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution and provided further that the final maturity of the Bonds occurs no later than December 31, 2028. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by VPSA and Interest Payment Dates and the Principal Installments requested by VPSA as having been so accepted by the County Executive as authorized by this Resolution.

5. Form of the Bonds. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

(a) For as long as VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) U.S. Bank National Association, Richmond, Virginia, is designated as bond registrar and paying agent for the Bonds (the "Bond Registrar"). The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar.

7. Prepayment or Redemption. The Principal Installments of the Bonds held by VPSA coming due on or before July 15, 2018, and the definitive Bonds for which the Bonds held by VPSA may be exchanged that mature on or before July 15, 2018, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by VPSA coming due after July 15, 2018, and the definitive bonds for which the Bonds held by VPSA may be exchanged that mature after July 15, 2018, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2018, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2018, through July 14, 2019	101%
July 15, 2019, through July 14, 2020	100½
July 15, 2020, and thereafter	100

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. Execution of the Bonds. The Chairman or Vice Chairman of the Board, either of whom may act, and the Clerk of the Board or any Deputy Clerk, either of whom may act, are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate and Certificate as to Arbitrage. The Chairman of the Board, the County Executive and such other officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the Director of Finance to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Executive and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing such Proceeds Agreement, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

12. Continuing Disclosure Agreement. The Chairman of the Board, the County Executive and such other officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Continuing Disclosure Agreement, substantially in the form attached as Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. **Effective Date.** This Resolution shall take effect immediately.

ORDINANCE NO. 08-4(2)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA BY AMENDING ARTICLE I, IN GENERAL, AND ARTICLE III, LICENSES.

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 4, Animals and Fowl, is hereby amended and reordained by amending Article I, In General, and Article III, Licenses, as follows:

By Amending:

- Sec. 4-100 Definitions
- Sec. 4-300 Required
- Sec. 4-301 Procedure for obtaining licenses
- Sec. 4-302 Evidence of rabies vaccination prerequisite to issuance of license
- Sec. 4-307 Effect of dog not wearing collar and tag as evidence

By Amending and Renumbering:

- | | |
|---|---|
| Sec. 4-303 Amount of license tax | to Sec. 4-304 Amount of license tax |
| Sec. 4-304 When license tax payable | to Sec. 4-305 When license tax payable, valid |
| Sec. 4-305 Payment of license tax subsequent to summons | to Sec. 4-306 Payment of license tax subsequent to summons |
| Sec. 4-309 Display of receipts | to Sec. 4-308 Display of receipts; collar and tag to be worn; penalties |

By Adding:

- Sec. 4-303 Veterinarians to provide treasurer with rabies certificate information; civil penalty

By Repealing:

- Sec. 4-306 Term
- Sec. 4-308 License to consist of receipt and metal tag
- Sec. 4-310 License tags – Attachment to collar
- Sec. 4-311 License tags – Contents
- Sec. 4-312 License tags – Collar and tag to be worn by dog; exceptions
- Sec. 4-313 License tags – Duplicate
- Sec. 4-314 License tags - Kennels
- Sec. 4-315 Penalties for violation of sections 4-312 and 4-314
- Sec. 4-316 False statements
- Sec. 4-317 Penalty for failure to obtain license

**CHAPTER 4. ANIMALS AND FOWL
ARTICLE I. IN GENERAL**

Sec. 4-100 Definitions.

The following words as used in this chapter shall have the following meanings:

(1) *Abandon*. The term "abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Virginia Code § 3.2-6503 for a period of five consecutive days.

(2) *Adequate care or care*. The term "adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

(3) *Adequate exercise.* The term "adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

(4) *Adequate feed.* The term "adequate feed" means access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

(5) *Adequate shelter.* The term "adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

(6) *Adequate space.* The term "adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

(7) *Adequate water.* The term "adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

(8) *Adoption.* The term "adoption" means the transfer of ownership of a dog or cat from a releasing agency to an individual.

(9) *Agricultural animals.* The term "agricultural animals" means all livestock and poultry.

(10) *Ambient temperature.* The term "ambient temperature" means the temperature surrounding the animal.

(11) *Animal.* The term "animal" means any domestic animal, including both agricultural and companion animals, if not specified otherwise. For the purposes of article IV, "animal" means any species susceptible to rabies.

(12) *Animal control officer.* The term "animal control officer" means any person employed, contracted, or appointed by the Commonwealth or any political subdivision for the purpose of aiding in the enforcement of any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals and includes any state or county police officer, animal control officer, sheriff or other employee whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.

(13) *Animal shelter.* The term "animal shelter" means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

(14) *Boarding establishment.* The term "boarding establishment" means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

(15) *Collar.* The term "collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

(16) *Companion animal.* The term "companion animal" means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

(17) *Enclosure.* The term "enclosure" means a structure used to house or restrict animals from running at large.

(18) *Euthanasia.* The term "euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

(19) *Hearing dog.* The term "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

(20) *Kennel.* The term "kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purposes of breeding, hunting training, renting, buying, boarding, selling, or showing.

(21) *Livestock.* The term "livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Virginia Code § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

(22) *Owner.* The term "owner" means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

(23) *Person.* The term "person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

(24) *Poultry.* The term "poultry" includes all domestic fowl and game birds raised in captivity.

(25) *Pound.* The term "pound" means a facility operated by the Commonwealth, or county for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

(26) *Primary enclosure.* The term "primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

(27) *Releasing agency.* The term "releasing agency" means a pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue, that releases companion animals for adoption.

(28) *Service dog.* The term "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(29) *Sterilize or sterilization.* The term "sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

(30) *Treatment or adequate treatment.* The term "treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

(31) *Veterinary treatment.* The term "veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

(Code 1967, § 4-4; 4-13-88; Code 1988, § 4-4; Ord. 98-A(1), 8-5-98; Ord. 08-4(2), 9-3-08)

State law reference—Va. Code §§ 3.2-6500, 6528.

ARTICLE III. LICENSES

Sec. 4-300 Required.

It shall be unlawful for any person other than a releasing agency that has registered as such annually with the county to own a dog four (4) months old or older in the county unless such dog is licensed, as required by the provisions of this article.

(Code 1967, § 4-17; 9-13-89; Code 1988, § 4-20; Ord. 98-A(1), 8-5-98; Ord. 08-4(2), 9-3-08)

State law reference-- Va. Code § 3.2-6524.

Sec. 4-301 Procedure for obtaining licenses.

A. Any resident of this county may obtain a one year, two year, or three-year dog license by making oral or written application to the director of finance or his designee, accompanied by the amount of the license tax and a current certificate of vaccination as required by this chapter or satisfactory evidence that such certificate has been obtained.

B. The director of finance or his designee shall license only dogs of resident owners or custodians who reside within the county, and may require information to this effect of any applicant. Upon receipt of a proper application and a current certificate of vaccination as required by this chapter or satisfactory evidence that such certificate has been obtained, the director of finance or his designee shall issue a license receipt, on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for herein. Multi-year dog licenses may only be issued upon evidence that the certificate of vaccination is valid for the duration of the multi-year license.

C. The director of finance or his designee shall retain the application information during the period for which such license is valid, and shall be available for public inspection.

D. It shall be unlawful for any person to make a false statement in order to secure a dog license to which he is not entitled. Any person convicted of making a false statement in order to secure a dog license to which he is not entitled shall be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).

E. Any person convicted of failure to pay the dog license tax imposed by this division prior to February 1 of any year or at such other time as may be required by this division on any dog four (4) months of age or older and owned by him shall be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).

(Code 1967, § 4-18; 5-15-75; Code 1988, § 4-21; Ord. 98-A(1), 8-5-98, § 4-301; Code 1967, § 4-33; Code 1988, § 4-36; Ord. 98-A(1), 8-5-98, § 4-316; Code 1967, § 4-34; 4-13-88; 9-13-89; Code 1988, § 4-37; Ord. 98-A(1), 8-5-98, § 4-317; Ord. 08-4(2), 9-3-08)

State law reference-- Va. Code §§ 3.2-6527, 3.2-6530(B), 3.2-6587(A).

Sec. 4-302 What license shall consist of; evidence of rabies vaccination; duplicate tags.

A. A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the county has issued the license and bear a serial number or other identifying information prescribed by the county.

B. No dog license shall be issued for any dog unless there is presented to the director of finance or his designee, satisfactory evidence that such dog has been inoculated or vaccinated against rabies, as required by section 4-301, by a currently licensed veterinarian or currently licensed technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.

C. If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the director of finance or his designee for a duplicate license tag by presenting the original license receipt. Upon affidavit of the owner or custodian before the director of finance or his designee that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag. The owner or custodian shall immediately affix the duplicate license tag to the collar of the dog. The director of finance or his designee shall endorse the number of the duplicate and the date issued on the face of the original receipt. The fee for a duplicate tag shall be one dollar (\$1.00).

(Code 1967, § 4-19; Code 1988, § 4-22; Ord. 98-A(1), 8-5-98, § 4-302; Code 1967, § 4-25; 4-23-88; Code 1988, § 4-28; Ord. 98-A(1), 8-5-98, § 4-308; Code 1967, § 4-28; 4-13-88; Code 1988, § 4-31; Ord. 98-A(1), 8-5-98, § 4-311; Ord. 08-4(2), 9-3-08)

State law reference -- Va. Code §§ 3.2-6526, 6532.

Sec. 4-303 Veterinarians to provide treasurer with rabies certificate information; civil penalty.

A. Each veterinarian who vaccinates a dog against rabies or directs a veterinary technician in his employ to vaccinate a dog against rabies shall provide the owner a copy of the rabies vaccination certificate. The veterinarian shall forward within forty-five (45) days a copy of the rabies vaccination certificate or the relevant information contained in such certificate to the county's director of finance.

The rabies vaccination certificate shall include at a minimum the signature of the veterinarian, the animal owner's name and address, the species of the animal, the sex, the age, the color, the primary breed, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality where the animal resides.

B. It shall be the responsibility of the owner of each vaccinated animal that is not already licensed to apply for a license for the vaccinated dog. If the director of finance determines, from review of the rabies vaccination information provided by the veterinarians, that the owner of an unlicensed dog has failed to apply for a license within 90 days of the date of vaccination, the director of finance shall transmit an application to the owner and request the owner to submit a complete application and pay the appropriate

fee. Upon receipt of the completed application and payment of the license fee, the director of finance or his designee shall issue a license receipt and a permanent tag.

The director of finance shall remit any rabies vaccination certificate received for any animal owned by an individual residing in another locality to the local treasurer for the appropriate locality.

Any veterinarian that willfully fails to provide the director of finance with a copy of the rabies vaccination certificate or the information contained in such certificate may be subject to a civil penalty not to exceed \$10 per certificate. Monies raised pursuant to this subsection shall be placed in the county's general fund for the purpose of animal control activities including spay or neuter programs.

(Ord. 08-4(2), 9-3-08)

State law reference—Va. Code § 3.2-6529.

Sec. 4-304 Amount of license tax.

A. Dog license taxes shall be as follows:

1. *Spayed Female/Neutered Male.*

One year tag: Five dollars (\$5.00)

Two year tag: Ten dollars (\$10.00)

Three year tag: Fifteen dollars (\$15.00)

2. *Unspayed Female/Unneutered Male.*

One year tag: Ten dollars (\$10.00)

Two year tag: Twenty dollars (\$20.00)

Three year tag: Thirty dollars (\$30.00)

3. *Kennel license* Fifty dollars (\$50.00) per block of ten dogs

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

(Code 1967, § 4-20; 12-20-73; 80-11-76; 2-13-85; 4-13-88; Code 1988, § 4-23; Ord. 98-A(1), 8-5-98, § 4-303; Ord. 08-4(2), 9-3-08)

State law reference-- Va. Code § 3.2-6528.

Sec. 4-305 When license tax payable, valid.

A. The license tax imposed on dogs by this article shall be due and payable no later than thirty days after a dog has reached the age of four months, or no later than thirty days after an owner acquires a dog four months of age or older and each year thereafter no later than January 31 of each year.

B. If a dog shall become four months of age or if a dog over four months of age unlicensed by this county shall come into the possession of any person in this county between January 1 and October 31 of any year, a license tax for the current calendar year shall be paid forthwith by the owner.

C. If a dog shall become four months of age or if a dog over four months of age unlicensed by this county shall come into the possession of any person in this county between November 1 and December 31 or any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect the dog from the date of payment of the license tax.

(Code 1967, § 4-21; 9-13-89; Code 1988, § 4-24; Ord. 98-A(1), 8-5-98, § 4-304; Code 1967, § 4-23; Code 1988, § 4-26; Ord. 98-A(1), 8-5-98, § 4-306; Ord. 08-4(2), 9-3-08)

State law reference-- Va. Code § 3.2-6530.

Sec. 4-306 Payment of license tax subsequent to summons.

Payment of the license tax subsequent to a summons to appear before the judge of the general district court or other court for failure to pay the license tax within the time required shall not operate to relieve such owner from any penalty for the violation of this article.

(Code 1967, § 4-22; Code 1988, § 4-25; Ord. 98-A(1), 8-5-98, § 4-305; Ord. 08-4(2), 9-3-08)

State law reference--Va. Code § 3.2-6536.

Sec. 4-307 Effect of dog not wearing collar and tag as evidence.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceeding under this article, the burden of proof of the fact that the dog has been licensed or was otherwise not required to bear a tag at the time shall be on the owner of the dog.

(Code 1967, § 4-24; Code 1988, § 4-27; Ord. 98-A(1), 8-5-98; Ord. 08-4(2), 9-3-08)

State law reference-- Va. Code § 3.2-6533.

Sec. 4-308 Display of receipts; collar and tag to be worn; penalties.

A. Dog license receipts shall be carefully preserved by the owner and exhibited promptly on request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when:

- (i) the dog is engaged in lawful hunting;
- (ii) the dog is competing in a dog show;
- (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar;
- (iv) the dog is confined; or
- (v) the dog is under the immediate control of its owner.

B. The license tag for a kennel shall show the number of dogs authorized to be kept under such license, and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag. The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any animal control officer or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. A kennel shall not be operated in such manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to any manner which violates other provisions of this article.

C. The owner of any dog found running at large at any time of the year in violation of this section, upon conviction, shall be guilty of a class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).

(Code 1967, § 4-26; 4-13-88; Code 1988, § 4-29; Ord. 98-A(1), 8-5-98, § 4-309; Code 1967, § 4-31; 4-13-88; Code 1988, § 4-34; Ord. 98-A(1), 8-5-98, § 4-314; Code 1967, § 4-32; 4-13-88; Code 1988, § 4-35; Ord. 98-A(1), 8-5-98; Ord. 05-4(1), 12-7-05, § 4-315; Ord. 08-4(2), 9-3-08)

State law reference--Va. Code §§ 3.2-6531, 3.2-6587(A).

This ordinance to be effective on and after November 1, 2008.

ORDINANCE NO. 08-17(4)

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA, BY AMENDING ARTICLE III, STORMWATER MANAGEMENT AND WATER QUALITY

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 17, Water Protection, Article III, Stormwater Management and Water Quality, is amended and reordained as follows:

By Amending:

Sec. 17-319 Types of development exempt from duties to retain, establish or manage a stream buffer

Chapter 17. Water Protection

Article III. Stormwater Management and Water Quality

Sec. 17-319 Types of development exempt from duties to retain, establish or manage a stream buffer.

The following types of development shall not be required to retain, establish or manage a stream buffer, provided that the requirements of this section are satisfied:

A. The construction, installation, operation and maintenance of electric, gas and telephone transmission lines, railroads, and activities of the Virginia Department of Transportation, and their appurtenant structures, which are accomplished in compliance with the Erosion and Sediment Control Law (Virginia Code §§ 10.1-560 et seq.) or an erosion and sediment control plan approved by the Virginia Soil and Water Conservation Board.

B. The construction, installation, and maintenance by public agencies of water and sewer lines, including water and sewer lines constructed by private interests for dedication to public agencies, provided that:

1. To the extent practical, the location of such water or sewer lines shall be outside of all stream buffer areas;

2. No more land shall be disturbed than is necessary to construct, install and maintain the water or sewer lines; and

3. All such construction, installation, and maintenance of such water or sewer lines shall comply with all applicable federal, state and local requirements and permits and be conducted in a manner that protects water quality.

C. Silvicultural activities, provided that such activities are conducted in compliance with the water quality protection procedures established by the Virginia Department of Forestry in its "Best Management Practices Handbook for Forestry Operations."

D. The construction, installation and maintenance of runways, taxiways, and other similar or appurtenant improvements at public airports, including the expansion or extension of those improvements, provided that all applicable federal, state and local permits are obtained.

(§ 19.3-43, 2-11-98; § 19.2-12, 6-19-91, § 12; Code 1988, §§ 19.2-12, 19.3-43; Ord. 98-A(1), 8-5-98; Ord. 08-17(4), 9-3-08)

State law reference--Va. Code § 10.1-2108.

RESOLUTION OF INTENT

WHEREAS, Section 14-203, Fees, of the Subdivision Ordinance (Chapter 14 of the Albemarle County Code) establishes a schedule of fees for various subdivision and related applications and approvals under the Subdivision Ordinance; and

WHEREAS, the fees imposed are inadequate to cover the reasonable cost of the services provided by the County in the implementation and administration of the Subdivision Ordinance; and

WHEREAS, the County has conducted an extensive fee study to determine the cost of services provided by the County under the Subdivision Ordinance; and

WHEREAS, it is desired to amend Section 14-203 in order to establish a schedule of fees that is adequate to cover the reasonable cost of the services provided.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend Section 14-203 of the Subdivision Ordinance to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.