

November 13, 2012

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, NOVEMBER 13, 2012, AT 5:30 P.M. IN THE COUNTY MEETING ROOM.

Present were: Clarence Peyton, Chairman
Davis Lamb, Vice Chairman
David Cox, Member
Eddie Deane, Member
Jim Frydl, Member
Ray Clarke, County Attorney
Patti Vogt, Deputy Clerk
Tracy Morris, Finance Director

RE: EXECUTIVE SESSION

Upon motion by David Cox and affirmative vote, the Board entered into Executive Session to discuss legal and personnel matters pursuant to Section 2.2-3711 Subsection (a, 1-7) of the Code of Virginia.

Contract Matters:

- **Water and Sewer**
- **JMRL**
- **Solid Waste**
- **Emergency Generators**

Land Acquisition:

- **Water and Sewer**

Legal:

- **None**

Personnel:

- **Administration**

Various Appointments:

- **JABA**
- **Jefferson Area Community Criminal Justice Board**

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

Upon motion by Davis Lamb and unanimous vote, the Board returned to Open Session.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Absent
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

By unanimous vote, all members certified that only public business matters lawfully exempted from the Open Meeting requirement and only such matters as identified by the motion to enter into Executive Session were discussed.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: AGREEMENT WITH JEFFERSON-MADISON REGIONAL LIBRARY

Upon motion by Davis Lamb and unanimous vote, the Board approved the Regional Library Agreement with the Jefferson-Madison Regional Library. (See Attachment "A")

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: JEFFERSON AREA BOARD FOR AGING

Upon motion by Eddie Deane and unanimous vote, the Board reappointed Mr. Don Pamerter to the Jefferson Area Board for Aging.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: JEFFERSON AREA COMMUNITY CRIMINAL JUSTICE BOARD

Upon motion by David Cox and unanimous vote, the Board reappointed Mr. Ron Morris to the Jefferson Area Community Criminal Justice Board.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: PUBLIC MEETING

The Chairman opened the meeting with the Pledge of Allegiance followed by a moment of silence.

RE: EMPLOYEE SERVICE AWARDS

The Chairman presented the following employee service awards:

Barbara Ballard	-	Ten Years
Julius Bates	-	Ten Years
Faye Dean	-	Thirty-Five Years
Adam Snow	-	Fifteen Years
Tami Steighner	-	Five Years
Spurgeon Wade, III	-	Ten Years
Steve Weeks	-	Ten Years

RE: STATUS REPORT ON REASSESSMENT

Mr. Fred Pearson, of Pearson's Appraisal Service, Inc., and Mr. Larry Snow, Commissioner of Revenue, were present to report on the status of the reassessment of real property. Appraisal of all property is complete and reassessment notices were mailed on November 8 and 9.

Last date to call for a hearing appointment is November 26, 2012. Notice will be in the Greene County Record on Thursday, November 15. Hearings are scheduled for November 26, 27, 29 and 30th.

Mr. Pearson said his objective is to meet all concerns and to appraise all property at market value. Also, to ensure that everyone has a fair and equitable assessment.

Property values overall came down approximately 6%. Residual land, open land and wooded land came down approximately 15%. Mr. Pearson did not think that will affect the tax base to a large degree as a lot of these properties are in the land use program. The ratio is at 99% of market value.

Mr. Frydl questioned the 99% ratio. Mr. Pearson explained that figure is new assessed values compared to sale prices. Staff ran a total of all new assessments and compared them to the 2012 land book. Mr. Frydl clarified that the 15% decrease in some land contributes to the overall 6% drop. Mr. Pearson noted there could be some new construction that is not included at this time.

Mr. Frydl said the change in assessed value is not going to be a straight 6% change on the revenue side because there are some offsets in growth, etc. Mr. Snow said he will not have a figure until he runs the total. He agreed that a great majority of big reductions are large parcels that are in land use so that should not affect the tax base too much.

Mr. Frydl asked if we have the same number of applications/forms for land use this year. Mr. Snow said things have stayed pretty even.

Mr. Peyton noted one penny on the levy last year was about \$188,000. He asked Mr. Snow if he anticipates that figure to be about the same or did he think the reassessment will create a disparity in the levy itself. Mr. Snow said he will not know until the total is run. He added that if 10% of value was lost, then the levy would have to be increased about seven cents to equalize the rate.

Mr. Frydl noted the Board, in the current budget, has already assumed and absorbed six months of the decrease in assessments. Using Mr. Snow's recommendation, the Board offset it with growth and used a 9% figure. Hopefully, we will be a little better off in revenue figures the last six months of this budget than anticipated.

The Board thanked Mr. Pearson and Mr. Snow for their presentation.

RE: REGIONAL LEGISLATIVE PROGRAM FOR 2013

Mr. David Blount, Legislative Liaison, was present to review and request approval of the Regional Legislative Program.

Priorities in the program include:

- State Mandates and Funding Obligations
- Transportation Funding and Devolution
- Public Education Funding
- Chesapeake Bay TMDL
- Land Use and Growth Management
- Comprehensive Services Act

Mr. Blount said there is a renewed focus on mandates and cost shifting as part of the first priority. The Planning District localities urge the Governor and legislature to not impose financial or administrative mandates on localities, to not shift costs for State programs to localities, and to not further restrict local revenue authority.

The second priority combines transportation funding and devolution positions. Localities urge the State to establish separate, dedicated and permanent State revenues to expand and maintain our transportation infrastructure. Also, urge restoration of formula allocations for secondary/urban construction and for unpaved roads. Also, oppose any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

Mr. Blount noted the following areas of continuing concern:

- Economic and Workforce Development
- Environmental Quality
- Health and Human Services
- Housing
- Public Safety
- Local Government Structure and Laws

Mr. Lamb commented on the 60 new mandates handed down and wondered how many are unfunded. Mr. Blount noted a number of the mandates are smaller administrative requirements.

Mr. Peyton asked if there is any new information on school funding or VRS. He noted the State is running a surplus. Mr. Blount explained the State is in the middle of the two year budget. Benchmarks were done last year. In regards to VRS, there is a greater move from defined benefits to a defined contribution program.

Mr. Peyton commented that education funding is a “real heartburn” for the County noting the cuts from the Federal and State governments last year. Those cuts had to be picked up by local taxpayers. The question is, how long can we tolerate this?

Mr. Blount noted budget retreats are being held this week. His hope is that aid to localities will be addressed.

Mr. Frydl said the reality is that over the last several years, the State has imposed a tremendous tax increase on the citizens of VA while saying they have not. The same amount of tax money is collected at the State level. The State provides much less and then mandates the services. The last two Governors have said how great they have been about not raising taxes but that is a lie because they did raise taxes. Localities had to raise taxes to provide the legally required services for which they no longer receive State funding.

Mr. Frydl also questioned the years the State did not make its payment obligation to VRS plus all the years the State “stole” from the retirees.

Mr. Frydl said he did not like the language regarding adequate public facility as he does not have faith in the government’s ability to determine what is adequate. He felt this is a very anti-business sentiment.

Mr. Lamb said he did not understand why the Governor does not want to increase the gas tax. An increase of one penny would bring in \$50 million in revenue. Virginia has one of the lowest gas tax rates.

Upon motion by Davis Lamb and unanimous vote, the Board approved the Legislative Program for 2013 as presented.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

Mr. Blount noted the Legislative Forum is scheduled for November 29 at 6:00 p.m.

RE: RIVANNA RIVER BASIN COMMISSION

Ms. Leslie Middleton, Executive Director of the Rivanna River Basin Commission, was present to give a brief overview of the Rivanna Snapshot and Rivanna Watershed Action Plan.

The Snapshot includes information such as:

- size of watershed
- population and land use
- localities in the watershed
- public access and recreation
- watershed health, integrity
- water sources
- urban storm water best management practices (BMP)

- agriculture BMPs
- riparian buffers
- conservation lands and easements

Fifty-eight percent (58%) of Greene County is in the Rivanna Watershed. There are 911 linear miles in the Rivanna Basin. Of that number, 222 are “impaired”, 230 are “good” and 460 are “unknown” (not assessed).

Stream health follows land use. Rural landscapes with lots of forest have healthy streams. Urban areas with lots of paved surfaces have unhealthy streams. Stream health can be predicted on the amount of forest and development nearby. Most of the Rivanna Basin is semi-rural or “exurban”. Forest cover averages about 70% and there are 17 acres for every house. More than 50% of exurban streams fail the biological standard.

Rural and exurban streams decline rapidly with increased development or deforestation. Urban streams are already in poor condition and do not respond dramatically to additional development. Based on land use, StreamWatch estimates that 70% of Rivanna streams fail the VA aquatic standard. Within 20 years, increased development in non-urban areas could reduce the number of healthy streams by one-third.

The Rivanna Watershed Action Plan will bring together existing plans:

- TMDL (water “clean up”) implementation plans
- Chesapeake Bay TMDL local submissions (2012)
- TNC’s Rivanna Conservation Area Plan (2003/2011)
- StreamWatch’s Stream Health Follows Land Use (2011)
- Four local comprehensive plans
- CSWCD’s Blueprint for Conservation
- Numerous local reports that recommend specific watershed protection measures in the Rivanna

The watershed planning process will be done on a sub-watershed basis and will:

- Identify priority healthy streams, landscapes and sub-watersheds
- Identify existing and recommended conservation, restoration and protection measures
- Involves the RRBC and its Technical Advisory Committee (local government staff)
- Includes stakeholder conversations and input

The timeline includes:

- Publication of Rivanna Snapshot in November, 2012
- Public presentation of Snapshot on December 7, 2012
- Road show to localities in January, 2013
- Gather date for Action Plan in January – April, 2013
- Draft Action Plan – April – June 2013
- Review and public Action Plan – June – August 2013

Mr. Lamb commented that he and his brothers tried the “no til” method on their farm. He said it worked out fantastic..

Mr. Deane questioned the status of Stanardsville on the map. Ms. Middleton said the map is predictive and based on a model. It is quite likely the water quality is not as good as it could be.

Mr. Lamb commented on fecal contamination in streams. Ms. Middleton said contamination is often from wildlife but can come from livestock, septic systems, etc.

The Board thanked Ms. Middleton for her presentation.

RE: BROWNFIELDS GRANT APPLICATION

Mr. Steve Williams, Executive Director of Thomas Jefferson Planning District Commission, was present to discuss the 2012 Regional Brownfields grant application by the TJPDC.

Mr. Williams handed out a photo of a Brownfield Project he worked on in New Hampshire which he felt would help in understanding how the program works. He briefly reviewed that project involving a home fuel oil distributorship. Tanks that had leaks were stored on the site. Once the problem was identified, the owner could not do anything with the property. The owner voluntarily participated in the program and federal funds were used to do the required environmental studies. The results ultimately showed there was minimal contamination of the site.

This type of brownfield would typically be seen in rural areas like Greene County. Sites would not have high levels of contamination or could just be a suspected brownfield. The program would allow property owners to get appropriate environmental studies done so they have a legal record as to the situation with the property.

Mr. Williams said he believes this is great deal for property owners stuck in this position and a great deal for the community. They are not looking for any money if Greene chooses to participate in the program. Asking for commitment to support the program by having one or two staff members participate on steering committee which would meet quarterly for two hours or so over the course of two years.

Mr. Peyton asked if staff have sites in mind that are not yet identified. Mr. Svoboda said there are probably some sites in the County that might be considered a brownfield. He said staff would allocate time to this project if the Board wishes.

Mr. Frydl felt the possible sites in the County would not be a surprise and mostly caused by the owner of the site. Virginia has trust funds in place to cover the majority of types of contamination we might run into. He felt staff time is very precious and did not know if there would be a lot of benefit from the program. Mr. Frydl said he did not support this request previously. He felt it was a fine program for other areas but he did not see the need for Greene County to get involved.

Mr. Deane asked who will be flagged. Is the program voluntary or will local government require property owners to participate? Mr. Williams said this is a purely voluntary program. If property owners come forward voluntarily, a "no liability" statement that carries forward with the property from that point on would be issued and would shield individuals from legal liability. The public would be informed that the opportunity exists and there would be an application process.

Mr. Peyton noted the grant would be for assessment/planning and remediation is not mentioned. Who will pay for remediation if an area is identified and remediated? Mr. Williams

said TJPDC would be eligible to apply on behalf of property owners, once initial assessment and planning is completed, for funds either as a grant or loan, for remediation costs.

Mr. Frydl felt there would not be a lot of sites in our growth areas. This should and would be a cost of doing business to develop a site. We can't keep piling things on staff. The potential benefit is small for Greene County. Mr. Deane agreed.

Upon motion by Jim Frydl and unanimous vote, the Board declined to participate in the 2012 Regional Brownfields grant application by TJPDC.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: MATTERS FROM THE PUBLIC

There were no matters from the public.

RE: CONSENT AGENDA

Upon motion by David Cox and unanimous vote, the Board approved the following items on the consent agenda:

- Minutes of October 23, 2012 meeting.
- Resolution to accept and appropriate \$113,472.69 from State/Federal governments and private donations for carryover programs. (See Attachment "B")
- Resolution to accept and appropriate \$6,000 for the 2012 Homeland Security Program grant. (See Attachment "C")

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: OTHER MATTERS FROM THE BOARD

SOLID WASTE FACILITY

Mr. Frydl said he spoke with the Solid Waste Facility Manager regarding an amnesty day. Mr. Morris estimates the cost of an amnesty day at \$13,000 to \$18,000. It was the consensus of the Board to not consider this further at this time.

POLICY

Mr. Frydl said the budget reduction policy approved by the Board in 2008 placed several restrictions including one on travel. Travel for training is not to be approved unless required for mandated certifications. Mr. Frydl noted staff has attended conferences that were not for mandatory certifications. He feels the policy should be followed or the Board should discuss amending it.

VACO CONFERENCE

Mr. Deane, Mr. Cox and Mr. Lamb attended the Virginia Association of Counties conference. All found it to be very educational and beneficial.

WORKSHOP MEETING WITH SCHOOL BOARD

A workshop meeting has been scheduled for Monday, November 19, at 7:00 p.m. in the County Meeting Room to discuss budget matters.

REGIONAL JAIL

Mr. Peyton said the County's share of the regional jail budget is \$735,000 for FY 13-14. That amount increases to \$802,000 with federal recovery. This is a substantial increase.

AUDITOR OF PUBLIC ACCOUNTS

Mr. Peyton said he received a letter from the Auditor of Public Accounts stating the Treasurer's Office and Sheriff's Office complied in all material aspects with State laws, regulations and other procedures related to the receipt, disbursement and custody of State funds

RE: ADJOURN MEETING

The meeting was adjourned at 8:55 p.m. The next scheduled meeting of the Board will be on December 11, 2012. The Board will hold a workshop meeting with the School Board on Monday, November 19, at 7:00 p.m. in the County Meeting Room.



Clarence Peyton, Chairman
Greene County Board of Supervisors

AGREEMENT FOR JEFFERSON-MADISON REGIONAL LIBRARY

THIS AGREEMENT is made and entered into this 1st day of January, 2013, by and among the **CITY OF CHARLOTTESVILLE, VIRGINIA** ("Charlottesville"), **ALBEMARLE COUNTY, VIRGINIA** ("Albemarle"), **GREENE COUNTY, VIRGINIA** ("Greene"), **LOUISA COUNTY, VIRGINIA** ("Louisa"), and **NELSON COUNTY, VIRGINIA** ("Nelson"), each of which is hereinafter referred to as a "Participating Locality", and all of which are hereinafter collectively referred to as "Participating Localities".

RECITATIONS:

R-1 The Participating Localities are members of the Jefferson-Madison Regional Library ("Regional Library"), a regional free library system for the areas ("Region") of the Participating Localities, established by an agreement of the Participating Localities dated August 11, 1972.

R-2 The Participating Localities have heretofore amended the August 11, 1972 agreement for the funding and operation of the Regional Library by further agreements executed in 1974, 1982, and 1991.

R-3 The Participating Localities have concluded that it would be to their mutual benefit to enter into a new Agreement for the terms and conditions on which the Regional Library shall be funded and operated and to address other relevant matters.

R-4 The Participating Localities make and enter into this Agreement for the purpose of evidencing the terms and conditions agreed to among them for the establishment, operation and maintenance of a regional free library system.

WITNESSETH: That for and in consideration of the mutual and reciprocal benefits inuring to the parties hereunder, and in further consideration of the duties imposed on the parties hereby, the parties covenant and agree as follows:

- 1. CREATION OF REGIONAL LIBRARY:** The Participating Localities, each of which has qualified for participation in the Commonwealth of Virginia's regional library program, all of which have heretofore been recognized as a Region by the State Library Board, and each of which has heretofore made the minimum local appropriation of funds recommended by the State Library Board, hereby exercise their statutory authority to enter into this Agreement to ratify and reaffirm their creation of the Regional Library and the Board of Trustees for the Jefferson-Madison Regional Library ("Board of Trustees") to administer and control the Regional Library services within the Region.
- 2. MEMBERSHIP OF BOARD OF TRUSTEES:**
 - a. The members of the Board of Trustees shall be appointed by the respective governing bodies of the Participating Localities pursuant to § 42.1-39 of the Code of Virginia.

- b. The Participating Localities have agreed that there shall be nine (9) members on the Board of Trustees, appointed as follows: three (3) members appointed by the governing body of Charlottesville; three (3) members appointed by the governing body of Albemarle; one (1) member appointed by the governing body of Greene; one (1) member appointed by the governing body of Louisa; and one (1) member appointed by the governing body of Nelson. Each Participating Locality may appoint one alternate member who may attend all meetings but may vote only in the absence of a voting member of that Participating Locality.
- c. The members currently serving on the Board of Trustees are confirmed and shall continue for the four (4) year terms or the remainder of the four (4) year unexpired term for which they have been appointed.
- d. No member shall be eligible to serve more than two (2) consecutive terms; however, if a member is appointed to fill an unexpired term, that appointee shall be eligible for appointment to two (2) full, successive terms.
- e. A member of the Board of Trustees may be removed for misconduct, or neglect of duty, by the governing body which appointed that member. After conclusion of each Fiscal Year, the Board of Trustees shall provide to the governing body of each Participating Locality a report of the Board of Trustees' meetings conducted, and the attendance at each such meeting by the Board of Trustees members from the Participating Locality to which such report is submitted, for the immediately-preceding Fiscal Year.
- f. The Board of Trustees shall recommend qualifications for candidates for appointment to the Board of Trustees and shall provide orientation information for new appointees to the Board of Trustees

3. POWERS AND DUTIES OF BOARD OF TRUSTEES:

- a. The Board of Trustees shall have all of the powers vested in such boards by law, and shall have the authority to determine all matters of policy for the Regional Library not otherwise limited by this Agreement.
- b. The Board of Trustees shall elect officers, and adopt such By-Laws, rules and regulations for their own guidance and for the governing of the Regional Library, as may be expedient. It shall determine hours and places of library service and all Regional Library policies, in accordance with State statutes and State library regulations. Policies shall govern the selection, emphasis and distribution of library books, periodicals, and other library materials, the provisions of supplementary services to schools and other institutions, the use of public meeting rooms, and every other question of service, policies, or expenditures within the limits of annual appropriations by Participating Localities.

- c. The Board of Trustees shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of the Regional Library, or endowments therefore, or for use or benefit of the particular library branch or locality designated by the donor.
- d. The Board of Trustees shall employ a Regional Library Director who meets state certification requirements and shall maintain an ongoing performance appraisal process for the Regional Library Director.
- e. The Board of Trustees shall adopt personnel policies and provide an adequate salary scale and fringe benefits for all Regional Library employees.
- f. The Board of Trustees shall maintain, in force at all times, a policy of broad form general public liability insurance issued by an insurer qualified to do business in Virginia, having a single limit coverage of at least three million dollars (\$3,000,000). Such policy shall name each Participating Locality, and its officers and employees, as additional named insureds for branch libraries of that Participating Locality.
- g. The Board of Trustees shall maintain, in force at all times, a policy of public officials liability insurance with coverage deemed adequate by it to protect the interests of the Board of Trustees.

4. BUDGET AND COSTS FOR THE REGIONAL LIBRARY:

- a. The Board of Trustees shall submit the annual budget request for the Regional Library to each Participating Locality by January 15th of each year in a format generally in accordance with the Uniform Financial Reporting System of the Auditor of Public Accounts for the Commonwealth of Virginia. In preparation of its budget request, and by no later than October 15th of each year, the Regional Library Director shall convene and meet with a committee consisting of at least one member of the executive branch of each Participating Locality to explain the Library's anticipated financial requirements for the upcoming year, to determine the level of funding that may be available from the Participating Localities, and to discuss potential means and methods to adequately fund the Regional Library (the "Strategic Planning Meeting"). Each Participating Locality shall consider the budget request as part of its normal budget process.
- b. Funding requests by the Board of Trustees pursuant to this section shall be in the amount determined by the Board of Trustees to provide library services for the Participating Localities on as equitable a basis as possible, consistent with the service levels requested by the Participating Localities, and to the extent reasonably necessary to maintain the Regional Library's eligibility for State aid.
- c. All costs of operating the Regional Library shall be designated as either a regional cost, Charlottesville-Albemarle cost, or a local cost.

- d. Regional costs shall include all costs of providing regional reference services, book purchasing, cataloging and automation services, financial management, branch coordination and related expenses, fiscal agent fees, and the fair market rental value of space (which shall be based upon the current assessed value for that space) required in any library to provide the foregoing regional services. Unless otherwise agreed to by the Participating Localities, regional reference service costs shall equal ten percent (10%) of the costs of the reference service costs of the Central Library branch. A separate cost accounting of the Central Library branch reference services shall be established and maintained for this purpose.
- e. Charlottesville-Albemarle costs shall include all costs of providing facilities to house the collections at the Central Library, Gordon Avenue Library, and Northside Library branches, which shall be deemed local libraries serving Charlottesville and Albemarle, and shall include the compensation and related expenses for personnel who work in those three branches, except those personnel working in the Central Library branch or any other branch library who are engaged primarily in rendering the services described in subparagraph 4(d), above.
- f. Local costs, which shall be borne by the Participating Locality incurring said costs, shall include all costs of housing local book collections in all branches of the Regional Library other than the Central Library, Gordon Avenue Library, and Northside Library branches, and shall include compensation and related expenses for personnel who work in such other branches.

5. FUNDING REQUEST FOR THE REGIONAL LIBRARY:

- a. Regional costs shall be determined by the Board of Trustees consistent with this Agreement. Each Participating Locality shall pay a percentage of the regional costs equal to the percentage of the circulation by its residency of the Regional Library system's total circulation.
- b. Charlottesville-Albemarle costs shall be determined by the Board of Trustees consistent with this Agreement. These costs shall be allocated between Charlottesville and Albemarle in direct proportion to their respective shares of the percentage of the circulation by their residency at the Central Library, Gordon Avenue Library, and Northside Library branches.
- c. Local costs shall be determined by the Board of Trustees consistent with this Agreement. Local costs shall be paid by the Participating Locality for which they are incurred.
- d. Bookmobile and other extension services shall be contracted separately by a Participating Locality and the Board of Trustees. The costs of these services shall

be allocated upon such terms and conditions as the Participating Locality and the Board of Trustees find mutually agreeable.

- e. For purposes of this Agreement, the term “circulation” shall be defined as the total number of items checked out from any branch library, bookmobile, or other point of circulation within the Regional Library system, including but not limited to, books and electronic media. The circulation percentage to be used for any fiscal year shall be based on the circulation figures for the previous three fiscal years. Circulation from University of Virginia students shall be classified by their place of local residence. Circulation for users whose residence is from out of the Region shall not be included in the calculation of circulation unless and until an “Out-of-Area Library Card Fee” has been established pursuant to paragraph 8 of this Agreement. Thereafter, the circulation for users of local branches whose residence is from out of the region shall be included in the calculation of the participating locality’s circulation in which the local branch is located; provided, however, the circulation for users of the Central Library, Gordon Avenue Library, and Northside Library branches whose residence is from out of the Region shall be included in the calculation of Albemarle’s circulation.
- f. The Board of Trustees will retain all fines and fees, excluding Out-of-Area Library Card Fees, in a separate equipment fund to be used for maintenance, replacement, and purchase of equipment, and purchase of books and other library materials.
- g. Non-recurring capital items identified for a Participating Locality branch library or for a Charlottesville-Albemarle branch library shall be submitted to the Participating Locality as a part of its Capital Improvement Program (CIP). Capital items include (i) land acquisition, and construction of new facilities; (ii) renovations to existing facilities; (iii) major additions or rehabilitations of buildings; (iv) major studies such as facility assessments, engineering or feasibility studies related to facility needs; and (v) equipment requirements. Funding for capital items shall be subject to approval by the Participating Locality. Each Participating Locality shall be responsible for its facility capital costs for its branch library or libraries. Charlottesville and Albemarle shall be jointly responsible on an equal basis for the capital costs for the Central Library and Gordon Avenue Library. Project management costs for Charlottesville-Albemarle capital item projects shall be governed by a separate Memorandum of Understanding between Charlottesville and Albemarle.
- h. The Regional Library may retain a year-end fund balance not to exceed five percent (5%) of the total annual operating budget. The Board of Trustees will, after each Fiscal Year audit, return to each Participating Locality its share of any carryover funds in excess of those amounts necessary to fund the reserve fund. The return of such funds to each Participating Locality will be prorated on the same basis in which the funds were contributed for Regional, Charlottesville-Albemarle and Local costs. In lieu of returning such funds, the Board of Trustees

may formally request alternative uses for such carryover funds, subject to the approval of the Participating Locality.

- i. In conjunction with the submittal of the annual budget request as stated in Paragraph 4(a), the Regional Library Director or his designee will report to each Participating Locality statistics of use, status of programs, results of an annual audit, and a summary of Regional Library activities for the prior Fiscal Year.

6. FUNDING BY PARTICIPATING LOCALITIES:

- a. Participating Localities shall provide funding consistent with this Agreement; provided, however, any funding by a Participating Locality shall be subject to its annual appropriation to the Regional Library.
- b. Subject to final approval by each governing body, it shall be the intent of each Participating Locality to appropriate their proportional share of regional costs at an amount equal to the budget request for the Regional Library provided such costs are reasonable, justifiable and in general conformance with the level of funding anticipated to be available pursuant to the committee process set forth in Section 4(a) or as otherwise determined by the governing bodies of the Participating Localities. If a Participating Locality does not fund its proportional share of regional costs, the Regional Library Director shall present to the executive branch representative for that Participating Locality a plan for how the Regional Library intends to modify services funded as local costs or in the case of Charlottesville or Albemarle, services funded as local costs or Charlottesville-Albemarle costs, in order to provide services within the funding level to be appropriated by the Participating Locality. The governing body of the Participating Locality may make an evaluation and indicate the particular areas of service it wishes to be reduced. Final decisions regarding service reductions shall rest solely with the Board of Trustees; however, the Board of Trustees shall give consideration to the Participating Locality's request for service reductions required to reduce Charlottesville-Albemarle and/or local costs to meet the funding level provided for such Charlottesville-Albemarle and/or local cost services. No Participating Locality shall be required to fund regional or Charlottesville-Albemarle costs at an amount greater than its proportional share as determined pursuant to Section 5 unless such Participating Locality elects to provide supplemental funding on a non-matching basis.
- c. In making funding determinations, Participating Localities shall make a good faith effort to maintain the Regional Library's eligibility for State Aid.

7. OWNERSHIP OF REGIONAL LIBRARY FACILITIES:

- a. Each Participating Locality shall own or lease the real property within that Participating Locality which is used for Regional Library purposes.

Charlottesville-Albemarle branch facilities may be jointly owned or leased by Charlottesville and Albemarle. Such real property shall be provided for use by the Regional Library at no cost to it pursuant to separately executed lease agreements with the exception of the Northside branch which shall be a sub-lease to the Regional Library and funded as a Charlottesville-Albemarle cost.

- b. Each Participating Locality shall, during the term of this Agreement, maintain in force general public liability insurance and property insurance for the properties owned or leased by it for use by the Regional Library in amounts equivalent to coverage for its other public buildings and facilities or such greater amounts deemed necessary, and shall name the Regional Library as an additional named insured. The cost of this insurance shall be the responsibility of each Participating Locality. The Board of Trustees shall maintain in force an insurance policy providing contents coverage for all Regional Library materials, fixtures, and equipment in such amounts as shall be adequate to insure replacement coverage for such items.

8. OUT-OF-AREA LIBRARY CARD FEE:

- a. The Board of Trustees shall establish an “Out-of-Area Library Card Fee” effective no later than January 1, 2013. This fee shall be required to be paid annually by any person who is not a resident of the Region prior to the issuance of a Regional Library card to that person. The minimum annual fee for such card shall be thirty dollars (\$30).
- b. Out-of-Area Library Card Fees shall be separately identified and accounted by the branch library location at which the fees are collected.
- c. Out-of-Area Library Card Fees shall be credited to the Participating Locality at whose local branch the fee was collected, except that the fees collected at the Central Library, Gordon Avenue Library, and Northside Library branches shall be credited to Albemarle.
- d. Out-of-Area Card Fees collected during the Fiscal Year shall be credited toward the budgeted second quarter payment of the ensuing Fiscal Year for each Participating Locality due such fees.

9. FISCAL AGENT:

- a. Charlottesville shall act as the fiscal agent for the Regional Library. As fiscal agent it shall act as the Regional Library’s accounting and disbursing office, provide personnel services and maintain personnel and payroll records, provide information technology services, provide procurement services and maintain purchasing accounts and monthly statements, and contract for annual audits.

- b. Charlottesville shall be paid an annual sum equal to two percent (2%) of the annual operating budget of the Regional Library for fiscal services rendered.
- c. Each Participating Locality shall pay its share of the Regional Library's approved costs, as provided for in this Agreement, on a quarterly basis.

10. WITHDRAWAL FROM THE REGIONAL LIBRARY:

- a. No Participating Locality shall have the right to withdraw as a member of the Regional Library without providing two years' notice, pursuant to § 42.1-42 of the Code of Virginia, to each Participating Locality except by consent of all the Participating Localities.
- b. In the event of withdrawal by a Participating Locality, the withdrawing locality shall retain for its use or disposal all library books and other media permanently assigned to its local branch library at the time the notice to withdraw is given. For the Central Library, Gordon Avenue Library, and Northside Library branches, Charlottesville or Albemarle shall be entitled to a pro rata distribution of such books and media based on its percentage of contribution for the acquisition of such property. In addition, the withdrawing locality shall be entitled to a pro rata distribution of the personal property purchased during the operation of the Regional Library based on its percentage of contribution for the acquisition of such property, unless otherwise agreed to by such locality. Buildings and property shall remain under the ownership of the locality owning or jointly owning such property unless otherwise agreed to by such locality.
- c. Upon receiving notice by a Participating Locality of its intent to withdraw from the Regional Library, the chief executive officer of each Participating Locality shall appoint one member to a joint committee to oversee the withdrawal and distribution of assets as provided for in this Agreement or as otherwise provided by unanimous mutual agreement.

11. REGIONAL LIBRARY AGREEMENT REVIEW COMMITTEE:

- a. A Regional Library Agreement Review Committee ("Review Committee") shall be convened and shall meet no less than once every five (5) years beginning in calendar year 2017. The Review Committee shall meet to review this Agreement and recommend any amendments that it may propose thereto.
- b. The Review Committee shall also be convened and meet at any time that a request is received from a new locality to become a member of the Regional Library or there is a proposal to add additional library facilities that are not local branch libraries. The Review Committee shall meet to review such requests and make recommendations as to the merits of the proposal.

- c. The chief executive officer of each Participating Locality shall appoint one (1) member to the Review Committee. The Regional Library Director shall provide all necessary information and support required for the Review Committee to perform its functions.
- d. The Review Committee shall report its recommendations to the governing bodies of the Participating Localities and to the Board of Trustees.

12. EFFECTIVE DATE OF AGREEMENT:

- a. On January 1, 2013, all terms and conditions hereof shall become effective, whereupon all terms and conditions of the 1991 Amended Regional Library Agreement shall automatically terminate.
- b. Until January 1, 2013, the Regional Library shall continue to be operated under the current agreement and practices.

13. CONTROLLING LAW: The parties acknowledge that the terms and conditions hereof shall be interpreted, construed and enforced under the laws of the Commonwealth of Virginia.

14. MODIFICATIONS OR AMENDMENTS: The parties agree that any modification or amendment of this Agreement shall be in writing and signed by all parties before such modification or amendment shall have force or effect.

15. BINDING AGREEMENT: The terms and conditions of this Agreement shall be binding on the parties hereto, their assigns and successors in title.

IN WITNESS WHEREOF, each Participating Locality has caused this Agreement to be duly executed on its behalf in counterparts, with the express provision that the five (5) separate signature pages hereto, taken together, shall constitute one complete document, binding among all parties.

[SEE ATTACHED SIGNATURE PAGES]

[THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

On behalf of Greene County, Virginia, the undersigned signature constitutes the duly authorized execution of the Agreement dated January 1, 2013, by and among the City of Charlottesville, Albemarle County, Greene County, Louisa County, and Nelson County, which Agreement consists of fourteen (14) pages.

GREENE, VIRGINIA

By: 

Name: Barry Clark

Title: County Administrator

Date: November 13, 2012

Approved as to form:


County Attorney

RESOLUTION TO ACCEPT AND APPROPRIATE ONE HUNDRED THIRTEEN THOUSAND FOUR HUNDRED SEVENTY-TWO DOLLARS AND SIXTY-NINE CENTS FROM THE STATE/ FEDERAL GOVERNMENTS AND PRIVATE DONATIONS FOR CARRYOVER PROGRAMS

WHEREAS, the Board of Supervisors of the County of Greene, Virginia has received grant funding and private donations for various programs; and,

WHEREAS, the following funds in the amount of one hundred thirteen thousand four hundred seventy-two dollars and sixty-nine cents (\$113,472.69) need to be accepted and appropriated to the 2012-13 Operating Budget of the County of Greene, Virginia:


<u>Grant</u>	<u>Amount</u>
Donations-Sheriff	\$ 6,589.77
Donations-Animal Shelter	\$ 1,286.26
Donations-Victim Witness	\$ 8.22
Virginia Domestic Violence Victim Grant	\$20,011.96
Bulletproof Vest Grant	\$ 840.37
DMV Overtime Grant	\$ 5,329.45
COPS Secure Our School Grant	\$44,375.00
Asset Forfeiture-Federal-Sheriff	\$14,458.06
Asset Forfeiture-State-Sheriff	\$ 7,725.56
Asset Forfeiture-State-Commonwealth Attny	\$ 1,611.06
Park & Recreation Timber Sale	\$ 5,966.32
Park Donations	\$ 900.00
Park Stream Restoration Grant	\$ 84.66
VJCCA	\$ 1,199.00
Byrne Justice Grant	\$ 3,087.00

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that the amount of one hundred thirteen thousand four hundred seventy-two dollars and sixty-nine cents (\$113,472.69) to be received from the above programs be accepted and appropriated to the appropriate line items in the 2012-13 Operating Budget of the County of Greene, Virginia.

BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget and to do all things necessary to give this resolution effect.

Adopted this 13th day of November, 2012.


Barry Clark, Clerk


Chairman

**RESOLUTION TO ACCEPT AND APPROPRIATE SIX THOUSAND
DOLLARS FOR THE 2012 HOMELAND SECURITY PROGRAM
GRANT**

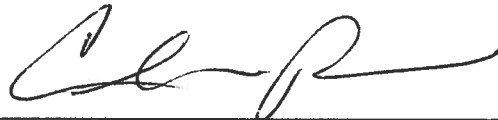
WHEREAS, the County of Greene has been awarded a grant from Department of Emergency Management for a Homeland Security grant; and

WHEREAS, the funds in the amount of six thousand dollars (\$6,000.00) will need to be appropriated to the appropriate line item in the 2012-2013 budget of the County of Greene, Virginia.

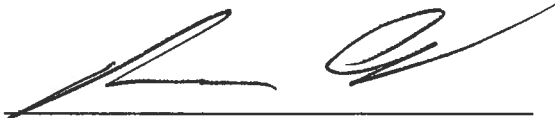
NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that six thousand dollars (\$6,000.00) be appropriated to the 2012-2013 budget of the County of Greene.

BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to do all things necessary to give this resolution effect.

Adopted this 13th day of November, 2012.



Clarence Peyton, Chairman



Barry Clark, Clerk