

**AGENDA**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**February 12, 2013**

**THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE BOARD OF  
SUPERVISORS ROOM AT THE COURTHOUSE IN LOVINGSTON**

- I. Call to Order**
  - A. Moment of Silence
  - B. Pledge of Allegiance
  
- II. Consent Agenda**
  - A. Resolution – **R2013-XX** FY12-13 Budget Amendment
  - B. Resolution – **R2013-XX** COR Refunds
  - C. Resolution – **R2013-XX** Minutes for Approval
  - D. Resolution – **R2013-XX** Authorization to Give Notice to Tennant (Dr. Criswell)
  - E. Resolution – **R2013-XX** Extension and Amendment of APCo Service Contracts
  - F. Resolution – **R2013-XX** Acceptance of Conveyance (Sturt Property)
  
- III. Public Comments and Presentations**
  - A. Public Comments
  - B. Presentation – Robinson, Farmer, Cox Associates: FY12 CAFR (D. Foley)
  - C. Presentation - CIT Broadband Initiatives and Franklin County Wireless Broadband Project (S. Terry)
  - D. VDOT Report
  
- IV. New Business/ Unfinished Business**
  - A. School Division CIP Priorities
  - B. Proposed Amendments to the Subdivision Ordinance
  - C. Maintenance of Residential Solid Waste Collection Site Decals
  - D. Discussion of Amendments to Chapter 3, Animals of the Code of Nelson County – Dogs Running at Large
  
- V. Reports, Appointments, Directives, and Correspondence**
  - A. Reports
    - 1. County Administrator’s Report
    - 2. Board Reports
  - B. Appointments
  - C. Correspondence
  - D. Directives
  
- VI. Recess and Reconvene for Evening Session**

**EVENING SESSION**

**7:00 P.M. – NELSON COUNTY COURTHOUSE**

**I. Call to Order**

**II. Public Comments**

**III. Public Hearings & Presentations**

**A. Public Hearing** – Application to amend Rezoning Application # 2000-005, L. Saunders, Tax Map # 76-11-1 to include Articles 9-1-2, 9-1-7a, 9-1-8, 9-1-11,9-1-12, 9-1-20, 9-1-21 and 9-1-28.

**IV. Other Business (As May Be Presented)**

**V. Adjournment**

**RESOLUTION R2013-06  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET  
NELSON COUNTY, VA  
February 12, 2013**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2012-2013 Budget be hereby amended as follows:

**I. Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 15,000.00	3-100-001401-0001	4-100-031020-1009

**II. Transfer of Funds (General Fund)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 12,038.00	4-100-999000-9905	4-100-081010-1001
\$ 1,763.00	4-100-999000-9905	4-100-081010-2001
<u>\$ 13,801.00</u>		

**Adopted: February 12, 2013**

**Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors**

## EXPLANATION OF BUDGET AMENDMENT

- I. The **General Fund Appropriation** reflects a request by the Sheriff's Department for appropriation of an additional **\$15,000** in part-time speed enforcement wages. It is anticipated that the court fine receipts will exceed the amount budgeted by at least \$15,000 and can be used for this expense.
  
- II. The **Transfer of Funds** includes a transfer from General Fund Contingency in the amount of **\$13,801** for the Planning department. This request covers payment of vacation leave and related FICA expense for retiring employee (F. Boger). The remaining balance of contingency funding after these requests is \$1,307,836.





**RESOLUTION R2013-07**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

**RESOLVED**, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3981 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 154.68	PP Tax Relief	Caudel A. Campbell and Virginia C. Campbell 1506 Woodson Road Lowesville, VA 22951

Approved: February 12, 2013

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

COUNTY OF NELSON  
**JEAN W. PAYNE**  
COMMISSIONER OF REVENUE  
P. O. Box 246  
Lovington, VA 22949

Telephone: 434-263-7070  
Fax: 434-263-7074  
Email: [jpavnc@nelsoncounty.org](mailto:jpavnc@nelsoncounty.org)

January 28, 2013

Mr. Thomas Bruguere, Chairman  
Nelson County Board of Supervisors  
P. O. Box 336  
Lovington, VA 22949

**Re: Campbell, Caudel Adkins  
Campbell, Virginia Corine  
1506 Woodson Road Lowesville, VA 22951  
2004 Chevrolet Silverado #9503**

This letter shall serve as written request that a refund of **\$154.68** be issued to the above referenced taxpayer. The indicated vehicle should have received personal property tax relief.

Supporting data is available in this office for you review.

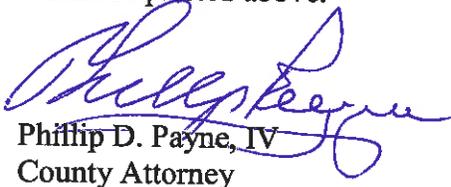
Respectfully requested,



Jean W. Payne  
Commissioner of Revenue

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The undersigned has reviewed the request of the Commissioner and consents to the refund requested above.



Phillip D. Payne, IV  
County Attorney

**RESOLUTION-R2013-08**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MEETING MINUTES**  
**(January 8, 2013)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **January 8, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: February 12, 2013

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

January 8, 2013

**Virginia:**

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the Board of Supervisors Room located on the second floor of the Nelson County Courthouse.

Present: Constance Brennan, Central District Supervisor  
Thomas H. Bruguere, Jr. West District Supervisor- Vice Chair  
Larry D. Saunders, South District Supervisor  
Allen M. Hale, East District Supervisor  
Thomas D. Harvey, North District Supervisor – Chair  
Stephen A. Carter, County Administrator  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Tim Padalino, Director of Planning and Zoning  
Jackie Britt, General Registrar

Absent: None

**I. Call to Order**

Mr. Harvey called the meeting to order at 2:05 pm, with all Supervisors present to establish a quorum.

- A. Moment of Silence
- B. Pledge of Allegiance – Ms. Brennan led the Pledge of Allegiance

**II. Reorganization of the Board**

Mr. Carter noted that state law required an annual reorganization of the Board and he would assist them to elect a new Chair and Vice Chair.

A. Election of Chair

Mr. Carter then opened the floor to take nominations for Chair and Mr. Harvey nominated Mr. Bruguere. Ms. Brennan seconded the nomination and there being no other nominees, Mr. Carter closed the nominations and called for the vote. Supervisors voted unanimously (5-0) by roll call vote to approve the election of Mr. Bruguere as Chair for 2013.

B. Election and Appointment of Vice-Chair

Mr. Carter then opened the floor to take nominations for Vice Chair and Mr. Harvey nominated Ms. Brennan. Mr. Hale seconded the nomination and there being no other nominees, Mr. Carter closed the nominations and called for the vote. Supervisors voted unanimously (5-0) by roll call vote to approve the election of Ms. Brennan as Vice Chair for 2013.

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C. Resolution- **R2013-01** Annual Meeting of the Board

Members discussed the need for the second meeting of the month and ultimately decided to keep it scheduled; noting that it could be cancelled when the Board had no business to consider.

Mr. Hale then moved to approve Resolution **R2013-01** Annual Meeting which established the Board's meeting dates during Calendar Year 2013 in the Board Room located in the Nelson County Courthouse in Lovingston, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. and on the fourth Thursday of each month beginning at 7:00 p.m., except for the months of November and December.

Ms. Brennan seconded the motion and Mr. Hale noted that the resolution also listed some Board appointments, which he then read aloud.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION-R2013-01**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**ANNUAL MEETING**  
**JANUARY 8, 2013**

**WHEREAS**, pursuant to the applicable provisions of Title 15.2 of the Code of VA and Chapter 2, Article 2 of the Code of the County of Nelson, VA, the Nelson County Board of Supervisors conducts an annual organizational meeting at the Board's first meeting in January of each year; and,

**WHEREAS**, matters to be determined by the Board of Supervisors in addition to the appointment of a Chairman and Vice-Chairman include the establishment of a schedule of regular and, as applicable, special meetings, the establishment of rules of order, the establishment of (a) meeting agenda(s), and the establishment of Board appointments, including a Clerk and Deputy Clerk to the Board of Supervisors, a Zoning Administrator and a Hazardous Material Coordinator.

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors as follows:

Regular meetings of the Board of Supervisors shall be conducted during Calendar Year 2013 in the Board Room located in the Nelson County Courthouse in Lovingston, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. and on the fourth Thursday of each month beginning at 7:00 p.m., except for the months of November and December. Should the regular meetings fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board; unless otherwise cancelled. Should the Chairman or

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Vice Chairman (if the Chairman is unable to act) find and declare that weather or other conditions are such that it is hazardous for members to attend regular meetings; the meeting(s) will be continued on the following Tuesday. Such finding shall be communicated to the members, staff, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting(s) and no further advertisement is required.

Special meetings of the Board of Supervisors may be convened from time to time, as determined by the Board of Supervisors in accordance with the applicable provisions of the Code of VA and the Code of the County of Nelson, VA.

In accordance with the Code of the County of Nelson, VA, Robert's Rules of Order Newly Revised In Brief, shall be observed as the rules for conducting the business of the Board of Supervisors and the agenda for all meetings of the Board of Supervisors shall be established by the Clerk of the Board in consultation with the Chairman.

Board of Supervisors appointments for Calendar Year 2013 shall be as follows:

Nelson County Planning Commission:	Constance Brennan
Thomas Jefferson Planning District Commission:	Allen M. Hale
Thomas Jefferson Planning District Commission:	Tim Padalino
Director of Emergency Services:	Thomas D. Harvey
Emergency Services Coordinator:	Jaime D. Miller
Piedmont Workforce Network Council:	Larry D. Saunders
Clerk to the Nelson County Board of Supervisors:	Stephen A. Carter
Deputy Clerk to the Nelson County Board of Supervisors:	Candice W. McGarry
Zoning Administrator:	Tim Padalino
Hazardous Materials Coordinator:	Jaime D. Miller
Thomas Jefferson EMS Council:	Jaime D. Miller
Nelson County EMS Council:	Thomas H. Bruguere, Jr.
Jefferson Area Disability Services Board:	Joe Bolling
Thomas Jefferson Community Criminal Justice Board:	Constance Brennan
Nelson County Social Services Board:	Constance Brennan

### **III. Consent Agenda**

Mr. Carter noted that staff had submitted a revised Budget Amendment incorporating \$15,000 to go to Shrader and Associates to replenish the escrow account. He noted that the previous funds were exhausted and that there were 200 more delinquent accounts just turned over to them. Mr. Carter noted that over time, they used up these funds and the County had benefitted more than the tax sales cost. He added that these funds were typically reimbursed through their collections.

Mr. Saunders then moved to approve the Consent Agenda and Mr. Harvey seconded the motion.

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Ms. Brennan then asked for further clarification on the revised budget amendment for Shrader and Associates, and Mr. Carter noted that the original amount provided for this was \$25,000 and another time they had added \$15,000. He added that sometimes the sales did not go through and they had incurred related expenses that the escrow fund pays for. He noted that the County is paid back one hundred fold from the sales that did go through and the current amount in escrow was down to zero or almost gone. Mr. Carter then noted that the previous Treasurer had the practice of giving them 10-15 cases at a time and the current one turns over the whole file at the beginning of the year.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2013-02** FY12-13 Budget Amendment

**RESOLUTION R2013-02  
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET  
NELSON COUNTY, VA  
January 8, 2013**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2012-2013 Budget be hereby amended as follows:

**I. Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 175.00	3-100-009999-0001	4-100-022010-7002

**II. Transfer of Funds (General Fund)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 15,000.00	4-100-999000-9905	4-100-011010-3151
\$ 6,415.00	4-100-999000-9901	4-100-081020-3012
\$ 1,000.00	4-100-999000-9905	4-100-091030-5647
<b>\$ 22,415.00</b>		

B. Resolution – **R2013-03** COR Refunds

**RESOLUTION R2013-03  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

**RESOLVED**, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3981 of the Code of Virginia, be and hereby are approved for payment.

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<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 152.01	PP Taxes & Vehicle License Fees	Nina Anne Martin 2515 Rockfish Valley Hwy Nellysford, VA 22958

C. Resolution – **R2013-04** Endorsement of TAP Grant Application – Blue Ridge Tunnel Project

**RESOLUTION R2013-04  
NELSON COUNTY BOARD OF SUPERVISORS  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
FY13-14 TRANSPORTATION ALTERNATIVES PROGRAM  
APPLICATION ENDORSEMENT AND SPONSORSHIP  
FOR BLUE RIDGE TUNNEL PROJECT**

**WHEREAS**, Nelson County continues to lead the ten-year-long, ongoing regional effort to advance its Blue Ridge Tunnel restoration project from a “shovel ready” plan to a fully built success story, and,

**WHEREAS**, being an existing project sponsor of a Transportation Enhancement Project, Nelson County is eligible to apply for Transportation Alternatives Program grant funds under the newly enacted MAP-21 Federal Transportation Bill (the former Transportation Enhancement Grant program), and

**WHEREAS**, Nelson County staff are developing a proposal in response to the Transportation Alternatives Program grant opportunity announcement by the Virginia Department of Transportation, and

**WHEREAS**, Nelson County recognizes that this is a very valuable project for Nelson County, for the Central Virginia region, and for the entire Commonwealth of Virginia, and,

**WHEREAS**, the County believes it's an important project for numerous community priorities, including:

- Increasing the local and regional community quality of life, adding to the area's public recreation amenities, and promoting active and healthy communities;
- Strengthening rural economic development and strengthening the local and regional recreation tourism, ecotourism, agritourism, and heritage tourism industries;
- Advancing community goals related to historic preservation and cultural landscape protection; and
- Implementing long-range alternative transportation planning goals.

**NOW, THEREFORE BE IT RESOLVED** that the Nelson County Board of Supervisors hereby endorses the submittal of a Transportation Alternatives Program grant

application seeking a maximum funding award of approximately \$750,000 for Phase I construction of the Blue Ridge Tunnel Project and additionally resolves to continue its sponsorship of the proposed project.

#### **IV. Public Comments and Presentations**

##### **A. Public Comments**

###### **1. William Gunter, Gladstone VA**

Mr. Gunter inquired as to the progress on dogs running at large that had been made and inquired as to how much of an issue it was in the County. Mr. Harvey responded that it was a continuous issue.

Mr. Gunter then distributed photos of an alpine dairy goat that had been attacked by pit bull cross dogs. He noted that the owner of the dogs had been identified; however has denied accusations of the attack. He noted that Animal Control had been in on the investigation and he was not satisfied with their work. Mr. Gunter then noted that he had enough evidence to go to court the following week but wanted to know what the County could do to prevent this from happening.

Mr. Bruguire noted that there was not anything pertaining to this issue within the present Ordinance.

Mr. Gunter noted that he has his area fenced in and his animal did not leave his property. He added that he felt that it was his responsibility to fence his animals in and that this was not the first incidence of attack. He stated that he felt that the County needed to adopt a law to prevent this; confining animals to owners' property and that the law was not as accurate as it should be.

Mr. Bruguire acknowledged that there was a problem and noted that the Ordinance mirrored the state code.

Mr. Carter then reported that the Animal Control Department has followed up and were working with the Gunters on the matter. He noted that they have positively identified the dog in question and staff has filed charges. Mr. Bruguire then added that a person's best recourse was in court. Mr. Carter further reported that the party who the charges were filed against has kennel licenses and the code does not allow kenneled animals to run at large and Ms. Brooks was monitoring this.

Mr. Harvey then advised that if something was attacking livestock on your property then it could be shot.

###### **2. Georgianne Booth**

Ms. Booth, noted that she has had pit bulls surrounding her goats and that the Board has gotten a lot of complaints since four (4) years ago. She noted that Albemarle has a county

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wide running at large law and dogs have to be under the owner's control and if they were not, it would be a Class IV Misdemeanor and each offense has a fine. She added that Albemarle has gone above state law and that Nelson bordering them should have the same law.

She then distributed pictures from 12-17-13 showing dogs surrounding her truck and stated that she could not move until the owner got the dogs to move.

Mr. Bruguire asked her to leave the Albemarle code section with them to look at and Ms. Booth concluded by noting that she would like to be able to participate in the agritourism that the County was promoting but she could not have people with kids come there with these dogs on the loose.

### 3. Glenda Cahoon, Tye River Rd and VTA Representative

Ms. Cahoon distributed and read aloud a prepared statement by Kenneth White, VTA President that demanded that the Board withdraw the decision to place a walk through metal detector at the courthouse entrance and provide that these only be used at the courtroom entrances when the courts were in session.

#### B. Presentation – Piedmont Virginia Community College (F. Friedman, President)

Dr. Frank Friedman introduced Mr. Russell Otis, the County's PVCC Board member in attendance and noted the exceptional job he has done representing the County's interests.

Dr. Friedman then gave the Board an update on the College's status. He noted that enrollment has been skyrocketing, there were 5,700 students this past fall - up from 4,100 six (6) years ago; however it should be leveling off now. He noted that this was because enrollment was inversely proportionate to the state of the economy. He noted that there were just fewer than 200 students from Nelson County up 13% in the last five years. He added that over an entire year, there were 300 students from Nelson, which was about 4% of total enrollment. Additionally, he noted that PVCC got 20% of Nelson County's graduates; which was 22 students last year. He noted that 43 Nelson County High School students took dual enrollment classes and another 43 were taking internet courses.

Dr. Friedman then reported on new developments. He noted that PVCC had opened up two (2) off campus sites: a Greene County site with 150 students there; with 14 classes there in the fall and 27 classes scheduled for spring. Secondly, he noted that they had opened up at the Jefferson School with 14 general studies classes held there. He added that the Culinary Arts program would be offered there in the fall with an AS degree being earned upon completion. He added that they were also offering childcare there through the YMCA even at night at a cost of \$5 per hour. He concluded by noting that both these sites opened through private fund raising and they have not had to use any state funding; Greene donated \$1Million for their site and a Charlottesville foundation donated \$1 Million for the Jefferson School site.

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Dr. Friedman then reported on upcoming initiatives noting that the College wanted to build a new student center next, and he noted that the library was about 2/3 the size it should be. He reiterated that they had no student study space right now, that the student center was the number one building priority and they were likely looking at an 8-10 year project.

He then noted that they were working with Dr. Collins to expand the opportunity to take PVCC courses in the High School. He noted Dr. Collin's goal to have students be able to earn an AS degree when they graduate from High School and this was called the early college program. He added that they were trying to work the logistics of this out and he was meeting the following week with area school Superintendents.

Dr. Friedman then took comments and questions from the Board as follows:

Ms. Brennan thanked him for his work and noted her son was a student in the Security Analyst program now. Dr. Friedman elaborated on this program and noted that they were preparing locals for intelligence jobs stemming from defense contract companies. He added that it was a ten (10) week boot camp and upon completion, the student would get top secret clearance as part of the program. He noted that 20 out of the 27 who got clearance already had jobs as analysts in different areas and these were good paying jobs.

Mr. Hale then inquired where the new building would go and Dr. Friedman noted it would be just up from the new science building before you pass it and would be in the center of the campus. He added that they have put together basic ideas with an architect but would have to wait their turn with the state.

Mr. Saunders thanked Dr. Friedman for the great job they were doing at PVCC.

Mr. Bruguire then inquired as to whether or not the dual enrollment program would have to be expanded or not for the early college program to work and Dr. Friedman noted that they were trying to work this out. He added that every locality was different and had different needs and they were piecing it together for each locality. He noted that that it was a challenge to work this out practically for Nelson County, but they were working on it. He then reiterated that the program was geared toward really capable students; who would be able to start college as juniors. He noted that this program would save time and money and those completing it would be attractive students for admission. In response to questions, Dr. Friedman added that they were working out the guaranteed admissions aspect of this program. Mr. Bruguire then asked if he foresaw maturity problems with these students and Dr. Friedman agreed it would be a big step for them and the ones coming in would have to be strong academically. He added that certainly the worry was that socially and maturity wise would they be able to handle it.

#### C. VDOT Report

Mr. Don Austin of VDOT was present to report and reported the following:

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Mr. Austin noted that he had the traffic study request results and would email the reports to Mr. Carter for distribution to the Board; however he noted the following:

1. The new flashing yellow signal light in Lovington was up and running and its use has become more the norm across the state. He noted that along with that study, they looked at the intersection of Route 29 and Main Street and were looking at signage there.
2. The Rt. 56 section studied did not meet the speed reduction criteria and would not be reduced.
3. Route 639, no speed reduction was recommended at that location but they would change the side road warning signs and horizontal alignment there. He added it would be advisory and not an official reduction.

Mr. Hale then questioned how it could now not meet the criteria when it had been 45 mph before. Mr. Austin supposed that Route 639 had a 45 mph sign that could have been mistakenly put up and then taken down once this was discovered; he was not sure.

4. Route 151 does not meet the criteria to extend the speed reduction there.
5. Route 6 does not meet the criteria to reduce the speed to 45 mph; however they will change the intersection signs there at Adial Road and a flashing light sign will still go up at Route 634.
6. Route 151 from Afton Rd to Route 250 will remain posted at 55mph; however they will put watch for turning vehicle signs at several locations along that area specifically at Rt. 637. He added that a citizen, Gabriella Lee, had made this request.

Mr. Austin then noted that the lack of speed reductions was related to the 85 percentile rule/standard.

Mr. Austin then noted that at the last meeting, they had discussed moving Route 639 funding to Tan Yard Rd; however this road was not eligible for Federal Funds use. He added that Route 680 was a rural road and was not federally classified; therefore funding for that project would have to come from another source.

Mr. Austin then noted that VDOT was compiling a list of high accident locations, and was looking at what could be done and whether or not they fit the funding source. He added that the Highway Safety Improvement Program was being reinstated. He noted that they were meeting the following week on this and would find a location at which to use these funds.

Mr. Austin then noted that on the Route 680 request, he could talk to Randy Hamilton, however there was not much funding out there. Mr. Brugiare suggested that it could be a maintenance issue; however Mr. Austin noted that when a road was expanded, it became

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construction. He added that they could do some edge work and would gain some width by doing that. Mr. Bruguire suggested trench widening, but Mr. Austin advised that there were no funds for this.

Mr. Austin then commented that the bridge at Rucker's Run would be fixed.

Mr. Saunders then thanked Mr. Austin for the repair work that was done on Arrington Road; noting that they had done a good job.

Mr. Hale then gave Mr. Austin some information on the concrete wayside building and Mr. Austin noted he would look into whether or not they could do the site preparation.

Ms. Brennan inquired as to whether or not VDOT was removing signs that were no longer needed, such as old school signs and Mr. Austin noted that they wait to be notified by the schools regarding these but he would speak to David Johnson on this.

Mr. Bruguire noted that on Route 151 at St. James Church Road there was a culvert that was collapsing there and appeared to be sunken across the road. Mr. Austin noted he would take a look at this. Mr. Bruguire then noted that at the Junction, water collected there on the right of way and ditch line. He added that it then freezes over and has caused problems.

Ms. Glenda Cahoon, a citizen in attendance noted that the Ski Resort sign was located at the driveway to the Devil's Backbone Brewing Company and it needed to be moved up a little as it was causing confusion for visitors. Mr. Harvey noted that there may be a distance requirement for the sign. Ms. Cahoon clarified that it was a green sign that said Ski Area and had an arrow. Mr. Austin indicated he would check on this.

#### **V. New Business/ Unfinished Business**

There was no new or unfinished business considered by the Board.

#### **VI. Reports, Appointments, Directives, and Correspondence**

##### **A. Reports**

##### **1. County Administrator's Report**

Mr. Carter gave the following report:

#### **A. Courthouse/Government Center Project (All Related):**

**1) Courthouse Addition** – Blair Construction is in process with completing the project's punch list. An end of January 2013 completion date is anticipated.

Mr. Carter added that Blair had retained one of their preferred contractors who began work on this yesterday and he would check with Blair to see if they would be done by the end of the month. Mr. Saunders noted that they were replacing everything on the right

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hand side of the sally port and the main entrance curbing would be all new. He added that after removal of the current concrete F&R would look at it before the new concrete was poured. Mr. Carter further noted that he had called in F&R to look at this and they had developed a punch list of work to be done. Wiley Wilson then concluded more extensive rework was required. He added that Mr. Saunders had worked on this as well and that they have asked Blair to go by W&W's review. Mr. Carter then noted that they were still working on the issue with the lights.

Mr. Saunders added that they have done a good job of breaking up the pavement to remove it and that it had been emphasized that the County did not want repaired sidewalks. He noted that Blair met with Ken Beecraft yesterday and it now seemed like they wanted to get it done right and move on. Mr. Carter noted that all of the retainage was being held and it was over \$400,000.

**2) Courthouse Display:** In process with final completion to be carried into 2013.

Mr. Hale suggested that it would be a good idea for the Board to review all of the text of the panels before going into production. Staff suggested that the design firm present their work to the Board at the next meeting.

**3) Courthouse Signage:** Installation to begin on 8-9 and require two days.

**4) Courthouse Retaining Wall (Law Office):** Complete other than two minor grading reworks.

Mr. Carter noted that retainage was being held while the minor grading issues were worked out with Owens. He reported that the final cost was \$34-\$39 thousand and one change order to color the concrete was done for \$1,800 more.

**5) Jefferson Building:** Lynchburg Restoration to begin work 1-15 and complete initial interior rework by 2-15.

**6) Magistrate's Building:** Proposals are being solicited to complete window and door installations. Thereafter, Price Masonry Contractors Inc. to complete interior re-plastering.

Mr. Hale noted that the door replacement should have glass panes so that one could see in; so as to replicate the current door as much as possible.

**B. Broadband Project:** Current project priorities include completing Massies Mille Tower, deployment of services over the fiber backbone, contracting with a WISP for wireless service deployment and rate structure analysis.

Mr. Carter added that BRI was trying to get pricing established so they could move ahead with offering services. He noted that they have applied to Verizon so that they can provide services over their copper lines as well as looking at how to make fiber more affordable. He added that staff would be looking at rates and will be more attentive to this

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over the next couple of weeks; noting that staff had gotten Rockbridge County's rates and these were being compared. He then noted that staff was trying to get a wireless provider on the towers and would meet again with SCS and it was looking like it was possible for it to work for both parties.

Additionally, Mr. Carter noted that he had spoken with the Franklin County IT Director, but what they did was much different from what the County is doing. He noted that they were letting a wireless company from Roanoke use county owned towers, tanks etc. in order to get free services; which was not similar to the County's network. He noted that he would contact the CIT lady about coming to speak to the Board along with the Broadband grant specialist from RUS and possibly have a roundtable workshop including SCS. He added that Nelson Cable had requested and gotten a Service Provider agreement, but there had not been any interaction on this yet.

**C. 2012 Radio Project (Narrow banding):** The project's Contract Design Review (CDR) is complete (equipment list, project design, etc.). Project comment is pending from the National Radio Astronomy Observatory ('quiet zone'). Overall project completion is projected to be August-September 2013. The FCC has granted the County a narrow banding compliance waiver until 11-30-13. Project completion continues to be projected at September 2013.

**D. Lovington Health Care Center:** Howard & Assoc.'s final report has been received and conference call conducted with consultant, JABA and County staff. JABA is continuing feasibility analysis.

Mr. Carter added that JABA was studying this further and that he may have them come and report to the Board. He added that the numbers working was questionable but that JABA was taking a hard look at it but were cautiously optimistic. He added that the building may have to be expanded to make it work. He noted that the nursing home option was not being looked at because it would require a COPN and the region would have to be designated more beds by the VDH.

**E. 2014 General Reassessment:** In process.

**F. Stormwater Program (Local):** The project is in process.

**G. Blue Ridge Medical Center:** VDH's relocation to BRMC completed 12-12.

**H. Trail Projects:** BRRT in design phase. BRT – funding application to VDOT by 2-13, kick off meeting for NPS Rivers, Trails and Conservation Assistance grant scheduled for 1-17 at 10:30 a.m. (BD RM), funding application to FHA for Paul S. Sarbanes Transit in Parks grant funding pending final decision.

Mr. Carter noted that the VDOT grant maximum for the Tunnel application was \$750,000 and that he was emailing surrounding localities with a draft resolution and

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asking if they would be a sponsoring locality. He reported that two have noted they would support the application with resolutions.

**I. Route 151 Corridor Study:** Kick off meeting with VDOT (R. Youngblood) and HNTB Corp. (project consultant) scheduled for 1 p.m. on 1-10 in new General District Courtroom.

Mr. Carter reported that Tim Padalino had been out with the flu and he had just gotten the information. He noted that they were looking at Route 664 to Route 250, were looking at eight intersections, and updating the older study that was done. It was noted that it would be more than just an update. Mr. Harvey noted that there were two intersections on the list that had already been corrected and the most dangerous one, Spruce Creek Lane was not on the list.

**J. FY 13-14 Budget:** Draft budget being developed. Budget discussion conducted with School Division staff on 1-7 and is ongoing. Presentation of draft budget projected for late February 2013.

Mr. Carter noted that the two staffs agreed to meet again on budgets etc. He reported that the Schools were moving forward with Honeywell to do a school-wide assessment and if the study came back, the savings that would result from upgrades would pay for the improvements over time. He added that they had Honeywell systems and were operating it already. He advised that the downside was that if the savings from the study did not pay for the suggested improvements and they did not elect to go ahead with the project, then there would be an expense of about \$26,000. He noted conversely if they went ahead with implementation, the costs of the study would be wrapped into the project. Mr. Carter then noted that he had advised Dr. Collins that if they did not implement the plan, then he would ask the Board to pay for the study and there were no objections.

Mr. Harvey then asked about the field lights and bleacher projects and Mr. Carter reported that these were in the School's first priorities for CIP and that these could be moved forward if the Board wished. Members noted that the visitor side bleachers were in bad shape.

Mr. Carter noted that he could bring back the full CIP list at the next meeting for them to look at.

Mr. Harvey then suggested that they could remove the old bleachers for no cost and thought that would work.

Mr. Carter then noted that the County's budgeted contingency was over a million dollars and there was enough funding to do small things quickly. Mr. Bruguire noted that they needed to look at the lighting projects ASAP for spring and it was agreed that staff would bring back the CIP list for review.

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**K. Emergency Services:** School Division and County staffs (Collins, Miller and Carter) met on 1-4 with Disaster Dynamics (Nelson County based consulting firm) to discuss security assessment of public school facilities. A table top exercise is planned as an initial first step.

Mr. Carter added that he was waiting for Disaster Dynamics to respond about holding table top exercises. He noted that Schools were out Thursday, Friday, and Monday and that the Schools had asked the Paulsens to consider doing the tabletop on Thursday. He added that Dr. Collins wanted to immediately install loud speakers at the elementary schools' playgrounds.

Mr. Bruguire asked if they could look at what to do in cases of bomb threats and Mr. Harvey suggested that the kids needed to be moved off site. He added that the schools have been offered churches and other schools as locations for evacuation. Mr. Harvey noted that the police needed to catch these people so it would be a deterrent to others. Mr. Hale noted that mental health also needed to be monitored and he was not sure the County should spend a lot of money on something that could be unpreventable.

Mr. Carter then noted that they did not get into an in depth discussion of what the tabletop exercises would involve but the Paulsens discussed it as being the first step in the process. Mr. Bruguire and Ms. Brennan indicated that they would both like to sit in on this.

Mr. Bruguire added that he agreed in theory but that security improvements have been a long time coming and that some of this should have been done when the schools were built. Mr. Saunders added that they could not live with themselves if this were put aside; the kids were the most important asset in the county and the study needed to be done.

Mr. Carter concluded by noting that he could send the Paulsen's resumes to the Board and he noted that they had extensive experience.

**L. Personnel:** Promotion – Mr. Tim Padalino to position of Director of Department of Planning and Zoning (1-1-13). New Employees – Kevin Wright as Pt. Time Animal Control Officer (1-7-13) and Jeff Ponton as Pt. Time Shelter Attendant (12-22-12).

Mr. Carter confirmed that the Animal Control staff consisted of 4: 1 Supervisor, 2 Part Time Animal Control Officers (ACOs) and 1 Part Time Shelter Attendant.

Mr. Hale noted that more enforcement of licensing was needed by the ACOs in dealing with these wandering dogs. Mr. Carter noted that he had emphasized this with ACO Supervisor Brooks and that they were doing this. He added that if a person had a kennel license, then the dogs could not run at large.

## 2. Board Reports

Mr. Harvey, Mr. Bruguire and Mr. Saunders had no reports.

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Ms. Brennan noted that the entire DSS Board was going to do an orientation.

Mr. Hale reported that the Service Authority had their audit done and had gotten high marks. He added that they were in great financial shape and that was good news. Mr. Hale then reported that the source water capacity problem was now history as they were at 50% and not under the threat of having to build additional capacity at this time. He added that the Wintergreen leaks had been fixed by replacement of the line from the treatment plant to devils knob. He noted that improper or antiquated installations were culprits as well and he noted that there were 7 leaks within a quarter mile of pipe in 7 months. Mr. Hale then added that the new line was superior pipe also.

Mr. Hale then reported that the TJPDC was having its next meeting on 2/7/13 and included dinner at 5:30 pm and the meeting at 7pm at the Jefferson school. It was then noted that David Blount had sent out an email about how the General Assembly was shifting the state's financial burden onto localities and they were doing a \$500,000 study to analyze this, including a fiscal impact review to be done. Mr. Bruguiere added that there was a push to get Aid to Localities back.

Mr. Hale then noted that the TJPDC had a distinguished professor, Richard Wilson, who came down and looked at the Jefferson Building and said that the County was doing the right thing by removing the plaster on the inside.

#### B. Appointments

Ms. McGarry noted that Mr. Pete Perdue had submitted his resignation from the MACAA Board as of the end of February and that an appointment would need to be made to complete the remainder of his term and it was noted that there was approximately 2-3 years remaining. Ms. McGarry then noted that the following vacancies remained unfilled with no applications having been received:

Ag Forestal District Advisory Committee, Economic Development Authority, Keep Nelson Beautiful, JABA Board of Directors, JABA Council on Aging, and the Nelson County Library Advisory Committee – West District.

Ms. Brennan indicated she was working on three of these openings right now, the JABA Board and Council on Aging and the Ag Forestal District Advisory Committee.

Ms. McGarry then noted that the list of all appointments to be made for 2013 had been distributed to the Board and this was discussed briefly. It was noted that there were no seats on the Planning Commission expiring this year; Mr. Hale noted he believed this to be accurate, and Ms. McGarry noted that she would confirm this to be the case.

#### C. Correspondence

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Mr. Carter noted that a letter was received from Eddie Embrey related to next year's EMS Council budget. He noted that he was requesting an additional \$2,000 per agency to be used for volunteer incentives. He added that his thought was the Board should consider this during their budget considerations and the Board agreed; thus no action was taken.

#### D. Directives

Mr. Saunders had no directives.

Mr. Harvey stated that he thought it was time for the County to purchase ambulances and that Rockfish was reducing its fleet. He noted that Mercedes units were \$80,000 and have been very successfully used. He added he thought it could pay for itself and would mean that the squads did not have to keep as many ambulances on hand. Mr. Carter noted that staff has planned to present this to the Board during the budget considerations.

Ms. Brennan noted that she was working on the County flag and that VACo was asking for one now. She then inquired as to the progress on organizing the 2x2s with the School Board members and Wintergreen and Mr. Carter noted that Debbie Bowling was working on these. Ms. Brennan then noted her displeasure in seeing cigarette butts around the new entrance and she asked if the Board could make the courthouse a smoke free campus. Mr. Bruguiere agreed and suggested that some smokers took advantage of breaks. Ms. Brennan noted she wanted to bring it up for consideration and asked Mr. Carter to see what others were doing on this. She then noted that VACo meetings were coming up and they needed people on committees. She added that they only meet 2-3 times per year and one time was at the annual meeting. Ms. Brennan then noted that the NACO legislative conference would be in March and it was noted that some counties have pulled out of NACO; Pittsylvania being one.

Mr. Hale noted that Nelson had received a grade of D for budget transparency. Mr. Carter advised the Board that he had spoken to the reporter from the News and Advance and the study was done while the County was in the midst of switching websites and he then told him that if you go to the drop down menu and hit finance, the financials were right there. He added that seemingly the grading was done on how many clicks it took to get to the information. He advised that Staff discussed it and for Nelson right now it took 2 clicks. He then reiterated that the newspaper did the evaluation on the old website and the information was more difficult to find on it. He added that he did tell Ms. McCann and that they may create a new drop down link on the new website specifically for the budget.

Mr. Hale then noted that he had looked into the General District courtroom and that Judge Serkes was leaving, with Sam Eggleston now in office. He then questioned how the appointment of judges here was decided. Mr. Carter noted that he thought they were rotated here; however Nelson would be his main office. Mr. Harvey noted that he would rotate between here, Amherst, and Campbell. Mr. Hale then suggested the Board ought to have a meeting over there; however he noted that the problem was that the current Boardroom desks did not fit down the aisle. He added that he has drawn up a sketch of

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how to configure the space in order to try it out over there. He then noted that he thought that long term if it worked, then the current space could be converted into office space. He then suggested that five tables were needed for the Board members and then staff could use the two tables that were already there. He noted that he would look into the possibilities further with Mr. Carter.

Mr. Bruguiera reiterated that he wanted to be included in the tabletop exercise with the Paulsens and Mr. Carter noted he would send out information when this was confirmed.

Mr. Bruguiera then noted that he wanted to see how to correct the affidavit saying that the Board has violated their oaths of office. Mr. Hale noted that the Commonwealth Attorney and the Judge had reviewed this and had found no merit in it. Mr. Harvey then noted that anything you want could be recorded in the Clerk's Office.

Mr. Bruguiera then inquired about the evening Public Hearing regarding moving the Shipman polling place and asked if the Board was under any pressure to vote on the amendment to the Ordinance for this or not. Staff then noted that the Board needed to be able to meet the 60 day threshold for Department of Justice approval and the polling place had to be moved at least 60 days before the next election.

## **VII. Recess and Reconvene for Evening Session**

Prior to recessing, Mr. Carter noted that the Judges wanted to present a plaque to the Board in the entranceway at 6:30 pm that night. Mr. Hale noted that the plaque was an enormous piece of stone and that it would be a challenge to mount it anywhere. It was noted that it was identical to the one in the General District courtroom but much bigger.

At 4:30 pm, Mr. Harvey moved to adjourn and reconvene for the evening session and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

### **EVENING SESSION**

**7:00 P.M. – NELSON COUNTY COURTHOUSE**

#### **I. Call to Order**

Mr. Bruguiera called the meeting to order at 7:02 pm, with four Supervisors present to establish a quorum and Ms. Brennan being absent.

#### **II. Public Comments**

There were no persons wishing to be recognized for public comment.

#### **III. Public Hearings & Presentations**

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**A. Public Hearing** - Ordinance proposed for passage to amend the Code of Nelson County, Virginia, Chapter 2, Article I, Section 2-28 to change the Shipman Precinct polling place from American Legion Post #17 to the Carriage House at Oak Ridge. **(O2013-01)**

Mr. Bruguieri noted the purpose for the public hearing was to receive comments on the proposed move of the Shipman polling place from the American Legion Post #17 to the Carriage House at Oak Ridge.

Mr. Bruguieri then opened the public hearing and the following persons were recognized:

1. Joyce Spencer, Arrington

Ms. Spencer noted that she was a voter from the Shipman precinct, and she would like the Board to pass the proposed amendment to move the polling place to the Carriage House at Oak Ridge for safety purposes. She added that getting out onto Route 56 from the current place was really dangerous because of the traffic.

It was then noted that the Electoral Board was in favor of the move and there being no other persons wishing to be recognized, the public hearing was closed.

Ms. Britt then noted that she would work with Phil Payne to get the proper clearances done and added that the next primary was June 11th with absentee voting being done in April.

Mr. Saunders then moved to approve Ordinance **O2013-01**, a Proposed Ordinance to Amend the Code of Nelson County, Virginia, Chapter 2 Administration, Article I In General, Section 2-28 Precincts and Polling Places; moving the Shipman polling place from the American Legion Post in Shipman to the Carriage House at Oak Ridge.

Mr. Harvey seconded the motion and Mr. Hale then noted hearing one person speak in opposition to the move; however the principle concern was that it be made clear that a voting place was a non partisan place; however he noted this was already understood. It was then noted that prior to an election there would be no signs placed in that area and Mr. Saunders then referred the Board to an email that spoke to the placement of signage which was allowable two days prior to an election and that on election day they would be taken down. He added that the owners had requested that plastic be used on the floor to save the carpet. Mr. Saunders also reiterated that the bathrooms were handicap accessible and there was good accessibility to the highway and was a better situation overall. He assured the public it would be a non-partisan location and would be a great move.

There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following Ordinance was adopted:

January 8, 2013

**ORDINANCE O2013-01**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**A PROPOSED ORDINANCE TO AMEND THE CODE OF NELSON COUNTY,**  
**VIRGINIA CHAPTER 2 (ADMINISTRATION), ARTICLE I (IN GENERAL),**  
**SECTION 2-28 (PRECINCTS AND POLLING PLACES)**

**BE IT HEREBY ORDAINED**, that Chapter 2, Administration, of the Code of Nelson County Virginia be hereby amended as follows:

**Sec. 2-28. Precincts and Polling Places**

*South District:*

*Shipman Precinct*

*Polling Place:* Carriage House at Oak Ridge, Shipman

**BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon adoption.

**IV. Other Business**

A. **Request for Exception to Section 4-5B (Fire Protection) of the Subdivision Ordinance -Elk Rock Orchard Subdivision Tax Map Parcels #2-A-1C, 3-A-82C, and 3-A-82D.** Applicant proposes the dedicated use of an existing dry hydrant (pond) located very close to the subject property in lieu of an on-site dry hydrant.

Mr. Carter noted that Mr. Padalino was sick with the flu and that he had reviewed the department's report and information provided. He noted that the sub-dividers were requesting an exception to Section 7-1 to not install a dry hydrant and that the Ordinance says anything over 15 lots would have to have this. He added that the staff report says there is no naturally recurring water source to have a dry hydrant and that the applicant conferred with Mr. Harvey as the Rockfish Fire Chief on the use of a nearby pond.

Mr. Carter noted there was no objection to the exception; however he could not resolve as to whether or how to document or get input from the adjacent property owner as to the use of the pond for fire protection.

Mr. Harvey noted that the pond had been put in there by the Forestry Department, needed to be cleaned up a bit, and the owner has made arrangements for this.

Mr. Carter noted that he did not have that in writing but had no objections. He added that a public hearing was not required and it was just a consideration of the Board to decide on exceptions requested.

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Mr. Harvey added that the lot was open land with heavy forest on the other side. Mr. Bruguere confirmed that the dry hydrant pond was on adjacent property and Mr. Harvey noted it was ample in size for this purpose.

It was again noted that Phil Payne had been consulted and there was no public hearing legally required on the matter.

Mr. Saunders then moved that the Board accept the use of the dry hydrant on another location as presented and approve the exception to Section 4-5B (Fire Protection) of the Subdivision Ordinance for Elk Rock Orchard Subdivision Tax Map Parcels #2-A-1C, 3-A-82C, and 3-A-82D and Mr. Harvey seconded the motion.

Mr. Hale then confirmed that the Board was only acting on the single question of the dry hydrant exception and Mr. Harvey affirmed this and noted it was for fire protection for the subdivision. Mr. Bruguere then questioned the need for an agreement between the property owners and Mr. Harvey noted it was not necessary as the Fire Department had the right to access the pond by law for fire protection purposes.

There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

*Introduced: Afton Overlook*

Mr. Harvey noted that he had gotten drawings that day from VDOT on the Afton Overlook and he noted that VDOT owned the whole hillside. He added that the 1961 plat says proposed. He noted that the Board would have to work through the Culpeper District, who maintains Route 250 and that Nelson Maintained Route 151. He added that there may be proceeds from logging that would pay for the work that needed to be done. Mr. Harvey then advised that he had someone who would volunteer to maintain it once it was cleaned up and that he had gotten a lot of calls about the project.

## **V. Adjournment**

At 7:20 pm, Mr. Hale moved to adjourn and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

**RESOLUTION-R2013-09**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION TO GIVE NOTICE TO TENNANT OF FORMER HEALTH**  
**DEPARTMENT BUILDING**

**RESOLVED**, by the Nelson County Board of Supervisors that pursuant to the Lease Agreement dated August 21, 2003, the County Administrator, Stephen A. Carter is hereby authorized to give the required sixty (60) days notice of lease termination to the County's tenant, Dr. George Criswell DDS, Lessee of a portion of the former Health Department building.

Adopted: February 12, 2013

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

## LEASE

THIS LEASE AGREEMENT, made this 21<sup>st</sup> day of August, 2003, by and between the County of Nelson, herein referred to as "Landlord", and George Criswell, herein referred to as "Tenant."

### WITNESSETH:

That in consideration of the mutual covenants contained herein the Landlord and Tenant hereby agree as follows:

### LEASED PREMISES

Landlord hereby rents and leases to Tenant and Tenant hereby rents and hires from Landlord, upon the conditions hereinafter set forth, the following real property, herein referred to as "premises," to-wit: That certain space containing 619 square feet, located on the ground floor of the Health Department building on Court Street, Lovingson, Virginia, which premises has been utilized by Tenant for his dental business. Tenant shall be entitled to two (2) employee parking spaces in the Landlord's parking lot adjacent to the premises. The location of said parking spaces to be determined by Landlord.

### TERM OF LEASE

The term of this lease shall commence on the 1<sup>st</sup> day of July, 2003 and shall end on the 30<sup>th</sup> day of June, 2004, unless otherwise terminated.

The Tenant shall also have the option to renew this lease for one additional successive term of one year, commencing on the expiration of the original one year term, and to be exercised by notice to Landlord given at least four (4) months prior to the expiration of the first one year lease. Said notice or desire to exercise such option shall be made to Landlord in writing by Tenant. The terms and conditions of such option shall be the same as herein provided, except that the rent for the additional one year term shall be Three Hundred Seventy-Five Dollars (\$375.00) each month for an annual rental of Four Thousand Five Hundred Dollars (\$4,500.00).

### RENTAL

The Tenant covenants and agrees to pay to Landlord, without demand and without notice, as rent, the following amount: Three Hundred Fifty Dollars (\$350.00) each month for an annual rental amount of Four Thousand Two Hundred Dollars (\$4,200.00), payable on the 1<sup>st</sup> day of July, 2003 and the first day of each month thereafter during the term of this agreement.

If rent is not paid by the 5<sup>th</sup> day of each month then Tenant agrees to pay a 10% late charge of the monthly payment.

#### UTILITIES

Landlord agrees to furnish to the demised premises, at his own expense the following: water and sewer, heat, air conditioning, and electric. Janitorial supplies and services shall be Tenant's responsibility.

#### DAMAGE OR DESTRUCTION BY CASUALTY

If during the term of this lease, the leased premises are damaged by fire, flood, windstorm, strikes, riots, acts of public enemy, acts of God, or other casualty, so that the same are rendered wholly unfit for occupancy, and if said premises cannot be repaired within 180 days of the time of said damage, then this lease shall terminate as of the date of such damage. In such case the Tenant shall pay the rent apportioned to the time of damage and shall immediately surrender the leased premises to Landlord who may enter upon and repossess the same and Tenant shall be relieved from further liability hereunder.

#### INSPECTION

The Tenant acknowledged receipt, in good condition, of the premises and all its equipment. The Tenant agrees that he will take care of the premises and fixtures and equipment therein, and upon the expiration of the term of this lease agreement, or any extension thereof, will leave the premises thoroughly cleaned and in good condition, ordinary wear and tear excepted. Tenant shall be responsible for all repairs which are in excess of ordinary wear and tear. The Tenant further agrees that he will give the Landlord prompt written notice of any defects in the premises or in any of the equipment, appliances, or parts thereof as soon as the Tenant is aware of them. The Tenant agrees to pay for all expenses caused by his failure to promptly report any defect and for all necessary repairs in the premises or the equipment thereof caused by his own negligence or that of his family, invitees, employees, or agents. The Landlord may enter the premises for the following purposes: to make repairs, alterations or improvements. If the Landlord or his agent reasonably believes that an emergency exists which requires immediate entry, such entry may be made without the Tenant's consent. The Tenant agrees to allow access and occupancy to workmen for repairing and remodeling the premises.

## INSURANCE

Tenant shall carry insurance on his own contents, including but not limited to, fire, theft, breaking and entering, vandalism, malicious mischief, and shall indemnify and save the Landlord harmless against any and all liabilities, claims, demands, actions, costs, and expenses of any kind in nature whatsoever, which may be sustained by Landlord by reason of any of the causes set forth in this paragraph, or by reason of Tenant's occupancy of the premises.

## ALTERATIONS

The Tenant agrees not to make any alterations, installations (including the installation of additional locks or chain latches), repairs, or redecoration's of any kind to the premises without the prior written consent of the Landlord. Such consent shall not be unreasonably withheld, but the Landlord may require the Tenant to return the premises to their original condition when the term is completed. The Tenant agrees that any change or alteration made to the premises shall become a permanent part of the premises and shall not be removed by the Tenant upon expiration of this lease unless otherwise agreed in writing.

## TERMINATION

Fulfillment of the requirements of the notice to terminate, on or before the termination date, is essential in order to permit the Landlord to rent and meet the requirements of a new tenancy. Should the Tenant fail to vacate on or before the termination date, the rental for the holdover period shall be the rental rate for the duration of the holdover period or one month's rent, whichever is greater. Tenant shall be liable for any damages suffered by the Landlord due to Tenant's failure to vacate. Either party may terminate the lease by providing notice to the effect sixty (60) days prior to the desired termination date to the other party, certified mail return receipt requested.

## COMMON AREAS AND PARKING

The Landlord agrees that Tenant and Tenant's customers, employees and/or visitors shall have the right throughout the term of this lease to use, in common with others entitled to similar use thereof, all of the interior common areas of the building of which the leased premises are a part, including all hallways, stairways, and doorways for ingress to and egress from the leased premises, and the exterior common areas to the total premises, all parking spaces, streets, service drives, and sideways for ingress to and egress from the demised premises and the public streets and highways, and Landlord shall arrange an adequate maintenance of the interior common areas in a good and usable condition throughout the term of this lease.

The Landlord shall be responsible for snow removal and the maintenance of adequate lighting facilities in the exterior common areas at all times during the business hours of the building containing the leased premises.

## FIXTURES, MACHINES, EQUIPMENT, ITEMS OF A SIMILAR PERMANENT NATURE

Tenant shall have the right to install in or place on the demised premises such fixtures, machines, tools or other equipment and items, including, but not limited to, trade fixtures, lighting fixtures, and security safeguards surrounding the premises for protection against burglary and trespassing.

Such fixtures, machines, tools or other equipment and items, including, but not limited to those set out above, shall at all times remain the personal property of Tenant regardless of the manner or degree of attachment thereto to the premises, and may be removed by Tenant at any time, whether at the termination of this lease, or prior thereto, provided, however, the Tenant shall make restoration of the demised premises in the event any damage is done thereto by the removal of any such property, and the premises shall be restored to the same condition existing before such attachment.

## LIABILITY: IDEMNITY

Tenant shall be liable for any injury to or death of person or persons and for any loss of or damage to property of any kind, whether belonging to Landlord or the public, caused by the negligent acts or omissions of his agents, employees, or invitees, or caused by Tenant's failure to perform any conditions required under this lease.

Tenant shall indemnify and save Landlord harmless against any and all liabilities, claims, demands, actions, costs, and expenses which may be sustained by Landlord by reason of any of the causes set forth herein.

#### COMPLIANCE WITH REGULATIONS

Tenant agrees not to use the premises in any manner which shall invalidate or be in conflict with fire insurance policies covering the building or increase the rate of fire insurance on the building over that in effect prior to this lease. In addition, Tenant agrees to strictly comply with and observe all pertinent laws, ordinances, statutes, and regulations whatsoever, of any governmental body or subdivision, incident to its occupancy of the premises and its use thereof.

#### VACATING

Upon the termination of the tenancy, the Tenant shall completely vacate the premises, including the removal of all of his property. No right of storage is given by this agreement and the Landlord has no duty to protect the Tenant's possessions against loss. In the event the Tenant's property is not removed, the Landlord may dispose of such property at his discretion, without any liability to the Tenant for damage or loss. The Tenant shall pay for all costs of removal of such property. Any item left behind by the Tenant not claimed within thirty (30) days of the termination of this lease agreement, will be disposed of by the Landlord. Before departure the Tenant shall return all keys and shall turn over to the Landlord the premises and all its fixtures and equipment in good and substantial repair thoroughly cleaned and in sanitary condition, reasonable wear and tear expected. The Tenant shall allow the Landlord to inspect the premises, and its contents, which inspection must be made within seventy-two (72) hours of termination of occupancy.

#### USE OF PREMISES

Tenant will use and occupy the demised premises for his lawful business purposes, to wit, dental practice. Tenant will comply with any and all laws, ordinances, orders, and regulations of any governmental authority, federal, state, county, or municipal which are applicable to Tenant's use of the demised premises.

**WAIVER**

Any particular waiver of covenant of any condition of this lease shall extend to the particular incidence only and in the matter specified, and shall not be construed as applying to or in any manner waiving any other covenants, conditions or rights hereunder.

**FINAL AGREEMENT**

This written lease agreement represents the parties' full and complete understanding; there are no other agreements either written or oral. This agreement may be modified or altered only by writing signed by both parties.

**BINDING EFFECT**

It is agreed that all the terms and conditions of this lease are binding upon the parties hereto, their administrators, heirs, and assigns unless otherwise specified.

WITNESS the following signatures and seals:

*George Criswell* (SEAL)  
George Criswell

*Stephen A. Carter* (SEAL)  
Stephen A. Carter  
County Administrator  
County of Nelson

STATE OF VIRGINIA  
COUNTY OF NELSON, to-wit:

The foregoing document was acknowledged before me this 2nd day of September, 2003 by George Criswell.

My commission expires: \_\_\_\_\_

*Shelby Humphrey Satterwhite*  
~~Notary Public~~  
Witness

STATE OF VIRGINIA  
COUNTY OF NELSON, to-wit:

The foregoing document was acknowledged before me this 21st day of August, 2003 by Stephen A. Carter, County Administrator, County of Nelson.

My commission expires: July 31, 2004

*Virgi A. Carter*  
Notary Public

**RESOLUTION-R2013-10**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION TO EXECUTE EXTENSION OF APCO SERVICE**  
**CONTRACTS**

**RESOLVED**, by the Nelson County Board of Supervisors that pursuant to the recommendation of the VML/VACo/APCo Steering Committee, the County Administrator, Stephen A. Carter is hereby authorized to execute an extended contract between Public Authority customers and APCo for the purchase of electricity (including street lighting) to serve governmental facilities retroactive to July 1, 2012 and for an eighteen (18) month term ending December 31, 2013.

Adopted: February 12, 2013

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

RECEIVED

JAN - 7 2013

VIRGINIA MUNICIPAL LEAGUE  
VIRGINIA ASSOCIATION OF COUNTIES  
VML/VACo/APCo STEERING COMMITTEE

COUNTY ADMINISTRATOR'S  
OFFICE

TO: Chief Administrative Officer, All Counties, Cities, Towns and Other Political Subdivisions in the Service Area of Appalachian Power Company

FROM: VML/VACo/APCo Steering Committee  
R. Lance Terpenney, Chairman

DATE: January 2, 2013

RE: New APCo Agreements for Electric General Service and Street Lighting Contracts Between APCo and Local Governments and Other Political Subdivisions

Following months of extensive negotiations by counsel and consultants, the VML/VACo/APCo Steering Committee is very pleased to report that the Committee has approved the terms for extended contracts between the Public Authority customers (PAs) and APCo for services to governmental facilities retroactive to July 1, 2012. Such contracts are for an eighteen month term from July 1, 2012 to December 31, 2013. The relatively short period is due to the fact that APCo's determination on whether it will remain in a generation agreement with other AEP Subsidiaries or be independent as to its generation supply probably will not become final until 2014. The Committee recommends prompt consideration and adoption of the extended contracts as appropriate for each locality and political subdivision.

On the basis of the cost of service studies supplied by APCo as required by the existing contracts, APCo sought an annual increase in PA rates for general service amounting to \$6.03 million annually with total elimination of the PA surcredit which has amounted to \$2 million annually. APCo also sought an aggregate increase of \$375,000 in rates for street lights.

These APCo demands were reduced very considerably in negotiations by the Steering Committee team. As approved, and as recommended by the Committee for consideration and adoption by the PAs, the agreements provide (a) that Public Authorities will take service from

APCo for the one and one-half year term at rates which parallel rates approved by the State Corporation Commission (SCC) for regulated customers; (b) there will not be a general PA rate increase as APCo sought; (c) there will be a surcredit on general rates of \$250,000 plus a return of \$214,000 not utilized as a part of the Energy Efficiency program which has expired for a total surcredit of \$464,000 which will be paid between January 1, 2013 through March 31, 2013; and (d) that prior to the termination of the extension termination, APCo will supply aggregate PA load data for a cost of service analysis and will negotiate with representatives of the PAs in good faith for new contracts on the basis of cost of service. On advice of the PA's consultant that current street lighting rates have been overly favorable to the PAs, the Committee agreed to an annual \$200,000 aggregate increase in current street light rates, beginning April 1, 2013.

We are also pleased to report that APCo has agreed to a new contract for service to the Spring Hollow Reservoir operated by Western Virginia Water Authority which has been reviewed and approved by the Authority.

The terms and forms of the contracts have been reviewed by GDS Associates, the consultants which have worked with counsel in the negotiation process, by the Committee's counsel and by the Committee. Other than provisions designed to carry out the agreements outlined above, the contract forms generally contain provisions which are included in APCo contracts for services in the past. However, each locality will want to have the forms reviewed by its own utility manager and local attorneys.

APCo will shortly submit to each of the Public Authorities the extension agreements appropriate to their customer usage. As stated above, the Steering Committee recommends adoption of the contracts by your governing bodies. Counsel also advises that these contracts constitute extensions of the contracts which terminated on June 30, 2012, and are subject to the

“single source” exemption from procurement requirements upon compliance with the provisions of Va. Code § 2.2-4303.E.

The Steering Committee will continue to authorize participation by its counsel in future applications by APCo for rate adjustments. Such participation in the past year, in which the Committee joined the Staff of the Virginia State Corporation Commission, the office of the Attorney General, and others, has resulted in substantial reduction in the increases which were sought by APCo.

Please submit inquiries to counsel:

Howard W. Dobbins – 804-420-6441  
Williams Mullen  
P.O. Box 1320  
Richmond, VA 23218-1320  
804-783-6441  
804-783-6507 (FAX)  
E-mail: [hdobbins@williamsmullen.com](mailto:hdobbins@williamsmullen.com)

Robert D. Perrow – 804-420-6446  
Williams Mullen  
P.O. Box 1320  
Richmond, VA 23218-1320  
804-783-6446  
804-783-6507 (FAX)  
E-mail: [bperrow@williamsmullen.com](mailto:bperrow@williamsmullen.com)

HWD/cws  
Attachments  
6406721\_1.DOC

**VIRGINIA PUBLIC AUTHORITIES**

**EXTENSION AND AMENDMENT TO THE AGREEMENT EFFECTIVE JULY 1, 2009  
FOR THE PURCHASE OF ELECTRICITY FROM APPALACHIAN POWER  
COMPANY**

THIS *EXTENSION and AMENDMENT* ("Amendment") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between **APPALACHIAN POWER COMPANY**, hereinafter called the "Company," and **NELSON COUNTY BOARD OF SUPERVISORS**, called the "Customer." Collectively, Company and Customer may be referred to herein as the "Parties" and each, individually, as a "Party."

**WITNESSETH:**

WHEREAS, the Company and Customer are Parties to an Agreement for the Purchase of Electricity, which became effective July 1, 2009 (the "2009 Agreement"); and

WHEREAS, the Term of the 2009 Agreement extended through June 30, 2012, with the provisos that the Customers would continue to pay the rates in effect thereunder while negotiations were in process, and that the applicable Public Authority surcredit factor under the 2009 Agreement would continue to be in effect for up to six (6) months beyond June 30, 2012, while negotiations were in progress; and

WHEREAS, in the 2009 Agreement, the Company agreed to provide through June 30, 2012, a total of \$450,000, for energy efficiency programs to the Public Authority customer group, and there still remains a balance of \$214,000 not utilized by that group; and

WHEREAS, the 2009 Agreement contained the Street Lighting ("SL") rates at which the Company would provide SL service to Customer, if Customer takes SL service, through June 30, 2012.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the Parties hereto agree with each other to extend and amend the 2009 Agreement as follows:

1. Subsection (b) of the Second Article of the 2009 Agreement, Rates, shall be renumbered as subsection (b)(1), and that Article shall be amended by adding a new subsection (b)(2), which shall be read as follows:

(b)(2) The surcredit factor in effect for the period July 1, 2011, through June 30, 2012, shall continue in effect through March 31, 2013, and then terminate. Effective April 1, 2013, Schedule P.A.S. (Public Authority Surcredit) shall cease to be part of, and shall be removed from, the Public Authority Tariff then in effect. The Parties agree that the surcredit in effect from January 1, 2013, through March 31, 2013, will distribute to the Public Authority customer group \$250,000, plus the \$214,000 amount not utilized by June 30, 2012, as part of the Energy

Efficiency Program that is the subject of Article Twelve of this Agreement. The Customer acknowledges that Company has provided support for the calculation of the surcredits under this Agreement.

2. The current Third Article of the 2009 Agreement, Term, shall be redesignated as subsection (a), and that Article shall be amended by adding a new subsection (b), which shall read as follows:

- (b) As a result of the negotiations described in (a) above, the Parties have agreed to an extension of this Agreement, as amended, from July 1, 2012, through December 31, 2013. In the event that a new contract, or further extension of this Agreement, has not been consummated by December 31, 2013, then the Parties agree that Customer shall continue to be subject to the applicable rates in "Exhibit A-1" and "Exhibit B-1," as may be adjusted from time to time per the provisions of this Agreement, until negotiations are concluded. Any agreement reached between Company and the Public Authority customer group, after December 31, 2013, as to the rates for electric service to Customer after that date, whether above or below the rates then in effect pursuant to the provisions of this Agreement, shall be retroactive to January 1, 2014, unless otherwise agreed by the Parties.

3. The Eleventh Article of the 2009 Agreement, Generation, shall be amended to read as follows:

The Customer represents and agrees that (1) it has chosen the Company to provide generation service through the duration of this Agreement; and 2) it will not choose a different generation supplier to begin providing service prior to December 31, 2013. After December 31, 2013, the parties' rights and responsibilities regarding generation service shall be as provided by applicable law and regulation, except to the extent otherwise agreed by the parties.

4. The Twelfth Article of the 2009 Agreement, Energy Efficiency Program, shall be amended by adding a new subsection (d), which shall read as follows:

- (d) Customer acknowledges that Company has complied with the provisions of subsections (a) and (b) of this Article. The Parties agree that the Company's commitment to provide any money for Energy Efficiency Programs terminated on June 30, 2012, given the Parties' agreement regarding a surcredit factor for the period January 1, 2013 through March 31, 2013, as set out in subsection (b)(2) of the Second Article of this Agreement.

5. The Thirteenth Article of the 2009 Agreement, Street Lighting, shall be amended by adding a new subsection (d), which shall read as follows:

(d) If Customer was taking SL service from Company, under a separate SL Agreement, as of the July 1, 2012, then the following provisions shall apply:

1.) The SL rates charged by the Company on June 30, 2012, adjusted at the same time as rates contained in "Exhibit A-1" are changed to reflect any changes to existing fuel factor rates, surcharges, and rate adjustment clauses approved by the SCC, or any new or revised riders, surcharge factors, or rate adjustment clauses approved by the SCC, shall continue in effect through March 31, 2013.

2.) The SL rates set out in "Exhibit C-1," attached hereto and made a part hereof, shall become effective April 1, 2013, and shall remain in place through at least March 31, 2014. Per agreement of the Parties, "Exhibit C-1" includes a new LED-Experimental street light offering, and the rates contained therein have been designed to produce a \$200,000 increase in Company's annual revenues from Public Authority customers who take SL service.

3.) In the event that new SL rates and/or a new SL agreement, have not been agreed upon by the Parties by March 31, 2014, then Customer, if it is taking SL service from the Company, shall continue to pay the rates contained in "Exhibit C-1," as may be adjusted from time to time, per the provisions of this Agreement, until negotiations are concluded and new SL rates and/or a new SL agreement become effective.

6. Subsection (d) of the Fourteenth Article of the 2009 Agreement, Additional Terms and Conditions, shall be amended to read as follows:

(d) The following exhibits were part of the initial Agreement:

Exhibit A -- Public Authority Tariff No. 12  
Exhibit B -- The Company's current Virginia Schedule O.L.  
Exhibit C -- Public Authority Street Lighting Tariff No. 12(a)

In accordance with the provisions of other Sections of this Agreement, Exhibits A through C shall be updated or revised, from time to time, during the Term of this Agreement.

To reflect updates and revisions made to Exhibits A and B, in accordance with the provisions of other Sections of this Agreement, through June 30, 2012, the following exhibits are attached hereto and made a part hereof:

Exhibit A-1 -- Public Authority Tariff No. 16

Exhibit B-1 -- The Company's Virginia Schedule O.L., as of July 1, 2012

The following exhibit, which shall become effective on April 1, 2013, per the provisions of Article Thirteen (d) 1.) of this Agreement, is also attached hereto and made a part hereof:

Exhibit C-1 -- Public Authority Street Lighting Tariff No. 16(a)

In accordance with the provisions of other Sections of this Agreement, Exhibits A-1 through C-1 shall be updated or revised, from time to time, during the Term of this Agreement.

7. The Fourteenth Article of the 2009 Agreement, Additional Terms and Conditions, shall be further amended by adding a new subsection (k), which shall read as follows:
  - (k) The Public Authority customer group and the Company agree to use their best efforts, in good faith, to renegotiate, on a cost-of-service basis, fair and reasonable rates and terms, for the extension of this Agreement beyond December 31, 2013. In connection with such renegotiation, 1.) the Company and Customer agree to utilize the Company's most recent return on equity, and Off-System Sales ("OSS") margin sharing, as approved by the SCC in the Company's most recent base and fuel factor proceedings; and 2.) on or before October 1, 2013, the Company agrees to provide one representative of the Public Authority customer group, as designated by the Executive Directors of the Virginia Municipal League and the Virginia Association of Counties, with aggregate Public Authority load data, as well as a public Authority, and a Public Authority Street Lighting, cost-of-service analysis. To the extent practicable, the Company will endeavor to provide available cost-of-service information prior to October 1, 2013.
8. Each Party to this Amendment represents and warrants that it has all authorizations necessary for it to legally enter into and perform its obligations under this Amendment. This Amendment shall be binding upon the Company and Customer only when accepted by and approved by a proper official, and shall not be modified by any promise, agreement, or representation of any agent or employee of the Company or Customer unless reduced to writing before such acceptance. In no event shall any officer or agent of the Customer executing or authorizing the execution of this Amendment be held personally liable on account of such authorization or execution.
9. Except as modified and extended by this Amendment, the provisions of the 2009 Agreement shall remain in full force and effect.

**CUSTOMER: NELSON COUNTY BOARD  
OF SUPERVISORS**

**APPALACHIAN POWER COMPANY**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: Director, Regulatory Services,  
VA/TN

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**RESOLUTION-R2013-11  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE  
D.W. AND J.S. STURT REVOCABLE TRUST**

**RESOLVED**, by the Nelson County Board of Supervisors that the County Administrator, Stephen A. Carter is hereby authorized to accept the conveyance of property from D.W. and J.S. Sturt Revocable Trust via Deed of Gift dated January 22, 2013 on behalf of the Nelson County Board of Supervisors; the conveyed property being approximately 344.5 acres, more or less, in the Lovington Magisterial District. This being the same property conveyed to the Grantor by deed dated October 3, 1989 and recorded in Deed book 279 at page 190 in the Nelson County Circuit Court Clerk's Office.

Adopted: February 12, 2013

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

**MORRISON & REYNOLDS**  
200 NORTH FAIRFAX STREET  
ALEXANDRIA, VIRGINIA 22314  
(703) 549-8844  
(800) 676-4068  
FAX (703) 684-2099

JOHN C. MORRISON  
MARY JANE REYNOLDS  
NOT ADMITTED IN VIRGINIA

1616 H STREET NW  
SUITE 200  
WASHINGTON, D.C. 20006  
(202) 331-8000  
(202) 331-8004 (FAX)

January 28, 2013

The Honorable Phillip D. Payne, IV  
Nelson County Attorney  
402 Court Street  
Lovingson, VA 22949

Dear Mr. Payne:

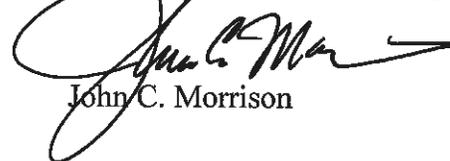
Re: Sturt Deed

I am pleased to enclose the original signed deed with California Notary page and an original death certificate for Daniel Webster Sturt in the event you may need that for recording.

I want to thank you for our assistance and prompt cooperation in all respects of this matter.

Please let me know if there is anything further that may be required of the Trsut to accomplish this transfer to the County.

Very truly yours,  
MORRISON & REYNOLDS



John C. Morrison

Tax Map #79-A-26A & 79-A-48

Consideration: 0  
No recordation tax per  
§58.1 – 811 D

DEED

THIS DEED OF GIFT, made and entered into this 22<sup>nd</sup> day of January, 2013,  
by and between the D.W. and J.S. STURT REVOCABLE TRUST, Grantor, and the COUNTY  
OF NELSON, Grantee, whose address is Post Office Box 366, Lovingson, Virginia, 22949;

WITNESSETH

WHEREAS, Grantor wishes to give the below-described property to Grantee for the  
purposes of recreation and conservation,

WHEREAS, the Comprehensive Plan for Nelson County, adopted October 8, 2002,  
includes the following goals:

Recognize that the natural environment is an important facet of our  
quality of life and efforts should be made to support and enhance  
that environment;

Protect the county's scenic resources as essential to the County's  
rural character, economic strength and quality of life;

Promote a diversity of recreational opportunities for Nelson's  
citizens and for those who visit the county as tourists;

Maintain the rural character of Nelson County;

and,

WHEREAS, Grantee is willing to accept such gift with restrictions;

NOW, THEREFORE, for and in consideration of the foregoing, Grantor does hereby  
give, grant, and convey with General Warranty and English Covenants of Title unto Grantee the  
following described property:

All those two certain tracts or parcels of land lying in

the Lovingson Magisterial District of Nelson County, Virginia, containing 344.5 acres, more or less, this being a conveyance by the boundary and not by the acre.

BEING the same property conveyed to Grantor by deed dated October 3, 1989 and recorded in Deed Book 279 at page 190 in the Office of the Clerk for the Circuit Court of Nelson County, Virginia.

PROVIDED HOWEVER, that such property shall be used only for public recreation and for the conservation of natural resources, and further provided that such limitation shall not prohibit improvements to the property in connection with these uses, including but not limited to recreational facilities and parking, trails, water impoundment, and timber management, all of which shall be a covenant binding upon and running with the land.

This conveyance is made subject to all conditions, restrictions, and easements of record, if any, duly affecting such property which have not expired by limitation of time or otherwise become ineffective.

By Resolution of the Board of Supervisors of Nelson County duly adopted on \_\_\_\_\_, 2013, the County Administrator is authorized to accept this conveyance on behalf of Grantee.

WITNESS the following signatures:

[Signatures on following page]

D. W. and J. S. Sturt  
Revocable Trust

By: Heather Sturt Haaga  
Sole Surviving Trustee  
Heather Sturt Haaga

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by \_\_\_\_\_, its \_\_\_\_\_.

My commission expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

See Attached

\_\_\_\_\_  
Notary Public

County of Nelson

By: \_\_\_\_\_  
County Administrator

STATE OF VIRGINIA  
COUNTY OF NELSON

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by Stephen A. Carter, County Administrator for Nelson County.

My commission expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Approved as to form:  
Phillip D. Payne IV  
Phillip D. Payne IV

Deed drafted by:  
Phillip D. Payne IV  
Attorney at Law  
Lovingson, Virginia  
VSB #25405

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Los Angeles

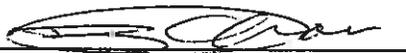
On Jan. 22, 2013 before me, Bryan S. Choi, a notary public,  
(Here insert name and title of the officer)

personally appeared Heather S. Haaga,

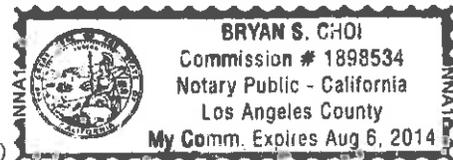
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary Public



(Notary Seal)

## ADDITIONAL OPTIONAL INFORMATION

### INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

### DESCRIPTION OF THE ATTACHED DOCUMENT

Deed

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

- Individual (s)  
 Corporate Officer

\_\_\_\_\_  
(Title)

- Partner(s)  
 Attorney-in-Fact  
 Trustee(s)  
 Other \_\_\_\_\_

COUNTY OF NELSON, VIRGINIA  
FINANCIAL REPORT  
FISCAL YEAR ENDED JUNE 30, 2012



COUNTY OF NELSON, VIRGINIA

FINANCIAL REPORT

FISCAL YEAR ENDED JUNE 30, 2012

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COUNTY OF NELSON, VIRGINIA  
DIRECTORY OF PRINCIPAL OFFICIALS  
FISCAL YEAR ENDED JUNE 30, 2012

BOARD OF SUPERVISORS

---

Thomas D. Harvey, Chairman  
Thomas H. Bruguiera, Jr., Vice-Chairman

Allen M. Hale, East District  
Constance Brennan, Central District  
Larry D. Saunders, South District

COUNTY SCHOOL BOARD

---

	David Parr, Chairperson Margaret Clair, Vice-Chairperson	
Amy Snapp		Mary Cunningham Jane Mays

COUNTY SOCIAL SERVICES BOARD

---

	Cliff Savell, Chairperson Donald Gray, Vice-Chairperson	
Connie Brennan Joe Williamson		Pauline Page Joan Giles

OTHER OFFICIALS

---

Michael Gamble  
Judy Smythers  
Anthony Martin  
Jean W. Payne  
Angela F. Johnson  
David Brooks  
Roger D. Collins  
Michael Kohl  
Stephen A. Carter

Judge of the Circuit Court  
Clerk of the Circuit Court  
Commonwealth's Attorney  
Commissioner of the Revenue  
Treasurer  
Sheriff  
Superintendent of Schools  
Director of Social Services  
County Administrator



# ROBINSON, FARMER, COX ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

A PROFESSIONAL LIMITED LIABILITY COMPANY

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## Independent Auditors' Report

---

To The Honorable Members of Board of Supervisors  
County of Nelson  
Nelson, Virginia

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information of the County of Nelson, Virginia (the "County"), as of and for the year ended June 30, 2012, which collectively comprise the County's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the County of Nelson, Virginia's management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *Specifications for Audits of Counties, Cities, and Towns*, issued by the Commonwealth of Virginia, Office of the Auditor of Public Accounts. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information of the County of Nelson, Virginia, as of June 30, 2012, and the respective changes in financial position, and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated January 3, 2013, on our consideration of the County of Nelson, Virginia's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, and schedules of pension and OPEB funding progress be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the management's discussion and analysis and schedules of funding progress in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the management's discussion and analysis and schedules of funding progress because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The budgetary comparison information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the County of Nelson, Virginia's basic financial statements and schedules. The introductory section, combining and individual nonmajor fund financial statements and schedules, budgetary comparison schedules and statistical tables are presented for purposes of additional analysis and are not a required part of the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and is also not a required part of the basic financial statements of the County of Nelson, Virginia. The combining and individual nonmajor fund financial statements and schedules, budgetary comparison schedules, and the Schedule of Expenditures of Federal Awards are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole. The introductory section and statistical tables have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on them.

*Robinson, Jarner, Cox Associates*

Charlottesville, Virginia

January 3, 2013

## MANAGEMENT'S DISCUSSION AND ANALYSIS

The following is a narrative overview and analysis of the financial activities of the County of Nelson, Virginia for the fiscal year ended June 30, 2012.

### Financial Highlights

#### Government-wide Financial Statements

The assets of the County of Nelson, Virginia exceeded its liabilities at the close of the most recent fiscal year by \$29,228,088. Of this amount, \$20,379,138 is unrestricted (an increase of \$1,117,529 from the previous fiscal year), and may be used to meet the government's ongoing obligations to creditors and citizens. Of the total net assets, there is \$8,826,349 invested in capital assets net of related debt (an increase of \$1,941,988 from the previous fiscal year). The School Board's net assets were \$13,386,456 of which there are unrestricted net assets in the amount of \$87,023 (a decrease of \$152,474 from the previous year). (See Exhibit 1.)

The net assets of the Primary Government increased by \$3,065,824. The School Board's net assets increased by \$958,513 (See Exhibit 2.)

#### Fund Financial Statements

At the end of the current fiscal year, the unassigned fund balance for the general fund was \$19,580,297. (See Exhibit 3.) This amount includes taxes and accounts receivable reflected in the fiscal year 2011-12 budget. At the close of the current fiscal year, the County's governmental funds reported combined ending fund balances of \$22,163,583 of which \$19,580,297 is available for spending at the government's discretion (unassigned fund balance). (See Exhibit 3.)

### Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to Nelson County's basic financial statements. These statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains the required supplementary information in addition to the basic financial statements themselves.

#### Government-wide Financial Statements

Government-wide financial statements provide financial statement users with a general overview of County finances. The statements include all assets and liabilities using the accrual basis of accounting. All current year revenue and expenses are taken into account regardless of when cash is received or paid. Both the financial overview and accrual accounting factors are used in the reporting of a private-sector business. Two financial statements are used to present this information: 1) the statement of net assets and 2) the statement of activities.

The statement of net assets presents all of the County's permanent accounts or assets, liabilities and net assets. The difference between assets and liabilities is reported as net assets. Increases or decreases in net assets may serve as a useful indicator of whether the financial position of the County is improving or deteriorating. Other non-financial factors will also need to be considered to determine the overall financial position of the County.

The statement of activities presents information showing how the government's net assets changed during the fiscal year. The statement is focused on the gross and net cost of various government functions that are supported by general tax and other revenue. The statement of activities presents expenses before revenues, emphasizing that in governments, revenues are generated for the express purpose of providing services rather than as an end in themselves.

## Overview of the Financial Statements: (Continued)

Both government-wide financial statements separate government activities and business-type activities of the County. The primary source of funding for government activities is taxes and intergovernmental revenues. Government activities include general government administration, judicial administration, public safety, public works, health and welfare, education, parks, recreation and cultural, and community development. Business-type activities recover all or a significant portion of their costs through user fees and charges. The County currently classifies the Piney River public water and sewer system and the Nelson County Broadband Authority as business-type activities.

The government-wide financial statements include, in addition to the primary government or County, two component units: 1) the Nelson County School Board and 2) the Nelson County Economic Development Authority. Although the component units are legally separate entities, the County is accountable or financially accountable for them. A primary government is accountable for an organization if the primary government appoints a majority of the organization's governing body. A primary government is financially accountable if, in addition, either the government is able to impose its will on the organization or the organization is capable of imposing specific financial burdens on the primary government. For example, the primary government may approve debt issuances, rate structures and/or provide significant operational funding of the component unit.

### Fund Financial Statements

A fund is a group of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. Fund accounting is used to ensure and demonstrate compliance with finance-related legal requirements. The County's funds can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

#### Governmental funds

Governmental funds are used to account for essentially the same functions, or services, reported as governmental activities in the government-wide financial statements. Whereas, the government-wide financial statements are prepared on the accrual basis of accounting, the government fund financial statements are prepared on the modified accrual basis of accounting. The focus of modified accrual reporting is on near-term inflows and outflows of financial resources and the balance of financial resources available at the end of the fiscal year. Since the governmental funds focus is narrower than that of the government-wide financial statements a reconciliation between the two methods is provided at the bottom of the governmental fund balance sheet and the governmental fund statement of revenues, expenditures and changes in fund balances.

The County maintains four individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the General Fund, Debt Service Fund, and the Capital Projects Fund, all of which are considered to be major funds. Data for other governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these non-major governmental funds is provided in the form of combining statements elsewhere in this report.

#### Proprietary funds

There are two types of proprietary funds: enterprise funds which are established to account for the delivery of goods and services to the general public and internal service funds which account for the delivery of goods and services to other departments or agencies of the government. Proprietary funds use accrual basis accounting, similar to private sector business.

The financial statements for the Piney River public water and sewer system and the Nelson County Broadband Authority are reported as enterprise funds in the County's fund financial statements. The Piney River public water and sewer system's operation provides for the delivery of public water and sewer service to County residents in designated areas of Nelson County. The Nelson County Broadband Authority operates a middle mile broadband network. The County does not have any internal service funds.

## Overview of the Financial Statements: (Continued)

### Fiduciary funds

Fiduciary funds account for assets held by the government as a trustee or agent for another organization or individual. The County is responsible for ensuring that the assets reported in these funds are used for their intended purposes. All of the County's fiduciary activities are reported in a separate statement of fiduciary net assets and a statement of changes in fiduciary net assets. Fiduciary funds are not reflected in the government-wide financial statements because the funds are not available to support the County's own activities. These funds consist of the Special Welfare and EMS Loan Funds.

### Notes to the financial statements

The notes provide additional information that is needed to fully understand the data provided in the government-wide and fund financial statements.

### Other Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the County's progress in funding its obligation to provide pension benefits to its employees.

The combining statements mentioned earlier in connection with non-major governmental funds are presented as other supplementary information.

### Government-wide Financial Analysis

As previously noted, net assets may serve as a useful indicator of a government's financial position. For the County of Nelson, assets exceeded liabilities by \$29,228,088 at the end of the fiscal year.

The County's net assets are divided into three categories: 1) invested in capital assets, net of related debt; 2) restricted; and 3) unrestricted.

#### County of Nelson's Net Assets As of June 30, 2012

	<u>Governmental Activities</u>		<u>Business-type Activities</u>		<u>Total</u>	
	<u>2012</u>	<u>2011*</u>	<u>2012</u>	<u>2011*</u>	<u>2012</u>	<u>2011*</u>
Current and other assets	\$ 34,878,782	\$ 32,683,154	\$ 249,343	\$ 501,227	\$ 35,128,125	\$ 33,184,381
Capital assets	32,760,049	33,176,590	7,584,521	6,126,737	40,344,570	39,303,327
Total assets	<u>\$ 67,638,831</u>	<u>\$ 65,859,744</u>	<u>\$ 7,833,864</u>	<u>\$ 6,627,964</u>	<u>\$ 75,472,695</u>	<u>\$ 72,487,708</u>
Long-term liabilities	\$ 33,766,732	\$ 34,503,594	\$ 1,130,506	\$ 1,143,594	\$ 34,897,238	\$ 35,647,188
Other liabilities	11,145,395	10,631,353	201,974	46,903	11,347,369	10,678,256
Total liabilities	<u>\$ 44,912,127</u>	<u>\$ 45,134,947</u>	<u>\$ 1,332,480</u>	<u>\$ 1,190,497</u>	<u>\$ 46,244,607</u>	<u>\$ 46,325,444</u>
Net assets:						
Invested in capital assets, net of related debt	\$ 2,372,334	\$ 1,901,218	\$ 6,454,015	\$ 4,983,143	\$ 8,826,349	\$ 6,884,361
Restricted for:						
Debt service and bond covenants	-	-	22,601	16,294	22,601	16,294
Unrestricted	20,354,370	18,823,579	24,768	438,030	20,379,138	19,261,609
Total net assets	<u>\$ 22,726,704</u>	<u>\$ 20,724,797</u>	<u>\$ 6,501,384</u>	<u>\$ 5,437,467</u>	<u>\$ 29,228,088</u>	<u>\$ 26,162,264</u>

\*Note: the amounts presented for 2011 reflect a restatement as detailed in Note 21 of the financial statements.

## Government-wide Financial Analysis: (Continued)

For the County, investment in capital assets (i.e., land, buildings, machinery and equipment), net of related debt used to acquire those assets that is still outstanding, represents 30.2 percent of total net assets. The County uses these capital assets to provide services to citizens therefore; these assets are not available for future spending. Although, the County's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay debt must be provided from assets restricted for that purpose or other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

The County has restricted net assets for debt service and bond covenants (\$22,601) at June 30, 2012. The remaining balance of unrestricted net assets, which is \$20,379,138 or 69.7 percent of total net assets, may be used to meet government's ongoing obligations to citizens and creditors.

At the end of the fiscal year, the County is able to report a positive balance in total net assets. The governmental activities reported positive balances of \$ 2,372,334 in net assets invested in capital assets, net of related debt and \$20,354,370 in unrestricted net assets. The business-type activities reported positive balances of \$6,454,015 in net assets invested in capital assets, net of related debt and \$24,768 in unrestricted net assets.

The government's total net assets increased by \$3,065,824 during the current fiscal year, compared to an increase of \$2,892,906 in FY 2011.

### Governmental and Business-type Activities

Governmental activities increased the County's net assets by \$2,001,907. Business-type activities increased the County's net assets by \$1,063,917. Key elements of these changes are as follows:

#### County of Nelson's Changes in Net Assets For the Year Ended June 30, 2012

	Governmental Activities		Business-type Activities		Total	
	2012	2011*	2012	2011*	2012	2011*
Revenues:						
Program Revenues:						
Charges for services	\$ 633,223	\$ 865,625	\$ 108,553	\$ 116,537	\$ 741,776	\$ 982,162
Operating grants & contributions	2,659,104	2,979,948	-	-	2,659,104	2,979,948
Capital grants & contributions	1,710,321	203,289	1,043,118	306,583	2,753,439	509,872
General revenues:						
General property taxes	20,120,918	19,270,265	-	-	20,120,918	19,270,265
Other local taxes	3,610,714	3,496,429	-	-	3,610,714	3,496,429
Use of money and property	154,369	331,077	-	-	154,369	331,077
Miscellaneous	68,990	84,056	-	-	68,990	84,056
Grants and contributions not restricted to specific programs	2,395,975	2,670,871	-	-	2,395,975	2,670,871
Transfers	(261,686)	(571,041)	261,686	571,041	-	-
Total revenues	\$ 31,091,928	\$ 29,330,519	\$ 1,413,357	\$ 994,161	\$ 32,505,285	\$ 30,324,680
Expenses:						
General government	\$ 1,985,357	\$ 1,938,519	\$ -	\$ -	\$ 1,985,357	\$ 1,938,519
Judicial administration	692,589	666,374	-	-	692,589	666,374
Public safety	4,131,423	3,373,814	-	-	4,131,423	3,373,814
Public works	1,866,516	1,733,529	349,440	333,834	2,215,956	2,067,363
Health and welfare	2,272,554	2,356,458	-	-	2,272,554	2,356,458
Education	15,227,323	14,266,695	-	-	15,227,323	14,266,695
Parks, recreation and cultural	599,470	565,713	-	-	599,470	565,713
Community development	812,186	724,030	-	-	812,186	724,030
Interest on long-term debt	1,502,603	1,472,808	-	-	1,502,603	1,472,808
Total expenses	\$ 29,090,021	\$ 27,097,940	\$ 349,440	\$ 333,834	\$ 29,439,461	\$ 27,431,774
Increase (decrease) in net assets	\$ 2,001,907	\$ 2,232,579	\$ 1,063,917	\$ 660,327	\$ 3,065,824	\$ 2,892,906
Beginning net assets	20,724,797	18,492,218	5,437,467	4,777,140	26,162,264	23,269,358
Ending net assets	\$ 22,726,704	\$ 20,724,797	\$ 6,501,384	\$ 5,437,467	\$ 29,228,088	\$ 26,162,264

\*Note: the amounts presented for 2011 reflect a restatement as detailed in Note 21 of the financial statements.

## Government-wide Financial Analysis: (Continued)

- Overall revenues increased by \$2,180,605. The most significant increase in revenue was due to increased capital grants (Public Safety Interoperable Communications Grant Program-\$1,310,000 and National Telecommunications and Information Administration Grant for Broadband-\$1,043,118).
- Capital grants included in program revenues for governmental activities reflected a net increase of \$1,200,449. This is comprised of the Public Safety Interoperable Communications Grant in the amount of \$1,310,000 and a decrease of \$111,859 in the Tunnel Grant (T-21).
- Capital grants included in program revenues for Business-type Activities reflect an increase of \$1,043,118 relative to receipt of a National Telecommunications and Information Administration Grant for Broadband.
- Operating grants and contributions for governmental activities decreased by \$320,844. Various categorical aid from both state and federal sources decreased. E911 Wireless grant funding decreased by \$149,720 and public assistance and welfare administration decreased by \$80,160 (state and federal). Comprehensive Services Act pool reimbursement revenue decreased by \$54,286.
- The revenues from the use of money and property included in program revenues for governmental activities decreased by \$176,708. This is primarily due to reductions in interest earnings and a reduction in proceeds from the sale of tax parcels for delinquent taxes.
- The revenues from general property taxes increased by \$850,653 primarily due to an increase in the real property tax rate for 2012.
- Expenses reflected an overall net increase of \$2,007,687.
- General government expenses increased by \$1,992,081 predominantly due to increases in public safety and education expenses.
- The Public Safety function reports an increase in expenditures of \$757,609. This is mainly attributable to an increase in depreciation expense of \$191,800, the acquisition of assets related to public safety interoperability on behalf of Albemarle County in the amount of \$351,564, and an increase in regional jail costs of \$86,170.
- Education expenditures reflect an increase of \$960,628. This is primarily due to an increase in local appropriations designated to schools of \$382,648 and an increase in the amount transferred from primary government to school board of jointly owned debt financed assets due to the payment of debt service of \$519,800.
- The business activities reported an increase in operational expenses of \$15,606. This reflects an increase in maintenance and repair expenditures for the Piney River water/sewer system.

## Financial Analysis of the Government's Funds

The County uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

### Governmental funds

The focus of the County's governmental funds is to provide information on near-term inflows, outflows, and balances of financial resources. Such information is useful in assessing the County's financing requirements. Unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

At the end of the fiscal year, the County's governmental funds reported combined ending fund balances of \$22,163,583, an increase of \$1,191,235 from the prior year. Approximately, 88.3 percent of this total amount constitutes the unassigned fund balance, which is available for spending at the government's discretion. The remainder of the fund balance is classified to indicate that it is not available for new spending because it is constrained as follows:

- Nonspendable fund balance of \$103,411
- Committed fund balance of \$2,479,875

## Financial Analysis of the Government's Funds

Details of these classifications can be found in Note 1 (N) of these financial statements.

The general fund is the chief operating fund of the County. As of June 30, 2012, total fund balance of the general fund was \$19,722,660, of which \$19,580,297 was unassigned. As a measure of the general fund's liquidity, it may be useful to compare both the unassigned fund balance and total fund balance to total general fund expenditures. The unassigned fund balance represents 74.7 percent of total general fund expenditures, which includes transfers to the School Board component unit of \$12,985,752. Total fund balance represents 75.3 percent of total general fund expenditures.

The fund balance of the County's general fund increased by \$3,681,454 during the current fiscal year.

Key factors in this increase are as follows:

- Collections of general property taxes increased by \$436,232 primarily attributable to an increase in the real estate tax rate for 2012.
- Revenue from the Federal Government increased by \$1,137,421 primarily due to the receipt of a Public Safety Interoperable Communications Grant in the amount of \$1,310,000.
- There was an issuance of lease revenue bonds in the amount of \$1,842,340 for the County's public safety radio system upgrade. This is treated as an other financing source and increased the General fund balance for the year.

### Proprietary funds

The County's proprietary funds provide the same type of information found in the government-wide financial statements and in more detail.

Unrestricted net assets of the Piney River Water and Sewer Fund at the end of the fiscal year were \$89,614. This is an increase over the prior year of \$2,158.

Unrestricted net assets of the Broadband Authority at the end of the fiscal year were (\$64,846). For the year ended June 30, 2011, the Broadband Authority was reported as part of the Capital Projects Fund, however, the beginning net assets have been restated to reflect this activity as an Enterprise Fund for FY12, and thus it has been included in the County's Business Type Activities for the year ended June 30, 2012. This Authority had unrestricted net assets of \$350,574 at June 30, 2011, primarily attributable to unspent cash balances. During FY12, the cash balances and federal grant receipts have been expended on the broadband network. Any unrestricted net assets deficit as of year end will be funded in the next fiscal year through federal grant reimbursements.

### General Fund Budgetary Highlights

The final amended budget appropriations for the General Fund were \$106,579 more than the original budgeted expenditure appropriations, which is 0.3 percent of the total original budget, and can be briefly summarized as follows:

- Supplemental appropriation in the amount of \$30,000 to conduct a grant funded cider apple and cider production feasibility study.
- Supplemental appropriation in the amount of \$11,197 for primary election expenses. This appropriation was supported by state funding.
- Various other small supplemental appropriations.

## Capital Asset and Debt Administration

### Capital Assets

The County's investment in capital assets for its governmental activities as of June 30, 2012 is \$32,760,049 (net of accumulated depreciation and is an increase of \$416,541 from the previous fiscal year). This investment in capital assets includes land, infrastructure, buildings and improvements, machinery and equipment, and construction in progress.

#### County of Nelson, Virginia Capital Assets for Governmental Activities (net of depreciation)

	Governmental Activities		Business-type Activities		Total	
	2012	2011*	2012	2011*	2012	2011*
Land	\$ 425,761	\$ 425,761	\$ 40,000	\$ 40,000	\$ 465,761	\$ 465,761
Infrastructure	-	-	5,481,576	5,674,066	5,481,576	5,674,066
Buildings and improvements	29,209,225	22,537,747	-	-	29,209,225	22,537,747
Machinery and equipment	2,443,402	877,275	-	-	2,443,402	877,275
Construction in progress	681,661	9,335,807	2,062,945	412,671	2,744,606	9,748,478
Total	<u>\$ 32,760,049</u>	<u>\$ 33,176,590</u>	<u>\$ 7,584,521</u>	<u>\$ 6,126,737</u>	<u>\$ 40,344,570</u>	<u>\$ 39,303,327</u>

\*Note: the amounts presented for 2011 reflect a restatement as detailed in Note 21 of the financial statements.

Additional information on the County's capital assets can be found in the notes to the financial statements.

### Long-term debt

At the end of the fiscal year the County had the following outstanding debt:

#### County of Nelson's Outstanding Debt For the Year Ended June 30, 2012

	Governmental Activities		Business-type Activities		Total	
	2012	2011	2012	2011	2012	2011
Lease Revenue School Bonds	\$ -	\$ 10,985,000	\$ -	\$ -	\$ -	\$ 10,985,000
Lease Revenue Refunding	9,990,000	-	-	-	9,990,000	-
Lease Revenue Bonds	6,705,490	6,317,738	-	-	6,705,490	6,317,738
General Obligation Bonds	10,510,000	11,370,000	-	-	10,510,000	11,370,000
State Literary Fund Loans	1,750,000	2,000,000	-	-	1,750,000	2,000,000
Revenue Bonds	3,040,000	1,745,000	1,130,506	1,143,594	4,170,506	2,888,594
Capital Leases	-	71,134	-	-	-	71,134
Retirement Incentive Loan	338,076	382,568	-	-	338,076	382,568
Total	<u>\$ 32,333,566</u>	<u>\$ 32,871,440</u>	<u>\$ 1,130,506</u>	<u>\$ 1,143,594</u>	<u>\$ 33,464,072</u>	<u>\$ 34,015,034</u>

All debt reported by the Discretely Presented Component Unit - School Board, has been assumed by the Primary Government as required by Section 15.2-1800.1, Code of Virginia, 1950, as amended.

Additional information on the County's long-term debt can be found in the notes of the financial statements.

## Economic Factors and Next Year's Budgets and Rates

- The unemployment rate for the County was 5.5 percent (June 2012), which is an increase from the rate of 5.2 percent a year ago (June 2011). This compares favorably to the state's average unemployment rate of 6.0 percent (June 2012) and the national average rate of 8.4 percent (June 2012). These rates were obtained from the Virginia Employment Commission's Labor Market Data.
- Due to current housing market conditions, the County anticipates flat but stable receipts of building permit fees and recordation taxes as has been the trend in the last four fiscal years. The County does not anticipate recovery of the housing market to generate building permit fees at the level realized in fiscal year 2007-2008.
- The County anticipates some reductions in state funding at least in the next two fiscal years due to concerns about declining federal funding. The full extent of these reductions is not known at this time.
- A property reassessment effective for 2014 is in progress. Preliminary work indicates that property values may decline below values established in the 2008 reassessment.

All of these factors were considered in preparing the County's budget for the 2012-2013 fiscal year.

## Requests for Information

This financial report is designed to provide readers with a general overview of the County of Nelson's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Office of the County Administrator, County of Nelson, Post Office Box 336, Lovingston, Virginia 22949.

## Basic Financial Statements

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## Government-wide Financial Statements

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Statement of Net Assets  
At June 30, 2012

	Governmental Activities	Business-type Activities	Total	Component Units	
				School Board	Economic Development Authority
<b>ASSETS</b>					
Cash and cash equivalents	\$ 18,686,081	\$ 128,257	18,814,338	\$ 1,913,762	\$ 31,121
Restricted cash	-	22,601	22,601	-	-
Receivables (net of allowance for uncollectibles):					
Taxes receivable	12,166,116	-	12,166,116	-	-
Accounts receivable	273,865	23,007	296,872	24,752	40,320
Notes receivable	-	-	-	-	128,000
Due from component unit	881,694	-	881,694	-	-
Due from other governmental units	2,767,615	75,478	2,843,093	916,154	-
Inventories	-	-	-	66,819	-
Prepaid expenses	103,411	-	103,411	22,287	-
Capital assets (net of accumulated depreciation):					
Land and improvements	425,761	40,000	465,761	851,210	-
Buildings and improvements	29,209,225	-	29,209,225	10,824,116	-
Infrastructure and equipment	-	5,481,576	5,481,576	-	-
Machinery and equipment	2,443,402	-	2,443,402	1,624,107	-
Construction in progress	681,661	2,062,945	2,744,606	-	-
<b>Total assets</b>	<b>\$ 67,638,831</b>	<b>\$ 7,833,864</b>	<b>\$ 75,472,695</b>	<b>\$ 16,243,207</b>	<b>\$ 199,441</b>
<b>LIABILITIES</b>					
Accounts payable	\$ 766,096	\$ 198,980	\$ 965,076	\$ 75,254	\$ -
Accrued liabilities	370,913	2,994	373,907	1,430,810	-
Amounts held for others	96,362	-	96,362	-	-
Due to primary government	-	-	-	881,694	-
Unearned revenue	9,912,024	-	9,912,024	-	-
Long-term liabilities:					
Due within one year	2,119,990	13,664	2,133,654	33,849	-
Due in more than one year	31,646,742	1,116,842	32,763,584	435,144	-
<b>Total liabilities</b>	<b>\$ 44,912,127</b>	<b>\$ 1,332,480</b>	<b>\$ 46,244,607</b>	<b>\$ 2,856,751</b>	<b>\$ -</b>
<b>NET ASSETS</b>					
Invested in capital assets, net of related debt	\$ 2,372,334	\$ 6,454,015	\$ 8,826,349	\$ 13,299,433	\$ -
Restricted for:					
Debt service and bond covenants	-	22,601	22,601	-	-
Unrestricted (deficit)	20,354,370	24,768	20,379,138	87,023	199,441
<b>Total net assets</b>	<b>\$ 22,726,704</b>	<b>\$ 6,501,384</b>	<b>\$ 29,228,088</b>	<b>\$ 13,386,456</b>	<b>\$ 199,441</b>

The notes to the financial statements are an integral part of this statement.

COUNTY OF NELSON, VIRGINIA

Statement of Activities  
 For the Year Ended June 30, 2012

Functions/Programs	Expenses	Program Revenues		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions
<b>PRIMARY GOVERNMENT:</b>				
Governmental activities:				
General government administration	\$ 1,985,357	\$ -	\$ 205,139	\$ -
Judicial administration	692,589	252,256	409,364	-
Public safety	4,131,423	183,670	860,509	1,310,000
Public works	1,866,516	148,057	5,265	-
Health and welfare	2,272,554	-	1,161,832	-
Education	15,227,323	-	-	-
Parks, recreation, and cultural	599,470	48,467	9,995	-
Community development	812,186	773	7,000	400,321
Interest on long-term debt	1,502,603	-	-	-
Total governmental activities	\$ 29,090,021	\$ 633,223	\$ 2,659,104	\$ 1,710,321
Business-type activities:				
Piney River Water & Sewer	349,440	108,503	-	-
Nelson County Broadband Authority	-	50	-	1,043,118
Total primary government	\$ 29,439,461	\$ 741,776	\$ 2,659,104	\$ 2,753,439
<b>COMPONENT UNITS:</b>				
School Board	\$ 24,288,722	\$ 459,893	\$ 9,784,568	\$ -
Nelson County Economic Development Authority	25,936	-	-	-
Total component units	\$ 24,314,658	\$ 459,893	\$ 9,784,568	\$ -
General revenues:				
General property taxes				
Local sales and use taxes				
Consumers' utility taxes				
Meals taxes				
Transient occupancy tax				
Motor vehicle licenses				
Other local taxes				
Payment from County of Nelson -- Education				
Unrestricted revenues from use of money and property				
Miscellaneous				
Grants and contributions not restricted to specific programs				
Transfers				
Total general revenues and transfers				
Change in net assets				
Net assets - beginning, as restated				
Net assets - ending				

The notes to the financial statements are an integral part of this statement.

Net (Expense) Revenue and Changes in Net Assets				
Primary Government			Component Units	
Governmental Activities	Business-type Activities	Total	School Board	Economic Development Authority
\$ (1,780,218)	\$ -	\$ (1,780,218)		
(30,969)	-	(30,969)		
(1,777,244)	-	(1,777,244)		
(1,713,194)	-	(1,713,194)		
(1,110,722)	-	(1,110,722)		
(15,227,323)	-	(15,227,323)		
(541,008)	-	(541,008)		
(404,092)	-	(404,092)		
(1,502,603)	-	(1,502,603)		
<u>\$ (24,087,373)</u>	<u>\$ -</u>	<u>\$ (24,087,373)</u>		
-	(240,937)	(240,937)		
-	1,043,168	1,043,168		
<u>\$ (24,087,373)</u>	<u>\$ 802,231</u>	<u>\$ (23,285,142)</u>		
			\$ (14,044,261)	\$ -
			-	(25,936)
			<u>\$ (14,044,261)</u>	<u>\$ (25,936)</u>
\$ 20,120,918	\$ -	\$ 20,120,918	\$ -	\$ -
988,659	-	988,659	-	-
446,787	-	446,787	-	-
732,634	-	732,634	-	-
400,624	-	400,624	-	-
599,675	-	599,675	-	-
442,335	-	442,335	-	-
-	-	-	14,668,049	-
154,369	-	154,369	173	8,974
68,990	-	68,990	334,552	-
2,395,975	-	2,395,975	-	-
(261,686)	261,686	-	-	-
<u>\$ 26,089,280</u>	<u>\$ 261,686</u>	<u>\$ 26,350,966</u>	<u>\$ 15,002,774</u>	<u>\$ 8,974</u>
\$ 2,001,907	\$ 1,063,917	\$ 3,065,824	\$ 958,513	\$ (16,962)
<u>20,724,797</u>	<u>5,437,467</u>	<u>26,162,264</u>	<u>12,427,943</u>	<u>216,403</u>
<u>\$ 22,726,704</u>	<u>\$ 6,501,384</u>	<u>\$ 29,228,088</u>	<u>\$ 13,386,456</u>	<u>\$ 199,441</u>

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## Fund Financial Statements

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Balance Sheet  
 Governmental Funds  
 At June 30, 2012

	General Fund	Debt Service Fund	Capital Projects Fund	Other Governmental Funds	Total Governmental Funds
<b>Assets</b>					
Cash and cash equivalents	\$ 15,859,293	\$ 190,486	\$ 2,636,252	\$ 50	\$ 18,686,081
Receivables (net of allowance):					
Property taxes receivable, net	12,166,116	-	-	-	12,166,116
Accounts receivable	273,865	-	-	-	273,865
Due from component unit	881,694	-	-	-	881,694
Due from other governmental units	2,668,373	-	-	99,242	2,767,615
Prepaid items	103,411	-	-	-	103,411
<b>Total assets</b>	<b>\$ 31,952,752</b>	<b>\$ 190,486</b>	<b>\$ 2,636,252</b>	<b>\$ 99,292</b>	<b>\$ 34,878,782</b>
<b>Liabilities</b>					
Accounts payable	\$ 280,989	\$ -	\$ 385,865	\$ 99,242	\$ 766,096
Amounts held for others	96,362	-	-	-	96,362
Prepaid property taxes	192,133	-	-	-	192,133
Deferred revenue	11,660,608	-	-	-	11,660,608
<b>Total liabilities</b>	<b>\$ 12,230,092</b>	<b>\$ -</b>	<b>\$ 385,865</b>	<b>\$ 99,242</b>	<b>\$ 12,715,199</b>
<b>Fund balance</b>					
Nonspendable	\$ 103,411	\$ -	\$ -	\$ -	\$ 103,411
Committed	38,952	190,486	2,250,387	50	2,479,875
Unassigned	19,580,297	-	-	-	19,580,297
<b>Total fund balances</b>	<b>\$ 19,722,660</b>	<b>\$ 190,486</b>	<b>\$ 2,250,387</b>	<b>\$ 50</b>	<b>\$ 22,163,583</b>
<b>Total liabilities and fund balances</b>	<b>\$ 31,952,752</b>	<b>\$ 190,486</b>	<b>\$ 2,636,252</b>	<b>\$ 99,292</b>	<b>\$ 34,878,782</b>

The notes to the financial statements are an integral part of this statement.

Reconciliation of the Balance Sheet of Governmental Funds  
 To the Statement of Net Assets  
 At June 30, 2012

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Amounts reported for governmental activities in the statement of net assets are different because:

Total fund balances per Exhibit 3 - Balance Sheet - Governmental Funds \$ 22,163,583

Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.

Land and improvements	\$ 425,761	
Construction in progress	681,661	
Buildings and improvements, net of depreciation	11,700,351	
Equipment, net of depreciation	2,443,402	
School Board capital assets, net of depreciation	<u>17,508,874</u>	32,760,049

Other long-term assets are not available to pay for current-period expenditures and, therefore, are deferred in the funds. 1,940,717

Compensated absences are not payable with current assets and accordingly are not reported as fund liabilities. (264,952)

Long-term liabilities and related interest are not due and payable in the current period and, therefore, are not reported in the funds.

Accrued interest on debt	\$ (370,913)	
Bonds, notes and capital leases payable	(31,529,050)	
Bond premiums	(629,191)	
Early retirement incentive obligation	(338,076)	
Accrued landfill remediation costs	<u>(982,018)</u>	(33,849,248)

Net OPEB obligation not reported in the funds (23,445)

Net assets of governmental activities \$ 22,726,704

The notes to the financial statements are an integral part of this statement.

Statement of Revenues, Expenditures, and Changes in Fund Balances  
 Governmental Funds  
 For the Year Ended June 30, 2012

	General Fund	Debt Service Fund	Capital Projects Fund	Other Governmental Funds	Total Governmental Funds
<b>Revenues</b>					
General property taxes	\$ 19,964,116	\$ -	\$ -	\$ -	\$ 19,964,116
Other local taxes	3,610,714	-	-	-	3,610,714
Permits, privilege fees, and regulatory licenses	177,207	-	-	-	177,207
Fines and forfeitures	237,993	-	-	-	237,993
Revenue from the use of money and property	154,296	-	73	-	154,369
Charges for services	218,023	-	-	-	218,023
Miscellaneous	68,955	-	-	35	68,990
Recovered costs	640,168	-	-	-	640,168
Intergovernmental revenues:					
Revenue from the Commonwealth	4,475,156	-	-	-	4,475,156
Revenue from the Federal Government	1,975,010	-	-	315,234	2,290,244
<b>Total revenues</b>	<b>\$ 31,521,638</b>	<b>\$ -</b>	<b>\$ 73</b>	<b>\$ 315,269</b>	<b>\$ 31,836,980</b>
<b>Expenditures</b>					
Current:					
General government administration	\$ 1,684,480	\$ -	\$ -	\$ -	\$ 1,684,480
Judicial administration	692,589	-	-	-	692,589
Public safety	3,902,854	-	-	-	3,902,854
Public works	1,701,133	-	-	-	1,701,133
Health and welfare	2,326,951	-	-	-	2,326,951
Education	12,988,776	-	-	-	12,988,776
Parks, recreation, and cultural	448,611	-	-	-	448,611
Community development	799,087	-	-	142,234	941,321
Nondepartmental	62,459	-	-	-	62,459
Capital projects	1,540,128	-	1,471,870	-	3,011,998
Debt service:					
Principal retirement	-	2,187,022	-	-	2,187,022
Interest and other fiscal charges	62,142	1,536,019	298,080	-	1,896,241
<b>Total expenditures</b>	<b>\$ 26,209,210</b>	<b>\$ 3,723,041</b>	<b>\$ 1,769,950</b>	<b>\$ 142,234</b>	<b>\$ 31,844,435</b>
<b>Excess (deficiency) of revenues over (under) expenditures</b>	<b>\$ 5,312,428</b>	<b>\$ (3,723,041)</b>	<b>\$ (1,769,877)</b>	<b>\$ 173,035</b>	<b>\$ (7,455)</b>
<b>Other financing sources (uses)</b>					
Transfers in	\$ 600,000	\$ 3,516,564	\$ 470,500	\$ -	\$ 4,587,064
Transfers out	(4,073,314)	-	(600,000)	(175,436)	(4,848,750)
Issuance of long-term debt	1,842,340	-	10,719,476	-	12,561,816
Payment to bond escrow agent	-	-	(11,101,440)	-	(11,101,440)
<b>Total other financing sources (uses)</b>	<b>\$ (1,630,974)</b>	<b>\$ 3,516,564</b>	<b>\$ (511,464)</b>	<b>\$ (175,436)</b>	<b>\$ 1,198,690</b>
<b>Net change in fund balances</b>	<b>\$ 3,681,454</b>	<b>\$ (206,477)</b>	<b>\$ (2,281,341)</b>	<b>\$ (2,401)</b>	<b>\$ 1,191,235</b>
<b>Fund balance, beginning of year, as restated</b>	<b>16,041,206</b>	<b>396,963</b>	<b>4,531,728</b>	<b>2,451</b>	<b>20,972,348</b>
<b>Fund balance, end of year</b>	<b>\$ 19,722,660</b>	<b>\$ 190,486</b>	<b>\$ 2,250,387</b>	<b>\$ 50</b>	<b>\$ 22,163,583</b>

The notes to the financial statements are an integral part of this statement.

Reconciliation of Statement of Revenues, Expenditures, and  
 Changes in Fund Balances of Governmental Funds to the Statement of Activities  
 For the Year Ended June 30, 2012

Amounts reported for governmental activities in the statement of activities are different because:

Net change in fund balances - total governmental funds - Exhibit 5 \$ 1,191,235

Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation exceeded capital outlays in the current period.

Capital asset additions	\$ 2,781,922	
Depreciation expense	(1,516,166)	
Adjustment for jointly owned capital assets	<u>(1,682,297)</u>	(416,541)

Governmental funds report loan costs as expenditures. However, in the statement of activities such costs are deferred and amortized over the life of the loan. This is the amount of amortization for loan costs in the current period. (15,230)

Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds. 156,802

The issuance of long-term debt (e.g. bonds, leases) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, governmental funds report the effect of issuance costs, premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. This amount is the net effect of these differences in the treatment of long-term debt and related items.

Debt issued:		
Lease revenue bond proceeds	\$ (12,561,816)	
Payment to bond escrow agent	11,101,440	
Increase in landfill liability	(17,537)	
Repayments:		
General obligation school bonds	860,000	
Plus: Amortization of issuance premium	52,329	
Lease revenue bonds	701,396	
State Literary Fund loans	250,000	
Infrastructure revenue bonds	260,000	
Plus: Amortization of issuance premium	7,760	
Capital leases	71,134	
Early retirement incentive obligation	<u>44,492</u>	
Net adjustment		769,198

Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.

Compensated absences	\$ (30,249)	
Net OPEB obligation	(2,087)	
Accrued interest on bonds and loans	<u>348,779</u>	<u>316,443</u>
Change in net assets of governmental activities		<u>\$ 2,001,907</u>

The notes to the financial statements are an integral part of this statement.

Statement of Net Assets  
 Proprietary Funds  
 At June 30, 2012

	Business-Type Activities - Enterprise Funds		
	Piney River Water & Sewer Fund	Broadband Authority	Total
<b>Assets:</b>			
Current assets:			
Cash and cash equivalents	\$ 76,190	\$ 52,067	\$ 128,257
Restricted cash	22,601	-	22,601
Accounts receivable, net	23,007	-	23,007
Due from other governments	-	75,478	75,478
Total current assets	<u>\$ 121,798</u>	<u>\$ 127,545</u>	<u>\$ 249,343</u>
Noncurrent assets:			
Land and construction in progress	\$ 40,000	\$ 2,062,945	\$ 2,102,945
Other capital assets, net of accumulated depreciation	5,481,576	-	5,481,576
Total noncurrent assets	<u>\$ 5,521,576</u>	<u>\$ 2,062,945</u>	<u>\$ 7,584,521</u>
Total assets	<u>\$ 5,643,374</u>	<u>\$ 2,190,490</u>	<u>\$ 7,833,864</u>
<b>Liabilities:</b>			
Current liabilities:			
Accounts payable	\$ 6,589	\$ 192,391	\$ 198,980
Accrued interest expense	2,994	-	2,994
Current portion of bonds payable	13,664	-	13,664
Total current liabilities	<u>\$ 23,247</u>	<u>\$ 192,391</u>	<u>\$ 215,638</u>
Long-term liabilities			
Bonds payable, net of current	\$ 1,116,842	\$ -	\$ 1,116,842
Total long-term liabilities	<u>1,116,842</u>	<u>-</u>	<u>1,116,842</u>
Total liabilities	<u>\$ 1,140,089</u>	<u>\$ 192,391</u>	<u>\$ 1,332,480</u>
<b>Net Assets:</b>			
Invested in capital assets, net of related debt	\$ 4,391,070	\$ 2,062,945	\$ 6,454,015
Restricted for:			
Debt service and bond covenants	22,601	-	22,601
Unrestricted	89,614	(64,846)	24,768
Total net assets	<u>\$ 4,503,285</u>	<u>\$ 1,998,099</u>	<u>\$ 6,501,384</u>

The notes to the financial statements are an integral part of this statement.

Statement of Revenues, Expenses, and Changes in Fund Net Assets  
 Proprietary Funds  
 For the Year Ended June 30, 2012

	Business-Type Activities - Enterprise Funds		
	Piney River Water & Sewer Fund	Broadband Authority	Total
<b>Operating revenues:</b>			
Charges for services, net	\$ 108,503	\$ 50	\$ 108,553
Total operating revenues	\$ 108,503	\$ 50	\$ 108,553
<b>Operating expenses:</b>			
Water & sewer service	\$ 41,458	\$ -	\$ 41,458
Maintenance & repairs	35,426	-	35,426
Other charges	30,090	-	30,090
Depreciation expense	192,490	-	192,490
Total operating expenses	\$ 299,464	\$ -	\$ 299,464
<b>Operating income (loss)</b>	\$ (190,961)	\$ 50	\$ (190,911)
<b>Nonoperating expense:</b>			
Interest expense	\$ 49,976	\$ -	\$ 49,976
Net nonoperating expense	\$ 49,976	\$ -	\$ 49,976
<b>Income(loss) before capital contributions and transfers</b>	\$ (240,937)	\$ 50	\$ (240,887)
<b>Capital contributions:</b>			
Capital grant - NTIA	\$ -	\$ 1,043,118	\$ 1,043,118
Total capital contributions	\$ -	\$ 1,043,118	\$ 1,043,118
<b>Transfers:</b>			
Transfers in	\$ 70,000	\$ 191,686	\$ 261,686
Total transfers	\$ 70,000	\$ 191,686	\$ 261,686
<b>Change in net assets</b>	\$ (170,937)	\$ 1,234,854	\$ 1,063,917
Net assets, beginning of year, as restated	4,674,222	763,245	5,437,467
Net assets, end of year	\$ 4,503,285	\$ 1,998,099	\$ 6,501,384

The notes to the financial statements are an integral part of this statement.

Statement of Cash Flows  
 Proprietary Fund  
 For the Year Ended June 30, 2012

	Business-Type Activities - Enterprise Funds		
	Piney River Water & Sewer Fund	Broadband Authority	Total
<b>Cash flows from operating activities</b>			
Receipts from customers	\$ 120,506	\$ 50	\$ 120,556
Payments to suppliers	(105,852)	-	(105,852)
Net cash provided by (used for) operating activities	\$ 14,654	\$ 50	\$ 14,704
<b>Cash flows from capital and related financing activities</b>			
Purchases of capital assets, net of related payable	\$ -	\$ (1,496,166)	\$ (1,496,166)
Capital grants	-	967,640	967,640
Principal repayments on bonds payable	\$ (13,088)	\$ -	\$ (13,088)
Interest paid on bonds payable	(49,985)	-	(49,985)
Net cash provided by (used for) capital and related financing activities	\$ (63,073)	\$ (528,526)	\$ (591,599)
<b>Cash flows from noncapital financing activities</b>			
Transfers from local government	\$ 70,000	\$ 191,686	\$ 261,686
<b>Net increase (decrease) in cash and cash equivalents</b>	\$ 21,581	\$ (336,790)	\$ (315,209)
<b>Cash and cash equivalents, beginning of year</b>	77,210	388,857	466,067
<b>Cash and cash equivalents, end of year (including restricted cash of \$22,601)</b>	\$ 98,791	\$ 52,067	\$ 150,858
<b>Reconciliation of operating income (loss) to net cash provided by (used for) operating activities:</b>			
Operating income (loss)	\$ (190,961)	\$ 50	\$ (190,911)
<b>Adjustments to reconcile operating income (loss) to net cash provided by (used for) operating activities:</b>			
Depreciation expense	192,490	-	192,490
Changes in assets and liabilities:			
Accounts receivable	12,003	-	12,003
Prepaid expenses	151	-	151
Accounts payable	971	-	971
Net cash provided by (used for) operating activities	\$ 14,654	\$ 50	\$ 14,704
<b>Supplemental information:</b>			
Interest paid during year	\$ 49,985	\$ -	\$ 49,985
Change in accrued interest payable	(9)	-	(9)
<b>Interest expense for year</b>	\$ 49,976	\$ -	\$ 49,976

The notes to the financial statements are an integral part of this statement.

Statement of Fiduciary Net Assets  
At June 30, 2012

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	<u>Agency Funds</u>
<b>Assets:</b>	
Cash and cash equivalents	\$ <u>682,102</u>
Total assets	\$ <u><u>682,102</u></u>
<b>Liabilities:</b>	
Amounts held for others	\$ <u>682,102</u>
Total liabilities	\$ <u><u>682,102</u></u>

The notes to the financial statements are an integral part of this statement.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012

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**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:**

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Narrative Profile

The County of Nelson (the County), located in central Virginia and bordered by the counties of Augusta, Rockbridge, Amherst, Appomattox, Buckingham, and Albemarle, was founded in 1807. The County has a population of 15,161 and land area of 471 square miles.

The County is governed under the County Administrator - Board of Supervisors form of government. Nelson County engages in a comprehensive range of municipal services, including general government administration; public safety and administration of justice; education; health, welfare, and human service programs; planning and community development; and recreation and cultural activities.

The financial statements of the County have been prepared in conformity with the specifications promulgated by the Auditor of Public Accounts (APA) of the Commonwealth of Virginia, and the accounting principles generally accepted in the United States as specified by the Governmental Accounting Standards Board. The more significant of the government's accounting policies are described below.

**A. Management's Discussion and Analysis**

GASB Statement No. 34 requires that financial statements be accompanied by a narrative introduction and analytical overview of the government's financial activities in the form of "Management's Discussion and Analysis" (MD&A). This analysis is similar to the analysis the private sector provides in their annual reports.

**B. Reporting Entity**

The accompanying financial statements present the government and its component units, entities for which the government is considered to be financially accountable.

*Blended Component Units - Nelson County Broadband Authority* - The Nelson County Broadband Authority serves all the citizens of the government and is governed by a board comprised of the government's elected supervisors. The rates for user charges and bond issuance authorizations are approved by the government's board. The Authority operates on a fiscal year which ends June 30. The Authority is presented as an enterprise fund in the County's financial statements for the fiscal year ended June 30, 2012.

**Discretely Presented Component Units** - The component unit columns in the financial statements include the financial data of the County's discretely presented component units. They are reported in a separate column to emphasize that they are legally separate from the County.

The Nelson County School Board is responsible for elementary and secondary education within the County. The members of the governing board are elected by the County voters. The School Board is fiscally dependent upon the County because the County's Board of Supervisors approves the School Board budget, provides substantial funding for operations and must approve any debt issuance. The Nelson County School Board does not prepare separate financial statements.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

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NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (CONTINUED)

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B. Reporting Entity: (Continued)

The Economic Development Authority of Nelson County, Virginia was created to issue industrial development revenue bonds for businesses located within the County. The Authority board members are appointed by the County Board of Supervisors. All debt issuance must be approved by the County Board of Supervisors and the County has incurred a moral obligation to provide funding for the payment of the Authority debt. The Authority is presented as a proprietary fund type. A copy of the Authority's financial statements may be obtained from the Nelson County Administrator's office.

**Related Organizations** - The County's officials are also responsible for appointing the members of boards of other organizations, but the County's accountability for these organizations does not extend beyond making the Board appointment. The Nelson County Service Authority board members are appointed by the County Board of Supervisors. The County's accountability for the Authority does not extend beyond making the appointments. The County appropriated \$156,000 to the Authority for operating grants for fire protection services in fiscal year 2012 and provides space for its administrative offices. The County also paid \$162,812 to the Authority for its share of the debt service of the Colleen water line. The Authority is not included in the reporting entity. A copy of the Authority's financial statements can be obtained from the Authority administrative office located in Lovingston, Virginia.

**Jointly Governed Organizations** - The County appoints representative members of the governing bodies of the Jefferson-Madison Regional Library, the Region Ten Community Services Board, and the Thomas Jefferson Planning District Commission. The County does not retain ongoing financial interests in these organizations. During the year, the County contributed \$255,648 for operations to the Jefferson-Madison Regional Library, \$72,078 to the Region Ten Community Services Board, \$18,241 to the Thomas Jefferson Planning District Commission, \$573,086 to the Albemarle-Charlottesville Regional Jail Authority, and \$88,098 to the Jefferson Area Board for Aging.

In June 2008, the County entered into a Use Agreement with the Region 2000 Services Authority to make use of its facilities. The Region 2000 Services Authority was formed by five participating jurisdictions to operate solid waste disposal landfills. The operating and debt service costs of the Region 2000 Services Authority are funded through the charging of tipping fees. In 2012, the County paid the Region 2000 Services Authority \$224,354 in tipping fees. See Note 18 for further discussion of the Use Agreement.

C. Government-wide and fund financial statements

The government-wide financial statements (i.e., the statement of net assets and the statement of activities) report information on all of the nonfiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support. Likewise, the *primary government* is reported separately from certain legally separate *component units* for which the *primary government* is financially accountable.

**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (CONTINUED)**

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**C. Government-wide and fund financial statements: (Continued)**

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds are reported as separate columns in the fund financial statements.

**D. Measurement focus, basis of accounting, and financial statement presentation**

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences are recorded only when payment is due.

Property taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenue of the current fiscal period. Accordingly, real and personal property taxes are recorded as revenues and receivables when billed, net of allowances for uncollectible amounts. Property taxes not collected within 60 days after year-end are reflected as deferred revenues. Sales and utility taxes, which are collected by the state or utilities and subsequently remitted to the County, are recognized as revenues and receivables upon collection by the state or utility, which is generally in the month preceding receipt by the County.

Licenses, permits, fines and rents are recorded as revenues when received. Intergovernmental revenues, consisting primarily of federal, state and other grants for the purpose of funding specific expenditures, are recognized when earned or at the time of the specific expenditure. Revenues from general purpose grants are recognized in the period to which the grant applies. All other revenue items are considered to be measurable and available only when cash is received by the government.

**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (CONTINUED)**

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**D. Measurement focus, basis of accounting, and financial statement presentation: (Continued)**

The County's fiduciary funds are presented in the fund financial statements by type (private purpose and agency). Since by definition these assets are being held for the benefit of a third party (other local governments, private parties, etc.) and cannot be used to address activities or obligations of the County, these funds are not incorporated into the government-wide financial statements.

The following is a brief description of the specific funds used by the County in fiscal year 2012.

1. Governmental Funds:

- a. General Fund: The General Fund is the government's primary operating fund. It accounts for and reports all financial resources of the general government, except those required to be accounted for and reported in another fund. The General Fund is considered a major fund for financial reporting purposes.
- b. Debt Service Fund: The Debt Service Fund accounts for and reports financial resources that are restricted, committed, or assigned to expenditure for principal and interest. Debt service funds should also be used to report financial resources being accumulated for future debt service. The Debt Service Fund is considered a major fund for financial reporting purposes.
- c. Special Revenue Funds: Special revenue funds account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects. Special Revenue Funds consist of the Housing Improvement Fund and the Street Lights Fund.
- d. Capital Projects Fund: The Capital Projects Fund accounts for and reports all financial resources that are restricted, committed, or assigned to expenditure for capital outlays, except for those financed by proprietary funds or for assets held in trust for individuals, private organizations, or other governments. The Capital Projects Fund is considered a major fund for financial reporting purposes.

2. Proprietary Funds

Proprietary Funds account for operations that are financed in a manner similar to private business enterprises. Proprietary Funds utilize the accrual basis of accounting where the measurement focus is upon the determination of net income, financial position, and changes in financial position.

Proprietary funds operating revenue consist of charges for services and related revenues. Operating expenses for enterprise funds and internal service funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. Nonoperating revenues consist of contributions, grants, investment earnings, and other revenues not directly derived from the providing of services.

Proprietary Funds consist of the Piney River Water & Sewer Fund and the Nelson County Broadband Authority. The Piney River Water & Sewer Fund and the Nelson County Broadband Authority are Enterprise Funds. An Enterprise Fund is a proprietary fund that accounts for the financing of services to the general public where all or most of the operating expenses involved are recorded in the form of charges to users of such services.

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (CONTINUED)

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D. Measurement focus, basis of accounting, and financial statement presentation: (Continued)

3. Fiduciary Funds (Trust and Agency Funds):

Fiduciary Funds (Trust and Agency Funds) account for assets held by a governmental unit in a trustee capacity or as an agent or custodian for individuals, private organizations, other governmental units, or other funds.

Agency Funds are custodial in nature and do not present results of operations or have a measurement focus. Agency Funds are accounted for using the accrual basis of accounting. These funds are used to account for assets that the government holds for others in an agency capacity. The Agency Funds consist of the Special Welfare and EMS Loan Funds.

The County has no Trust Funds.

4. Component Units:

a. Nelson County School Board: The Nelson County School Board has the following fund:

– Governmental Fund:

~ School Operating Fund - This fund is the primary operating fund of the School Board and accounts for all revenues and expenditures applicable to the general operations of the public school system. Revenues are derived primarily from charges for services, appropriations from the County of Nelson and state and federal grants. The School Operating Fund is considered a major fund of the School Board for financial reporting purposes. This fund also accounts for the operations of the School Board's food service and textbook purchase programs.

b. Economic Development Authority: The Economic Development Authority operates on a proprietary fund basis where revenues and expenditures are recognized on the accrual basis of accounting, where the measurement focus is on the determination of net income, financial position, and changes in financial position. The Economic Development Authority is an enterprise fund. Enterprise funds account for the financing of services to the general public where all or most of the operating expenses involved are recorded in the form of charges to users of such services.

The County applies all GASB pronouncements as well as Financial Accounting Standards Board pronouncements issued on or before November 30, 1989 unless these pronouncements conflict with or contradict GASB pronouncements.

When both restricted and unrestricted resources are available for use, it is the County's policy to use restricted resources first, then unrestricted resources as they are needed.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

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**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (CONTINUED)**

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**E. Cash and Cash Equivalents**

The County's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.

**F. Investments**

Investments for the County, as well as for its component units, are reported at fair value.

**G. Restricted Cash:**

Restricted cash has been recorded for funds held for restricted purposes.

The Piney River Water and Sewer Fund has recorded \$22,601 in restricted cash. This amount represents the reserve required to be established by the loan agreement. See Note 7 for further discussion.

**H. Property Taxes**

Property is assessed at its value on January 1. Property taxes attach as an enforceable lien on property as of January 1. The County bills and collects its own property taxes. Personal property taxes are prorated based on the date property is located within the County. However, the value as of January 1 is used to compute the tax.

Real estate and personal property taxes are payable in semi-annual installments due June 5 and December 5.

**I. Budgets and Budgetary Accounting**

The Board of Supervisors annually adopts budgets for the various funds of the primary government and component unit School Board. All appropriations are legally controlled at the department level for the primary government funds. The School Board appropriation is determined by the Board of Supervisors and controlled in total by the primary government.

The budgets are integrated into the accounting system, and the budgetary data, as presented in the financial statements for all major funds with annual budgets, compare the expenditures with the amended budgets. All budgets are presented on the modified accrual basis of accounting. Accordingly, the Budgetary Comparison Schedule for the major funds presents actual expenditures in accordance with the accounting principles generally accepted in the United States on a basis consistent with the legally adopted budgets as amended. Unexpended appropriations on annual budgets lapse at the end of each fiscal year.

The following procedures are used by the County in establishing the budgetary data reflected in the financial statements:

1. Prior to March 30, the County Administrator submits to the Board of Supervisors a proposed operating and capital budget for the fiscal year commencing the following July 1. The operating and capital budget includes proposed expenditures and the means of financing them.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

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**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (CONTINUED)**

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**I. Budgets and Budgetary Accounting: (Continued)**

2. Public hearings are conducted to obtain citizen comments.
3. Prior to June 30, the budget is legally enacted through passage of an Appropriations Resolution.
4. Formal budgetary integration is employed as a management control device during the year for the General Fund, the Housing Improvement Fund, the Piney River Water & Sewer Fund, the Street Lights Fund, the Capital Projects Fund, the Debt Service Fund, and the School Operating Fund.
5. All budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).
6. Appropriations lapse on June 30, for all County units.
7. All budgetary data presented in the accompanying financial statements is the original budget as of June 30, 2012, as adopted, appropriated and legally amended.

The expenditure budget is enacted through an annual appropriations ordinance. Appropriations are made at the departmental level for the primary government and at the function level for the School Board. If budget amendments exceed 1% of the original adopted budget the Board of Supervisors may legally amend the budget only by following procedures used in the adoption of the original budget. Public hearings are required to amend the budget if amendments exceed 1% of the original adopted budget. There was no budget amendment during the year that exceeded the 1% limitation. The Board of Supervisors must approve all appropriations and transfers of appropriated amounts.

**J. Allowance for Uncollectible Accounts**

The County calculates its allowance for uncollectible accounts using historical collection data and, in certain cases, specific account analysis. The allowance amounted to approximately \$1,171,357 at June 30, 2012. The allowance is comprised of property taxes, landfill fees, EMS charges, and sewer charges.

**K. Capital Assets**

Capital assets, which include property, plant, and equipment, are reported in the applicable governmental columns in the government-wide financial statements. The County, Component Unit School Board, and Component Unit Economic Development Authority do not have any infrastructure in their capital assets since roads, streets, bridges, and similar assets within its boundaries are property of the Commonwealth of Virginia. Capital assets are defined by the County as assets with an initial, individual cost of more than \$5,000 (amount not rounded) and an estimated useful life in excess of one year. Such assets are recorded at historical costs or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (CONTINUED)**

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**K. Capital Assets: (Continued)**

Maintenance, repairs, and minor equipment are charged to operations when incurred. Expenses that materially change the capacities or extend the useful lives are capitalized. Upon sale or retirement of land, buildings, and equipment, the cost and related accumulated depreciation, if applicable, are eliminated from the respective accounts and any resulting gain or loss is included in the results of operations.

Property, plant, and equipment of the primary government, as well as the component units, are depreciated using the straight line method over the following estimated useful lives:

Buildings and improvements	10 to 40 years
Furniture and other equipment	5 to 12 years

**L. Compensated Absences**

The County and Component Unit School Board incur liabilities related to compensated absences (annual and sick leave benefits) when vested. Because the timing of the settlement of the liability related to compensated absences is not considered to be estimable, the entire amount of the liability has been classified as current in the government-wide financial statements.

**M. Use of Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

**N. Long-Term Obligations**

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental or component unit activities. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported inclusive or net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses.

**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (CONTINUED)**

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**O. Fund Equity**

Financial Policies

The Board of Supervisors meets on a monthly basis to manage and review cash financial activities and to ensure compliance with established policies. It is the County's policy to fund current expenditures with current revenues and the County's mission is to strive to maintain a diversified and stable revenue stream to protect the government from problematic fluctuations in any single revenue source and provide stability to ongoing services. The County's unassigned General Fund balance will be maintained to provide the County with sufficient working capital and a margin of safety to address local and regional emergencies without borrowing.

When fund balance resources are available for a specific purpose in more than one classification, it the County's policy to use the most restrictive funds first in the following order: restricted, committed, assigned, and unassigned as they are needed.

Under GASB 54, fund balances are required to be reported according to the following classifications:

Nonspendable fund balance - Includes amounts that cannot be spent because they are either not in spendable form, or, for legal or contractual reasons, must be kept intact. This classification includes inventories, prepaid amounts, assets held for sale, and long-term receivables.

Restricted fund balance - Constraints placed on the use of these resources are either externally imposed by creditors (such as through debt covenants), grantors, contributors or other governments; or are imposed by law (through constitutional provisions or enabling legislation).

Committed fund balance - Amounts that can only be used for specific purposes because of a formal action (resolution or ordinance) by the government's highest level of decision-making authority.

Assigned fund balance - Amounts that are constrained by the County's intent to be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. Intent can be stipulated by the governing body, another body (such as a Finance Committee), or by an official to whom that authority has been given. With the exception of the General Fund, this is the residual fund balance classification for all governmental funds with positive balances.

Unassigned fund balance - This is the residual classification of the General Fund. Only the General Fund reports a positive unassigned fund balance. Other governmental funds might report a negative balance in this classification, as the result of overspending for specific purposes for which amounts had been restricted, committed or assigned.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (CONTINUED)

O. Fund Equity: (Continued)

The Board of Supervisors is authorized to assign amounts for specific purposes. The Board of Supervisors is also authorized to commit amounts for specific purposes. The following is detail of the County's Fund Balances:

Category	General Fund	Debt Service Fund	Capital Projects Fund	Other Governmental Funds	Total Primary Government	Component Unit School Board
<b>Nondisposable:</b>						
Prepaid items	\$ 103,411	\$ -	\$ -	\$ -	\$ 103,411	\$ 22,287
Inventory	-	-	-	-	-	66,819
Total Nondisposable	<u>\$ 103,411</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 103,411</u>	<u>\$ 89,106</u>
<b>Committed:</b>						
Ryan School Reserve	\$ 38,952	\$ -	\$ -	\$ -	\$ 38,952	\$ -
Debt Service	-	190,486	-	-	190,486	-
Community Development	-	-	-	50	50	-
Textbooks	-	-	-	-	-	352,468
Cafeteria	-	-	-	-	-	203,548
Courthouse Construction	-	-	752,572	-	752,572	-
Capital Projects	-	-	1,497,815	-	1,497,815	-
Total Committed	<u>\$ 38,952</u>	<u>\$ 190,486</u>	<u>\$ 2,250,387</u>	<u>\$ 50</u>	<u>\$ 2,479,875</u>	<u>\$ 556,016</u>
Unassigned	<u>\$ 19,580,297</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 19,580,297</u>	<u>\$ (89,106)</u>
Total Fund Balance	<u>\$ 19,722,660</u>	<u>\$ 190,486</u>	<u>\$ 2,250,387</u>	<u>\$ 50</u>	<u>\$ 22,163,583</u>	<u>\$ 556,016</u>

P. Net Assets

Net assets are the difference between assets and liabilities. Net assets invested in capital assets represent capital assets, less accumulated depreciation less any outstanding debt related to the acquisition, construction or improvement of those assets.

Q. Loan costs

Loan costs are amortized over the life of the loan on a straight-line basis.

R. Inventory

Inventory is stated at the lesser of cost or fair market value. Cost is calculated on a first in, first out basis.

S. Reclassification

Certain prior year amounts have been reclassified to conform with current year reporting.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 2—DEPOSITS AND INVESTMENTS:**

Deposits

Deposits with banks are covered by the Federal Deposit Insurance Corporation (FDIC) and collateralized in accordance with the Virginia Security for Public Deposits Act (the "Act") Section 2.2-4400 et. seq. of the Code of Virginia. Under the Act, banks and savings institutions holding public deposits in excess of the amount insured by the FDIC must pledge collateral to the Commonwealth of Virginia Treasury Board. Financial Institutions may choose between two collateralization methodologies and depending upon that choice, will pledge collateral that ranges in the amounts from 50% to 130% of excess deposits. Accordingly, all deposits are considered fully collateralized.

Investments

Statutes authorize local governments and other public bodies to invest in obligations of the United States or agencies thereof, obligations of the Commonwealth of Virginia or political subdivisions thereof, obligations of the International Bank for Reconstruction and Development (World Bank), the Asian Development Bank, the African Development Bank, "prime quality" commercial paper and certain corporate notes, banker's acceptances, repurchase agreements and the State Treasurer's Local Government Investment Pool (LGIP).

The County does not have a written investment policy but follows state guidelines.

Custodial Credit Risk (Investments)

The County's investments at June 30, 2012 were held in the County's name by the County's custodial banks.

Credit Risk of Debt Securities

The County's rated debt investments as of June 30, 2012 were rated by Standard & Poor's and/or an equivalent national rating organization and the ratings are presented below using the Standard & Poor's rating scale.

<b>Locality's Rated Debt Investments' Values</b>	
<b>Local Government</b>	
<b>Rated Debt Investments</b>	<b>Fair Quality Ratings</b>
<b>AAAm</b>	
Money Market Mutual Fund	\$ 1,770,526
Local Government Investment Pool	48,307
Total	\$ <u>1,818,833</u>
<b>Component Unit -- Economic Development Authority</b>	
<b>Rated Debt Investments</b>	<b>Fair Quality Ratings</b>
<b>AAAm</b>	
Local Government Investment Pool	\$ <u>8,779</u>

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

NOTE 2—DEPOSITS AND INVESTMENTS: (CONTINUED)

External Investment Pools

The State Non-Arbitrage Pool (SNAP) is an open-end management investment company registered with the Securities and Exchange Commission (SEC). The fair values of the positions in the Local Government Investment Pool (LGIP) and in SNAP are the same as the value of the pool shares. The LGIP is not SEC registered; regulatory oversight of the pool rests with the Virginia State Treasury. LGIP maintains a policy to operate in a manner consistent with SEC Rule 2a-7.

NOTE 3—RECEIVABLES:

Receivables at June 30, 2012 consist of the following:

	Primary Government		Component Units	
	Governmental Activities	Business- Type Activities	School Board	Economic Development Authority
	General Fund			
Property taxes	\$ 12,315,691	\$ -	\$ -	\$ -
Penalties	37,668			
Utility taxes	34,275	-	-	-
Recordation taxes	14,235	-	-	-
Court fines	16,582			
Lodging fees	30,684	-	-	-
Meals taxes	67,308	-	-	-
Landfill fees	14,837	-	-	-
EMS revenue recovery	1,069,514	-	-	-
Note receivable	-	-	-	128,000
E-rate reimbursement	-	-	20,777	-
Sewer charges	-	24,345	-	-
Other	9,206	-	3,975	40,320
Total receivables	\$ 13,610,000	\$ 24,345	\$ 24,752	\$ 168,320
Allowance for uncollectibles	(1,170,019)	(1,338)	-	-
Net receivables	\$ 12,439,981	\$ 23,007	\$ 24,752	\$ 168,320

A note receivable in the amount of \$128,000 was obtained in connection with the sale of land held by the Economic Development Authority (EDA) in December, 2007. The note and accrued interest were payable in full in June 2012. The note accrues interest at 7% per annum and is secured by a deed of trust. During 2012, the Board of the EDA agreed to extend the maturity date of the note to June 2013.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

NOTE 4—DUE FROM OTHER GOVERNMENTAL UNITS:

	Primary Government			Business- Type Activities	Component Unit
	Governmental Activities				School Board
	General Fund	Other Governmental Funds	Total		
<b>Commonwealth of Virginia:</b>					
Local sales taxes	\$ 159,180	\$ -	\$ 159,180	\$ -	-
State sales taxes	-	-	-	-	322,458
Personal property tax relief act	734,930	-	734,930	-	-
Comprehensive Services Act	105,273	-	105,273	-	-
Public assistance	32,904	-	32,904	-	-
Communications tax	82,582	-	82,582	-	-
Shared expenses and grants	110,989	-	110,989	-	-
Other	25,009	-	25,009	-	-
<b>Federal government:</b>					
Public assistance	38,820	-	38,820	-	-
TEA-21 grant	60,086	-	60,086	-	-
Public safety interoperability	1,310,000	-	1,310,000	-	-
Broadband grant	-	-	-	75,478	-
Community development block grant	-	99,242	99,242	-	-
Other	8,600	-	8,600	-	-
Federal pass-through school funds	-	-	-	-	593,696
<b>Total</b>	<b>\$ 2,668,373</b>	<b>\$ 99,242</b>	<b>\$ 2,767,615</b>	<b>\$ 75,478</b>	<b>\$ 916,154</b>

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

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NOTE 5 - INTERFUND ACTIVITY:

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Primary Government:

Transfers To/From Other Funds:

Transfer to the Debt Service Fund to pay principal and interest on long-term debt	\$ (3,516,564)
Transfer from the Capital projects fund	600,000
Transfer to the Capital projects fund	(300,500)
Transfer to the Broadband Fund	(16,250)
Transfer to the Piney River Water & Sewer fund to support operations	(70,000)
Transfer to the Capital Projects fund to pay for Courthouse construction	<u>(170,000)</u>

Net transfers from General Fund \$ (3,473,314)

Transfer from the General Fund to pay principal and interest on long-term debt \$ 3,516,564

Net transfers to Debt Service Fund \$ 3,516,564

Transfer to the General Fund \$ (600,000)

Transfer from the General Fund fund to pay for Courthouse construction and other projects 470,500

Net transfers to the Capital Projects Fund \$ (129,500)

Transfer to the Broadband Fund \$ (175,436)

Net transfers from the Housing Improvement Fund \$ (175,436)

Transfer from the General Fund to support operations \$ 70,000

Net transfers to the Piney River Water & Sewer Fund \$ 70,000

Transfer from the General Fund to pay for broadband project \$ 16,250

Transfer from the Housing Improvement Fund to pay for broadband project 175,436

Net transfers to the Piney River Water & Sewer Fund \$ 191,686

The component unit School Board consists of only one fund.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 6—CAPITAL ASSETS:**

The following is a summary of the changes in capital assets for the fiscal year ended June 30, 2012:

**Governmental Activities:**

	Balance July 1, 2011, as restated	Increases	Decreases	Balance June 30, 2012
Capital assets not being depreciated:				
Land and land improvements	\$ 425,761	\$ -	\$ -	\$ 425,761
Construction in progress	9,335,807	1,726,429	10,380,575	681,661
Total capital assets not being depreciated	<u>\$ 9,761,568</u>	<u>\$ 1,726,429</u>	<u>\$ 10,380,575</u>	<u>\$ 1,107,422</u>
Other capital assets:				
Buildings and improvements	\$ 4,882,578	\$ 9,483,259	\$ -	\$ 14,365,837
Furniture, equipment and vehicles	2,815,250	1,955,646	175,176	4,595,720
School buildings, improvements and equipment *	24,426,133	-	2,176,133	22,250,000
Total other capital assets	<u>\$ 32,123,961</u>	<u>\$ 11,438,905</u>	<u>\$ 2,351,309</u>	<u>\$ 41,211,557</u>
Less: Accumulated depreciation for:				
Buildings and improvements	\$ 2,092,252	\$ 573,234	\$ -	\$ 2,665,486
Furniture, equipment and vehicles	1,937,975	386,682	172,339	2,152,318
School buildings, improvements and equipment *	4,678,712	556,250	493,836	4,741,126
Total accumulated depreciation	<u>\$ 8,708,939</u>	<u>\$ 1,516,166</u>	<u>\$ 666,175</u>	<u>\$ 9,558,930</u>
Other capital assets, net	<u>\$ 23,415,022</u>	<u>\$ 9,922,739</u>	<u>\$ 1,685,134</u>	<u>\$ 31,652,627</u>
Net capital assets	<u><u>\$ 33,176,590</u></u>	<u><u>\$ 11,649,168</u></u>	<u><u>\$ 12,065,709</u></u>	<u><u>\$ 32,760,049</u></u>
Depreciation expense was allocated as follows:				
General government administration		\$ 258,251		
Public safety		279,772		
Public works		259,721		
Health and welfare		20,011		
Education		556,250		
Parks, recreation and cultural		127,557		
Community development		14,604		
Total depreciation expense		<u><u>\$ 1,516,166</u></u>		

\* School Board capital assets are jointly owned by the County (primary government) and the Component Unit School Board. The County share of the School Board capital assets is in proportion to the debt owed on such assets by the County. The County reports depreciation on these assets as an element of its share of the costs of the public school system.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

NOTE 6—CAPITAL ASSETS: (CONTINUED)

Component Unit School Board

	Balance July 1, 2011	Increases	Decreases	Balance June 30, 2012
Capital assets not being depreciated:				
Land and land improvements	\$ 851,210	\$ -	\$ -	\$ 851,210
Total capital assets not being depreciated	<u>\$ 851,210</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 851,210</u>
Other capital assets:				
Buildings and improvements	\$ 43,926,109	\$ -	\$ -	\$ 43,926,109
Furniture, equipment and vehicles	4,284,855	372,902	165,588	4,492,169
School buildings, improvements and equipment allocated to County *	(24,426,133)	2,176,133	-	(22,250,000)
Total other capital assets	<u>\$ 23,784,831</u>	<u>\$ 2,549,035</u>	<u>\$ 165,588</u>	<u>\$ 26,168,278</u>
Less: Accumulated depreciation for:				
Buildings and improvements	\$ 14,401,362	\$ 1,191,757	\$ -	\$ 15,593,119
Furniture, equipment and vehicles	2,724,945	298,580	155,463	2,868,062
School buildings, improvements and equipment allocated to County *	(4,678,712)	(556,250)	(493,836)	(4,741,126)
Total accumulated depreciation	<u>\$ 12,447,595</u>	<u>\$ 934,087</u>	<u>\$ (338,373)</u>	<u>\$ 13,720,055</u>
Other capital assets, net	<u>\$ 11,337,236</u>	<u>\$ 1,614,948</u>	<u>\$ 503,961</u>	<u>\$ 12,448,223</u>
Net capital assets	<u>\$ 12,188,446</u>	<u>\$ 1,614,948</u>	<u>\$ 503,961</u>	<u>\$ 13,299,433</u>
Depreciation expense allocated to education		<u>\$ 934,087</u>		

\* School Board capital assets are jointly owned by the County (primary government) and the Component Unit School Board. The County share of the School Board capital assets is in proportion to the debt owed on such assets by the County. The County reports depreciation on these assets as an element of its share of the costs of the public school system.

Reconciliation of primary government (governmental activities) net assets invested in capital assets, net of related debt

Net capital assets	\$ 32,760,049
Less: Long-term debt applicable to capital assets at June 30, 2012	\$ 32,158,241
Less: Bond proceeds and related premium received but not expended on capital assets at June 30, 2012	1,770,526
Net assets invested in capital assets, less related debt	<u>\$ 2,372,334</u>

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 6—CAPITAL ASSETS: (CONTINUED)**

**Business Type Activities:**

**Piney River Water & Sewer Operations**

	Balance July 1, 2011	Increases	Decreases	Balance June 30, 2012
Capital assets not being depreciated:				
Land and land improvements	\$ 40,000	\$ -	\$ -	\$ 40,000
Total capital assets not being depreciated	<u>\$ 40,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 40,000</u>
Other capital assets:				
Infrastructure	\$ 6,557,827	\$ -	\$ -	\$ 6,557,827
Equipment	25,619	-	-	25,619
Total other capital assets	<u>\$ 6,583,446</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 6,583,446</u>
Less: Accumulated depreciation for:				
Infrastructure	\$ 899,131	\$ 187,366	\$ -	\$ 1,086,497
Equipment	10,249	5,124	-	15,373
Total accumulated depreciation	<u>\$ 909,380</u>	<u>\$ 192,490</u>	<u>\$ -</u>	<u>\$ 1,101,870</u>
Other capital assets, net	<u>\$ 5,674,066</u>	<u>\$ (192,490)</u>	<u>\$ -</u>	<u>\$ 5,481,576</u>
Net capital assets	<u><u>\$ 5,714,066</u></u>	<u><u>\$ (192,490)</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 5,521,576</u></u>

**Nelson County Broadband Authority**

	Balance July 1, 2011, as restated	Increases	Decreases	Balance June 30, 2012
Capital assets not being depreciated:				
Construction in progress	\$ 412,671	\$ 1,650,274	\$ -	\$ 2,062,945
Total capital assets not being depreciated	<u>\$ 412,671</u>	<u>\$ 1,650,274</u>	<u>\$ -</u>	<u>\$ 2,062,945</u>
Net capital assets	<u><u>\$ 412,671</u></u>	<u><u>\$ 1,650,274</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 2,062,945</u></u>

Reconciliation of primary government (business type activities) net assets invested in capital assets, net of related debt

Net capital assets	\$ 7,584,521
Less: Long-term debt applicable to capital assets at June 30, 2012	<u>1,130,506</u>
Net assets invested in capital assets, less related debt	<u><u>\$ 6,454,015</u></u>

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 6—CAPITAL ASSETS: (CONTINUED)**

Capital assets were restated as of July 1, 2011 as follows:

**Governmental Activities:**

	<u>Balance June 30, 2011</u>	<u>Restatement</u>	<u>Balance July 1, 2011, as restated</u>
Capital assets not being depreciated:			
Land and land improvements	\$ 425,761	\$ -	\$ 425,761
Construction in progress	9,748,478	(412,671)	9,335,807
	<u>\$ 10,174,239</u>	<u>\$ (412,671)</u>	<u>\$ 9,761,568</u>
Total capital assets not being depreciated			
Other capital assets:			
Buildings and improvements	\$ 4,882,578	\$ -	\$ 4,882,578
Furniture, equipment and vehicles	2,815,250	-	2,815,250
School buildings, improvements and equipment *	24,426,133	-	24,426,133
	<u>\$ 32,123,961</u>	<u>\$ -</u>	<u>\$ 32,123,961</u>
Total other capital assets			
Less: Accumulated depreciation for:			
Buildings and improvements	\$ 2,092,252	\$ -	\$ 2,092,252
Furniture, equipment and vehicles	1,937,975	-	1,937,975
School buildings, improvements and equipment *	4,678,712	-	4,678,712
	<u>\$ 8,708,939</u>	<u>\$ -</u>	<u>\$ 8,708,939</u>
Total accumulated depreciation			
Other capital assets, net	<u>\$ 23,415,022</u>	<u>\$ -</u>	<u>\$ 23,415,022</u>
Net capital assets	<u>\$ 33,589,261</u>	<u>\$ (412,671)</u>	<u>\$ 33,176,590</u>

**Nelson County Broadband Authority**

	<u>Balance June 30, 2011</u>	<u>Restatement</u>	<u>Balance July 1, 2011, as restated</u>
Capital assets not being depreciated:			
Construction in progress	\$ -	\$ 412,671	\$ 412,671
	<u>\$ -</u>	<u>\$ 412,671</u>	<u>\$ 412,671</u>
Total capital assets not being depreciated			
Net capital assets	<u>\$ -</u>	<u>\$ 412,671</u>	<u>\$ 412,671</u>

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 7—LONG-TERM OBLIGATIONS:**

General Fund revenues are used to pay all long-term general obligation debt, and General Fund capital leases and compensated absences. School Fund revenues and appropriations from the General Fund are used to pay its compensated absences. Thus, all of the long-term debt obligations are reported as liabilities of the primary government.

The following is a summary of long-term debt transactions of the County for the year ended June 30, 2012:

	Balance July 1, 2011	Additions	Retirements & Other Reductions	Balance June 30, 2012
<b>Primary Government:</b>				
<b>Governmental activities:</b>				
Lease revenue school bonds	\$ 10,985,000	\$ -	\$ 10,985,000	\$ -
Lease revenue refunding bonds	-	9,990,000	-	9,990,000
Deferred amount on refunding	-	(466,440)	-	(466,440)
Lease revenue bonds	6,317,738	739,148	351,396	6,705,490
General obligation bonds:				
School	11,370,000	-	860,000	10,510,000
Premium on issuance	386,602	-	52,329	334,273
State Literary Fund loans:				
School	2,000,000	-	250,000	1,750,000
Virginia Resource Authority:				
Infrastructure Revenue bonds:				
General	1,745,000	1,555,000	260,000	3,040,000
Premium on issuance	25,010	277,668	7,760	294,918
Capital leases	71,134	-	71,134	-
Retirement incentive obligation loan	382,568	-	44,492	338,076
Compensated absences	234,703	30,249	-	264,952
Other post-employment benefits	21,358	30,487	28,400	23,445
Landfill liability	964,481	17,537	-	982,018
<b>Total</b>	<b>\$ 34,503,594</b>	<b>\$ 12,173,649</b>	<b>\$ 12,910,511</b>	<b>\$ 33,766,732</b>
<b>Reconciliation to Exhibit 1:</b>				
Long-term liabilities due within one year				\$ 2,119,990
Long-term liabilities due in more than one year				31,646,742
<b>Total</b>				<b>\$ 33,766,732</b>

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

NOTE 7—LONG-TERM OBLIGATIONS: (CONTINUED)

	Balance July 1, 2011	Additions	Retirements & Other Reductions	Balance June 30, 2012
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<b>Business-type activities:</b>				
USDA Water Revenue Bond	\$ 485,241	\$ -	\$ 5,721	\$ 479,520
USDA Sewer Revenue Bond	658,353	-	7,367	650,986
	<u>1,143,594</u>	<u>-</u>	<u>13,088</u>	<u>1,130,506</u>
Reconciliation to Exhibit 1:				
Long-term liabilities due within one year				\$ 13,664
Long-term liabilities due in more than one year				<u>1,116,842</u>
Total				<u>\$ 1,130,506</u>

Annual requirements to amortize bonds, loans and related interest are as follows:

Year Ending June 30,	Principal	Interest
<u>          </u>	<u>          </u>	<u>          </u>
2013	\$ 2,058,043	\$ 1,281,043
2014	2,012,443	1,244,721
2015	2,051,675	1,158,006
2016	2,131,386	1,068,045
2017	2,226,601	973,627
2018-2022	9,589,063	3,577,175
2023-2027	7,380,358	1,705,119
2028-2032	2,189,270	955,415
2033-2037	1,635,565	637,295
2038-2042	1,890,189	260,933
2043-2047	278,486	36,874
2048-2049	20,993	351
	<u>          </u>	<u>          </u>
Total	<u>\$ 33,464,072</u>	<u>\$ 12,898,604</u>

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

NOTE 7—LONG-TERM OBLIGATIONS: (CONTINUED)

Details of Long-term Indebtedness:

	<u>Amount Outstanding</u>	<u>Amount Due in One Year</u>
Governmental:		
<u>General Obligation School Bonds:</u>		
\$1,500,000 School Bonds, 1992, issued December 1992, due in various installments of \$50,000 and \$110,000, through June 15, 2013, interest rates from 5.1% to 8.1%	\$ 50,000	\$ 50,000
\$4,500,000 School Bonds, 1993, issued April 1993, due in various installments of \$145,000 to \$405,000, through June 15, 2013, interest rates from 5.1% to 5.5%	145,000	145,000
\$750,000 School Bonds, 1994, issued May 1994, due in various installments of \$30,000 to \$40,000 through July 2014, interest at 6.1%	75,000	35,000
\$14,280,000 School Bonds, 2003, issued November 2003, due in various installments of \$420,000 to \$1,110,000 through January 2024, interest rates from 3.1% to 5.35%	10,240,000	635,000
Unamortized premium on issuance of 2003 School Bonds	<u>334,273</u>	<u>49,191</u>
Total general obligation school bonds	<u>\$ 10,844,273</u>	<u>\$ 914,191</u>
<u>Lease Revenue Refunding Bonds:</u>		
\$9,990,000 Lease Revenue Refunding Bonds Series 2012, issued March 2012, due in various semi-annual installments ranging from \$480,000 to \$860,000, through August 2027, interest rates at 2.75%	\$ 9,990,000	\$ 480,000
Deferred amount on refunding	<u>(466,440)</u>	<u>(44,864)</u>
Total lease revenue refunding bonds	<u>\$ 9,523,560</u>	<u>\$ 435,136</u>
<u>State Literary Fund Loans:</u>		
\$5,000,000 issued April 1, 1999, due in annual installments of \$250,000 plus interest through April 1, 2019, interest at 5%	<u>\$ 1,750,000</u>	<u>\$ 250,000</u>

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

NOTE 7—LONG-TERM OBLIGATIONS: (CONTINUED)

Details of Long-term Indebtedness: (Continued)

	<u>Amount Outstanding</u>	<u>Amount Due in One Year</u>
Governmental: (Continued)		
<u>Lease Revenue Bonds:</u>		
\$7,500,000 Lease Revenue Bonds Series 2009, issued July 17, 2009, interest only until August 17, 2011, and then monthly principal and interest payments of \$13,872 through July 17, 2049; Interest at 4.13%. The amount drawn on the bonds as of June 30, 2012 was \$7,058,608	\$ 6,705,490	\$ 126,867
<u>Virginia Resource Authority Infrastructure Revenue Bonds:</u>		
\$2,460,000 issued June 7, 2007 due in semi-annual installments of interest only through April, 2008, interest at 4.48%; annual installments of principal and semi-annual payments of interest thereafter through September, 2016 with principal installments in amounts ranging from \$230,000 to \$325,000 and interest rates ranging from 4.1% to 4.625%.	\$ 1,485,000	\$ 275,000
Unamortized premium	17,250	6,393
\$1,555,000 issued May 23, 2012 due in various installments of principal and interest through October 2022, interest payable semi-annually ranging from 3.445% to 5.125%.	1,555,000	-
Unamortized premium	277,668	38,396
Total Virginia Resource Authority Infrastructure Revenue Bonds	<u>\$ 3,334,918</u>	<u>\$ 319,789</u>
<u>Loan Payable - Early Retirement Incentive Costs:</u>		
The County School Board adopted the early retirement incentive program. The School Board's share of the liability for those employees who elected to participate totaled \$761,771. This obligation was refinanced with a loan from a bank in August, 1999. This liability is not included in the pension benefit obligation disclosed in Note 9. The loan is payable in annual installments of \$70,468 (including principal and interest) due May 1, 2018, interest at 6.79%.	\$ 338,076	\$ 47,513
Total governmental loans and bonds	<u>\$ 32,496,317</u>	<u>\$ 2,093,496</u>

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

NOTE 7—LONG-TERM OBLIGATIONS: (CONTINUED)

Details of Long-term Indebtedness: (Continued)

	<u>Amount Outstanding</u>	<u>Amount Due in One Year</u>
Business-type:		
<u>USDA Revenue Bonds:</u>		
\$499,000 Water Revenue Bond, Series 2007, issued November 8, 2007, interest only due on November 8, 2008, and then monthly principal and interest payments of \$2,186 through October, 2047; interest at 4.25%	\$ 479,520	\$ 5,965
\$676,000 Water Revenue Bond, Series 2007, issued November 8, 2007, interest only due on November 8, 2008, and then monthly principal and interest payments of \$3,070 through October, 2047; interest at 4.5%	<u>650,986</u>	<u>7,699</u>
Total business-type long-term obligations	<u>\$ 1,130,506</u>	<u>\$ 13,664</u>

Advance Refunding of Debt

On March 29, 2012 the County issued \$9,900,000 of Public Facility Lease Revenue Refunding Bonds, Series 2012 to advance refund \$10,635,000 of Lease Revenue School Bond Series 2012. The County also used \$1,213,500 from its Debt Service Reserve Fund for the refunding. As a result the Lease Revenue School Bonds Series 2002, are considered to be defeased in substance and the liability for these bonds has been removed from these financial statements.

The reacquisition price exceeded the carrying amount of the old debt by \$466,440.

This amount is being netted against the new debt and amortized over the life of the new debt issued, which is shorter than the remaining life of the refunded debt. This advance refunding was undertaken to reduce the total debt service payments over the next seventeen years by \$2,375,703 and resulted in an economic gain (loss) of \$1,945,411.

USDA Revenue Bonds

Under the terms of the USDA Water and Sewer Revenue Bonds, the County is required to establish a reserve equal to 10% of the monthly installments of principal and interest until an amount equal to twelve monthly installments has been established. The requirement to establish the reserve commences with the first scheduled monthly installment of principal and interest. The funds are not required to be held in a separate bank account.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 7—LONG-TERM OBLIGATIONS: (CONTINUED)**

USDA Revenue Bonds: (Continued)

The reserve was established in December 2008, and has a balance of \$22,601 at June 30, 2012. The reserve has been reflected as restricted cash in the accompanying financial statements.

The County paid \$49,976 in interest on the USDA Water and Sewer Bonds in fiscal 2012, of which \$0 has been capitalized in the accompanying financial statements.

Federal Arbitrage Regulations:

The County is in compliance with federal arbitrage regulations. Any arbitrage amounts that may be required to be paid are not material to the financial statements.

The following is summary of long-term debt transactions of the School Board for the year ended June 30, 2012:

	<u>Balance July 1, 2011</u>	<u>Additions</u>	<u>Retirements &amp; Other Reductions</u>	<u>Balance June 30, 2012</u>
<b>School Board</b>				
Compensated absences	\$ 369,032	\$ -	\$ 30,540	\$ 338,492
Other post-employment benefits	<u>97,132</u>	<u>124,069</u>	<u>90,700</u>	<u>130,501</u>
Total	<u>\$ 466,164</u>	<u>\$ 124,069</u>	<u>\$ 121,240</u>	<u>\$ 468,993</u>
<b>Reconciliation to Exhibit 1:</b>				
Long-term liabilities due within one year			\$ 33,849	
Long-term liabilities due in more than one year				<u>435,144</u>
Total			<u>\$ 468,993</u>	

**NOTE 8—CLAIMS, JUDGMENTS AND COMPENSATED ABSENCES:**

In accordance with GASB Statement 16, *Accounting for Claims, Judgments and Compensated Absences*, the County and its components units have accrued the liability arising from all outstanding claims, judgments and compensated absences. The liability for future vacation and sick leave benefits is accrued when such benefits meet the following conditions.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 8—CLAIMS, JUDGMENTS AND COMPENSATED ABSENCES: (CONTINUED)**

The County's policy is to pay accrued vacation and compensatory time upon termination. Vacation time earned is limited to a maximum of 24 to 54 days, depending on years of service. Compensatory leave credits lapse after twelve months following the performance of work. School Board employees are paid up to 36 days of accrued vacation upon termination and at a rate of \$10 per day for sick leave only at retirement. Social Services employees are paid up to a maximum of 24 to 54 days of accrued vacation upon termination. Social Services employees are also paid unused sick leave upon termination; such pay is limited to the lesser of 25% of the unused balance or \$2,500.

	<u>Balance</u> <u>July 1, 2011</u>	<u>Net Increase/</u> <u>(Decrease)</u>	<u>Balance</u> <u>June 30, 2012</u>
Primary Government:			
Governmental activities	\$ 234,703	\$ 30,249	\$ 264,952
Component Unit School Board	\$ 369,032	\$ (30,540)	\$ 338,492

**NOTE 9—DEFINED BENEFIT PENSION PLAN:**

The County and Component Unit School Board participate in the Virginia Retirement System defined benefit pension plan.

**A. Plan Description:**

Name of Plan: Virginia Retirement System (VRS)

Identification of Plan: Agent and Cost-Sharing Multiple-Employer  
Defined Benefit Pension Plan

Administering Entity: Virginia Retirement System (System)

All full-time, salaried permanent (professional) employees of public school divisions and employees of participating employers are automatically covered by VRS upon employment. Benefits vest after five years of service credit. Members earn one month of service credit for each month they are employed and their employer is paying into the VRS. Members are eligible to purchase prior public service, active duty military service, certain periods of leave and previously refunded VRS service as credit in their plan.

VRS administers two defined benefit plans for local government employees - Plan 1 and Plan 2:

- Members hired before July 1, 2010 and who have service credits before July 1, 2010 are covered under Plan 1. Non-hazardous duty members are eligible for an unreduced retirement benefit beginning at age 65 with at least five years of service credit or age 50 with at least 30 years of service credit. They may retire with a reduced benefit early at age 55 with at least 5 years of service credit or age 50 with at least 10 years of service credit.

**NOTE 9—DEFINED BENEFIT PENSION PLAN: (CONTINUED)**

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**A. Plan Description: (Continued)**

- Members hired or rehired on or after July 1, 2010 and who have no service credits before July 1, 2010 are covered under Plan 2. Non-hazardous duty members are eligible for an unreduced benefit beginning at their normal Social Security retirement age with at least five years of service credit or when the sum of their age and service equals 90. They may retire with a reduced benefit as early as age 60 with at least five years of service credit.
- Eligible hazardous duty members in Plan 1 and Plan 2 are eligible for an unreduced benefit beginning at age 60 with at least 5 years of service credit or age 50 with at least 25 years of service credit. These members include sheriffs, deputy sheriffs and hazardous duty employees of political subdivisions that have elected to provide enhanced coverage for hazardous duty service. They may retire with a reduced benefit as early as age 50 with at least five years of service credit. All other provisions of the member's plan apply.

The VRS Basic Benefit is a lifetime monthly benefit based on a retirement multiplier as a percentage of the member's average final compensation multiplied by the member's total service credit. Under Plan 1, average final compensation is the average of the member's 36 consecutive months of highest compensation. Under Plan 2, average final compensation is the average of the member's 60 consecutive months of highest compensation. The retirement multiplier for non-hazardous duty members is 1.70 %. The retirement multiplier for sheriffs and regional jail superintendents is 1.85%. The retirement multiplier for eligible political subdivision hazardous duty employees other than sheriffs and jail superintendents is 1.70% or 1.85% as elected by the employer. At retirement, members can elect the Basic Benefit, the Survivor Option, a Partial Lump-Sum Option Payment (PLOP) or the Advance Pension Option. A retirement reduction factor is applied to the Basic Benefit amount for members electing the Survivor Option, PLOP or Advance Pension Option or those retiring with a reduced benefit.

Retirees are eligible for an annual cost-of-living adjustment (COLA) effective July 1 of the second calendar year of retirement. Under Plan 1, the COLA cannot exceed 5.00%; under Plan 2, the COLA cannot exceed 6.00%. During years of no inflation or deflation, the COLA is 0.00%. The VRS also provides death and disability benefits. Title 51.1 of the Code of Virginia (1950), as amended, assigns the authority to establish and amend benefit provisions to the General Assembly of Virginia.

The system issues a publicly available comprehensive annual financial report that includes financial statements and required supplementary information for VRS. A copy of the most recent report may be obtained from the VRS Web site at <http://www.varetire.org/Pdf/Publications/2011-annual-report.pdf> or by writing to the System's Chief Financial Officer at P.O. Box 2500, Richmond, VA, 23218-2500.

**B. Funding Policy:**

Plan members are required by Title 51.1 of the Code of Virginia (1950), as amended, to contribute 5.00% of their compensation toward their retirement. All or part of the 5.00% member contribution may be assumed by the employer. In addition, the County and School Board are required to contribute the remaining amounts necessary to fund their participation in the VRS using the actuarial basis specified by the Code of Virginia and approved by the VRS Board of Trustees. The County's and School Board's non-professional employee contribution rates for the fiscal year ended 2012 were 10.76% and 7.67% of annual covered payroll, respectively.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

NOTE 9—DEFINED BENEFIT PENSION PLAN: (CONTINUED)

B. Funding Policy: (Continued)

The School Board's contribution rate for the fiscal year ended 2012, 2011, and 2010 to the VRS statewide sharing pool for its employees was 6.33%, 3.93%, and 8.81%, respectively.

The School Board's contributions to VRS for the years ended June 30, 2012, 2011, 2010 were \$1,175,937, \$923,974, and \$673,560. The contributions made by the School Board for the current year and the two preceding years represented 100% of the required contribution for each year.

C. Annual Pension Cost:

For fiscal year 2012, the County's annual pension cost of \$360,280 (does not include the employee share assumed by the County which was \$167,417) was equal to the County's required and actual contributions.

For fiscal year 2012, the County School Board's annual pension cost for the Board's non-professional employees was \$116,455 (does not include the employee share assumed by the Board which was \$75,916) which was equal to the Board's required and actual contributions.

Three-Year Trend Information for the County and School Board:

Fiscal Year Ending	Annual Pension Cost (APC) (1)	Percentage of APC Contributed	Net Pension Obligation
County:			
June 30, 2010	\$ 340,945	100%	-
June 30, 2011	352,551	100%	-
June 30, 2012	360,280	100%	-
School Board Non-Professional:			
June 30, 2010	134,932	100%	-
June 30, 2011	196,341	100%	-
June 30, 2012	116,455	100%	-

(1) Employer portion only

The FY2012 required contribution was determined as part of the June 30, 2009 actuarial valuation using the entry age actuarial cost method. The actuarial assumptions at June 30, 2009 included (a) an investment rate of return (net of administrative expenses) of 7.50%, (b) projected salary increases ranging from 3.75% to 5.60% per year for general government employees and 3.50% to 4.75% for employees eligible for enhanced benefits available to law enforcement officers, firefighters, and sheriffs, and (c) a cost-of-living adjustment of 2.50% per year. Both the investment rate of return and the projected salary increases include an inflation component of 2.50%. The actuarial value of the County's and School Board's assets is equal to the modified market value of assets. This method uses techniques that smooth the effects of short-term volatility in the market value of assets over a five-year period. The County's and School Board's unfunded actuarial accrued liability is being amortized as a level percentage of projected payroll on an open basis. The remaining amortization period at June 30, 2009 for the Unfunded Actuarial Accrued Liability (UAAL) was 20 years.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

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NOTE 9—DEFINED BENEFIT PENSION PLAN: (CONTINUED)

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D. Funded Status and Funding Progress

As of June 30, 2011, the most recent actuarial valuation date, the County's plan was 78.06% funded. The actuarial accrued liability for benefits was \$16,214,067, and the actuarial value of assets was \$12,657,287, resulting in an unfunded actuarial accrued liability (UAAL) of \$3,556,780. The covered payroll (annual payroll of active employees covered by the plan) was \$3,291,886, and ratio of the UAAL to the covered payroll was 108.05%.

As of June 30, 2011, the most recent actuarial valuation date, the County School Board's plan was 80.64% funded. The actuarial accrued liability for benefits was \$6,094,432, and the actuarial value of assets was \$4,914,403, resulting in an unfunded actuarial accrued liability (UAAL) of \$1,180,029. The covered payroll (annual payroll of active employees covered by the plan) was \$1,552,895, and ratio of the UAAL to the covered payroll was 75.99%.

The schedule of funding progress, presented as Required Supplementary Information following the notes to the financial statements, presents multiyear trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability (AAL) for benefits.

NOTE 10—OTHER POST-EMPLOYMENT BENEFITS:

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A. Plan Descriptions

County

The County offers health insurance benefits to qualified retirees under a single-employer plan (the County Plan). Health benefits are for medical coverage only.

Eligible retirees under the age of 65 may choose one of the following health insurance options: (a) Key Advantage Expanded Benefits - PPO, or (b) Key Advantage 200 - PPO. An eligible retiree under the age of 65 may elect coverage for himself, for one dependent and himself, or for a family.

Eligible retirees 65 years or older may only participate in the Key Advantage 65 - PPO. An eligible retiree 65 years or older may elect coverage for himself, or for one dependent and himself.

The authority to establish and amend the benefit provisions of the County Plan rests with the County Board of Supervisors. There is no publicly available financial report for the County Plan.

School Board

The School Board offers health insurance benefits to qualified retirees under a single-employer plan (the School Board Plan). Health benefits include medical, dental and vision coverage.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

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**NOTE 10—OTHER POST-EMPLOYMENT BENEFITS: (CONTINUED)**

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**A. Plan Descriptions: (Continued)**

School Board: (Continued)

Eligible retirees under the age of 65 may choose one of the following health insurance options: (a) Local Choice Expanded Benefits --PPO, (b) Local Choice 2000 - PPO, or (c) Local Choice High Deductible - PPO.

An eligible retiree under the age of 65 may elect coverage for himself, for one dependent and himself, or for a family.

Eligible retirees 65 years or older may only participate in the Advantage 65 - PPO. An eligible retiree 65 years or older may elect coverage for himself, or for one dependent and himself.

The authority to establish and amend the benefit provisions of the School Plan rests with the School Board. There is no publicly available financial report for the School Plan.

**B. Funding Policies**

County

The contribution requirements of plan members and the County are established and may be amended by the County Board of Supervisors. For eligible retirees, 100% of the nominal premium is the responsibility of the retiree. As of July 1, 2011, monthly required premiums were as follows:

	<u>Monthly premium owed by retiree</u>		
	<u>Retiree</u>	<u>Retiree and one dependent</u>	<u>Family</u>
Key Advantage 200 -- PPO	\$ 507	\$ 938	\$ 1,369
Key Advantage Expanded Benefits -- PPO	\$ 526	\$ 973	\$ 1,420
Key Advantage 65 -- PPO	\$ 152	\$ 304	N/A

The County has not adopted a funding policy for the implicitly subsidized costs of the County Plan. The County Plan has no assets and is financed on a pay-as-you-go basis.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 10—OTHER POST-EMPLOYMENT BENEFITS: (CONTINUED)**

**B. Funding Policies: (Continued)**

School Board

The contribution requirements of plan members and the School Board are established and may be amended by the School Board. For eligible retirees, 100% of the nominal premium is the responsibility of the retiree. For the year beginning October 1, 2010, monthly required premiums were as follows:

	<u>Monthly premium owed by retiree</u>		
	<u>Retiree</u>	<u>Retiree and one dependent</u>	<u>Family</u>
Local Choice Expanded Benefits -- PPO	\$ 444	\$ 821	\$ 1,199
Local Choice 200 -- PPO	\$ 429	\$ 794	\$ 1,158
Local Choice High Deductible -- PPO	\$ 324	\$ 599	\$ 875
Advantage 65 -- PPO	\$ 176	\$ 352	N/A

The School Board has not adopted a funding policy for the implicitly subsidized costs of the School Plan. The School Plan has no assets and is financed on a pay-as-you-go basis.

**C. Annual OPEB Cost and Net OPEB Obligation**

The County and the School Board's annual postemployment benefit (OPEB) cost (expense) is calculated based on the *annual required contribution* (ARC) of the employer. The County and the School Board have elected to calculate the ARC as the normal cost plus the amortization of the unfunded portion of the actuarial accrued liability in compliance with GASB parameters. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal costs each year and to amortize any unfunded actuarial liabilities (or funding excess) over a period not to exceed thirty years.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 10—OTHER POST-EMPLOYMENT BENEFITS: (CONTINUED)**

**C. Annual OPEB Cost and Net OPEB Obligation: (Continued)**

The estimated contributions are based on projected medical premium payments and credit for the implicit rate subsidy made during the year for the retired employees by the County and the School Board. The following table presents the components of the County's and the School Board's annual OPEB cost for the year, the estimated contributions to the Plans, and changes in the County's and the School Board's net obligations for the Plans:

	<u>County</u>	<u>School Board</u>
Annual required contribution	\$ 30,400	\$ 125,800
Interest on OPEB obligation	854	3,885
Adjustment to ARC	<u>(767)</u>	<u>(5,616)</u>
Annual OPEB cost	\$ 30,487	\$ 124,069
Estimated contributions made	<u>(28,400)</u>	<u>(90,700)</u>
Increase in net OPEB obligation	\$ 2,087	\$ 33,369
Net OPEB obligation at beginning of year	<u>21,358</u>	<u>97,132</u>
Net OPEB obligation at end of year	<u><u>\$ 23,445</u></u>	<u><u>\$ 130,501</u></u>

The County's and the School Board's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan and the net OPEB obligation for the fiscal year 2012 and the two preceding years were as follows:

<u>Fiscal Year Ending:</u>	<u>Annual OPEB Cost</u>	<u>Percentage of Annual OPEB Cost Contributed</u>	<u>Net OPEB Obligation</u>
County:			
June 30, 2010	\$ 31,794	75.00%	\$ 15,594
June 30, 2011	29,764	80.63%	21,358
June 30, 2012	30,487	93.15%	23,445
School Board:			
June 30, 2010	\$ 112,476	74.00%	\$ 58,576
June 30, 2011	121,756	68.33%	97,132
June 30, 2012	124,069	73.10%	130,501

**NOTE 10—OTHER POST-EMPLOYMENT BENEFITS: (CONTINUED)**

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**D. Funded Status and Funding Progress**

At January 1, 2011, the most recent actuarial valuation date, the County Plan was unfunded. The actuarial accrued liability for benefits was \$422,000, and the actuarial value of assets was \$0, resulting in an unfunded actuarial accrued liability (UAAL) of \$422,000. The covered payroll (annual payroll of active employees covered by the plan) was \$3,213,000, and the ratio of the UAAL to the covered payroll was 13.13%.

At January 1, 2011, the most recent actuarial valuation date, the School Board Plan was unfunded. The actuarial accrued liability for benefits was \$1,151,100, and the actuarial value of assets was \$0, resulting in an unfunded actuarial accrued liability (UAAL) of \$1,151,100. The covered payroll (annual payroll of active employees covered by the plan) was \$12,281,000, and the ratio of the UAAL to the covered payroll was 9.37%.

The projection of future benefit payments for an ongoing plan involves estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples included assumptions about future employment, mortality, and healthcare trends. Amounts determined regarding the funded status of the Plans and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The schedule of funding progress, presented as required supplementary information following the notes to the financial statements, presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities for benefits.

**E. Actuarial Methods and Assumptions**

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and the plan members) and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and the plan members to that point. The actuarial methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value of assets, if any, consistent, with the long-term perspective of the calculations.

**County**

In the January 1, 2011 actuarial valuation, the projected unit credit actuarial cost method was used. The actuarial assumptions included a 4.00% investment rate of return, and an annual healthcare cost trend rate based on the Getzen Trend Model (6.40% graded to 4.70% graded over 80 years). The payroll growth rate was assumed to be 3.75%, which reflects a 2.50% inflation rate and a productivity component of 1.25%. The payroll growth rate also incorporates a step rate/ promotional rate of increase ranging from .50% to 1.25% based on years of service.

The UAAL is being amortized as a level percentage of payroll on a closed basis. The remaining amortization period at January 1, 2011 was 30 years.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

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**NOTE 10—OTHER POST-EMPLOYMENT BENEFITS: (CONTINUED)**

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**E. Actuarial Methods and Assumptions: (Continued)**

School Board

In the January 1, 2011 actuarial valuation, the projected unit credit actuarial cost method was used. The actuarial assumptions included a 4.00% investment rate of return, and an annual healthcare cost trend rate based on the Getzen Trend Model (6.40% graded to 4.70% graded over 80 years). The payroll growth rate was assumed to be 3.75%.

The UAAL is being amortized as a level percentage of payroll on a closed basis. The remaining amortization period at January 1, 2011 was 30 years.

**NOTE 11—VRS HEALTH INSURANCE CREDIT - OTHER POST-EMPLOYMENT BENEFITS (OPEB):**

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**A. Plan Description**

The School Board participates in the Health Insurance Credit Program, a plan designed to assist retirees with the cost of health insurance coverage. This program is a cost sharing, multiple-employer defined benefit plan administered by the Virginia Retirement System (VRS). The Virginia General Assembly establishes the dollar amount of the health insurance credit for each year of creditable service. The credit amount and eligibility differs for state, school division, political subdivision, local officer, local social services department and general registrar retirees.

A teacher, who retires under VRS with at least 15 years of total creditable service under the System and is enrolled in a health insurance plan, is eligible to receive a monthly health insurance credit of \$4 per year of creditable service. However, such credit shall not exceed the health insurance premium for the retiree. Disabled retirees automatically receive a monthly health insurance credit of \$4 multiplied by the smaller of (i) twice the amount of their creditable service or (ii) the amount of creditable service they would have completed at age 60 if they had remained in service to that age.

Benefit provisions and eligibility requirements are established by Title 51.1, Chapter 14 of the Code of Virginia. The VRS actuarially determines the amount necessary to fund all credits provided, reflects the cost of such credits in the applicable employer contribution rate pursuant to §51.1-145, and prescribes such terms and conditions as are necessary to carry out the provisions of the health insurance credit program. VRS issues separate financial statements as previously discussed in Note 9.

**B. Funding Policy**

The School Board is required to contribute, at an actuarially determined rate, the entire amount necessary to fund participation in the program. The current rate is .60% of annual covered payroll. The School Board's contributions to VRS for the years ended June 30, 2012, 2011, and 2010 were \$62,099, \$62,081, and \$79,528, respectively and equaled the required contributions for each year.

**NOTE 12—EXCESS OF EXPENDITURES OVER APPROPRIATIONS:**

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There was no excess of expenditures over appropriations in any of the County or School Board funds for the year ended June 30, 2012.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 13—DEFERRED REVENUE:**

	<u>Government-wide Statements</u>	<u>Balance Sheet</u>
	<u>Governmental Activities</u>	<u>Governmental Funds</u>
<b>Primary Government:</b>		
Deferred tax revenue:		
Uncollected property tax billings for which asset recognition criteria have not been met have been recorded as deferred revenue. The uncollected tax billings are not available for the funding of current expenditures.	\$ 9,719,891	\$ 11,660,608
Prepaid property taxes have been recorded as deferred revenue. Prepaid taxes collected are available for the funding of current expenditures.	<u>192,133</u>	<u>192,133</u>
Total primary government	<u>\$ 9,912,024</u>	<u>\$ 11,852,741</u>

The Component Unit School Board had no deferred revenue.

**NOTE 14—COMMITMENTS AND CONTINGENCIES:**

Primary Government and Component Unit School Board:

Federal programs in which the County and School Board participate were audited in accordance with the provisions of U. S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Pursuant to the provisions of this circular all major programs and certain other programs were tested for compliance with applicable grant requirements. While no matters of noncompliance were disclosed by audit, the federal government may subject grant programs to additional compliance tests which may result in disallowed expenditures. In the opinion of management, any future disallowances of current grant program expenditures, if any, would be immaterial.

The County has entered into a construction contract in the amount of \$7,742,727 and an architectural services contract in the amount of \$824,820 for the construction of new courthouse facilities. The new facilities were mandated by the Judge of the Circuit Court. Outstanding commitments under the two contracts were \$412,615 at June 30, 2012. The construction of the new facilities is being funded primarily through the proceeds of a Rural Development loan obtained in July 2009.

The County has entered into a construction contract of \$1,157,729 for construction of Fiber Optic Outside Plant. The outstanding commitment under the contract was \$352,938 at June 30, 2012.

Operating Leases:

The County is leasing space at area locations in the County. None of the lease agreements have terms of more than one year. Total rent expenditures were \$75,060.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

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**NOTE 15—LITIGATION:**

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At June 30, 2012 there were no matters of litigation involving the County or its component units that would have an adverse material effect on the financial position of the reporting entity should there be unfavorable rulings affecting the entities.

**NOTE 16—SURETY BONDS:**

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	<u>Amount</u>
Virginia Department of Risk Management - Surety	
Judy Smythers, Clerk of the Circuit Court	\$ 450,000
Erma D. Harris, Treasurer	400,000
Jean W. Payne, Commissioner of the Revenue	3,000
David Brooks, Sheriff	30,000
Above constitutional officers' employee - blanket bond	50,000
Virginia Association of Counties	
Group Self-Insurance Risk Pool - Crime coverage	
School Board employees	
Employee dishonesty - limit of liability	250,000
Fidelity and Deposit Company - Crime coverage	
Nelson County Department of Social Services employees	
Employee theft - per employee per occurrence	100,000
National Grange Mutual Insurance Company - Surety	
Thomas H. Bruguiere, Jr., Supervisor	1,000
Constance Brennan, Supervisor	1,000
Stephen A. Carter, County Administrator	2,000
Thomas D. Harvey, Supervisor	1,000
Allen M. Hale, Supervisor	1,000
Larry D. Saunders, Supervisor	1,000

**NOTE 17—RISK MANAGEMENT:**

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The primary government and its component units are exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; workers compensation claims and natural disasters.

The County contracts with the Virginia Association of Counties Municipal Liability Pool to provide for insurance coverages for these risks of loss. In the event of a loss deficit and depletion of all assets and available insurance of the Pool, the Pool may assess all members in the proportion which the premium of each bears to the total premiums of all members in the year in which such deficit occurs. The property coverage is for specific amounts based on values assigned to the insured properties. Liability coverage is for \$4,000,000.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

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**NOTE 17—RISK MANAGEMENT: (CONTINUED)**

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The School Board contracts with private insurers for property and liability coverages. Property coverages are for specific property values. General liability coverage is \$10,000,000 and wrongful acts liability coverage is \$4,000,000.

Unemployment Insurance:

The County and School Board are responsible for any unemployment claims. The Virginia Employment Commission bills the County for all unemployment claims.

Employee Health Insurance:

The County and School Board have contracted with a private carrier for health insurance coverages.

Other:

The County and its component units have had no reductions in insurance coverages from the prior year. There have been no settlements in excess of insurance coverages for the past three years, other than the payment of deductibles which are immaterial.

**NOTE 18—ACCRUED LANDFILL REMEDIATION COST:**

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The County closed its landfill operation on October 8, 1993, and contracted with private contractors to dispose of its solid waste. The landfill closure commenced in July, 1994, and, in accordance with federal and state laws and regulations, the County is required to monitor the landfill for 10 years or until released by the Department of Environmental Quality. The original postclosure care liability of \$387,865 was determined by engineers. The revised cost estimate has been estimated at \$982,018 as of June 30, 2012. This cost may be revised in the future depending on changes in regulations and applicable environmental laws.

The County demonstrated financial assurance requirements for closure, post closure care and corrective action costs through the submission of a Local Governmental Financial Test to the Virginia Department of Environmental Quality in accordance with Section 9VAC20-70 of the Virginia Administrative Code.

As discussed in Note 1, the County entered into a Use Agreement with the Region 2000 Services Authority to use its solid waste disposal landfills. Under the terms of the agreement, the County is responsible for its pro rata share, as defined, of costs budgeted for closure, post-closure and corrective action, to the extent that tipping fees paid are not adequate to cover such costs.

**NOTE 19—RELATED PARTY TRANSACTIONS:**

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The County had certain transactions with the Nelson County Service Authority during fiscal year 2012. In addition to purchasing water from the Authority at its normal rates, the County provides office space for the Authority's administrative operations free of charge, and appropriated \$156,000 to the Authority for fire protection services. The County also paid \$162,812 to the Authority for debt service requirements for the Colleen water line.

COUNTY OF NELSON, VIRGINIA

Notes to Financial Statements  
As of June 30, 2012 (Continued)

**NOTE 19—RELATED PARTY TRANSACTIONS: (CONTINUED)**

In October 2007, the County entered into an agreement with the Nelson County Service Authority (NCSA) to operate and maintain the Piney River III Water and Sewer system (Piney River III). NCSA also bills Piney River III customers, and remits collections to the County on a monthly basis. The County pays NCSA \$3.62 per 1,000 gallons of water delivered to Piney River III customers and \$2.94 per 1,000 gallons of sewerage delivered to NCSA by Piney River III customers.

**NOTE 20—DEFERRED COMPENSATION PLAN:**

The County offers an approved deferred compensation plan pursuant to Section 457 of the Internal Revenue Code. Permanent, part-time and full-time County employees are eligible to participate and may defer 25% of their gross income up to a maximum of \$16,500 in 2012. Eligible employees age 50 and over may defer up to \$22,000 in 2012. The compensation deferred is not available to employees until termination, retirement, death or an unforeseeable emergency.

The assets of the plan vest solely with the employee and are not available to the County general creditors.

**NOTE 21—ADJUSTMENT TO BEGINNING BALANCES:**

The beginning fund balance and net assets of various funds and activities were adjusted to create an enterprise fund for the Nelson County Broadband Authority. Balances were adjusted as follows:

	<u>Fund Balance</u>	<u>Net Assets</u>	
	<u>Capital Projects Fund</u>	<u>Governmental Activities</u>	<u>Business-Type Activities - Nelson County Broadband Authority</u>
Balance July 1, 2011, before adjustment	\$ 4,882,302	\$ 21,488,042	\$ -
Create enterprise fund for the Nelson County Broadband Authority	<u>(350,574)</u>	<u>(763,245)</u>	<u>763,245</u>
Balance July 1, 2011, as adjusted	<u>\$ 4,531,728</u>	<u>\$ 20,724,797</u>	<u>\$ 763,245</u>

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**Required Supplementary Information**

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General Fund

Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual  
For the Year Ended June 30, 2012

	Budgeted Amounts		Actual Amounts	Variance with Final Budget - Positive (Negative)
	Original	Final		
<b>REVENUES</b>				
General property taxes	\$ 18,690,688	\$ 18,690,688	\$ 19,964,116	\$ 1,273,428
Other local taxes	2,978,018	3,352,018	3,610,714	258,696
Permits, privilege fees, and regulatory licenses	165,750	165,750	177,207	11,457
Fines and forfeitures	241,600	246,600	237,993	(8,607)
Revenue from the use of money and property	217,980	223,160	154,296	(68,864)
Charges for services	255,600	255,600	218,023	(37,577)
Miscellaneous	23,200	23,200	68,955	45,755
Recovered costs	622,477	632,000	640,168	8,168
Intergovernmental revenues:				
Commonwealth	4,678,835	4,715,532	4,475,156	(240,376)
Federal	2,229,475	2,276,702	1,975,010	(301,692)
Total revenues	<u>\$ 30,103,623</u>	<u>\$ 30,581,250</u>	<u>\$ 31,521,638</u>	<u>\$ 940,388</u>
<b>EXPENDITURES</b>				
Current:				
General government administration	\$ 1,661,689	\$ 1,799,282	\$ 1,684,480	\$ 114,802
Judicial administration	739,505	748,515	692,589	55,926
Public safety	4,036,426	4,096,794	3,902,854	193,940
Public works	1,991,486	2,019,431	1,701,133	318,298
Health and welfare	2,468,124	2,468,124	2,326,951	141,173
Education	13,336,642	13,336,642	12,988,776	347,866
Parks, recreation, and cultural	465,423	466,416	448,611	17,805
Community development	1,103,501	1,165,001	799,087	365,914
Nondepartmental	277,672	86,842	62,459	24,383
Capital projects	2,859,000	2,859,000	1,540,128	1,318,872
Debt service:				
Interest and other fiscal charges	-	-	62,142	(62,142)
Total expenditures	<u>\$ 28,939,468</u>	<u>\$ 29,046,047</u>	<u>\$ 26,209,210</u>	<u>\$ 2,836,837</u>
Excess (deficiency) of revenues over (under) expenditures	<u>\$ 1,164,155</u>	<u>\$ 1,535,203</u>	<u>\$ 5,312,428</u>	<u>\$ 3,777,225</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in	\$ 600,000	\$ 600,000	\$ 600,000	\$ -
Transfers out	(3,923,314)	(4,073,314)	(4,073,314)	-
Long-term debt issued	-	-	1,842,340	1,842,340
Total other financing sources (uses)	<u>\$ (3,323,314)</u>	<u>\$ (3,473,314)</u>	<u>\$ (1,630,974)</u>	<u>\$ 1,842,340</u>
Net change in fund balances	\$ (2,159,159)	\$ (1,938,111)	\$ 3,681,454	\$ 5,619,565
Fund balances - beginning	<u>2,159,159</u>	<u>1,938,111</u>	<u>16,041,206</u>	<u>14,103,095</u>
Fund balances - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 19,722,660</u>	<u>\$ 19,722,660</u>

Schedule of Pension and OPEB Funding Progress  
At June 30, 2012

PRIMARY GOVERNMENT:

County Retirement Plan

Actuarial Valuation Date	Actuarial Value of Assets (AVA) (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded Actuarial Accrued Liability (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a % of Covered Payroll ((b-a)/c)
June 30, 2009	\$ 12,215,739	\$ 14,378,160	\$ 2,162,421	84.96%	\$ 3,303,444	65.46%
June 30, 2010	12,341,225	15,768,810	3,427,585	78.26%	3,256,900	105.24%
June 30, 2011	12,657,287	16,214,067	3,556,780	78.06%	3,291,886	108.05%

County Retiree Healthcare Plan

Actuarial Valuation Date	Actuarial Value of Assets (AVA) (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded Actuarial Accrued Liability (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a % of Covered Payroll ((b-a)/c)
January 1, 2009	\$ -	\$ 447,900	\$ 447,900	0.00%	\$ 3,370,800	13.29%
January 1, 2011	-	422,000	422,000	0.00%	3,213,000	13.13%

DISCRETELY PRESENTED COMPONENT UNIT:

School Board Non-Professional Retirement Plan

Actuarial Valuation Date	Actuarial Value of Assets (AVA) (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded Actuarial Accrued Liability (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a % of Covered Payroll ((b-a)/c)
June 30, 2009	\$ 4,650,469	\$ 5,347,046	\$ 696,577	86.97%	\$ 1,593,640	43.71%
June 30, 2010	4,760,768	5,872,301	1,111,533	81.07%	1,568,454	70.87%
June 30, 2011	4,914,403	6,094,432	1,180,029	80.64%	1,552,895	75.99%

School Board Retiree Healthcare Plan

Actuarial Valuation Date	Actuarial Value of Assets (AVA) (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded Actuarial Accrued Liability (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a % of Covered Payroll ((b-a)/c)
January 1, 2009	\$ -	\$ 1,094,200	\$ 1,094,200	0.00%	\$ 12,354,600	8.86%
January 1, 2011	-	1,151,100	1,151,100	0.00%	12,281,000	9.37%

**Other Supplementary Information**

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## Combining and Individual Fund Statements and Schedules

Debt Service Fund

Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual

For the Year Ended June 30, 2012

	Budgeted Amounts		Actual Amounts	Variance with Final Budget - Positive (Negative)
	Original	Final		
<b>EXPENDITURES</b>				
Debt service:				
Principal retirement	\$ 2,171,569	\$ 2,171,569	\$ 2,187,022	\$ (15,453)
Interest and other fiscal charges	1,626,572	1,626,572	1,536,019	90,553
Total expenditures	<u>\$ 3,798,141</u>	<u>\$ 3,798,141</u>	<u>\$ 3,723,041</u>	<u>\$ 75,100</u>
Excess (deficiency) of revenues over (under) expenditures	<u>\$ (3,798,141)</u>	<u>\$ (3,798,141)</u>	<u>\$ (3,723,041)</u>	<u>\$ 75,100</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in	<u>\$ 3,516,564</u>	<u>\$ 3,516,564</u>	<u>\$ 3,516,564</u>	<u>\$ -</u>
Total other financing sources (uses)	<u>\$ 3,516,564</u>	<u>\$ 3,516,564</u>	<u>\$ 3,516,564</u>	<u>\$ -</u>
Net change in fund balances	\$ (281,577)	\$ (281,577)	\$ (206,477)	\$ 75,100
Fund balances - beginning	<u>281,577</u>	<u>281,577</u>	<u>396,963</u>	<u>115,386</u>
Fund balances - ending	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 190,486</u></u>	<u><u>\$ 190,486</u></u>

Capital Projects Fund  
 Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual  
 For the Year Ended June 30, 2012

	Budgeted Amounts		Actual Amounts	Variance with Final Budget - Positive (Negative)
	Original	Final		
<b>REVENUES</b>				
Revenue from the use of money and property	\$ 100	\$ 100	\$ 73	\$ (27)
Total revenues	\$ 100	\$ 100	\$ 73	\$ (27)
<b>EXPENDITURES</b>				
Capital projects	\$ 2,267,115	\$ 2,417,115	\$ 1,471,870	\$ 945,245
Debt service:				
Interest and other fiscal charges	-	-	298,080	(298,080)
Total expenditures	\$ 2,267,115	\$ 2,417,115	\$ 1,769,950	\$ 647,165
Excess (deficiency) of revenues over (under) expenditures	\$ (2,267,015)	\$ (2,417,015)	\$ (1,769,877)	\$ 647,138
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in	\$ 320,500	\$ 470,500	\$ 470,500	\$ -
Transfers out	(600,000)	(600,000)	(600,000)	-
Issuance of lease revenue bonds	600,000	600,000	10,719,476	10,119,476
Payment to bond escrow agent	-	-	(11,101,440)	(11,101,440)
Total other financing sources (uses)	\$ 320,500	\$ 470,500	\$ (511,464)	\$ (981,964)
Net change in fund balances	\$ (1,946,515)	\$ (1,946,515)	\$ (2,281,341)	\$ (334,826)
Fund balances - beginning, as restated	1,946,515	1,946,515	4,531,728	2,585,213
Fund balances - ending	\$ -	\$ -	\$ 2,250,387	\$ 2,250,387

Combining Balance Sheet  
 Nonmajor Special Revenue Funds  
 At June 30, 2012

	Housing Improvement Fund	Street Lights Fund	Total
<b>Assets</b>			
Cash and cash equivalents	\$ 50	\$ -	\$ 50
Due from other governments	99,242	-	99,242
Total assets	<u>\$ 99,292</u>	<u>\$ -</u>	<u>\$ 99,292</u>
<b>Liabilities</b>			
Accounts payable	\$ 99,242	\$ -	\$ 99,242
Total liabilities	<u>\$ 99,242</u>	<u>\$ -</u>	<u>\$ 99,242</u>
<b>Fund Balance</b>			
Committed	\$ 50	\$ -	\$ 50
Total fund balance	<u>\$ 50</u>	<u>\$ -</u>	<u>\$ 50</u>
Total liabilities and fund balances	<u>\$ 99,292</u>	<u>\$ -</u>	<u>\$ 99,292</u>

Combining Statement of Revenues, Expenditures, and Changes in Fund Balances  
 Nonmajor Special Revenue Funds  
 For the Year Ended June 30, 2012

	Housing Improvement Fund	Street Lights Fund	Total
<b>Revenues</b>			
Miscellaneous	\$ -	\$ 35	\$ 35
Intergovernmental revenues:			
Federal	\$ 315,234	\$ -	\$ 315,234
Total revenues	<u>\$ 315,234</u>	<u>\$ 35</u>	<u>\$ 315,269</u>
<b>Expenditures</b>			
Current:			
Community development	\$ 142,234	\$ -	\$ 142,234
Total expenditures	<u>\$ 142,234</u>	<u>\$ -</u>	<u>\$ 142,234</u>
Excess (deficiency) of revenues over (under) expenditures	<u>\$ 173,000</u>	<u>\$ 35</u>	<u>\$ 173,035</u>
<b>OTHER FINANCING SOURCES (USES)</b>			
Transfers out	<u>\$ (175,436)</u>	<u>\$ -</u>	<u>\$ (175,436)</u>
Total other financing sources (uses)	<u>\$ (175,436)</u>	<u>\$ -</u>	<u>\$ (175,436)</u>
Net change in fund balances	\$ (2,436)	\$ 35	\$ (2,401)
Fund balances - beginning	<u>2,486</u>	<u>(35)</u>	<u>2,451</u>
Fund balances - ending	<u><u>\$ 50</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 50</u></u>

COUNTY OF NELSON, VIRGINIA

Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual  
 Nonmajor Special Revenue Funds  
 For the Year Ended June 30, 2012

	Housing Improvement Fund			Variance with Final Budget - Positive (Negative)
	Budgeted Amounts		Actual	
	Original	Final		
<b>REVENUES</b>				
Miscellaneous	\$ -	\$ -	\$ -	\$ -
Intergovernmental revenues:				
Federal	\$ 898,000	\$ 898,000	\$ 315,234	\$ (582,766)
Total revenues	\$ 898,000	\$ 898,000	\$ 315,234	\$ (582,766)
<b>EXPENDITURES</b>				
Current:				
Community development	\$ 695,000	\$ 695,000	\$ 142,234	\$ 552,766
Total expenditures	\$ 695,000	\$ 695,000	\$ 142,234	\$ 552,766
Excess (deficiency) of revenues over (under) expenditures	\$ 203,000	\$ 203,000	\$ 173,000	\$ (30,000)
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers out	\$ (203,000)	\$ (205,436)	\$ (175,436)	\$ 30,000
Total other financing sources (uses)	\$ (203,000)	\$ (205,436)	\$ (175,436)	\$ 30,000
Net change in fund balances	\$ -	\$ (2,436)	\$ (2,436)	\$ -
Fund balances - beginning	-	2,436	2,486	50
Fund balances - ending	\$ -	\$ -	\$ 50	\$ 50

Street Lights Fund			
Budgeted Amounts			Variance with
Original	Final	Actual	Final Budget Positive (Negative)
\$ -	\$ -	\$ 35	\$ 35
\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 35	\$ 35
\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 35	\$ 35
\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 35	\$ 35
-	-	(35)	(35)
\$ -	\$ -	\$ -	\$ -

Combining Statement of Fiduciary Net Assets  
 Fiduciary Funds  
 At June 30, 2012

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	<u>Agency Funds</u>		
	<u>Special Welfare</u>	<u>EMS Loan Fund</u>	<u>Total</u>
<b>Assets</b>			
Cash and cash equivalents	\$ 22,809	\$ 659,293	\$ 682,102
Total assets	<u>\$ 22,809</u>	<u>\$ 659,293</u>	<u>\$ 682,102</u>
<b>Liabilities</b>			
Amounts held for others	\$ 22,809	\$ 659,293	\$ 682,102
Total liabilities	<u>\$ 22,809</u>	<u>\$ 659,293</u>	<u>\$ 682,102</u>

Combining Statement of Changes in Assets and Liabilities  
 Agency Funds  
 For the Year Ended June 30, 2012

	Balance Beginning of Year	Additions	Deletions	Balance End of Year
<b>Special Welfare Fund:</b>				
<b>Assets</b>				
Cash and cash equivalents	\$ 23,099	\$ 11,763	\$ 12,053	\$ 22,809
<b>Liabilities</b>				
Amounts held for others	\$ 23,099	\$ 11,763	\$ 12,053	\$ 22,809
<b>EMS Loan Fund:</b>				
<b>Assets</b>				
Cash and cash equivalents	\$ 455,681	\$ 229,654	\$ 26,042	\$ 659,293
<b>Liabilities</b>				
Amounts held for others	\$ 455,681	\$ 229,654	\$ 26,042	\$ 659,293
<b>Total Agency Funds</b>				
<b>Assets</b>				
Cash and cash equivalents	\$ 478,780	\$ 241,417	\$ 38,095	\$ 682,102
<b>Liabilities</b>				
Amounts held for others	\$ 478,780	\$ 241,417	\$ 38,095	\$ 682,102

Component Unit School Board  
 Balance Sheet  
 At June 30, 2012

	<u>School Fund</u>
<b>Assets</b>	
Cash and cash equivalents	\$ 1,913,762
Receivables:	
Accounts receivable	24,752
Due from other governments	916,154
Inventories	66,819
Prepaid items	<u>22,287</u>
Total assets	<u>\$ 2,943,774</u>
<b>Liabilities</b>	
Accounts payable	\$ 75,254
Accrued liabilities	1,430,810
Due to primary government	<u>881,694</u>
Total liabilities	<u>\$ 2,387,758</u>
<b>Fund balance</b>	
Nonspendable	\$ 89,106
Committed	556,016
Unassigned	<u>(89,106)</u>
Total fund balances	<u>\$ 556,016</u>
Total liabilities and fund balance	<u>\$ 2,943,774</u>

Component Unit School Board  
 Reconciliation of the Governmental Fund Balance Sheet to the Statement of Net Assets  
 At June 30, 2012

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Total fund balance for governmental fund (Exhibit 20) \$ 556,016

Total net assets reported for governmental activities in the statement of net assets are different because:

Capital assets used in governmental activities are not financial resources and therefore are not reported in the fund. Those assets consist of:

Land and improvements	\$	851,210	
Buildings and improvements, net of depreciation		28,332,990	
Equipment, net of depreciation		1,624,107	
School Board capital assets in primary government, net of depreciation		<u>(17,508,874)</u>	13,299,433

Long-term liabilities applicable to the School Board's governmental activities are not due and payable in the current period and accordingly are not reported as fund liabilities.

Compensated absences	\$	(338,492)	
Net OPEB obligation		<u>(130,501)</u>	<u>(468,993)</u>

Total net assets of governmental activities (Exhibit 1) \$ 13,386,456

Component Unit School Board  
 Statement of Revenues, Expenditures, and Changes in Fund Balances  
 Governmental Fund  
 For the Year Ended June 30, 2012

	<u>School Fund</u>
<b>Revenues</b>	
Revenue from the use of money and property	\$ 173
Charges for services	459,893
Miscellaneous	334,552
Intergovernmental revenues:	
Appropriations from primary government	12,985,752
Commonwealth	7,632,211
Federal	<u>2,152,357</u>
Total revenues	<u>\$ 23,564,938</u>
<b>Expenditures</b>	
Current:	
Education	
Instruction	\$ 14,537,427
Administration, attendance and health	1,177,996
Transportation	2,495,442
Facilities operations	2,595,348
School food services	1,078,388
Facilities	617,037
Technology	<u>1,212,945</u>
Total expenditures	<u>\$ 23,714,583</u>
Excess (deficiency) of revenues over (under) expenditures	\$ (149,645)
Fund balance, beginning of year	<u>705,661</u>
Fund balance, end of year	<u><u>\$ 556,016</u></u>

Component Unit School Board  
 Reconciliation of the Statement of Revenues, Expenditures,  
 and Changes in Fund Balance of Governmental Fund to the Statement of Activities  
 For the Year Ended June 30, 2012

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Net change in fund balance - total governmental fund (Exhibit 22) \$ (149,645)

Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which the capital outlays exceeded depreciation in the current period.

Capital asset additions	\$ 372,902	
Depreciation expense	(934,087)	
Adjustment for jointly owned capital assets	1,682,297	1,121,112

The net effect of various miscellaneous transactions involving capital assets (i.e., sales, trade-ins, and donations) is to increase (decrease) net assets. (10,125)

Under the modified accrual basis of accounting used in the governmental funds, expenditures are not recognized for transactions that are not normally paid with expendable financial resources. In the statement of activities, however, which is presented on the accrual basis, expenses and liabilities are reported regardless of when financial resources are available. In addition, interest on long term debt is not recognized under the modified accrual basis of accounting until due, rather than as it accrues. This adjustment combines the net changes of the following:

Compensated absences	\$ 30,540	
Net OPEB obligation	(33,369)	(2,829)

Change in net assets of governmental activities (Exhibit 2) \$ 958,513

Component Unit School Board  
 Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual  
 For the Year Ended June 30, 2012

	School Operating Fund			Variance with Final Budget Positive (Negative)
	Budgeted Amounts		Actual	
	Original	Final		
<b>REVENUES</b>				
Revenue from the use of money and property	\$ 100	\$ -	\$ 173	\$ 173
Charges for services	522,603	513,745	459,893	(53,852)
Miscellaneous	493,422	305,787	334,552	28,765
Recovered costs	103,101	103,101	-	(103,101)
Intergovernmental revenues:				
Local government	13,333,618	13,333,618	12,985,752	(347,866)
Commonwealth	7,456,594	7,649,107	7,632,211	(16,896)
Federal	2,193,962	2,206,524	2,152,357	(54,167)
<b>Total revenues</b>	<b>\$ 24,103,400</b>	<b>\$ 24,111,882</b>	<b>\$ 23,564,938</b>	<b>\$ (546,944)</b>
<b>EXPENDITURES</b>				
Current:				
Education				
Instruction	\$ 15,667,744	\$ 15,003,715	\$ 14,537,427	\$ 466,288
Administration, attendance and health	1,256,208	1,186,252	1,177,996	8,256
Transportation	2,488,194	2,539,902	2,495,442	44,460
Facilities operations	2,911,145	3,028,870	2,595,348	433,522
School food services	1,018,327	1,018,327	1,078,388	(60,061)
Facilities	417,172	617,037	617,037	-
Technology	842,113	1,210,586	1,212,945	(2,359)
<b>Total expenditures</b>	<b>\$ 24,600,903</b>	<b>\$ 24,604,689</b>	<b>\$ 23,714,583</b>	<b>\$ 890,106</b>
Excess (deficiency) of revenues over (under) expenditures	\$ (497,503)	\$ (492,807)	\$ (149,645)	\$ 343,162
Fund balances - beginning	497,503	492,807	705,661	212,854
Fund balances - ending	\$ -	\$ -	\$ 556,016	\$ 556,016

## Supporting Schedules

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Schedule of Revenues - Budget and Actual  
Governmental Funds  
For the Year Ended June 30, 2012

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget - Positive (Negative)
<b>General Fund:</b>				
Revenue from local sources:				
General property taxes:				
Real property taxes	\$ 15,567,866	\$ 15,567,866	\$ 16,594,216	\$ 1,026,350
Real and personal public service corporation taxes	595,000	595,000	580,595	(14,405)
Personal property taxes	2,237,822	2,237,822	2,444,721	206,899
Mobile home taxes	25,000	25,000	14,371	(10,629)
Machinery and tools taxes	5,000	5,000	5,532	532
Penalties	130,000	130,000	175,744	45,744
Interest	130,000	130,000	148,937	18,937
Total general property taxes	<u>\$ 18,690,688</u>	<u>\$ 18,690,688</u>	<u>\$ 19,964,116</u>	<u>\$ 1,273,428</u>
Other local taxes:				
Local sales and use taxes	\$ 908,000	\$ 908,000	\$ 988,659	\$ 80,659
Consumers' utility taxes	460,711	460,711	446,787	(13,924)
Business license taxes	30,000	30,000	30,810	810
Utility franchise taxes	103,500	103,500	104,906	1,406
Motor vehicle licenses	509,554	509,554	660,450	150,896
Bank franchise tax	50,000	50,000	64,301	14,301
Taxes on recordation and wills	246,253	246,253	181,243	(65,010)
Transient occupancy tax	-	374,000	400,624	26,624
Meals tax	670,000	670,000	732,634	62,634
Street light tax	-	-	300	300
Total other local taxes	<u>\$ 2,978,018</u>	<u>\$ 3,352,018</u>	<u>\$ 3,610,714</u>	<u>\$ 258,696</u>
Permits, privilege fees, and regulatory licenses:				
Animal licenses	\$ 10,000	\$ 10,000	\$ 8,121	\$ (1,879)
Dog pound fees	1,400	1,400	1,560	160
Land use application fees	7,500	7,500	16,180	8,680
Transfer fees	750	750	853	103
Zoning & Subdivision fees	1,000	1,000	1,095	95
Building permits	110,000	110,000	122,572	12,572
Building inspection fees	6,000	6,000	6,702	702
Special use permits	600	600	2,384	1,784
Well & Septic fees	6,500	6,500	4,525	(1,975)
Land disturbing fees	15,000	15,000	8,338	(6,662)
Tourism collections	7,000	7,000	4,877	(2,123)
Total permits, privilege fees, and regulatory licenses	<u>\$ 165,750</u>	<u>\$ 165,750</u>	<u>\$ 177,207</u>	<u>\$ 11,457</u>
Fines and forfeitures:				
Court fines and forfeitures	\$ 241,600	\$ 246,600	\$ 237,993	\$ (8,607)
Total fines and forfeitures	<u>\$ 241,600</u>	<u>\$ 246,600</u>	<u>\$ 237,993</u>	<u>\$ (8,607)</u>
Revenue from use of money and property:				
Revenue from use of money	\$ 84,000	\$ 84,000	\$ 76,730	\$ (7,270)
Revenue from use of property	133,980	139,160	77,566	(61,594)
Total revenue from use of money and property	<u>\$ 217,980</u>	<u>\$ 223,160</u>	<u>\$ 154,296</u>	<u>\$ (68,864)</u>

Schedule of Revenues - Budget and Actual  
Governmental Funds  
For the Year Ended June 30, 2012

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget - Positive (Negative)
<b>General Fund: (Continued)</b>				
Revenue from local sources: (Continued)				
Charges for services:				
Sheriff's fees	\$ 6,000	\$ 6,000	\$ 6,463	\$ 463
Law library fees	2,500	2,500	3,444	944
Courthouse maintenance fees	11,000	11,000	8,313	(2,687)
Document reproduction fees	3,000	3,000	872	(2,128)
Court appointed attorney fees	-	-	364	364
Fingerprint/Report fees	100	100	224	124
Cost of postage - Circuit Court	-	-	31	31
Charges for Commonwealth's Attorney	500	500	1,015	515
Charges for sanitation and waste removal	180,000	180,000	148,057	(31,943)
Charges for parks and recreation	50,000	50,000	48,467	(1,533)
Sale of literature	2,500	2,500	773	(1,727)
Total charges for services	<u>\$ 255,600</u>	<u>\$ 255,600</u>	<u>\$ 218,023</u>	<u>\$ (37,577)</u>
Miscellaneous revenue:				
Expenditure refunds	\$ 15,000	\$ 15,000	\$ 28,532	\$ 13,532
Other miscellaneous	8,200	8,200	40,423	32,223
Total miscellaneous revenue	<u>\$ 23,200</u>	<u>\$ 23,200</u>	<u>\$ 68,955</u>	<u>\$ 45,755</u>
Recovered costs:				
DSS Reimbursement	\$ 50,000	\$ 50,000	\$ 50,704	\$ 704
School Resource officer and other costs	30,000	30,000	26,085	(3,915)
Jaunt Wintergreen	29,477	29,477	28,000	(1,477)
Colleen water & sewer connection fees	148,000	148,000	148,000	-
DMV stop fees	10,000	19,523	24,273	4,750
EMS revenue recovery	350,000	350,000	354,345	4,345
Forest Service Coop. agreement	5,000	5,000	4,424	(576)
Other recovered costs	-	-	4,337	4,337
Total recovered costs	<u>\$ 622,477</u>	<u>\$ 632,000</u>	<u>\$ 640,168</u>	<u>\$ 8,168</u>
Total revenue from local sources	<u>\$ 23,195,313</u>	<u>\$ 23,589,016</u>	<u>\$ 25,071,472</u>	<u>\$ 1,482,456</u>
Noncategorical aid:				
Motor vehicle carriers' tax	\$ 90,727	\$ 90,727	\$ 85,251	\$ (5,476)
Mobile home titling tax	15,000	15,000	8,937	(6,063)
Tax on deeds	53,046	53,046	54,596	1,550
Communication sales & use tax	485,000	485,000	483,546	(1,454)
Personal property tax relief funds	1,708,030	1,708,030	1,708,649	619
Total noncategorical aid	<u>\$ 2,351,803</u>	<u>\$ 2,351,803</u>	<u>\$ 2,340,979</u>	<u>\$ (10,824)</u>

Schedule of Revenues - Budget and Actual  
Governmental Funds  
For the Year Ended June 30, 2012

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget - Positive (Negative)
<b>General Fund: (Continued)</b>				
Categorical aid:				
Shared expenses:				
Commonwealth's attorney	\$ 198,241	\$ 198,241	\$ 189,145	\$ (9,096)
Sheriff	719,894	719,894	729,381	9,487
Commissioner of revenue	79,157	79,157	78,916	(241)
Treasurer	94,468	94,468	82,379	(12,089)
Registrar/electoral board	39,884	51,081	43,844	(7,237)
Clerk of the Circuit Court	185,756	185,756	198,630	12,874
Total shared expenses	<u>\$ 1,317,400</u>	<u>\$ 1,328,597</u>	<u>\$ 1,322,295</u>	<u>\$ (6,302)</u>
Welfare:				
Public assistance and welfare administration	\$ 420,559	\$ 420,559	\$ 307,967	\$ (112,592)
Other categorical aid:				
E911 wireless grant	\$ 40,000	\$ 40,000	\$ 40,000	\$ -
DMV animal friendly plates	400	400	492	92
Fire programs	42,000	42,000	40,152	(1,848)
Four for life	21,300	21,300	16,790	(4,510)
Litter control grant	6,219	6,219	5,265	(954)
Victim-witness grant	-	20,500	5,397	(15,103)
VJCCA Dept - Juvenile Justice	10,300	10,300	9,787	(513)
Comprehensive services act	463,854	463,854	365,508	(98,346)
Asset forfeiture proceeds	-	-	3,139	3,139
Performance arts grant	5,000	5,000	5,000	-
Library grant	-	5,000	4,995	(5)
Other categorical	-	-	7,390	7,390
Total other categorical aid	<u>\$ 589,073</u>	<u>\$ 614,573</u>	<u>\$ 503,915</u>	<u>\$ (110,658)</u>
Total categorical aid	<u>\$ 2,327,032</u>	<u>\$ 2,363,729</u>	<u>\$ 2,134,177</u>	<u>\$ (229,552)</u>
Total revenue from the Commonwealth	<u>\$ 4,678,835</u>	<u>\$ 4,715,532</u>	<u>\$ 4,475,156</u>	<u>\$ (240,376)</u>
Revenue from the federal government:				
Noncategorical aid:				
Payments in lieu of taxes	\$ 44,864	\$ 44,864	\$ 54,996	\$ 10,132
Categorical aid:				
Public assistance and welfare administration	\$ 489,611	\$ 489,611	\$ 488,357	\$ (1,254)
Victim witness program	-	-	16,192	16,192
Public Safety Interoperability	1,200,000	1,200,000	1,310,000	110,000
SCAAP (federal prisoners)	-	-	3,737	3,737
Law Enforcement Terror Prevention	-	-	9,641	9,641
Domestic preparedness grant	-	16,040	-	(16,040)
Rural Development grant	-	-	25,000	25,000
USDA specialty crop grant	-	30,000	7,000	(23,000)
Recovery Act BJA Byrne JAG Grant	-	1,187	-	(1,187)
Trail grant (TEA-21)	335,000	335,000	-	(335,000)
Tunnel Grant (TEA-21)	160,000	160,000	60,087	(99,913)
Total categorical aid	<u>\$ 2,184,611</u>	<u>\$ 2,231,838</u>	<u>\$ 1,920,014</u>	<u>\$ (311,824)</u>
Total revenue from the federal government	<u>\$ 2,229,475</u>	<u>\$ 2,276,702</u>	<u>\$ 1,975,010</u>	<u>\$ (301,692)</u>
Total General Fund	<u>\$ 30,103,623</u>	<u>\$ 30,581,250</u>	<u>\$ 31,521,638</u>	<u>\$ 940,388</u>

Schedule of Revenues - Budget and Actual  
Governmental Funds  
For the Year Ended June 30, 2012

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget - Positive (Negative)
<b>Special Revenue Funds:</b>				
<b>Housing Improvement Fund:</b>				
Revenue from the Federal Government:				
Categorical aid:				
Community Development Block Grant	\$ 898,000	\$ 898,000	\$ 315,234	\$ (582,766)
Total categorical aid	<u>\$ 898,000</u>	<u>\$ 898,000</u>	<u>\$ 315,234</u>	<u>\$ (582,766)</u>
Total revenue from the Federal Government	<u>\$ 898,000</u>	<u>\$ 898,000</u>	<u>\$ 315,234</u>	<u>\$ (582,766)</u>
Total Housing Improvement Fund	<u><u>\$ 898,000</u></u>	<u><u>\$ 898,000</u></u>	<u><u>\$ 315,234</u></u>	<u><u>\$ (582,766)</u></u>
<b>Street Lights Fund:</b>				
Revenue from local sources:				
Miscellaneous revenue:				
Other miscellaneous	\$ -	\$ -	\$ 35	\$ 35
Total miscellaneous revenue	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 35</u>	<u>\$ 35</u>
Total Street Lights Fund	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 35</u></u>	<u><u>\$ 35</u></u>
<b>Capital Projects Fund:</b>				
Revenue from local sources:				
Revenue from use of money and property:				
Revenue from the use of money	\$ 100	\$ 100	\$ 73	\$ (27)
Total revenue from local sources	<u>\$ 100</u>	<u>\$ 100</u>	<u>\$ 73</u>	<u>\$ (27)</u>
Total Capital Improvements Fund	<u>\$ 100</u>	<u>\$ 100</u>	<u>\$ 73</u>	<u>\$ (27)</u>
Total Primary Government	<u><u>\$ 31,001,723</u></u>	<u><u>\$ 31,479,350</u></u>	<u><u>\$ 31,836,980</u></u>	<u><u>\$ 357,630</u></u>
<b>Discretely Presented Component Unit - School Board:</b>				
<b>School Operating Fund:</b>				
Revenue from use of money and property:				
Revenue from the use of money	\$ 100	\$ -	\$ 173	\$ 173
Charges for services:				
Charges for education	\$ 14,000	\$ 2,978	\$ 2,978	\$ -
Charges for cafeteria	508,603	510,767	456,915	(53,852)
Total charges for services	<u>\$ 522,603</u>	<u>\$ 513,745</u>	<u>\$ 459,893</u>	<u>\$ (53,852)</u>
Miscellaneous revenue:				
Other miscellaneous	\$ 493,422	\$ 305,787	\$ 334,552	\$ 28,765
Total miscellaneous revenue	<u>\$ 493,422</u>	<u>\$ 305,787</u>	<u>\$ 334,552</u>	<u>\$ 28,765</u>
Recovered costs:				
Other recovered costs	\$ 103,101	\$ 103,101	\$ -	\$ (103,101)
Total recovered costs	<u>\$ 103,101</u>	<u>\$ 103,101</u>	<u>\$ -</u>	<u>\$ (103,101)</u>
Total revenue from local sources	<u>\$ 1,119,226</u>	<u>\$ 922,633</u>	<u>\$ 794,618</u>	<u>\$ (128,015)</u>
Intergovernmental revenues:				
Revenues from local governments:				
Contribution from County of Nelson, Virginia	\$ 13,333,618	\$ 13,333,618	\$ 12,985,752	\$ (347,866)
Total revenues from local governments	<u>\$ 13,333,618</u>	<u>\$ 13,333,618</u>	<u>\$ 12,985,752</u>	<u>\$ (347,866)</u>

Schedule of Revenues - Budget and Actual  
Governmental Funds  
For the Year Ended June 30, 2012

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget - Positive (Negative)
<b>Discretely Presented Component Unit - School Board: (Continued)</b>				
<b>School Operating Fund: (Continued)</b>				
Revenue from the Commonwealth:				
Categorical aid:				
Share of state sales tax	\$ 2,060,490	\$ 2,062,563	\$ 2,045,029	\$ (17,534)
Basic school aid	3,415,837	3,429,681	3,442,018	12,337
GED funding	15,717	15,717	15,717	-
Remedial summer education	30,089	34,974	34,974	-
Regular foster care	50,290	78,201	78,201	-
Gifted and talented	36,666	36,977	36,977	-
Remedial education	110,814	111,752	111,752	-
Special education	456,291	460,157	460,157	-
Textbook payment	33,049	41,631	33,328	(8,303)
Vocational standards of quality payments	108,369	109,287	109,287	-
Social security fringe benefits	215,924	217,753	217,753	-
Retirement fringe benefits	195,553	197,210	197,210	-
Group life insurance instructional	8,148	8,217	8,217	-
Early reading intervention	11,666	12,962	12,962	-
VPSA technology	154,000	154,000	154,000	-
Homebound education	5,997	6,791	6,791	-
Regional program tuition	104,601	87,259	87,259	-
Vocational education - occupational/tech ed	26,481	39,241	39,241	-
At risk payments	107,203	108,125	108,125	-
Pre-school initiative	126,000	108,000	108,000	-
Primary class size	129,970	128,990	128,990	-
Other state funds	53,439	199,619	196,223	(3,396)
Total categorical aid	<u>\$ 7,456,594</u>	<u>\$ 7,649,107</u>	<u>\$ 7,632,211</u>	<u>\$ (16,896)</u>
Total revenue from the Commonwealth	<u>\$ 7,456,594</u>	<u>\$ 7,649,107</u>	<u>\$ 7,632,211</u>	<u>\$ (16,896)</u>
Revenue from the federal government:				
Categorical aid:				
Forest reserve	\$ 5,500	\$ 4,812	\$ 4,812	\$ -
ARRA-Title I	-	15,571	34,404	18,833
Title 1/A grants to LEAs	586,138	586,138	435,031	(151,107)
ARRA Education jobs fund	197,941	197,941	200,777	2,836
IDEA 611 flow-through (Title VI-B)	102,810	564,891	434,610	(130,281)
ARRA-Title VI-B	-	46,325	106,721	60,396
Title 1 - Carl Perkins vocational	38,497	26,734	33,113	6,379
Preschool grants/special ed	13,324	13,324	8,216	(5,108)
ARRA Pre-K 619	-	-	1,945	1,945
Title II/D education technical	3,508	-	3,459	3,459
ARRA-Title II/D	15,571	-	2,152	2,152
Longitudinal system expand	75,000	72,979	139,479	66,500
Other federal revenues	474,816	-	201	201
Title III language acquisition	53,028	53,028	44,580	(8,448)
Title II part A	137,829	137,829	118,055	(19,774)
School food	490,000	486,952	536,479	49,527
School food commodities	-	-	48,323	48,323
Total categorical aid	<u>\$ 2,193,962</u>	<u>\$ 2,206,524</u>	<u>\$ 2,152,357</u>	<u>\$ (54,167)</u>
Total School Operating Fund	<u>\$ 24,103,400</u>	<u>\$ 24,111,882</u>	<u>\$ 23,564,938</u>	<u>\$ (546,944)</u>

Schedule of Expenditures - Budget and Actual  
Governmental Funds  
For the Year Ended June 30, 2012

Fund, Function, Activity and Elements	Original Budget	Final Budget	Actual	Variance with Final Budget - Positive (Negative)
<b>General Fund:</b>				
General government administration:				
Legislative:				
Board of supervisors	\$ 112,713	\$ 121,138	\$ 121,246	\$ (108)
General government administration:				
County administrator	\$ 295,283	\$ 297,876	\$ 289,776	\$ 8,100
County attorney	60,000	145,000	138,491	6,509
Commissioner of revenue	228,097	230,515	233,896	(3,381)
Reassessment	88,500	88,500	38,767	49,733
Board of equalization	20,225	20,225	3,773	16,452
Treasurer	316,255	327,278	324,660	2,618
Finance and accounting	224,607	226,311	217,911	8,400
Technology	189,836	190,364	179,808	10,556
Land use panel	8,812	8,812	1,169	7,643
Total general and financial administration	\$ 1,431,615	\$ 1,534,881	\$ 1,428,251	\$ 106,630
Board of elections:				
Board of elections	\$ 31,344	\$ 56,613	\$ 51,530	\$ 5,083
Registrar	86,017	86,650	83,453	3,197
Total board of elections	\$ 117,361	\$ 143,263	\$ 134,983	\$ 8,280
Total general government administration	\$ 1,661,689	\$ 1,799,282	\$ 1,684,480	\$ 114,802
Judicial administration:				
Courts:				
Circuit court	\$ 29,550	\$ 29,550	\$ 21,839	\$ 7,711
General district court	6,565	6,565	3,230	3,335
VJCCA	51,785	60,526	54,264	6,262
Juvenile and domestic relations court	6,092	6,092	5,624	468
Clerk of the circuit court	315,767	322,948	303,080	19,868
Total courts	\$ 409,759	\$ 425,681	\$ 388,037	\$ 37,644
Commonwealth's attorney:				
Commonwealth's attorney	\$ 329,746	\$ 322,834	\$ 304,552	\$ 18,282
Total commonwealth's attorney	\$ 329,746	\$ 322,834	\$ 304,552	\$ 18,282
Total judicial administration	\$ 739,505	\$ 748,515	\$ 692,589	\$ 55,926
Public safety:				
Law enforcement and traffic control:				
Sheriff	\$ 1,356,313	\$ 1,390,888	\$ 1,353,828	\$ 37,060
E-911	578,398	587,319	518,247	69,072
Emergency services council	592,986	598,166	526,937	71,229
Emergency services	36,258	37,691	40,072	(2,381)
T.J. EMS Council	19,629	19,629	19,629	-
Fire protection	156,000	156,000	156,000	-
Paid EMS	416,592	416,592	409,636	6,956
Forestry service	20,338	20,338	20,337	1

Schedule of Expenditures - Budget and Actual  
Governmental Funds  
For the Year Ended June 30, 2012

Fund, Function, Activity and Elements	Original Budget	Final Budget	Actual	Variance with Final Budget - Positive (Negative)
<b>General Fund: (Continued)</b>				
Public safety: (Continued)				
Law enforcement and traffic control: (Continued)				
Regional jail services	\$ 529,315	\$ 529,315	\$ 573,926	\$ (44,611)
Building inspector	251,586	251,586	201,065	50,521
Animal control	76,906	87,125	81,072	6,053
OAR/Jefferson Area Community Corrections	1,945	1,945	1,945	-
Medical examiner	160	200	160	40
Total law enforcement and traffic control	<u>\$ 4,036,426</u>	<u>\$ 4,096,794</u>	<u>\$ 3,902,854</u>	<u>\$ 193,940</u>
Total public safety	<u>\$ 4,036,426</u>	<u>\$ 4,096,794</u>	<u>\$ 3,902,854</u>	<u>\$ 193,940</u>
Public works:				
Maintenance of highways, streets, bridges and sidewalks:				
Automotive/motor pool	\$ 296,053	\$ 311,053	\$ 297,675	\$ 13,378
Total maintenance of highways, streets, bridges & sidewalks	<u>\$ 296,053</u>	<u>\$ 311,053</u>	<u>\$ 297,675</u>	<u>\$ 13,378</u>
Sanitation and waste removal:				
Refuse collection and disposal	\$ 1,003,089	\$ 1,016,034	\$ 873,037	\$ 142,997
Total sanitation and waste removal	<u>\$ 1,003,089</u>	<u>\$ 1,016,034</u>	<u>\$ 873,037</u>	<u>\$ 142,997</u>
Maintenance of general buildings and grounds:				
General properties	\$ 692,344	\$ 692,344	\$ 530,421	\$ 161,923
Total maintenance of general buildings and grounds	<u>\$ 692,344</u>	<u>\$ 692,344</u>	<u>\$ 530,421</u>	<u>\$ 161,923</u>
Total public works	<u>\$ 1,991,486</u>	<u>\$ 2,019,431</u>	<u>\$ 1,701,133</u>	<u>\$ 318,298</u>
Health and welfare:				
Health:				
Health department	\$ 223,268	\$ 223,268	\$ 223,268	\$ -
Total health	<u>\$ 223,268</u>	<u>\$ 223,268</u>	<u>\$ 223,268</u>	<u>\$ -</u>
Mental health and mental retardation:				
Region Ten community services board	\$ 72,078	\$ 72,078	\$ 72,078	\$ -
Total mental health and mental retardation	<u>\$ 72,078</u>	<u>\$ 72,078</u>	<u>\$ 72,078</u>	<u>\$ -</u>

Schedule of Expenditures - Budget and Actual  
Governmental Funds  
For the Year Ended June 30, 2012

Fund, Function, Activity and Elements	Original Budget	Final Budget	Actual	Variance with Final Budget - Positive (Negative)
<b>General Fund: (Continued)</b>				
Welfare:				
Public assistance and administration	\$ 1,212,209	\$ 1,212,209	\$ 1,068,736	\$ 143,473
MACAA	29,914	29,914	29,914	-
Senior center meals	21,786	21,786	21,786	-
At risk youth program	713,700	713,700	629,397	84,303
Shelter for help	7,643	7,643	7,643	-
JAUNT	91,986	91,986	90,509	1,477
JABA	88,098	88,098	88,098	-
Sexual assault resource agency	765	765	765	-
CASA of Central Virginia	2,500	2,500	2,500	-
Community service	4,177	4,177	3,222	955
Tax relief for the elderly	-	-	89,035	(89,035)
<b>Total welfare</b>	<b>\$ 2,172,778</b>	<b>\$ 2,172,778</b>	<b>\$ 2,031,605</b>	<b>\$ 141,173</b>
<b>Total health and welfare</b>	<b>\$ 2,468,124</b>	<b>\$ 2,468,124</b>	<b>\$ 2,326,951</b>	<b>\$ 141,173</b>
Education:				
Other instructional costs:				
Community College	\$ 3,024	\$ 3,024	\$ 3,024	\$ -
Appropriation to public school system	13,333,618	13,333,618	12,985,752	347,866
<b>Total education</b>	<b>\$ 13,336,642</b>	<b>\$ 13,336,642</b>	<b>\$ 12,988,776</b>	<b>\$ 347,866</b>
Parks, recreation, and cultural:				
Parks and recreation:				
Parks and recreation	\$ 199,775	\$ 200,768	\$ 182,963	\$ 17,805
<b>Total parks and recreation</b>	<b>\$ 199,775</b>	<b>\$ 200,768</b>	<b>\$ 182,963</b>	<b>\$ 17,805</b>
Cultural enrichment:				
Wintergreen Performing Arts	\$ 10,000	\$ 10,000	\$ 10,000	\$ -
<b>Total cultural enrichment</b>	<b>\$ 10,000</b>	<b>\$ 10,000</b>	<b>\$ 10,000</b>	<b>\$ -</b>
Library:				
Regional library	\$ 255,648	\$ 255,648	\$ 255,648	\$ -
<b>Total library</b>	<b>\$ 255,648</b>	<b>\$ 255,648</b>	<b>\$ 255,648</b>	<b>\$ -</b>
<b>Total parks, recreation, and cultural</b>	<b>\$ 465,423</b>	<b>\$ 466,416</b>	<b>\$ 448,611</b>	<b>\$ 17,805</b>
Community development:				
Planning and community development:				
Planning	\$ 208,632	\$ 212,144	\$ 201,240	\$ 10,904
Community development	265,501	318,489	294,243	24,246
Nelson Volunteer Coalition	5,100	5,100	5,100	-
Colleen water/sewer subsidy	153,843	153,843	162,812	(8,969)
Blue Ridge Railway Trail	335,000	335,000	2,822	332,178
Anti-litter program	6,219	6,219	2,937	3,282
Nelson County Community Development Foundation	55,729	60,729	60,729	-
<b>Total planning and community development</b>	<b>\$ 1,030,024</b>	<b>\$ 1,091,524</b>	<b>\$ 729,883</b>	<b>\$ 361,641</b>

Schedule of Expenditures - Budget and Actual  
Governmental Funds  
For the Year Ended June 30, 2012

Fund, Function, Activity and Elements	Original Budget	Final Budget	Actual	Variance with Final Budget - Positive (Negative)
<b>General Fund: (Continued)</b>				
Community development: (Continued)				
Environmental management:				
Contribution to soil and water district	\$ 25,500	\$ 25,500	\$ 25,500	\$ -
Total environmental management	\$ 25,500	\$ 25,500	\$ 25,500	\$ -
Cooperative extension program:				
Extension office	\$ 47,977	\$ 47,977	\$ 43,704	\$ 4,273
Total cooperative extension program	\$ 47,977	\$ 47,977	\$ 43,704	\$ 4,273
Total community development	\$ 1,103,501	\$ 1,165,001	\$ 799,087	\$ 365,914
Nondepartmental:				
Refunds	\$ 43,572	\$ 43,572	\$ 31,584	\$ 11,988
Reserve for contingency	155,896	5,659	-	5,659
Other nondepartmental	78,204	37,611	30,875	6,736
Total nondepartmental	\$ 277,672	\$ 86,842	\$ 62,459	\$ 24,383
Capital projects:				
Blue Ridge Tunnel (TEA-21)	\$ 160,000	\$ 160,000	\$ 61,978	\$ 98,022
Devils Knob tower	100,000	100,000	343,975	(243,975)
Microwave network (PSIC)	1,355,000	1,355,000	1,043,747	311,253
Public safety radio project	1,100,000	1,100,000	-	1,100,000
Other capital projects	144,000	144,000	90,428	53,572
Total capital projects	\$ 2,859,000	\$ 2,859,000	\$ 1,540,128	\$ 1,318,872
Debt service:				
Interest and other fiscal charges	\$ -	\$ -	\$ 62,142	\$ (62,142)
Total debt service	\$ -	\$ -	\$ 62,142	\$ (62,142)
Total General Fund	\$ 28,939,468	\$ 29,046,047	\$ 26,209,210	\$ 2,836,837
<b>Special Revenue Funds:</b>				
<b>Housing Improvement Fund:</b>				
Community development:				
Planning and community development:				
Dental center renovation	\$ 695,000	\$ 695,000	\$ 142,234	\$ 552,766
Total community development	\$ 695,000	\$ 695,000	\$ 142,234	\$ 552,766
Total Housing Improvement Fund	\$ 695,000	\$ 695,000	\$ 142,234	\$ 552,766

Schedule of Expenditures - Budget and Actual  
Governmental Funds  
For the Year Ended June 30, 2012

Fund, Function, Activity and Elements	Original Budget	Final Budget	Actual	Variance with Final Budget - Positive (Negative)
<b>Debt Service Fund:</b>				
Debt service:				
Principal retirement	\$ 2,171,569	\$ 2,171,569	\$ 2,187,022	\$ (15,453)
Interest and other fiscal charges	<u>1,626,572</u>	<u>1,626,572</u>	<u>1,536,019</u>	<u>90,553</u>
Total Debt Service Fund	<u>\$ 3,798,141</u>	<u>\$ 3,798,141</u>	<u>\$ 3,723,041</u>	<u>\$ 75,100</u>
<b>Capital Projects Fund:</b>				
Capital projects expenditures:				
Courthouse construction	\$ 2,032,617	\$ 2,182,617	\$ 1,468,470	\$ 714,147
Health department	<u>234,498</u>	<u>234,498</u>	<u>3,400</u>	<u>231,098</u>
Total capital projects	<u>\$ 2,267,115</u>	<u>\$ 2,417,115</u>	<u>\$ 1,471,870</u>	<u>\$ 945,245</u>
Debt service:				
Interest and other fiscal charges	\$ -	\$ -	\$ 298,080	\$ (298,080)
Total debt service	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 298,080</u>	<u>\$ (298,080)</u>
Total Capital Projects Fund	<u>\$ 2,267,115</u>	<u>\$ 2,417,115</u>	<u>\$ 1,769,950</u>	<u>\$ 647,165</u>
Total Primary Government	<u>\$ 35,699,724</u>	<u>\$ 35,956,303</u>	<u>\$ 31,844,435</u>	<u>\$ 4,111,868</u>
<b>Discretely Presented Component Unit - School Board:</b>				
<b>School Operating Fund:</b>				
Education:				
Instruction costs:				
Instructional costs	\$ 15,667,744	\$ 15,003,715	\$ 14,537,427	\$ 466,288
Total instruction costs	<u>\$ 15,667,744</u>	<u>\$ 15,003,715</u>	<u>\$ 14,537,427</u>	<u>\$ 466,288</u>
Operating costs:				
Administration, attendance and health services	\$ 1,256,208	\$ 1,186,252	\$ 1,177,996	\$ 8,256
Pupil transportation	2,488,194	2,539,902	2,495,442	44,460
Operation and maintenance of school plant	2,911,145	3,028,870	2,595,348	433,522
School food	1,018,327	1,018,327	1,078,388	(60,061)
Facilities	417,172	617,037	617,037	-
Technology	<u>842,113</u>	<u>1,210,586</u>	<u>1,212,945</u>	<u>(2,359)</u>
Total operating costs	<u>\$ 8,933,159</u>	<u>\$ 9,600,974</u>	<u>\$ 9,177,156</u>	<u>\$ 423,818</u>
Total education	<u>\$ 24,600,903</u>	<u>\$ 24,604,689</u>	<u>\$ 23,714,583</u>	<u>\$ 890,106</u>
Total Discretely Presented Component Unit-School Board	<u>\$ 24,600,903</u>	<u>\$ 24,604,689</u>	<u>\$ 23,714,583</u>	<u>\$ 890,106</u>

## STATISTICAL INFORMATION

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COUNTY OF NELSON, VIRGINIA

Government-Wide Expenses by Function  
Last Ten Fiscal Years (1)

Fiscal Year	General										Interest on Long-Term Debt	Total
	Government Administration	Judicial Administration	Public Safety	Public Works	Health and Welfare	Education	Parks, Recreation, and Cultural	Community Development				
2002-03	\$ 1,386,912	\$ 509,115	\$ 2,252,067	\$ 1,693,523	\$ 1,693,710	\$ 8,440,751	\$ 431,647	\$ 1,294,569	\$ 1,316,047	\$ 19,018,341		
2003-04	1,257,716	519,619	2,529,037	1,666,627	1,752,635	18,499,295	430,853	1,259,282	1,661,467	29,576,531		
2004-05	1,079,533	719,411	2,764,691	1,260,355	1,927,342	10,387,246	324,812	2,302,404	1,759,270	22,525,064		
2005-06	1,432,202	631,862	2,759,162	2,213,279	1,830,272	11,133,456	551,912	1,122,651	1,565,175	23,239,971		
2006-07	1,614,998	753,367	3,287,580	1,905,872	2,188,578	11,900,846	523,915	1,251,149	1,499,320	24,925,625		
2007-08	1,879,166	750,073	3,633,406	1,980,213	2,274,350	12,706,379	983,322	1,260,873	1,535,839	27,003,621		
2008-09	1,777,787	714,904	3,136,604	2,112,615	2,055,329	13,777,084	548,156	1,235,328	1,492,985	26,850,792		
2009-10	1,615,064	691,588	3,374,456	2,448,517	2,586,290	13,861,510	550,664	830,793	1,404,206	27,363,088		
2010-11	1,938,519	666,374	3,373,814	2,067,363	2,356,458	14,266,695	565,713	724,030	1,472,808	27,431,774		
2011-12	1,985,357	692,589	4,131,423	2,215,956	2,272,554	15,227,323	599,470	812,186	1,502,603	29,439,461		

(1) Primary Government only

Government-Wide Revenues by Source  
Last Ten Fiscal Years (1)

Fiscal Year	PROGRAM REVENUES				GENERAL REVENUES					Total
	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions		General Property Taxes	Other Local Taxes	Use of Money and Property	Miscellaneous	Grants and Contributions Not Restricted to Specific Programs	
2002-03	\$ 708,609	\$ 2,689,157	\$ 388,353	\$ 12,020,269	\$ 2,761,744	\$ 283,732	\$ 108,161	\$ 1,880,848	\$ 20,840,873	
2003-04	823,348	2,536,899	-	8,213,965	2,839,896	132,379	13,741	2,365,198	16,925,426	
2004-05	1,001,111	3,644,002	-	12,267,305	3,170,478	248,884	31,176	1,911,689	22,274,645	
2005-06	936,052	2,798,169	291,992	12,879,059	3,464,371	544,498	301,915	2,105,442	23,321,498	
2006-07	896,876	3,141,611	140,524	13,654,498	3,551,448	739,478	58,374	2,058,042	24,240,851	
2007-08	838,119	3,301,632	3,095,040	16,116,702	3,776,293	535,958	216,226	1,923,332	29,803,302	
2008-09	838,161	2,978,055	1,212,338	18,681,477	3,612,363	264,340	136,135	1,946,684	29,669,553	
2009-10	829,726	3,183,247	931,093	18,800,138	3,867,866	180,395	169,732	1,900,031	29,862,228	
2010-11	982,162	2,979,948	509,872	19,270,265	3,496,429	331,077	84,056	2,670,871	30,324,680	
2011-12	741,776	2,659,104	2,753,439	20,120,918	3,610,714	154,369	68,990	2,395,975	32,505,285	

(1) Primary Government only

COUNTY OF NELSON, VIRGINIA

Table 3

General Governmental Revenues by Source (1)

Last Ten Fiscal Years

Fiscal Year	General Property Taxes		Other Local Taxes		Permit Privilege Fees & Regulatory Licenses	Fines & Forfeitures	Revenues from the Use of Money & Property		Charges for Services	Miscellaneous	Recovered Costs	Inter-governmental	Total
	General Property Taxes	Other Local Taxes	Use of Money & Property	Charges for Services									
2003	\$ 11,127,697	\$ 2,761,744	\$ 300,363	\$ 125,071	\$ 284,150	\$ 295,431	\$ 382,717	\$ 642,263	\$ 13,505,740	\$ 29,425,176			
2004	12,767,131	2,839,896	304,167	163,163	132,066	875,466	627,591	333,165	13,693,437	31,736,082			
2005	12,440,512	3,170,478	423,339	121,926	249,197	1,006,955	375,196	327,882	15,909,302	34,024,787			
2006	13,080,374	3,464,371	444,230	102,747	544,808	957,699	591,632	411,339	16,031,950	35,629,150			
2007	13,360,735	3,551,448	322,328	75,834	744,056	1,149,394	362,870	458,634	17,076,773	37,102,072			
2008	15,866,348	3,776,293	313,533	59,473	542,196	934,725	442,172	520,374	17,883,642	40,338,756			
2009	18,493,456	3,566,133	276,174	179,627	264,942	838,092	437,519	789,033	15,891,311	40,736,287			
2010	18,581,322	3,651,556	171,420	301,608	180,510	711,513	409,099	639,925	15,945,385	40,592,338			
2011	19,527,884	3,538,978	243,522	358,244	331,246	711,271	341,485	715,060	15,906,458	41,674,148			
2012	19,964,116	3,610,714	177,207	237,993	154,542	677,916	403,542	640,168	16,549,968	42,416,166			

(1) Includes General, Special Revenue and Capital Projects Funds, and Component Unit School Board.

COUNTY OF NELSON, VIRGINIA

Table 4

General Governmental Expenditures by Function (1)  
Last Ten Fiscal Years

Fiscal Year	General Administration	Judicial Administration	Public Safety	Public Works	Health and Welfare	Education (2)	Recreation and Cultural	Community Development	Nondepartmental	Capital Projects	Debt Service	Total
2003	\$ 1,327,078	\$ 509,900	\$ 2,231,972	\$ 1,722,460	\$ 1,682,380	\$ 16,747,523	\$ 376,278	\$ 1,361,578	\$ -	\$ 13,712,859	\$ 2,376,136	\$ 42,048,164
2004	1,132,513	518,119	2,405,339	1,661,745	1,831,001	17,868,836	366,780	1,250,681	-	2,875,725	17,387,093	47,297,832
2005	1,165,325	527,428	2,811,894	1,564,083	1,908,228	19,625,267	381,880	1,967,806	-	892,627	3,506,035	34,350,573
2006	1,377,453	625,426	2,767,839	1,942,203	1,816,350	20,941,942	714,483	1,196,540	-	1,001,588	3,354,562	35,738,386
2007	1,489,087	747,594	3,319,272	1,886,045	2,174,308	22,634,587	481,057	1,270,625	-	956,411	3,383,580	38,342,566
2008	1,814,008	753,803	3,787,098	2,030,006	2,333,862	23,311,305	1,094,156	1,272,646	-	2,765,619	3,469,550	42,632,053
2009	1,658,928	715,250	3,490,000	1,859,280	2,162,372	23,563,538	534,228	1,256,028	-	1,705,948	3,368,077	40,313,649
2010	1,474,397	705,391	3,854,484	1,580,185	2,625,881	22,960,454	428,721	734,577	97,360	4,775,336	3,305,908	42,542,694
2011	1,803,127	666,374	3,760,748	1,512,532	2,400,582	23,206,251	437,357	742,872	119,572	3,805,237	3,252,478	41,707,130
2012	1,684,480	692,589	3,902,854	1,701,133	2,326,951	23,717,607	448,611	941,321	62,459	3,011,998	4,083,263	42,573,266

(1) Includes General, Special Revenue and Capital Projects Funds, and Component Unit School Board.

(2) Does not include appropriation from primary government to School Board.

COUNTY OF NELSON, VIRGINIA

Table 5

Property Tax Levies and Collections

Last Ten Fiscal Years

Fiscal Year	Total (1) (2)		Current		Percent of Levy Collected	Delinquent (1)		Total Tax Collections	Percent of Total Tax Collections to Tax Levy		Outstanding Delinquent Taxes (1)		Percent of Delinquent Taxes to Tax Levy
	Tax Levy	Tax (1) (2)	Tax (1) (3)	Collections		Tax Collections	Tax Collections		Tax Collections	Tax Collections	Tax Collections	Tax Collections	
2003	\$ 10,850,753	\$ 10,066,095	92.77%	\$ 591,096	\$ 10,657,191	98.22%	\$ 1,802,952	16.62%					
2004	12,576,983	11,770,010	93.58%	659,388	12,429,398	98.83%	1,384,855	11.01%					
2005	11,950,617	11,239,161	94.05%	933,353	12,172,514	101.86%	1,670,318	13.98%					
2006	12,370,699	12,038,922	97.32%	776,181	12,815,103	103.59%	1,452,213	11.74%					
2007	13,128,010	12,579,789	95.82%	538,403	13,118,192	99.93%	1,734,181	13.21%					
2008	15,476,228	14,747,107	95.29%	859,787	15,606,894	100.84%	1,964,747	12.70%					
2009	18,330,136	17,460,606	95.26%	760,255	18,220,861	99.40%	2,055,591	11.21%					
2010	20,346,994	19,384,220	95.27%	675,464	20,059,684	98.59%	2,340,974	11.51%					
2011	20,358,566	19,585,235	96.20%	1,275,961	20,861,196	102.47%	2,390,679	11.74%					
2012	21,147,999	20,464,264	96.77%	883,820	21,348,084	100.95%	2,595,800	12.27%					

(1) Exclusive of penalties and interest.

(2) Real estate taxes are collected in installments. The due date of the first half installment is June 5. The tax levy includes the second half of the prior year and first half of the current year real estate tax levies.

(3) For fiscal years 2003 and 2004, does not include second half of tax year real estate taxes that were collected prior to year end.

COUNTY OF NELSON, VIRGINIA

Table 6

Assessed Value of Taxable Property  
Last Ten Fiscal Years

Tax Year	Real Estate	Personal Property	Mobile Homes	Machinery & Tools	Public Utility	Total
2003	\$ 1,353,724,870	\$ 104,869,461	\$ 5,861,443	\$ 1,795,981	\$ 83,076,312	\$ 1,549,328,067
2004	1,364,660,680	100,054,868	5,485,496	1,537,849	72,852,929	1,544,591,822
2005	1,404,375,438	103,397,922	5,380,616	1,103,410	65,707,864	1,579,965,250
2006	1,446,732,528	119,346,836	5,518,958	1,091,610	61,254,854	1,633,944,786
2007	1,507,991,734	115,041,842	5,524,702	1,092,641	42,262,807	1,671,913,726
2008	2,845,613,076	123,677,866	5,389,338	1,116,973	42,226,210	3,018,023,463
2009	2,892,345,140	124,217,409	5,383,546	405,780	90,039,734	3,112,391,609
2010	2,897,808,640	131,092,255	5,375,658	429,315	95,139,502	3,129,845,370
2011	2,893,059,995	131,627,375	5,401,696	398,183	99,695,437	3,130,182,686
2012	2,899,427,265	133,865,528	5,371,407	456,903	99,614,737	3,138,735,840

Note:

Includes only the assessed values, as adjusted for supplements and abatements as of the tax year indicated.

COUNTY OF NELSON, VIRGINIA

Table 7

Property Tax Rates (1)  
Last Ten Fiscal Years

Tax Year	Real Estate	Personal Property	Mobile Homes	Machinery and Tools	
2003	0.72	2.92	0.72		1.25
2004	0.72	2.95	0.72		1.25
2005	0.72	2.95	0.72		1.25
2006	0.72	2.95	0.72		1.25
2007	0.72	2.95	0.72		1.25
2008	0.55	2.95	0.55		1.25
2009	0.55	2.95	0.55		1.25
2010	0.55	2.95	0.55		1.25
2011	0.55	2.95	0.55		1.25
2012	.55/.60	2.95	.55/.60		1.25

(1) Per \$100 of assessed value

COUNTY OF NELSON, VIRGINIA

Table 8

Ratio of Net General Bonded Debt to Assessed Value and Net Bonded Debt Per Capita Last Ten Fiscal Years

Fiscal Year	Population (1)	Assessed Value (2)	Gross Bonded Debt (3)	Less:		Net Bonded Debt	Ratio of Net General Obligation Debt to Assessed Value		Net Bonded Debt per Capita
				Debt Service Monies Available	Debt		Debt to Assessed Value	Bonded Debt per Capita	
2003	14,445	1,549,328,067	\$ 35,255,717	\$ 1,068,699		34,187,018	2.21%	2,367	
2004	14,445	1,544,591,822	33,816,762	1,220,001		32,596,761	2.11%	2,257	
2005	14,445	1,579,965,250	32,641,021	1,236,349		31,404,672	1.99%	2,174	
2006	14,445	1,633,944,786	31,461,023	1,276,323		30,184,700	1.85%	2,090	
2007	15,161	1,671,913,726	32,668,988	1,490,684		31,178,304	1.86%	2,056	
2008	15,161	3,018,023,463	31,369,778	1,328,085		30,041,693	1.00%	1,982	
2009	15,161	3,112,391,609	29,788,245	1,301,739		28,486,506	0.92%	1,879	
2010	15,161	3,129,845,370	31,333,131	1,322,904		30,010,227	0.96%	1,979	
2011	15,161	3,130,182,686	33,211,918	1,613,157		31,598,761	1.01%	2,084	
2012	15,161	3,138,735,840	32,496,317	-		32,496,317	1.04%	2,143	

(1) U.S. Bureau of the Census

(2) From Table 6

(3) Includes long-term general obligation bonded debt, Literary Fund loans, lease revenue bonds, bond anticipation loans and retirement incentive obligations of the primary government and Component Unit School Board. Excludes capital leases, compensated absences, accrued landfill costs and debt on the Piney River Water & Sewer Enterprise fund.

COUNTY OF NELSON, VIRGINIA

Table 9

Ratio of Annual Debt Service Expenditures for General Bonded Debt to Total General Governmental Expenditures Last Ten Fiscal Years

Fiscal Year	(2) Principal	(2) Interest	Total Debt Service	Total General Governmental Expenditures (1)	Ratio of Debt Service to General Governmental Expenditures
2003	\$ 662,650	\$ 1,060,877	\$ 1,723,527	\$ 42,048,164	4.10%
2004	662,650	878,385	1,541,035	47,297,832	3.26%
2005	1,147,650	1,739,856	2,887,506	34,350,573	8.41%
2006	1,150,000	1,549,909	2,699,909	35,738,386	7.55%
2007	1,220,000	1,494,468	2,714,468	38,342,566	7.08%
2008	1,506,583	1,554,613	3,061,196	42,632,053	7.18%
2009	1,545,000	1,479,738	3,024,738	40,313,649	7.50%
2010	1,644,015	1,435,923	3,079,938	42,542,694	7.24%
2011	1,806,406	1,446,072	3,252,478	41,707,130	7.80%
2012	2,187,022	1,896,241	4,083,263	42,573,266	9.59%

(1) Includes General, Special Revenue and Capital Projects Funds, and Component Unit School Board.

(2) Includes lease revenue bonds, general obligation debt, and Literary Fund loans, exclusive of fiscal charges, does not include capital leases, early retirement incentive obligation, repayment of bond anticipation loans, or debt on the Enterprise Fund.

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**COMPLIANCE SECTION**

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# ROBINSON, FARMER, COX ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

A PROFESSIONAL LIMITED LIABILITY COMPANY

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## Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

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To The Honorable Members of Board of Supervisors  
County of Nelson  
Nelson, Virginia

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information of the County of Nelson, Virginia, as of and for the year ended June 30, 2012, which collectively comprise the County of Nelson, Virginia's basic financial statements and have issued our report thereon dated January 3, 2013. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the *Specifications for Audits of Counties, Cities, and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

### *Internal Control Over Financial Reporting*

Management of County of Nelson, Virginia is responsible for establishing and maintaining effective internal control over financial reporting. In planning and performing our audit, we considered the County of Nelson, Virginia's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements but not for the purpose of expressing an opinion on the effectiveness of the County of Nelson, Virginia's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the County of Nelson, Virginia's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the County's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the County of Nelson, Virginia's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the Board of Supervisors, management, others within the entity, federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

*Robinson, James, Cox Associates*

Charlottesville, Virginia

January 3, 2013

# ROBINSON, FARMER, COX ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

A PROFESSIONAL LIMITED LIABILITY COMPANY

## Independent Auditors' Report on Compliance with Requirements that Could Have a Direct and Material Effect on Each Major Program and on Internal Control Over Compliance in Accordance with OMB Circular A-133

To The Honorable Members of Board of Supervisors  
County of Nelson  
Nelson, Virginia

### Compliance

We have audited the County of Nelson, Virginia's compliance with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 *Compliance Supplement* that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2012. The County of Nelson, Virginia's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs. Compliance with the requirements of laws, regulations, contracts, and grants applicable to each of its major federal programs is the responsibility of County of Nelson, Virginia's management. Our responsibility is to express an opinion on County of Nelson, Virginia's compliance based on our audit.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the County of Nelson, Virginia's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the County of Nelson, Virginia's compliance with those requirements.

In our opinion, the County of Nelson, Virginia complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2012.

### Internal Control Over Compliance

Management of the County of Nelson, Virginia is responsible for establishing and maintaining effective internal control over compliance with the requirements of laws, regulations, contracts and grants applicable to federal programs. In planning and performing our audit, we considered the County of Nelson, Virginia's internal control over compliance with the requirements that could have a direct and material effect on a major federal program to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the County's internal control over compliance.

Internal Control Over Compliance (Continued)

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify deficiencies in internal control over compliance that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

This report is intended solely for the information and use of the Board of Supervisors, management, others within the entity, federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

*Robinson, Jarner, Cox Associates*  
Charlottesville, Virginia  
January 3, 2013

COUNTY OF NELSON, VIRGINIA

Schedule of Expenditures of Federal Awards  
For the Year Ended June 30, 2012

Federal Grantor/Pass - Through Grantor/Program or Cluster Title	Federal CFDA Number	Pass-through Entity Identifying Number	Federal Expenditures
Department of Health and Human Services:			
Pass Through Payments:			
Department of Social Services:			
Temporary Assistance for Needy Families (TANF)	93.558	0400109/0400110	\$ 101,522
Refugee and Entrant Assistance - State Administered Programs	93.566	0500109/0500110	208
Low Income Home Energy Assistance	93.568	0600409/0600410	11,268
Child Care and Development Block Grant (CCDF Cluster)	93.575	0770109/0770110	25,837
Child Care Mandatory and Matching Funds of the Child Care and Development Fund (CCDF Cluster)	93.596	0760109/0760110	22,555
Child Welfare Services - State Grants	93.645	0900109/0900110	314
Foster Care - Title IV-E	93.658	1100109/1100110	30,100
Adoption Assistance	93.659	1120109/1120110	2,955
Social Services Block Grant	93.667	1000109/1000110	67,312
Chafee Foster Care Independence Program	93.674	9150108/9150109/9150110	753
Children's Health Insurance Program	93.767	0540109/0540110	4,374
Medical Assistance Program	93.778	1200109/1200110	<u>83,730</u>
Total Department of Health and Human Services			<u>\$ 350,928</u>
Department of Agriculture:			
Direct Payments:			
Specialty crop grant	10.000	N/A	\$ 7,000
Community Facilities Loans and Grants - Grants	10.766	N/A	25,000
Community Facilities Loans and Grants - Loans	10.766	N/A	<u>739,148</u>
			<u>\$ 764,148</u>
Total Department of Agriculture - direct payments			<u>\$ 771,148</u>
Pass Through Payments:			
Department of Agriculture:			
Food Distribution (Child Nutrition Cluster)	10.555	10.555/2011/2012	\$ 48,323
Department of Education:			
National School Lunch Program (Child Nutrition Cluster)	10.555	10.555/2011/2012	<u>410,407</u>
			458,730
National School Breakfast Program (Child Nutrition Cluster)	10.553	10.553/2011/2012	126,072
Schools and Roads - Grants to States	10.665	10.665	4,813
Department of Social Services:			
State Administrative Matching Grants for the Supplemental Nutrition Assistance Program	10.561	0010109/0010110/0040109/0040110	<u>137,429</u>
Total Department of Agriculture - pass-through payments			<u>\$ 727,044</u>
Total Department of Agriculture			<u>\$ 1,498,192</u>
Department of Housing and Urban Development:			
Pass-through payments:			
Department of housing and community development:			
Community development block grant	14.228	10-3	<u>\$ 315,234</u>
Total Department of Housing and Urban Development			<u>\$ 315,234</u>

COUNTY OF NELSON, VIRGINIA

Schedule of Expenditures of Federal Awards (Continued)  
For the Year Ended June 30, 2012

Federal Grantor/Pass - Through Grantor/Program or Cluster Title	Federal CFDA Number	Pass-through Entity Identifying Number	Federal Expenditures
Department of Justice:			
Direct payments:			
SCAAP	16.606	N/A	\$ <u>3,737</u>
Total Department of Justice - direct payments			\$ <u>3,737</u>
Pass Through Payments:			
Department of Criminal Justice Service:			
Crime victims assistance	16.575	10VAGZ0095/11VAGX0001	\$ <u>16,192</u>
Total Department of Justice - pass-through			\$ <u>16,192</u>
Total Department of Justice			\$ <u>19,929</u>
Department of Commerce:			
Direct payments:			
ARRA-Broadband technology opportunities program	11.557	N/A	\$ 1,043,118
Public safety interoperable communications grant program	11.555	N/A	<u>1,310,000</u>
Total Department of Commerce			\$ <u>2,353,118</u>
Department of Transportation:			
Pass Through Payments:			
Department of Conservation and Recreation:			
Recreational Trails Program	20.219	N/A	\$ <u>60,087</u>
Department of Homeland Security:			
Pass-through payments:			
Department of Emergency Services:			
State homeland security program	97.073	N/A	\$ <u>9,641</u>
Total Department of Homeland Security			\$ <u>9,641</u>
Department of Education:			
Pass Through Payments:			
Department of Education:			
Title I Grants to Local Educational Agencies (Title I Part A Cluster)	84.010	S010A080046/S010A070046/S010A090046	\$ 435,031
ARRA-Title I Grants to Local Educational Agencies (Title I Part A Cluster)	84.389	S389A090046	34,404
Special Education -- Grants to States (Special Education Cluster)	84.027	H027A080107/H027A090107/H027A070107	434,610
ARRA-Special Education -- Grants to States (Special Education Cluster)	84.391	H391A090107	106,721
Special Education -- Preschool Grants (Special Education Cluster)	84.173	H173A090112	8,216
ARRA-Special Education -- Preschool Grants (Special Education Cluster)	84.392	H392A090112	1,944
Career and Technical Education - Basic Grants to States	84.048	V048A080046/V048A090046	33,113
Safe & Drug-Free Schools and Communities -- State Grants	84.186	Q186A090048	201
Education Technology State Grants (Educational Technology Cluster)	84.318	S410A10047	3,459
ARRA-Education Technology State Grants (Educational Technology Cluster)	84.386	S386A090046	2,152
English Language Acquisition Grants	84.365	T365A080046/S365A090046	44,580
ARRA-Statewide Data Systems	84.384	R384A100037	139,479
ARRA-Education Jobs Fund	84.410	S410A100047	200,777
Improving Teacher Quality State Grants	84.367	S367A080044/S367A090044	<u>118,055</u>
Total Department of Education			\$ <u>1,562,742</u>
Total Expenditures of Federal Awards			\$ <u><u>6,169,871</u></u>

See accompanying notes to the schedule of expenditures of federal awards.

COUNTY OF NELSON, VIRGINIA

Notes to Schedule of Expenditures of Federal Awards  
For the Year Ended June 30, 2012

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Note 1 - Basis of Presentation

The accompanying schedule of expenditures of federal awards (the Schedule) includes the federal grant activity of the County of Nelson, Virginia under programs of the federal government for the year ended June 30, 2012. The information in this Schedule is presented in accordance with the requirements of OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Because the Schedule presents only a selected portion of the operations of the County of Nelson, Virginia, it is not intended to and does not present the financial position, changes in net assets, or cash flows of the County of Nelson, Virginia.

Note 2 - Summary of Significant Accounting Policies

(1) Expenditures on the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following the cost principles contained in OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments*, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

(2) Pass-through entity identifying numbers are presented where available.

Note 3 - Food Donation

Nonmonetary assistance is reported in the schedule at the fair market value of the commodities received and disbursed.

Note 4 - Relationship to Financial Statements

Federal expenditures, revenues and capital contributions are reported in the County's basic financial statements as follows:

Intergovernmental federal revenues per the basic financial statements:

Primary government:

General Fund	\$ 1,975,010
Housing Improvement Fund	315,234
Nelson County Broadband Authority	1,043,118
Loans - Community Facilities Loans and Grants	<u>739,148</u>
Total primary government	<u>\$ 4,072,510</u>

Component Unit Public Schools:

School Operating Fund	<u>\$ 2,152,357</u>
Total component unit public schools	<u>\$ 2,152,357</u>

Less Payments in Lieu of Taxes not reported on Schedule of Expenditures  
of Federal Awards

\$ (54,996)

Total federal expenditures per basic financial statements

\$ 6,169,871

Total federal expenditures per the Schedule of Expenditures  
of Federal Awards

\$ 6,169,871

COUNTY OF NELSON, VIRGINIA

Schedule of Findings and Questioned Costs  
For the Year Ended June 30, 2012

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**Section I - Summary of Auditor's Results**

*Financial Statements*

Type of auditor's report issued: Unqualified

Internal control over financial reporting:

    Material weakness(es) identified? No

    Significant deficiency(ies) identified? None reported

Noncompliance material to financial statements noted? No

*Federal Awards*

Internal control over major programs:

    Material weaknesses identified? No

    Significant deficiency(ies) identified? None reported

Type of auditor's report issued on compliance  
for major programs: Unqualified

Any audit findings disclosed that are required to be reported in accordance with Section 510(a) of  
OMB Circular A-133? No

Identification of major programs:

CFDA #	Name of Federal Program or Cluster
11.557	ARRA-Broadband Technologies Opportunities Program
84.027/84.173/84.391/84.392	Special Education Cluster (IDEA)
10.553/10.555	Child Nutrition Cluster
11.555	Public Safety Interoperable Communications Grant Program
14.228	Community Development Block Grant Program
84.410	ARRA-Education Jobs Fund

Dollar threshold used to distinguish between Type A  
and Type B programs: \$ 300,000

Auditee qualified as low-risk auditee? Yes

**Section II - Financial Statement Findings**

There are no financial statement findings to report.

**Section III - Federal Award Findings and Questioned Costs**

There are no federal award findings and questioned costs to report.

COUNTY OF NELSON, VIRGINIA

Summary Schedule of Prior Audit Findings  
For the Year Ended June 30, 2012

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There were no findings reported for the year ended June 30, 2011.

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## Steve Carter

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**From:** Irvin, Shannon <sirvin@nelson.k12.va.us>  
**Sent:** Friday, January 11, 2013 10:12 AM  
**To:** Steve Carter  
**Subject:** CIP Priorities

Steve,

The Board talked about their priorities and it was unanimous that first, and foremost, projects which improved student and staff safety and security had now reached Priority 1 status given recent national events. While funds had been requested for loud speakers and cameras in the CIP, it may be wise to wait until we get the recommendation from the Security study before we determine the exact course of action and settle on a budget number. On the safety front, the outdoor bleachers at NCHS were identified as being a potential hazard that needed to be addressed.

The other top priorities they had involved meeting the deadline for Asbestos Tile removal at NCHS and finishing the roof replacements at TRES. The Board was pleased that we were moving ahead on the facility study for a possible performance contract with Honeywell which will save the division operating dollars while at the same time allowing for better service to students. The primary objective of the Board is that the project will include the replacement of the HVAC units atop TRES elementary school. Protecting the resources that we have already invested is of utmost importance to the Board.

Buses continue to be a need and the Board is hopeful that we will receive at least several \$25K rebates from the EPA to offset some of the purchase price.

The other identified projects in the CIP are welcome of course but the Board wanted to first be responsible for the doing what was in its power to protect our resources in staff, students and facilities.

I hope this helps.

Shannon

--  
Shannon T. Irvin, Assistant Superintendent for Administration  
Nelson County Public Schools  
P.O. Box 276  
Lovingson, VA 22949

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Preparing for tomorrow... today

## Nelson County Public Schools

# 2013 – 2014 Comprehensive Capital Improvement Plan

Capital Improvement Programming and Budgeting involve the development of a long term plan for capital expenditures of the school system. Capital expenditures include expenditures for land, major equipment, and other commodities or services which are of significant value and have a useful life of several years. The Capital Improvement Program (CIP) lists each proposed capital item to be undertaken, the year in which the project will begin, the amount to be expended each year, and the proposed method of financing these expenditures. The costs of the projects are estimates and provided for planning purposes. The exact costs of the projects will be known only after competitive bidding has taken place.

***NELSON COUNTY PUBLIC SCHOOLS  
CAPITAL IMPROVEMENT PLAN***

# Preparing for tomorrow... today

## **2013/2014 Proposed Comprehensive Plan:**

**SITE: NELSON COUNTY HIGH SCHOOL**

**PROJECT NAME: BLEACHERS - NCHS**

**TOTAL ESTIMATED COST: \$200,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$200,000**

**FUNDING SOURCE: LOCAL FUNDS**

### **PROJECT DESCRIPTION**

Funds are requested to replace the Visitor's Bleachers at the Nelson County Memorial Field. Funds would include the bleachers and the concrete pads required for safe installation. Erosion of ground beneath existing bleachers poses potential structural problems in addition to the safety concerns of wooden seat surfaces that deteriorate in weather conditions. Funds are also requested to replace the indoor bleachers in the "Old Gym" at NCHS as they have reached their useful life.

**SITE: NELSON COUNTY HIGH SCHOOL**

**PROJECT NAME: LIGHTS – SOFTBALL/BASEBALL FIELDS**

**TOTAL ESTIMATED COST: \$200,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$200,000**

**FUNDING SOURCE: LOCAL FUNDS**

### **PROJECT DESCRIPTION**

Funds are requested to install Lighting for the Baseball and Softball Fields at NCHS. Due to the large geographic size of the Dogwood District, funds are requested to light the fields so that evening games can be played for VHSL competition. Nelson is one of the few if not only schools in the region without appropriate lighting for night-time activities.

***NELSON COUNTY PUBLIC SCHOOLS  
CAPITAL IMPROVEMENT PLAN***

# Preparing for tomorrow... today

**SITE: NELSON COUNTY HIGH SCHOOL**

**PROJECT NAME: CONCESSION STAND**

**TOTAL ESTIMATED COST: \$250,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$250,000**

**FUNDING SOURCE: LOCAL FUNDS**

**PROJECT DESCRIPTION**

Funds are requested to build new concession stand facility to accommodate needs of the community. Facilities would have to be ADA compliant and built to current building code requirements (including adequate restrooms for maximum stadium occupancy). It is also requested that the building be large enough to house large band instruments as storage of these instruments is problematic to the burgeoning fine arts program at NCHS.

**SITE: NELSON COUNTY HIGH SCHOOL**

**PROJECT NAME: FINE ARTS BUILDING**

**TOTAL ESTIMATED COST: \$100,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$100,000**

**FUNDING SOURCE: LOCAL FUNDS**

**PROJECT DESCRIPTION:**

Funds are requested to build additional practice space for the highly successful High School Music Program (jazz band, concert band, marching band, chorus, show choir and other break-out groups) which currently has to share space with the Middle School chorus and band programs.

**SITE: NELSON COUNTY HIGH SCHOOL**

**PROJECT NAME: SCHOOL SIGN**

**TOTAL ESTIMATED COST: \$27,000**

***NELSON COUNTY PUBLIC SCHOOLS  
CAPITAL IMPROVEMENT PLAN***

# Preparing for tomorrow... today

**TOTAL FISCAL YEAR EXPENDITURE: \$27,000**

**FUNDING SOURCE: LOCAL FUNDS**

**PROJECT DESCRIPTION**

Funds are requested to install a new sign in front of Nelson County High School to give announcements and publicize school events and activities. Estimate based on internet search of like sign installations.

**SITE: NELSON COUNTY HIGH SCHOOL**

**PROJECT NAME: ENTRANCEWAY**

**TOTAL ESTIMATED COST: \$200,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$200,000**

**FUNDING SOURCE: LOCAL FUNDS**

**PROJECT DESCRIPTION**

Funds are requested to build a matching entranceway to the Auditorium/Gymnasium so guests can more readily find the entrance for community events. Visitors to the site have difficulty finding where to go for events and activities and this becomes problematic when the main entrances to the schools are locked.

**SITE: NELSON COUNTY HIGH SCHOOL**

**PROJECT NAME: TENNIS COURT RESURFACING**

**TOTAL ESTIMATED COST: \$20,160**

**TOTAL FISCAL YEAR EXPENDITURE: \$20,160**

**FUNDING SOURCE: LOCAL FUNDS**

**PROJECT DESCRIPTION**

Funds are requested to repair the Tennis Courts at NCHS. The work would be composed of the following: sanding rust spots and touching them up with latex primer, patching the low areas and leveling them, application of latex resurfacer and finish system and layout and taping of lines. Estimate based on quote dated 1/06/10. (Note that further deterioration could have occurred or prices could

***NELSON COUNTY PUBLIC SCHOOLS  
CAPITAL IMPROVEMENT PLAN***

# Preparing for tomorrow... today

have escalated since quote was obtained)

**SITE: NELSON COUNTY HIGH SCHOOL**  
**PROJECT NAME: TRACK REPAIR AND RESURFACING**  
**TOTAL ESTIMATED COST: \$38,128**  
**TOTAL FISCAL YEAR EXPENDITURE: \$38,128**  
**FUNDING SOURCE: LOCAL FUNDS**  
**PROJECT DESCRIPTION**

Funds are requested to repair the Outdoor Track at NCHS. Estimate based on quote received 12/13/10 for rubber, binding and relining and the repair of takeoff boards. Please note that this quote is 2 years old and more damage could have occurred and price could have risen since the quote was prepared

**SITE: NELSON COUNTY HIGH SCHOOL**  
**PROJECT NAME: ASBESTOS ABATEMENT & TILE REPLACEMENT**  
**TOTAL ESTIMATED COST: \$37,470 BATEMENT/\$15,000 TILE**  
**TOTAL FISCAL YEAR EXPENDITURE: \$52,470**  
**FUNDING SOURCE: LOCAL FUNDS**  
**PROJECT DESCRIPTION**

Funds are requested to abate the asbestos in the floor tile in the CTE wing at NCHS. This request is based upon a mandate in our last AHERA Asbestos-Containing Inspection in April, 2012 which imposed a requirement that this be done by May, 2015. This work would require a full summer to complete as the Vocational wing cannot be occupied while the work is underway.

**SITE: NMS**

**NELSON COUNTY PUBLIC SCHOOLS  
CAPITAL IMPROVEMENT PLAN**

# Preparing for tomorrow... today

**PROJECT NAME: FIELD GRADING & OUTSIDE BLEACHERS**

**TOTAL ESTIMATED COST: \$ 15,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$ 15,000**

**FUNDING SOURCE: LOCAL FUNDS**

## **PROJECT DESCRIPTION**

Funds are requested to grade the play field and install bleachers at NMS for sporting activities to encourage more support for the school and its students at events. A level field will also be safer for athletes and students to use as it will reduce the likelihood of falls and student injuries.

**SITE: NELSON MIDDLE SCHOOL**

**PROJECT NAME: SECURITY CAMERAS**

**TOTAL ESTIMATED COST: \$20,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$20,000**

**FUNDING SOURCE: LOCAL FUNDS**

## **PROJECT DESCRIPTION**

Funds are also requested to install additional security cameras at strategic locations in the buildings to provide additional safety measures for students.

**SITE: TYE RIVER ELEMENTARY & ROCKFISH RIVER  
ELEMENTARY**

**PROJECT NAME: LOUDSPEAKERS AND SECURITY CAMERAS**

**TOTAL ESTIMATED COST: \$50,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$50,000**

**FUNDING SOURCE: LOCAL FUNDS**

## **PROJECT DESCRIPTION**

Funds are also requested to install loudspeakers so that announcements can be made that can be heard outside the building during emergency situations. Also

***NELSON COUNTY PUBLIC SCHOOLS  
CAPITAL IMPROVEMENT PLAN***

# Preparing for tomorrow... today

additional security cameras are being requested to cover strategic locations in the buildings to provide additional safety measures for students.

**SITE: TYE RIVER ELEMENTARY**  
**PROJECT NAME: MICROBIAL SPORES ABATEMENT**  
**TOTAL ESTIMATED COST: TBD**  
**TOTAL FISCAL YEAR EXPENDITURE: TBD**  
**FUNDING SOURCE: LOCAL FUNDS**  
**PROJECT DESCRIPTION:**

Funds are requested to remediate the exterior wall situation at TRES which includes the installation of some type of weather barrier in lieu of missing Tyvek wall wrap. Funds are also requested to contain or remove existing microbial particles that have developed due to water infiltration in wall cavity.

**SITE: TYE RIVER ELEMENTARY**  
**PROJECT NAME: Gym Floor Replacement**  
**TOTAL ESTIMATED COST: \$75,000**  
**TOTAL FISCAL YEAR EXPENDITURE: \$75,000**  
**FUNDING SOURCE: LOCAL FUNDS**  
**PROJECT DESCRIPTION:**

Funds are requested to upgrade the Gymnasium Floor to a wood surface similar to that of other gyms in the Division. Current floor is in excess of 15 years old and is in need of replacement.

**SITE: TYE RIVER ELEMENTARY**  
**PROJECT NAME: EPDM Membrane Multiple Roof Replacement**  
**TOTAL ESTIMATED COST: \$57,090**  
**TOTAL FISCAL YEAR EXPENDITURE: \$57,090**  
**FUNDING SOURCE: LOCAL FUNDS**

*NELSON COUNTY PUBLIC SCHOOLS  
CAPITAL IMPROVEMENT PLAN*

# Preparing for tomorrow... today

## **PROJECT DESCRIPTION:**

Funds are requested to replace the 4 rubberized membrane roofs on the flat portion of Tye River Elementary School which is in a state of disrepair and needs replacement. Estimate per quote from W.A. Lynch Roofing Co. of Lynchburg, Inc. Price does not include wood work, permits, siding, masonry, thru-wall flashing, electrical, HVAC, plumbing or painting. Nor does it cover deteriorated wood or wet insulation needing replacement.

Please note that at the conclusion of this project, TRES would have been re-roofed in its entirety with the exception of the metal roof over the gym

## **SITE: TYE RIVER ELEMENTARY**

**PROJECT NAME: 3 Trane 40 ton AHU System Replacements**

**TOTAL ESTIMATED COST: \$465,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$465,000**

**FUNDING SOURCE: LOCAL FUNDS**

## **PROJECT DESCRIPTION:**

Funds are requested to replace the HVAC units which provide heating/cooling at Tye River Elementary School. These units are reaching the end of their useful life and parts are difficult to obtain. Cost estimate received from Honeywell's Back of the Envelope Performance Contract which was presented several years ago.

## **SITE: ROCKFISH RIVER ELEMENTARY**

**PROJECT NAME: Roof Replacement**

**TOTAL ESTIMATED COST: \$250,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$250,000**

**FUNDING SOURCE: LOCAL FUNDS**

## **PROJECT DESCRIPTION:**

Funds are requested to replace the original shingled roof at Rockfish River

***NELSON COUNTY PUBLIC SCHOOLS  
CAPITAL IMPROVEMENT PLAN***

# Preparing for tomorrow... today

Elementary School. Estimate is based upon the roof replacement costs of Tye River Elementary School in 2011/2012.

**SITE: NELSON COUNTY SCHOOLS – TRANSPORTATION**

**PROJECT NAME: BUS AND CAR REPLACEMENT**

**TOTAL ESTIMATED COST: \$475,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$475,000**

**FUNDING SOURCE: LOCAL PURCHASE**

**PROJECT DESCRIPTION:**

This purchase would continue the 15 year replacement cycle for buses by replacing 5 buses as we retire older units from our fleet. Funds are also requested to purchase 3 used cars to be used for student transportation. Vehicles currently in use are in poor condition and have high mileage and need to be replaced.

**SITE: NELSON COUNTY SCHOOLS – TRANSPORTATION**

**DEPARTMENT**

**PROJECT NAME: CAMERAS FOR BUSES**

**TOTAL ESTIMATED COST: \$10,000**

**TOTAL FISCAL YEAR EXPENDITURE: \$10,000**

**FUNDING SOURCE: LOCAL PURCHASE**

Funds are requested to purchase replacement cameras for buses that currently use outdated equipment which cannot be repaired or replaced with inventory.

**SITE: NELSON COUNTY SCHOOLS – MAINTENANCE**

**DEPARTMENT**

**PROJECT NAME: GENIE LIFT**

**TOTAL ESTIMATED COST: \$8,500**

***NELSON COUNTY PUBLIC SCHOOLS  
CAPITAL IMPROVEMENT PLAN***

# Preparing for tomorrow... today

**TOTAL FISCAL YEAR EXPENDITURE: \$8,500**

**FUNDING SOURCE: LOCAL PURCHASE**

**PROJECT DESCRIPTION**

Funds are requested to purchase a Genie Lift so that Maintenance Personnel can safely work in areas high off of the ground (painting, changes bulbs, checking sprinkler heads etc).

**SITE: NELSON COUNTY SCHOOLS CENTRAL OFFICE**

**PROJECT NAME: OFFICE BUILDING**

**TOTAL ESTIMATED COST: TBD**

**TOTAL FISCAL YEAR EXPENDITURE: 700,000**

**FUNDING SOURCE: LOCAL PURCHASE**

**PROJECT DESCRIPTION:**

Funds are requested to build a 5,000 sf building to house Central Office School Board Staff – Space to include 15 offices and reception area, copy room, conference room, records storage room, server room, 2 public restrooms, School Board Meeting Space and Employee Break Room. Priced at \$140 per square foot, as is the average for building cost from DOE for 2012/2013.

# Preparing for tomorrow... today

## 2013/2014 PLAN SUMMARY:

### WORK TO BE PERFORMED OR ASSET PURCHASED:

#### First Priority:

Asbestos Abatement/Floor tile	NCHS Voc Wing	\$ 52,470
Membrane Roof Replacement	TRES	\$ 57,090
Indoor and Outdoor Bleachers	NCHS	\$200,000
Trane AHU Units Replaced	TRES	\$465,000
Scheduled Bus Replacement	Transportation	\$450,000

**First Priority Request \$1,224,560**

#### Second Priority:

#### NELSON COUNTY HIGH SCHOOL:

Lights for Baseball/Softball	\$200,000
Concession Stand/Band Storage	\$250,000
Fine Arts Building	\$100,000
Sign for front of building	\$ 27,000
Entranceway for Gym/Auditorium	\$200,000
Tennis Court Resurfacing	\$ 20,160
Outdoor Track Repair/Resurface	\$ 38,128

**Total for Location \$835,288**

# Preparing for tomorrow... today

## **NELSON MIDDLE SCHOOL:**

Field repair and Outdoor Bleachers \$15,000

Security Cameras \$20,000

**Total for Location** \$35,000

## **TYE RIVER ELEMENTARY SCHOOL:**

Loud Speakers/Security Cameras \$ 25,000

Gym Floor Replacement \$ 75,000

Weather Barrier/Abatement TBD

**Total for Location** \$100,000 +TBD

## **ROCKFISH RIVER ELEMENTARY SCHOOL:**

Loud Speakers/Security Cameras \$ 25,000

Roof Replacement \$250,000

**Total for Location** \$ 275,000

## **TRANSPORTATION DEPARTMENT:**

Sedans for Student Transport \$ 25,000

Cameras for Buses \$ 10,000

**Total for Location** \$35,000

# Preparing for tomorrow... today

## **MAINTENANCE DEPARTMENT:**

Genie Lift \$ 8,500

Total for Location \$ 8,500

Central Office  
New Office Building \$700,000

Total for Location \$700,000

Request for 2013/2014: Priority 1 = \$1,224,560  
Priority 2 = \$1,988,788 +TBD  
TOTAL = \$3,213,348

## **Potential Funding for Capital Projects**

### **Capital Fund**

Unallocated	\$ 1,017,375.00
Reserve-School Buses	\$ 180,000.00
Reserve-Tye River Elem (Bldg. Envelope)	\$ 300,500.00
	<u>\$ 1,497,875.00</u>

### **Courthouse Project Fund**

Estimated balance after completion of project & Jefferson Building	\$ 600,000.00
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### **General Fund Contingency**

From Non-recurring revenue sources	\$ 642,495.00
From Recurring revenue sources	\$ 664,142.00
	<u>\$ 1,306,637.00</u>

<b>Total Funding</b>	<b><u>\$ 3,404,512.00</u></b>
----------------------	-------------------------------

Prepared 2-18-2013



**To:** Nelson County Board of Supervisors  
**From:** Tim Padalino, Planning & Zoning Director, County of Nelson *TMP 2/6/2013*  
**Subject:** **Summary of Proposed Amendments – Subdivision Ordinance**

This summary identifies proposed amendments to the Subdivision Ordinance of Nelson County as contained in a January 26, 2012 draft document. That draft proposed several amendments, which are described below:

- Generally giving more ministerial authority to the Agent (amended to be defined as “Planning & Zoning Director of Nelson County”) -- and in some cases the Planning Commission -- to administer and enforce the Ordinance. This would reduce the involvement of the Governing Body for several responsibilities. For example:
  - The Agent would administer all bonding requirements. *(Section 4-2 / pp. 4-5)*
  - The Planning Commission would authorize all exceptions *(7-1 / p. 7)*
- Providing clearer requirements for how the Ordinance shall be administered and enforced:
  - The administrative procedures for Platting appeals, approval, and disapproval would be revised. *(3-11 / pp. 2-3)*
  - The Agent’s “Additional Authority” to “establish reasonable administrative procedures ... necessary for the proper administration of this Ordinance” would be struck. *(3-5 / p. 2)*

In addition, the proposed amendments also include the following revisions:

- Requiring a Maintenance Agreement for approved Dry Hydrants. *(4-5 / p. 6)*
- Establishing a section for Access Management which is intended to provide local oversight of traffic safety issues. *(4-6 / pp. 6-7)* There are three brief components to this proposed new section:
  1. Requiring entrances to public streets to be constructed in accordance with VDOT standards.
  2. Providing authority to the Agent and/or Planning Commission to require a shared driveway when subdivisions have three or more lots and are adjacent to a public road (instead of each lot having separate entrances onto the public road). Such shared driveways “may” be required but are not automatically required.
  3. Requiring provisions for service drives when access is from a multi-lane divided highway.
- Increasing from 30 to 45 the number of days an applicant must submit a preliminary plat to the Agent prior to the public hearing. *(5-1 / p. 7)*

These proposed amendments were initially recommended by Mr. Phil Payne, County Attorney, in late 2010. These amendments were then considered by the Planning Commission (PC) at a public hearing on March 28<sup>th</sup>, 2012. The PC then revisited the proposed amendments during their May 23<sup>rd</sup> meeting, and voted to forward these proposed amendments to the Board of Supervisors for review.

Thank you very much for your review of the proposed amendments to the Subdivision Ordinance. Please contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Tim Padalino". The signature is written in a cursive style with a long, sweeping underline.

Tim Padalino  
Director of Planning & Zoning | County of Nelson  
[tpadalino@nelsoncounty.org](mailto:tpadalino@nelsoncounty.org)  
434-263-7090

FILE COPY

**ORDINANCE NUMBER  
AN ORDINANCE TO AMEND APPENDIX B  
§§2; 3-1; 3-4; 3-5; 3-11; 4-1; 4-2; 4-4; 4-5; 4-6; 5-1; 5-5; AND 7-1  
OF THE CODE OF NELSON COUNTY, 1989, AS AMENDED RELATING  
GENERALLY TO SUBDIVISIONS**

---

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NELSON:**

1. That §§2; 3-1; 3-4; 3-5; 3-11; 4-1; 4-2; 4-4; 4-5; 4-6; 5-1; 5-5; AND 7-1 of the Code of the County of Nelson be, and the same hereby is, amended as follows:

Section 2, Definitions:

The following definitions are amended to read as:

*Agent:* The Planning **and Zoning** Director for Nelson County.

*Performance Bond/Guarantee:* A bond, escrow, letter of credit, cash deposit, or other performance guarantee approved by the ~~Governing Body~~ **Agent or Planning Commission**, in the amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite period of time.

*Zoning Administrator:* The Planning **and Zoning** Director for Nelson County.

Section 3, Administration:

3-1, Responsibility of Administration and Enforcement. This section is revised to read:

~~The administration and enforcement of the provisions of this ordinance shall be vested in the Governing Body unless herein delegated to the Agent. The Agent, when so acting, shall be considered an extension of the Governing Body. Unless otherwise provided hereinafter, preliminary and final plats shall be submitted to the Agent and reviewed by the Commission and Agent at a public hearing. The Commission shall, by resolution, approve or disapprove the preliminary and final plat. When a subdivision plat is reviewed the entity reviewing such plat shall comply with the provisions of this ordinance and those set forth in the Virginia Code, 1950 as amended. The Planning and Zoning Director is hereby designated as the Agent of the Governing Body for the purposes of administering and enforcing this ordinance. The Agent shall have the following powers and duties:~~

- A. To administer and enforce this ordinance and, in so doing, to make all determinations and findings and impose all requirements; except that the Agent shall have no authority to modify, vary or waive, nor accept substitution for, any requirement of this ordinance unless expressly provided.
- B. To approve all plats, unless the plat is referred to the Planning Commission.
- C. To interpret this Ordinance, and to request opinions or decisions, either verbal or written, from the Site Review Committee, or Departments of the County, from other officials and departments of the Commonwealth of Virginia, and from other qualified persons as may from time to time be retained.
- D. To consult with and advise the Planning Commission on matters contained in this Ordinance.
- E. To establish procedures to govern the administration of this Ordinance which are deemed by the Agent to be necessary for its proper administration including, but not limited to, delegating one or more duties set forth in this Ordinance. The procedures shall be consistent with this Ordinance and Article 5, Chapter 22 of Title 15.2 of the Code of Virginia.
- F. To enforce the provisions of this Ordinance by injunction or other legal process.

3-4 This section is deleted.

~~*Consulting Governmental Agencies and Departments. In the performance of their duties the Governing Body, the Commission or the Agent may request opinions or decisions in writing from various departments or agencies of the Commonwealth of Virginia, or other departments of the Nelson County government. Such department or agency includes, but is not limited to, the Virginia Department of Transportation, the Virginia Department of Health and the State Water Control Board. Reserved for future use.*~~

3-5 *Additional Authority:* This section is deleted.

~~*Additional Authority. In addition to exercising such other authority as the Governing Body might delegate, the Agent may establish reasonable administrative procedures deemed necessary for the proper administration of this Ordinance. Reserved for future use.*~~

3-11 *Appeals:* The following sections are revised to read as follows:

~~C. If the Planning Commission or Agent fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval, the subdivider, after 10 days' written notice to the Commission, or Agent, may~~

~~petition the Circuit Court of Nelson County to decide whether the plat should or should not be approved.~~

~~DC. *Disapproval* - If the Planning Commission or Agent disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the Nelson County Circuit Court and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the Circuit Court within 60 days of the written disapproval by the Commission or other Agent.~~

~~D. *Failure to Act - Preliminary Plat.* If the Commission or Agent fails to approve or disapprove a preliminary plat within sixty (60) days after it is officially submitted for approval, the developer/subdivider, after ten (10) days written notice to the entity failing to act may petition the Circuit Court of Nelson County to hear the matter.~~

~~Failure to Act – Final Plat. If the Agent or the Commission fails to act on a final plat within sixty (60) days after it is officially submitted for approval, or within forty-five (45) days after it has been officially resubmitted after a previous disapproval or within thirty-five (35) days of receipt of any agency response pursuant to Section 15.2-2259 B of the Code of Virginia, the ~~Governing Body~~ fails to act within sixty days of the date of recommendation by the Commission, the developer/subdivider, after ten(10)days written notice to the entity Planning Commission or Agent failing to act may petition the Circuit Court of Nelson County to hear the matter. decide whether the plat should or should not be approved.~~

~~E. *Disapproval.* A developer/subdivider may, within sixty (60) days of the written disapproval of a preliminary plat from either the Commission or Agent, or the written disapproval of a final plat from either the Agent or Governing Body, appeal to the Nelson County Circuit Court if the developer/subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary, or capricious.~~

4-1 General. This section is revised to read as follows:

A. *Substandard Subdivisions.* An existing subdivision which is not in conformity with this ordinance may be resubdivided and redeveloped (in whole or in part) by the owner of any group of contiguous lots. Every such resubdivison shall conform to the provisions of this Ordinance and any other applicable local ordinances. If, in the opinion of the ~~Governing Body (after recommendation by the Commission)~~ Planning Commission total compliance is impractical, the ~~Governing Body~~ Planning Commission may approve a resubdivision which is not in compliance with the provisions of this Ordinance if such resubdivision will conform more closely to the existing local ordinances than does the substandard subdivision. Any exception

so authorized shall be set forth in a written statement by the ~~Governing Body~~ Planning Commission detailing the reason for the exception and filed as an addendum with the final plat.

4-2 Improvements-General Requirements.

B. *Bonding requirements.* The ~~Governing Body~~ Agent shall require the bonding of all private streets and all improvements to be dedicated to public use. The developer/subdivider shall, prior to recordation of the final plat, comply with any bonding requirement by one of the following procedures:

- (1) Provide certification, supported by documentation, to the ~~Governing Body~~ Agent that the construction costs of improvements have been paid to the person constructing such improvements.
- (2) Furnish to the ~~Governing Body~~ Agent a certified check in the amount of the estimated cost of construction; or a bond, with surety satisfactory to the ~~Governing Body~~ Agent, in an amount sufficient for and conditioned upon the construction of such improvements; or a contract for the construction of such improvements with the contractor's bond, with surety.
- (3) Furnish to the ~~Governing Body~~ Agent a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the ~~Governing Body~~ Agent as to the bank or savings and loan association, the amount of credit and the form thereof.

The amount of such certified check, cash escrow, bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities.

C. *Completion Dates for Bonded Improvements.* The developer/subdivider shall set a date, subject to the approval of the ~~Governing Body~~ Agent, for the completion of the improvements bonded herein. If the improvements are not completed by this completion date, and no new completion date has been approved by the ~~Governing Body~~ Agent, the ~~Governing Body~~ Agent may proceed with the completion of the improvements by calling the bond due.

D. *Partial Release of Bond.* After the completion of at least thirty percent (30%) of the improvements required to be constructed under a bond or other performance guarantee described in subsection 4-2 B., the developer /subdivider may give written notice of partial completion to the ~~Governing Body~~ Agent and request a partial

release of such bond or performance guarantee. A partial release shall be granted within thirty (30) days after receipt of such notice unless prior to the expiration of the thirty (30) day period the **Governing Body Agent** has notified the developer/subdivider in writing of specific defects or deficiencies in construction and of suggested corrective measures, or of nonreceipt of approval by an applicable state agency. The **Governing Body Agent** shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period nor be required to make periodic partial releases which in a cumulative amount equals more than eighty percent (80%) of the original amount for which the bond performance guarantee was taken.

E. *Final Complete Release of Bond.* After the completion of all improvements required by this Ordinance to be constructed under a bond or other performance guarantee described in subsection 4-2 B., the developer /subdivider shall give written notice of completion to the **Governing Body Agent** and request the final complete release of any bond or other performance guarantee. The **Governing Body Agent** shall within thirty (30) days after receipt of such documentation accept the improvements or notify the developer /subdivider, in writing of specific defects or deficiencies in construction and of suggested corrective measures, or of nonreceipt of approval by applicable state agency. If no action is taken by the **Governing Body Agent** within thirty (30) days the request shall be deemed approved and accepted, and final complete release of the bond or other performance guarantee granted to the developer /subdivider.

F. *Completion and Acceptance of Bonded Improvements.*

- (1) For the purposes of subsections 4-2 D. and 4-2 E., a certificate of partial or final completion of such improvements from either a duly licensed professional engineer or land surveyor, as defined in and limited to Title 54.1 of the Virginia Code, or from a department or agency designated by the **Governing Body Agent** may be accepted by the **Governing Body Agent** without further inspection of such improvements.
- (2) For the purpose of final release the term “acceptance” is deemed to mean: when said improvement is accepted by the County or accepted by and taken over for operation and maintenance by a state agency, local government department or agency, or other public authority which is responsible for the operation and maintenance of such improvement upon acceptance.

4-4 Water and Sewer.

G. Alternative Waste Treatment Systems. Replace governing body with Agent

1) Where an alternative waste treatment system is to be used, the developer /subdivider shall provide to the ~~governing body~~ **Agent** documented proof that the soils and parent materials are satisfactory to the Virginia Department of Health, and shall obtain approval of the alternative waste treatment system from the appropriate state agency, including the Virginia Department of Environmental Quality and the Virginia Department of Health. Such documented proof and approval shall be filed as an addendum with the final subdivision plat.

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H. 2) In all zoning districts, the reserve area for an alternative waste treatment system shall be sufficient to accommodate a minimum of one hundred (100) percent of the capacity of the primary area

4-5 Fire Protection.

A. *Dry Hydrants.* Where public water is not available and the subdivision contains fifteen (15) or more lots, any one of which is five (5) acres or less in area, the developer/subdivider shall provide both a dry hydrant with a natural or man-made water source meeting the specifications contained in the National Fire Code for the subdivision density and an all-weather access road to the same. **A Maintenance agreement shall be submitted detailing how the dry hydrants will be maintained by the property owners and/or developer.**

4-6 Streets.

I. ~~This section deleted *Entrance to Public Road.* Any entrance from a subdivision street onto a public street or onto a street which the developer/subdivider plans to dedicate for public use, shall be constructed in accordance with VDOT standards. Reserved~~

**I. Access Management**

**(1) Entrance to Public Road. Any entrance from a subdivision street onto a public street or onto a street which the developer/subdivider plans to dedicate for public use, shall be constructed in accordance with VDOT standards.**

**(2) Residential Entrance to Public Road. Whenever a proposed subdivision has three or more lots adjacent to a public road, except for a multi-lane divided highway, the approving agent and/or Planning Commission may require a shared driveway between the lots instead of each lot having its own separate entrance.**

**(3) Service Drives. Whenever a proposed subdivision contains or is adjacent to a multi-laned divided highway, provisions shall be made for a service drive approximately parallel to such highway to serve the lots adjacent thereto. The area between the service drive and the divided highway right-of-way shall be sufficient to provide for scenic planting and screening, except where impractical by reason of topography.**

5. Platting

5-1 General Requirements.

*Approval Required.* Except as provided in subsection 3-2 (A), any developer/subdivider desiring to subdivide a tract of land situated within Nelson County shall cause a preliminary plat of the proposed subdivision to be made and shall submit the same for approval pursuant to the terms of this Ordinance. The preliminary plat must be submitted to the Agent's office at least ~~thirty (30)~~ **forty-five (45)** days prior to the public hearing. After approval of the preliminary plat the developer/subdivider shall cause a final plat of the proposed subdivision to be made in accordance with the requirements of this Ordinance and shall submit the same for review ~~thirty (30)~~ **forty-five (45)** days prior to the public hearing.

5-5 Final Plat.

C (11). Signature spaces for ~~"Approval Recommended" for the Chairman of the Planning Commission and "Approved" for the Governing Body or Agent.~~ **"Approved" by the Agent.**

E. Recording of Final Plat. Approval of the final plat shall be void unless the approved plat is presented for recordation in the Clerk's Office for the Circuit Court of Nelson County within six (6) months after approval. No subdivision plat shall be recorded by the Clerk of the Circuit Court for Nelson County until it has been submitted to and been approved by the Agent or the ~~Governing Body.~~ **Planning Commission.**

7. Enforcement

7-1 Exception. If the subdivider can show that a provision of this Ordinance would cause unnecessary hardship if strictly enforced (because of topographical or other condition peculiar to the site) the ~~Governing Body~~ **Planning Commission** may authorize an exception if, in the judgment of the ~~Governing Body~~ **Planning Commission**, an exception may be made without destroying the intent of such provision. Any exception so authorized shall be set forth in a written statement by the ~~Governing Body~~ **Planning Commission** detailing the reason for the exception and filed as an addendum with the final plat.

2. That this Ordinance shall become effective on \_\_\_\_\_.

**ADOPTED:**

**CERTIFIED:** \_\_\_\_\_  
**Clerk Nelson County Board of Supervisors**

**NELSON COUNTY PLANNING COMMISSION**  
**MEETING MINUTES**  
**May 23, 2012**

**Present: Chair Philippa Proulx, Commissioners Linda Russell, Michael Tapager, Emily Hunt, Michael Harman and Supervisor Connie Brennan.**

**Staff Present: Fred Boger, Tim Padalino, Melissa Thompson**

**Call to Order:** Chair Proulx called the meeting to order at 7:32 P. M. in the Board of Supervisors meeting room, County Courthouse, Lovingson.

**Approval of Minutes – March 28, 2012:** Commissioner Tapager made the motion to accept the minutes. The motion passed 4-0 with Chair Proulx and Commissioner Harman abstaining.

1. **Class II Communication Tower Permit #2012-002, Verizon Wireless**  
As advertized in the Nelson County Times on 5/10/12:

**LEGAL NOTICE**  
**NOTICE OF PUBLIC HEARING**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to Section 15.2-2204, Section 15.2-2285, Section 15.2-2310, and Section 15.2-4307, the Nelson County Planning Commission hereby gives notice that a Public Hearing will start at **7:30 p.m., Wednesday, May 23, 2012** in the **Board of Supervisors meeting room** on the fourth floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingson, Virginia., for the following:

**Public Hearing**

1. **Class II Communications Tower, Application #2012-002, Verizon Wireless**  
Consideration of an application by Verizon Wireless to allow for the extension of an existing 85' tall wooden monopole tower with a maximum 8' tall cluster mounting pipe for the attachment of three flush-mounted antennas and a 2' lightning rod for a total height of 95. The tower will be located on property owned by Church of the Blue Ridge, 9357 Critzer Shop Road, Afton, VA., Tax Map #4-A-62. Verizon Wireless is requesting the following special exceptions: (1) §20-7-2a (Fall-zone)-There are no permanent structures within the 125% radius setback. (2) §20-7-2e (Scenic By-Way)- No Communication Tower site shall be located within the view shed of a designated Scenic By-Way. Waiver: (1) § 20-7-4c (Chain Link Fence)-A Class II Communication Tower Site shall be enclosed by a chain link fence with a minimum height of eight (8) feet unless waived by the Board of Supervisors. Verizon proposes revising the plans to show that extended enclosed compound will be landscaped with Leyland cypress, not white pine, around the extension of the 7' fence.

## **Other Business**

### **Stormwater Report**

1. Tim Padalino presented a report on Department of Conservation and Recreation's (DCR) new statewide SWM (Stormwater Management) regulations which went into effect September 13, 2011. Mr. Padalino stated that Nelson County notified DCR of the intent of the county to locally administer a SWM program by the March 1, 2012, which was the "early adopter" deadline. He further stated that those "early adopter" localities are eligible for financial incentives. Mr. Padalino stated that local government will begin to administer permits in 2014. The Board had questions concerning fees, staffing, certification and the possible increased cost of a single family dwelling. Mr. Padalino will update the Board as the DCR continues to make information available.

### **Posting Public Notices**

2. Chair Proulx asked for Staff's opinion on posting public notices. Mr. Boger suggested the Board seek support of the BOS. Commissioner Russell asked Staff who would post signs and if it would be mandatory. She also had questions concerning signs being stolen and their removal after public hearings. Chair Proulx stated that the county could not legally require the property owner to post signs. She then asked if Staff could post the public notice signs. Mr. Boger said he did not believe it would be a good use of staff time. Commissioner Russell reported that the Albemarle County ordinance says the signs are not required but their absence does not invalidate the process. Mr. Boger stated that the county attorney suggests public notice signs not be posted. Mr. Boger recommended that it should not be mandatory. Chair Proulx stated that not all county residents read the Nelson Times or goes to the county website. Commissioner Tapager stated that the Board should be sure the public knows posting signs would be a courtesy. Commissioner Russell stated that this matter should be discussed by the BOS and Chair Proulx agreed to write a letter to the BOS concerning this matter.

### **Consideration of amendments to Appendix B, code of Nelson County, 1989**

3. Staff presented the Subdivision Ordinance with corrections. Commissioner Russell stated that on page 9 Mr. Boger's title should be changed to Planning and Zoning Director. Commissioner Russell made the motion to send the Subdivision amendment with the correction to the BOS for approval. Commissioner Tapager offered the second. The vote was 5-0, with Supervisor Brennan abstaining.

## **Supervisor Liaison Report-Connie Brennan**

1. The new ribbon cutting date for the courthouse is June 19, 2012.
2. The roof is being completed on the Jefferson Building.
3. Blue Ridge Medical Center is working to complete the dental facility.
4. The Broadband project is on schedule.  
The RFP has been issued for the Martin's Store location.

This decal is REQUIRED at all Nelson County Collection Centers for the deposit of household refuse and recycling. Display of a decal lets site attendants know that you are a resident or absentee landowner in Nelson and thus authorized to use the facility.



*This sticker is valid until further notice*

For ease of use, decals may be placed on the windshield of your vehicle "in the blind spot behind the rear view mirror" (VA Code 30-70-210). Alternatively, you may show a decal to an attendant upon each visit to a Collection Center. Non-Household and commercial refuse must be taken to the Transfer Station in Arrington and is subject to a tipping fee based on weight.

## 19VAC30-70-210. Glass and glazing.

A. Motor vehicles may be inspected without windshields, side glasses, or any kind of glazing, except that any motor vehicle other than a motorcycle that was manufactured, assembled, or reconstructed after July 1, 1970, must be equipped with a windshield. If glass or other glazing is installed, it must be inspected. If no windshield is installed, see [19VAC30-70-50 C](#) for location of the sticker.

### B. Inspect for and reject if:

1. Any motor vehicle manufactured or assembled after January 1, 1936, or any bus, taxicab or school bus manufactured or assembled after January 1, 1935, is not equipped throughout with safety glass, or other safety glazing material. (This requirement includes slide-in campers used on pickups or trucks, caps, or covers used on pickup trucks, motor homes, and vans.)

2. Any safety glass or glazing used in a motor vehicle is not of an approved type and properly identified (refer to approved equipment section). (Replacement safety glass installed in any part of a vehicle other than the windshield need not bear a trademark or name, provided the glass consists of two or more sheets of glass separated by a glazing material, and provided the glass is cut from a piece of approved safety glass, and provided the edge of the glass can be observed.)

NOTE: A number of 1998 and 1999 model year Ford Contour/Mystique, Econoline and Ranger vehicles were produced without the AS-1 windshield marking as required by FMVSS #205. Ford has certified that these vehicles' windshields meet all performance standards and will not be rejected.

3. Any glass at any location where glass is used is cracked or broken so that it is likely to cut or injure a person in the vehicle.

4. Windshield has any cloudiness more than three inches above the bottom, one inch inward from the outer borders, one inch down from the top, or one inch inward from the center strip. The bottom of the windshield shall be defined as the point where the top of the dash contacts the windshield.

5. Any distortion or obstruction that interferes with a driver's vision; any alteration that has been made to a vehicle that obstructs the driver's clear view through the windshield. This may include but is not limited to large objects hanging from the inside mirror, CB radios or tachometers on the dash, hood scoops and other ornamentation on or in front of the hood that is not transparent.

a. Any hood scoop installed on any motor vehicle manufactured for the year 1990 or earlier model year cannot exceed 2-1/4 inches high at its highest point measured from the junction of the dashboard and the windshield.

b. Any hood scoop installed on any motor vehicle manufactured for the 1991 or subsequent model year cannot exceed 1-1/8 inches high at its highest point measured from the junction of the dashboard and the windshield.

6. Windshield glass, on the driver's side, has any scratch more than 1/4 inch in width and six inches long within the area covered by the windshield wiper blade, excluding the three inches above the bottom of the windshield. A windshield wiper that remains parked within the driver's side windshield wiper area shall be rejected.

EXCEPTION: Do not reject safety grooves designed to clean wiper blades if the grooves do not extend upward from the bottom of the windshield more than six inches at the highest point.

7. There is a pit, chip, or star crack larger than 1-1/2 inches in diameter at any location in the windshield above the three-inch line at the bottom.

8. At any location in the windshield above the three-inch line at the bottom (as measured from the junction of the dash board and the windshield) there is more than one crack from the same point if at least one of the cracks is more than 1-1/2 inches in length. There is any crack that weakens the windshield so that one piece may be moved in relation to the other. (If there is more than one crack running from a star crack that extends above the three-inch line, the windshield shall be rejected.)

EXCEPTION: Windshield repair is a viable option to windshield replacement. A windshield that has been repaired will pass inspection unless:

- a. It is likely to cut or injure a person.
- b. There is any distortion that interferes with a driver's vision.
- c. The windshield remains weakened so that one piece may be moved in relation to the other.
- d. The integrity of the windshield has obviously been compromised by the damage or the repair.

9. Any sticker is on the windshield other than an official one required by law or permitted by the superintendent.

Authorization is hereby granted for stickers measuring not more than 2-1/2 inches in width and four inches in length to be placed in the blind spot behind the rear view mirror.

Department of Defense decals measuring no more than three inches in width and eight inches in length may be affixed to the upper edge of the center of the windshield. At the option of the motor vehicle's owner, the decal may be affixed at the lower left corner of the windshield so that the inside or left edge of the sticker or decal is within one inch of the extreme left edge of the windshield when looking through the windshield from inside the vehicle. When placed at this location, the bottom edge of the sticker or decal must be affixed within three inches of the bottom of the windshield. This location can only be used if the owner of the vehicle has chosen not to place any required county, town or city decal there. The normal location for any required county, town, or city decal is adjacent to the official inspection sticker and must not extend upward more than three inches from the bottom of the windshield. Commercial Vehicle Safety Alliance (CVSA) inspection decals may be placed at the bottom or sides of the windshield provided such decals do not extend more than 4-1/2 inches from the bottom of the windshield and are located outside the area swept by the windshield wipers and outside the driver's sight line.

Any sticker required by the laws of any other state or the District of Columbia and displayed upon the windshield of a

vehicle submitted for inspection in this state is permitted by the superintendent, provided the vehicle is currently registered in that jurisdiction and the sticker is displayed in a manner designated by the issuing authority and has not expired. This includes vehicles with dual registration; i.e., Virginia and the District of Columbia.

NOTE: Fastoll Transponder devices may be affixed to the inside center of the windshield at the roof line just above the rear view mirror. If space does not allow, then it may be affixed to the immediate right of the mirror at the roof line.

NOTE: Volvo placed a warning sticker on the windshield of their cars equipped with side impact air bags. In accordance with this paragraph the sticker shall be removed. If the sticker can be removed intact then it may be placed on the left rear window in the lower front corner. Customers should be referred to the nearest Safety Division area office for replacement if it could not be removed intact.

EXCEPTION: Stickers or decals used by counties, cities and towns in lieu of license plates may be placed on the windshield without further authority. Except on privately owned yellow school buses, the sticker or decal shall be placed on the windshield adjacent to the right side of the official inspection sticker or the optional placement to the extreme lower left side of the windshield. The top edge of the sticker or decal shall not extend upward more than three inches from the bottom of the windshield. The left side edge adjacent to the official inspection sticker shall not be more than 1/4 inch from the right edge of the official inspection sticker when looking through the windshield from inside the vehicle. At the option of the motor vehicle owner, the sticker or decal may be affixed at the lower left corner of the windshield so that the inside or left edge of the sticker or decal is within one inch of the extreme left edge of the windshield when looking through the windshield from inside the vehicle. When placed at this location, the bottom edge of the sticker or decal must be affixed within three inches of the bottom of the windshield. Any expired sticker or decal, excluding a rejection sticker that is present on the windshield at the time of inspection, shall not be issued an approval sticker unless the owner/operator "authorizes" its removal. A rejection sticker will be issued versus an involuntary removal. On privately owned yellow school buses, the sticker or decal shall be placed on the windshield adjacent to the left side of the official inspection sticker, and not more than 1/4 inch from the left edge of the official inspection sticker when looking through the windshield from inside the vehicle. The top edge of the sticker shall not extend upward more than three inches from the bottom of the windshield.

10. Sunshading material on windshield displaying words, lettering, numbers or pictures that does not extend below the AS-1 line is permitted. In the absence of an AS-1 line sunshading material on the windshield displaying words, lettering, numbers or pictures cannot extend more than three inches downward from the top of the windshield, unless authorized by the Virginia Department of Motor Vehicles and indicated on the vehicle registration.

NOTE: Vehicles with logos made into the glass at the factory meet federal standards and will pass state inspection.

11. Any sunscreening material is scratched, distorted, wrinkled or obscures or distorts clear vision through the glazing.

12. Front side windows have cloudiness above three inches from the bottom of the glass or other defects that affect the driver's vision or one or more cracks which permit one part of the glass to be moved in relation to another part. Wind silencers, breezes or other ventilator adaptors are not made of clear transparent material.

EXCEPTION: Colored or tinted ventvisors that do not exceed more than two inches from the forward door post into the driver's viewing area are permitted.

13. Glass in the left front door cannot be lowered so a hand signal can be given. (This does not apply to vehicles that were not designed and/or manufactured for the left front glass to be lowered, provided the vehicle is equipped with approved turn signals.) If either front door has the glass removed and material inserted in place of the glass that could obstruct the driver's vision.

EXCEPTION: Sunscreening material is permissible if the vehicle is equipped with a mirror on each side.

14. Any sticker or other obstruction is on either front side window, rear side windows, or rear windows. (The price label, fuel economy label and the buyer's guide required by federal statute and regulations to be affixed to new/used vehicles by the manufacturer shall normally be affixed to one of the rear side windows.) If a vehicle only has two door windows, the labels may be affixed to one of these windows. If a vehicle does not have any door or side windows the labels may be temporarily affixed to the right side of the windshield until the vehicle is sold to the first purchaser.

NOTE: A single sticker no larger than 20 square inches in area, if such sticker is totally contained within the lower five inches of the glass in the rear window if a vehicle has only one outside mirror, a single sticker or decal no larger than 10 square inches located in an area not more than three inches above the bottom and not more than eight inches from the rearmost edge of either front side window, is permissible and should not be rejected.

A single sticker issued by the Department of Transportation to identify a physically challenged driver, no larger than two inches by two inches, located not more than one inch to the rear of the front door post, or one inch to the rear of the front ventilator glass, if equipped with a ventilator glass, and no higher than one inch from the bottom of the window opening, is permitted on the front driver's side window on a vehicle specially equipped for the physically challenged.

15. Rear window is clouded or distorted so that the driver does not have a view 200 feet to the rear.

EXCEPTIONS: The following are permissible if the vehicle is equipped with a mirror on each side:

- a. There is attached to one rear window of such motor vehicle one optically grooved clear plastic right angle rear view lens, not exceeding 18 inches in diameter in the case of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables the operator of the motor vehicle to view below the line of sight as viewed through the rear window.
- b. There is affixed to the rear side windows, rear window or windows of such motor vehicle any sticker or stickers, regardless of size.
- c. There is affixed to the rear side windows, rear window or windows of such motor vehicle a single layer of

sunshading material.

d. Rear side windows, rear window or windows is clouded or distorted.

#### Statutory Authority

§ [46.2-1165](#) of the Code of Virginia.

#### Historical Notes

Derived from VR545-01-07 § 21, eff. May 1, 1990; amended, Virginia Register Volume 10, Issue 8, eff. February 9, 1994; Volume 21, Issue 4, eff. September 22, 2004; Volume 21, Issue 18, eff. April 15, 2005; Volume 24, Issue 8, eff. March 1, 2008; Volume 28, Issue 24, eff. August 1, 2012.

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**ALBEMARLE COUNTY CODE**

**ARTICLE II. DOGS**

State law reference—Va. Code §§ 3.2-6500 et seq.

**DIVISION 1. IN GENERAL**

**4-200 Running at large prohibited.**

A. It shall be unlawful for any dog to run at large in the county.

B. For the purposes of this section, a dog shall be deemed to “run at large” while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner.

C. Any person who permits his dog to run at large shall be deemed to have violated the provisions of this section.

D. Any dog observed or captured while unlawfully running at large shall be impounded in accordance with Article III, Impoundment, of this chapter.

(7-19-73; 8-22-73; 9-26-73; 11-15-73; 12-19-73; 1-3-74; 1-23-74; 3-24-77; 5-22-74; 10-9-74, 1-22-75; 3-10-76; 4-21-76; 12-7-77; 5-22-78; 6-21-78; 10-7-81; 5-21-86; 5-13-87; 9-16-87; 11-4-87; 12-16-87; 9-8-88; Ord of 1-17-90; Ord. of 8-8-90; Ord. No. 94-4(2), 8-17-94; Ord. No. 94-4(3), 12-7-94; Ord. No. 95-4(1), 1-4-95; Ord. No. 95-4(2), 9-6-95; Code 1988, § 4-19; Ord. 98-A(1), 8-5-98; Ord. 98-4(1), 12-2-98; Ord. 00-4(1), 5-3-00; Ord. 03-4(2), 3-5-03; Ord. 04-4(1), 5-12-04; Ord. 05-4(1), 12-7-05; Ord. 06-4(1), 12-6-06, § 4-213; Ord. 09-4(1), 7-8-09; Ord. 09-4(2), 10-7-09; Ord. 12-4(1), 4-11-12)

State law reference—Va. Code§ 3.2-6538.

**4-201 Dogs killing, injuring or chasing livestock or poultry—Generally.**

A. It shall be the duty of any animal control officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith, whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight, as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

B. Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed immediately by the animal control officer or other officer designated by the court; (ii) or removed to another state that does not border the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be disposed of pursuant to Virginia Code § 3.2-6570.

(Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09)

State law reference—Va. Code § 3.2-6552.

**Alleghany County**

**ARTICLE II. - DOGS GENERALLY**

- [Sec. 10-36. - Dogs running at large generally.](#)
- [Sec. 10-37. - Impoundment when running at large.](#)
- [Sec. 10-38. - Dogs killing, injuring or chasing livestock or poultry.](#)
- [Sec. 10-39. - False claims of compensation for livestock or poultry killed or injured by dog.](#)
- [Sec. 10-40. - Running at large in certain residential areas.](#)
- [Sec. 10-41. - Kennel dogs.](#)
- [Sec. 10-42. - Dogs and cats deemed personal property; rights relating thereto.](#)
- [Sec. 10-43. - Public nuisance dogs.](#)
- [Sec. 10-44. - Limitations on number of dogs kept per dwelling unit.](#)
- [Secs. 10-45—10-70. - Reserved.](#)

**Sec. 10-36. - Dogs running at large generally.**

- (a) For the purposes of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.
- (b) No person shall knowingly cause or permit any female dog in heat to run at large in the county at any time. Evidence that such person was previously informed by the animal control officer or any other person that the dog is in heat shall create a rebuttable presumption that such person knowingly allowed the dog in question to run at large in violation of this subsection.
- (c) Any person who permits a dog owned by him to run at large or remain unconfined, unrestricted or not penned up during times mentioned in this section shall be deemed to have violated this section.
- (d) Any person who is deemed to have violated this section shall be guilty of a class 4 misdemeanor.

(Ord. No. 11, art. A, § 3, 6-21-77; Ord. No. O-09-1, 1-21-09)

**Cross reference**— Penalty for class 4 misdemeanor, § 1-13; dogs running at large in certain residential areas, § 10-40; disposition of unlicensed dogs found running at large, § 10-83.

**State law reference**— Authority for subsection (b) above and provisions similar to subsections (a) and (c), Code of Virginia, § 3.2-6538.

**Sec. 10-37. - Impoundment when running at large.**

- (a) It shall be the duty of the animal control officer or other officer to take custody of a dog found running at large in violation of this article and impound the dog at a pound or shelter designated by the Board of Supervisors. If the rightful owner of the dog can be readily identified, the operator or custodian of the pound or shelter shall make a reasonable effort to notify the owner within 48 hours of the impoundment.
- (b) A dog impounded under this section shall be kept for a period of at least five days, such period to commence on the day immediately following the day of impoundment, unless sooner claimed by its owner.

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(c) The owner of a dog impounded under this section may claim the dog and secure its release within the five-day period referred to in subsection (b) of this section by proving his ownership and paying an amount equal to the actual expenses incurred in keeping the dog impounded. If the dog is not so claimed and released within eight days, it may be disposed of pursuant to Code of Virginia, § 3.2-6562.

(Ord. No. 11, art. A, § 4, 6-21-77; Ord. No. O-09-1, 1-21-09)

**Cross reference—** Vaccination tag, impoundment of unvaccinated dog, § 10-147.

**State law reference—** Duty of county as to maintenance of pound or enclosure and impoundment therein of dogs running at large in violation of ordinance, Code of Virginia, § 3.2-6562.

**Sec. 10-40. - Running at large in certain residential areas.**

(a) It shall be unlawful to permit any dog to run at large at any time during the year within any portion of the following areas of the county:

(1) *Covington District.* The following subdivisions in the Covington Magisterial District of the county: Clearview Estates, Intervale, Dressler Estates, Rosedale, the area of Dolly Ann Drive from the City limits of Covington to the end of state maintained roadway, Oakwood Forest, Luke Mountain, Westwood/Dameron Flats, River Edge Retreat, River View Estates, Wrightsville, Pinehurst and the Callaghan area from the intersection of State Route 159 and Route 60 along Route 60 to the Tanglewood Manor Home for Adults.

(2) *Boiling Springs District.* The following subdivisions located within the Boiling Springs Magisterial District: Cherokee, Mountain Lake, Broken Arrow, Fort Apache, Cool Valley Estates, Castile Estates and Indian Valley.

(3) *Falling Spring District.* The following subdivisions located within the Falling Spring Magisterial District: Clearview Estates; Sponaugle; Clearwater Park, Dunbrack Road, Falling Spring Gardens, Laurel Mountain, River Edge Retreat, Woodland Hills, and Lakewood Estate.

(4) *Jackson River District.* All villages and subdivisions within this district to include: Valley Ridge, Mallow, Brentwood, Jackson Heights, Low Moor (Blizzard Addition and Alleghany Mining and Development Co. subdivisions) and Selma, including Oakland Drive.

(5) *Clifton Forge East and Clifton Forge West Districts.* The entire area of Magisterial Districts Clifton Forge East and Clifton Forge West.

(6) *Sharon District.* The subdivisions of Wesgate, Iron Gate, Wilson Creek (Falcon Ridge Road), Meadows of Wilson Court.

(7) All "mobile home parks" as defined in chapter 66 Zoning, section 66-678. Other Definitions of the Code of Alleghany County, Virginia.

(8) Within 1,000 feet of a "school" as defined in chapter 66 Zoning, section 66-678. Other Definitions of the Code of Alleghany County, Virginia.

(b) All dogs shall be kept under restraint in the areas described in subsection (a) of this section. A dog under restraint shall mean any dog secured by a leash or lead or penned up or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner, provided that restraint of hunting dogs shall be as provided in the Code of Virginia, as amended.

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(c) It shall be the duty of the animal control officer to cause all dogs found running at large in violation of this section to be caught and penned up at the owner's expense in the county dog pound. In addition, violation of this section shall be a class 4 misdemeanor.

(Ord. No. 65, art. A, §1, 6-22-77; Amdmt. of 4-25-78; Amdmt. of 4-18-84; Ord. No. O-09-1, 1-21-09)

**Cross reference—** Dogs running at large generally, § 10-36; disposition of unlicensed dogs found running at large, § 10-83; running at large by unvaccinated cats prohibited, § 10-153; penalty for class 4 misdemeanor, § 1-13.

**Amherst County**

**DIVISION 1. - GENERALLY**

[Sec. 3-16. - Definitions.](#)

[Sec. 3-17. - Dogs deemed personal property.](#)

[Sec. 3-18. - Abandonment of animals.](#)

[Sec. 3-19. - Penalty for violation.](#)

[Sec. 3-19.1. - Civil penalty for certain violations.](#)

[Sec. 3-20. - License taxes.](#)

[Sec. 3-21. - Reserved.](#)

[Sec. 3-22. - Penalty for failure to obtain a license.](#)

[Sec. 3-23. - Effect of dog not wearing collar with license as evidence.](#)

[Sec. 3-24. - Dogs to wear tags.](#)

[Sec. 3-25. - Unauthorized removal of collars or tags.](#)

[Sec. 3-26. - Dogs running at large in certain areas and at certain times.](#)

[Sec. 3-27. - Dogs killing or injuring livestock or poultry.](#)

[Sec. 3-28. - Dangerous dogs; vicious dog; penalties; procedures.](#)

[Sec. 3-29. - Hybrid canines.](#)

[Sec. 3-30. - Dogs constituting public nuisance.](#)

[Secs. 3-31—3-35. - Reserved.](#)

**Sec. 3-26. - Dogs running at large in certain areas and at certain times.**

It shall be unlawful for the owner of any dog to permit such dog to run at large at any time, unless lawfully hunting or in the immediate control of the owner or custodian within the following areas and times of the county:

(1) *Female dogs running at large in certain areas and at certain times.*

a. Pursuant to the Code of Virginia § 3.1-796.94 it shall be unlawful for the owner or custodian of any female dog, during the time period when such dog is in a period of estrus, to allow such dog to run at large, or remain unconfined, unrestricted or not penned up so that other dogs may have access to such female dog during the period of time such female dog is in estrus.

b. Upon receipt of a complaint of a violation of this section, the dog warden of the county shall proceed to investigate the complaint, and if he be satisfied of the truth of the complaint, shall issue a warning, in writing to the owner or custodian of the above-defined female dog that any future violation of this section, or the failure of the owner or custodian, to immediately take into custody the above-defined female dog and to confine, restrict or pen up such female dog so that other dogs may not have access to it shall be punished as set forth in this section.

c. Any violation of this section by any owner or custodian of the above-defined female dog after having received a warning from the dog warden of the county, shall be punished as a class 1 misdemeanor. For the purposes of this section, the owner or custodian of the above-described female dog may be the recipient of the warning, and only one (1) warning will be granted to such owner or custodian of a female dog or the dog then under complaint

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and for any other dogs which the owner or custodian may have in his custody. Further, such owner or custodian of the above-described type of female dog shall be entitled to only one (1) warning of violation; the failure to confine, restrain, or pen up the offending female dog during that period in which it is in estrus after receiving the complaint and the failure to confine any female dog which the owner or custodian of such female dog has in its custody during such time periods as above defined without a subsequent warning as above said shall be a violation of this section.

(2) *Confinement period.* It shall be unlawful for the owner of any dog in the geographical boundaries of Amherst County to allow such dog to run at large unless lawfully hunting or in the immediate control of the owner or his custodian during the period of April 1 to May 30 each year. Violation of this section shall be a class 1 misdemeanor.

(3) *Certain breeds prohibited from running at large.* Within the geographical boundaries of the County of Amherst, it shall be unlawful to permit the following breeds of dogs to run at large unless lawfully hunting or under the immediate control of the owner or custodian:

- a. Pit bulls;
- b. Rottweilers;
- c. Dobermans;
- d. German Shepherds;
- e. Hybrid canines.

Violation of this section shall be a class 1 misdemeanor.

(4) *Diseased dogs.* It shall be unlawful for the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.

(5) *Specific areas.* It shall be unlawful to allow dogs to run at large in the following areas:

Beginning at the John Lynch Bridge extending northwest to the Norfolk Southern Railroad then north to where the road intersects U.S. 29, then south along U.S. 29 to the intersection of U.S. 29 and 657 then east to 604, then north to Rt. 671 then south on Rt. 671 to Rt. 677 then south on Rt. 677 to Rt. 622 then south on Rt. 622 to Rt. 672 then south on Rt. 672 to James River then west back to the John Lynch Bridge. This section includes an area extending across all roads listed as boundaries for a distance of three hundred (300) feet.

It shall be unlawful to allow dogs to run at large on school property during school hours and during school sponsored events.

It shall be unlawful to allow dogs to run at large in any area of the county having a zoning classification of R-1, R-2 or R-3.

The board shall develop a policy and procedure for determining which other portions of the county may be included in this subsection. Such portions could then only be included after a public hearing and the amending of this section.

(6) For the purposes of this section, a dog shall be deemed to be running at large while roaming,

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running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

(Ord. of 7-15-03(1); Ord. of 3-16-04)

**State law reference—** Similar provisions, Code of Virginia, § 3.1-796.100.

**Sec. 3-30. - Dogs constituting public nuisance.**

(a) No owner or custodian shall fail to exercise proper care and control of his or her dog to prevent it from becoming a public nuisance. Acts deemed nuisances shall include but are not limited to the following:

- (1) Biting a person;
- (2) Chasing vehicles, or chasing or menacing a person upon premises other than that occupied exclusively by the owner or custodian of the dog;
- (3) Damaging or destroying property belonging to person(s) other than the owner or custodian of the dog;
- (4) Scattering, or causing to be scattered, garbage upon premises other than that occupied exclusively by the owner or custodian of the dog; or
- (5) Injuring or killing a companion animal as defined in Code of Virginia, § 3.1-796.66.

(b) Any person violating this section shall be subject to a fine of not more than one hundred fifty dollars (\$150.00) for a first offense, and shall be guilty of a class 1 misdemeanor for a second or subsequent offense.

(c) This section shall not apply to any person while engaged in law enforcement or search and rescue activity; in a supervised formal obedience training class or show; during formally sanctioned field trials; while engaged in lawful hunting with a dog or dogs during open season; during bona fide hunting or field trial dog training; while controlling or protecting livestock or engaged in other agricultural activities; or when the dog in question is contained within a vehicle.

(d) As used in this section:

*Menacing* means lunging, growling, snarling, or otherwise behaving in a manner that would cause a reasonable person to fear for his safety.

*Owner* shall mean any person who has a right of property in the dog in question; keeps or harbors the dog in question; has the dog in question in his care; or acts as custodian of the dog in question.

(Ord. of 8-15-06(1))

**Secs. 3-31—3-35. - Reserved.**

**Bedford County**

**ARTICLE III. - COMPANION ANIMALS**

[Sec. 4-40. - Responsible animal care.](#)

[Sec. 4-41. - Sanitary conditions of premises where kept.](#)

[Sec. 4-42. - Permitting diseased dogs or cats to stray from owner's premises.](#)

[Sec. 4-43. - Permitting female dog to stray from owner's premises when in season.](#)

[Sec. 4-44. - Chasing motor vehicles.](#)

[Sec. 4-45. - Dog injuring or killing other companion animals.](#)

[Sec. 4-46. - Reserved.](#)

[Sec. 4-47. - Nuisance animals.](#)

[Sec. 4-48. - Dogs running at large.](#)

[Sec. 4-49. - Hybrid canines.](#)

[Sec. 4-50. - Intentional interference with a guide or leader dog; penalty.](#)

[Sec. 4-51. - Dogs and cats deemed personal property; rights relating thereto.](#)

[Sec. 4-52. - Selling garments containing dog or cat fur prohibited; penalty.](#)

**Sec. 4-42. - Permitting diseased dogs or cats to stray from owner's premises.**

It shall be unlawful for the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises, if such disease is known to the owner.

(Ord. No. O-0709-128(R), 7-13-2009)

**Sec. 4-43. - Permitting female dog to stray from owner's premises when in season.**

It shall be unlawful for the owner of any female dog to permit such dog to stray from his premises while such dog is known to such owner to be in season. No owner of such dog shall permit it to be out of doors unless the dog is on a leash held by a person able to control the dog. Leaving such dog unattended fastened to a leash, chain or trolley, shall not be deemed to comply with this section. Such dog may only be left unattended out of doors in a yard with a fence adequate to prevent the dog from leaving the yard.

(Ord. No. O-0709-128(R), 7-13-2009)

**Sec. 4-44. - Chasing motor vehicles.**

It shall be unlawful for the owner of any dog to permit such dog to chase motor vehicles on a highway in the county.

(Ord. No. O-0709-128(R), 7-13-2009)

**Sec. 4-45. - Dog injuring or killing other companion animals.**

It shall be the duty of any animal control officer who has reason to believe that any dog is killing other dogs or domestic animals, other than livestock or poultry, to confine the dog. The animal control officer shall apply to a magistrate of the county who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time

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evidence shall be heard. The dog shall be confined until the evidence is heard and a verdict is rendered. If it shall appear that such a dog has habitually killed other dogs or domestic animals, the dog shall be ordered to be killed immediately by the animal control officer or other officer designated by the judge.

(Ord. No. O-0709-128(R), 7-13-2009)

**State law reference—** Code of Virginia, § 3.2-6586

**Sec. 4-46. - Reserved.**

**Sec. 4-47. - Nuisance animals.**

(a) "Nuisance animal" means any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than its owners, to enjoyment of life or property. The term "nuisance animal" shall mean and include, but is not limited to, any animal that:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Attacks other domestic animals; or
- (5) Is found at large on any school property.

(b) Whenever a formal complaint has been received by the animal control officer and the complaint is found to be justified, the animal control officer shall notify the owner of the animal of the complaint and instruct such owner to abate such nuisance. If, after such notice, the owner fails to properly control the animal that creates or constitutes the nuisance, the animal control officer shall take the necessary legal action to abate the nuisance by having the animal impounded or the owner of the dog charged with a violation of this section, either or both.

(c) Notwithstanding the foregoing, however, whenever in the discretion of the animal control officer a complaint hereunder is justified and an immediate threat to the public health, welfare or safety is posed, the animal control officer may have the animal impounded immediately and charges filed hereunder.

(d) Nothing contained in this section shall prohibit any person from bringing a charge of violation hereunder directly without proceeding through the animal control officer.

(Ord. No. O-0709-128(R), 7-13-2009)

**Sec. 4-48. - Dogs running at large.**

(a) Dogs shall be on a leash on all land owned or leased by the County of Bedford, the Bedford County School Board, the Bedford County Public Service Authority and the Bedford County Economic Development Authority.

(b) It shall be unlawful at any time to permit any dog to run at large within the following designated portions of Bedford County:

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(1) That area within the perimeter boundaries of Village Green Subdivision, Route 619, Blue Ridge Magisterial District, as shown on a plat of survey dated April 17, 1984 and of record in the Clerk's Office of the Circuit Court of Bedford County, Virginia in Plat Book 23, pages 73—79.

(2) That area within the perimeter boundaries of Mountain Meadows Subdivision, Route 619, Blue Ridge Magisterial District, as shown on plats of survey of record in the aforesaid clerk's office as follows:

Section One—Plat Book 24, pages 333—336 (dated 10-22-87).

Section Two—Plat Book 25, pages 236-239 (dated 9-12-88).

Section Three—Plat Book 25, page 277 (dated 11-12-88).

(3) That area within the perimeter boundaries of the following subdivisions located near State Route 663 in Jefferson Magisterial District, Bedford County, Virginia:

Ivy Hill	Ivy Woods	Quail Ridge
Ivy West	Ivy Lake	Equestrian Ridge
Ivy Place	Ivy Court	Sailview
Fairwind	Mallard Cove	Haines Point
Club Terrace	Ivy Hill Golfdominiums	
Forest Dale	Highland Park	

Said areas are set forth in greater detail on tax maps within the Office of the Commissioner of Revenue, County Administration Building, Main Street, Bedford, Virginia, 24523 [see:]

Insert	Page 98A	Insert	Page 99 C
Insert	Page 98 B		Page 99 A 1 K
	Page 98 A 52 A		Page 99 A 1 E
Insert	Page 99 A		Page 99 A 1
	Page 99 (1)-1F		Page 99 A 1 F
	Page 99 (1)-1		Page 99 A 1 G
Insert	Page 99 B		Page 99 A 30 A
	Page 99 A 1D	Insert	Page 81 C
	Page 99 A 2		Page 81 A 11 C
	Page 99 A 1 C	Insert	Page 81 A
Insert	Page 99 E		Page 81 A 11 B
	Page 99 A 30 C		Page 81 A 11 A
	Page 99 A 1 A	Insert	Page 81 B
	Page 99 A 1 B		

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The said area includes all state secondary highways, private and public streets located within said perimeter boundary.

(4) And the following areas:

Beechwood West—Tax Maps # 220E, # 2220B

Forty Acres—Tax Map # 243A2

The Hollows—Tax Map # 117F

Jefferson Woods—Tax Map # 117F

The Village of Jefferson Woods—Tax Map # 117F

Mountain View—Tax Map # 151A

Rosemont Lane and Three Roses Lane—Tax Map # 155

Snug Harbor—Tax Maps # 221:6; # 232:1

Chestnut Subdivision—Tax Map # 114B-1-1A through 17B, and adjoining parcel # 114-A-42

(c) For the purposes of this section a dog shall be deemed to be running at large while roaming, running or self-hunting, off the property of its owner or custodian and not under its owner's or custodian's immediate control.

(d) The board shall develop a policy and a procedure for determining which portions of the county may be included in subsection (b) above. Such portions shall only be included after a public hearing and the amendment of this section.

(Ord. No. O-0709-128(R), 7-13-2009; Res. No. R0909-171, 9-14-2009; Res. No. R0909-172, 9-14-2009; Ord. No. O-0510-58, 5-10-2010)

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**Bland County**

**DIVISION 1. - GENERALLY**

[Sec. 6-66. - Dogs running at large.](#)

[Secs. 6-67—6-85. - Reserved.](#)

**Sec. 6-66. - Dogs running at large.**

It shall be unlawful for any person in the county to permit a dog owned by him, or by his minor children, or the custodian of a dog, or an astray dog permitted to stay principally on premises occupied by him to run at large. A dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large, or remain unconfined, unrestricted, or not penned up shall be deemed to have violated the provisions of this section.

(Ord. No. 90-4, § 6.1, 7-23-90)

**State law reference—** Authority to prohibit allowing animals to run at large, Code of Virginia, §§ 3.1-796.93, 3.1-796.94:1, 15.2-1418.

**Secs. 6-67—6-85. - Reserved.**

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**Chesterfield County**

***DIVISION 1. - GENERAL PROVISIONS***

[Sec. 4-21. - Definitions.](#)

[Sec. 4-22. - Animal warden and deputy animal wardens.](#)

[Sec. 4-23. - Running at large prohibited.](#)

[Sec. 4-24. - Reserved.](#)

[Sec. 4-25. - Confinement and disposition of animals; animal shelter; redemption by owner; shelter charges.](#)

[Sec. 4-26. - When warden or officer may take charge of animals; notice and hearing to determine whether owner is fit person to care for animal; disposition of animal; disposition of proceeds upon sale.](#)

[Sec. 4-27. - Compensation for livestock or poultry killed by dogs.](#)

[Sec. 4-28. - Disposal of dead companion and wild or exotic animals.](#)

[Sec. 4-29. - Unlawful acts; penalties.](#)

**Sec. 4-23. - Running at large prohibited.**

- (a) No person shall permit any dog to run at large within the county at any time during the year. The animal warden and deputy animal wardens are authorized to catch all dogs found running at large and house them in the county animal shelter.
- (b) Running at large under subsection (a) means a dog is off the property of its owner and not directly connected to its owner by a physical restraint. It does not include a dog that is engaged with its owner in lawful hunting, training for hunting or field trials in conjunction with a hunting, training or field trial season authorized by the Virginia Department of Game and Inland Fisheries as long as the dog is wearing a collar with a tag showing the owner's name, address and telephone number.

(Code 1978, § 5-6)

**State law reference**— Authority to prohibit dogs running at large, Code of Virginia, §§ 3.1-796.93, 3.1-796.100.

**Sec. 4-24. - Reserved.**

**Editor's note**—

Section 1 of an ordinance adopted April 25, 2007, repealed [§ 4-24](#), which had pertained to control of dangerous or vicious dogs, and derived from [§ 5-7.1](#) of the 1978 Code; and ordinances adopted Aug. 27, 1997 and Oct. 11, 2000.

**Culpeper County**

**ARTICLE V. - DOGS RUNNING AT LARGE**

[Sec. 4-70. - Dogs running-at-large.](#)

[Secs. 4-71—4-84. - Reserved.](#)

**Sec. 4-70. - Dogs running-at-large.**

(a) No dogs shall run at large in the County. Any person, after having been notified by any person, animal control officer, or other officer of the law that the dog is running at large in the County, shall be in violation of this section. For the purposes of this section, a dog shall be deemed to be "running at large" when off the property or premises of its owner, possessor or custodian and not under the control of the owner, possessor or custodian, either by leash, cord or chain.

(b) This section shall not apply to any dog or pack of dogs, or any dog owner, possessor or custodian while engaged in:

(1) Law enforcement operations or training,

(2) Search and rescue operations or training for such activity by the members of any agency or organization recognized by the County as a bona fide search and rescue operation,

(3) Lawful hunting and dog retrieval as provided in Code of Virginia (1950), Tit. 29.1 and § 18.2-136, as amended, or any field trial authorized by the department of game and inland fisheries, or any lawful training for hunting or field trials, or

(4) Any formally organized dog show or competition, or any training in obedience or in preparation for any show or competition.

(c) This section shall not apply in any Agricultural and Forestal District created pursuant to Article 8E of the Culpeper County Zoning Ordinance.

(d) Any person who violates any provision of this section shall be guilty of a Class 4 misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00); provided, however, if the dog has been declared a dangerous or vicious dog in accordance with County Code Section 4-92, dangerous and vicious dogs, a violation of this section shall constitute a Class 1 misdemeanor.

(Ord. of 11-5-2008; Ord. of 12-7-2010(2))

**Secs. 4-71—4-84. - Reserved.**

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**Cumberland County**

**DIVISION 1. - GENERALLY**

[Sec. 10-31. - Enforcement of the comprehensive animal laws.](#)

[Sec. 10-32. - Code provisions applicable.](#)

[Sec. 10-33. - Running at large prohibited during certain months; penalty.](#)

[Secs. 10-34—10-50. - Reserved.](#)

**Sec. 10-33. - Running at large prohibited during certain months; penalty.**

(a) It shall be unlawful for the owner or custodian to allow any dog to run at large in the county during the period of March 1 to November 1 inclusive of each year. Any person who permits his dog to run at large or remain unconfined, unrestricted or not penned up during the period specified shall be deemed to have violated the provisions of this section.

(b) Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor and shall be subject to punishment as provided in Code of Virginia, §§ 3.1-796.93, 3.1-796.128.

(Code 1990, §§ 3-10, 3-12, 3-15; Ord. of 3-13-1996)

**State law reference—** Authority for above section, Code of Virginia, § 3.1-796.93.

**Secs. 10-34—10-50. - Reserved.**

## Fauquier County

### **Sec. 4-22. - Running at large prohibited.**

It shall be unlawful for any owner or custodian of a dog to permit the same to run at large at anytime within this county. For the purpose of this section, a dog shall be deemed running at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner or custodian's immediate control. Any person who permits his dog or dogs to run at large shall be deemed to have violated the provisions of this section and shall be liable upon conviction of a first offense to a fine of not more than one hundred dollars (\$100.00). Each second and subsequent conviction for violating this section shall be punishable by a fine of up to but not more than two hundred fifty dollars (\$250.00) or imprisonment for a term not to exceed five (5) days, or both by such fine and imprisonment.

(Ord. No. 95-30, 10-3-95)

**State law reference—** Similar provisions, § 3.1-796.92.

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**Floyd County**

**DIVISION 1. - GENERALLY**

[Sec. 10-31. - Running at large prohibited.](#)

[Sec. 10-32. - Impoundment.](#)

[Sec. 10-33. - Dogs killing, injuring or chasing livestock or poultry.](#)

[Secs. 10-34—10-50. - Reserved.](#)

**Sec. 10-31. - Running at large prohibited.**

(a) It shall be unlawful at any time to permit any dog or dogs to run at large within the following designated portions of the county.

(1) The area within the perimeter boundaries of all property owned by the county school board.

(2) The area within the perimeter boundaries of property owned by the Floyd-Floyd County Public Recreational Facilities Authority.

(b) For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting on the property designated in this section, off the property of its owner or custodian and not under its owner's or custodian's immediate control.

(Ord. of 7-15-1996, § 1; Ord. of 4-13-1999, § 2-6)

**Sec. 10-32. - Impoundment.**

(a) It shall be the duty of the animal control officer or other officers to cause any dog found running at large in violation of section 10-31 to be captured and confined in the county pound. The disposition of such dogs shall follow Code of Virginia, § 3.1-796.96.

(b) The charges for keeping an animal impounded shall be as established by resolution of the board of supervisors and from time to time amended.

(c) The animal control officer upon taking custody of any animal in the course of his official duties shall immediately make a record of the matter including color, breed, sex, approximate weight, reasons for seizure, location of seizure, the owner's name, address and phone number if known, and all license or other identification numbers, and the disposition of the animal. All attempts to reach the owner shall be recorded. Records required by this subsection shall be available for public inspection upon request.

(Ord. of 4-13-1999, § 2-7)

**State law reference—** Authority to prohibit animals running at large, Code of Virginia, § 15.2-1218.

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**Goochland County**

***DIVISION 1. - GENERALLY***

[Sec. 3-51. - Reserved.](#)

[Sec. 3-52. - Unlawful acts; penalties.](#)

[Sec. 3-53. - Running at large prohibited during certain months.](#)

[Sec. 3-54. - Running at large without tag prohibited; impoundment of untagged dogs.](#)

[Secs. 3-55, 3-56. - Reserved.](#)

[Sec. 3-57. - Drugs used in capture of dogs to be approved by state veterinarian.](#)

[Sec. 3-58. - Methods of euthanasia to be approved by state veterinarian.](#)

[Sec. 3-59. - Dangerous and vicious dogs.](#)

[Sec. 3-60. - Wolf hybrid confinement.](#)

[Sec. 3-61. - Rabies inoculation for dogs.](#)

[Sec. 3-62. - Reserved.](#)

[Sec. 3-63. - Dogs killing, injuring or chasing livestock or poultry.](#)

[Secs. 3-64—3-80. - Reserved.](#)

Sec. 3-53. - Running at large prohibited during certain months.

It shall be unlawful for any dog to run at large in the county during the period of April 1 to May 31, inclusive of each year. For the purpose of this article, a dog shall be deemed to be running at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large or remain unconfined, unrestricted or not penned up during the period specified shall be deemed to have violated the provisions of this section.

(Ord. of 7-1-08(1), § 1)

**Sec. 3-54. - Running at large without tag prohibited; impoundment of untagged dogs.**

- (a) It shall be unlawful for any dog over the age of four (4) months to run at large without the tag required by this article. It shall be the duty of the animal control officer to take all such dogs into custody. The animal control officer shall confine the dogs for a period of not less than five (5) days, such period to commence on the day immediately following the day the dog is initially in the county pound, unless sooner:
- (1) Claimed by the owner thereof;
  - (2) Adopted by a resident of Goochland County who will pay the required license fee, if any on such animal, if the animal's rightful owner has surrendered all property rights in such animal and has read and signed a statement indicating such; or

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- (3) Adopted by a resident of an adjacent county, if the animal's rightful owner has surrendered all property rights in such animal and has read and signed a statement indicating such.
- (b) A custodian of a dog or an individual who has found a dog may qualify as the owner and may claim the dog by expressing in writing his desire to claim the dog at the expiration of the five-day period set out in this article and after payment of the required license fee, if any. If any dog confined pursuant to this section is claimed by its rightful owner, such owner shall only be charged with the actual expenses incurred in keeping the dog impounded. If the rightful owner shall claim such dog at any time, the custodian or finder shall relinquish possession of such dog to the rightful owner.
- (c) If the animal has not been claimed, it may be disposed of by delivery to any humane society or animal shelter, by delivery to any person who is a resident of Goochland County and who will pay the required license fee, if any, on such animal, or by delivery to a resident of an adjacent county, or it may be humanely destroyed or disposed of by sale or gift to a federal agency, state-supported institution, agency of the commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the commonwealth, provided that such agency, institution, or dealer agrees to confine the animal for an additional period of not less than five (5) days.
- (d) If the rightful owner of any animal confined can be readily identified by collar, tag, license, or tattooed identification on the animal, the operator or custodian of the pound shall make a reasonable effort to notify the owner of such animal of the dog's confinement within forty-eight (48) hours next following its confinement, and such animal shall be held for five (5) days more than the holding period prescribed above, unless sooner claimed by the rightful owner, before the animal may be delivered to an adoptive owner or humanely destroyed. Such identified animal may not be disposed of by sale or gift to a federal agency, state-supported institution, agency of the commonwealth, agency of another state, or a licensed federal dealer. Such animal may be delivered to any person who proposes to adopt such animal as a pet and who will pay the required license fee, if any, on such animal, provided that no more than two (2) animals or a family of animals shall be delivered during any thirty-day period to any one (1) such person.
- (e) The county pound shall be accessible to the public at reasonable hours during the week. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a pound or enclosure. Nothing in this section shall be construed to prohibit the immediate destruction of critically injured or critically ill animals for humane purposes so long as such animals are euthanized by one (1) of the methods prescribed or approved by the state veterinarian, and nothing in this section shall be construed to prohibit the immediate destruction, for humane purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill.

(Ord. of 7-1-08(1), § 1)

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**Greene County**

**Subdivision I. - In General**

[Sec. 14-61. - Running at large.](#)

[Sec. 14-62. - Controlling dangerous or vicious dogs.](#)

[Sec. 14-63. - Confinement of certain dogs; confinement orders.](#)

[Sec. 14-64. - Fees due animal warden.](#)

[Sec. 14-65. - Seizure of dogs suspected of killing or injuring livestock or poultry.](#)

[Secs. 14-66—14-85. - Reserved.](#)

**Sec. 14-61. - Running at large.**

(a) Dogs may run at large within the county unless expressly prohibited from running at large as provided in this section, which provisions are hereby adopted pursuant to the authority of Code of Virginia, § 3.1-796.93, as amended. For the purposes of this division, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under the owner's or custodian's immediate control. Any person who permits his dog or a dog under his control to run at large or remain unconfined, unrestricted or not penned up during such time as the running at large of dogs is prohibited under the provisions of this division shall be deemed to have violated the provisions of this section.

(b) The running at large of a female dog in season is prohibited, and such dog shall be confined in a place inaccessible to a male dog unless the owner or custodian of the female intentionally, or under his supervision, breeds the female dog to a specific dog.

(c) The running at large of dogs not duly licensed and displaying tags pursuant to the provisions of this division is prohibited.

(d) Pursuant to the authority of Code of Virginia, § 3.1-796.93, as amended, the running at large of dogs within the entire county is prohibited from March 1 through March 31 of each year. This amendment adopted December 11, 1984, shall be effective on a trial basis for calendar year 1985 only.

(e) The running at large of dogs is prohibited in any portion of the county as may be designated from time to time by ordinance of the board of supervisors and during such months as designated from time to time by ordinance of the board of supervisors.

(f) No dog shall be allowed to run at large, or remain unconfined, unrestricted or not penned up at any time in the area known as:

Enderly Acres Subdivision	12/04/76
Greene Mountain Lake Subdivision	1/01/79
Locust Lane Subdivision	7/05/79
Greene Lea Subdivision	3/07/81
Lake Saponi Subdivision	4/04/81
Pinewood Terrace Subdivision	12/05/81

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Corporate Town Limits of Standardsville	4/24/84
Daniel's Mobile Home Park	6/13/89
Twin Lakes Subdivision	10/13/92
Woodridge Subdivision	11/23/92
Wildwood Valley Subdivision	5/11/93
Quinque Woods Subdivision	5/11/93
Westview Subdivision	6/08/93
Country Meadows Subdivision	8/10/93
Le-High Subdivision	8/10/93
Greene Acres Subdivision	7/26/94
Lake View Subdivision	11/08/94
Golden Hills Subdivision	11/08/94
Mountain View Subdivision	12/13/94
Harlowedge Subdivision	9/15/95
Foxwood Subdivision	9/15/95
Holmes Run Subdivision	5/14/96
Midway Acres Subdivision	11/11/97
Wetsel Village Subdivision	4/11/98
Ruckersville Heights Subdivision	9/08/98
Little Pines Subdivision	9/08/98
Rippin Run Subdivision	10/13/98
Warmar Subdivision	12/08/98
Oak Terrace Subdivision	1/12/99
Cedar Grove Mobile Home Park	6/29/99
Spring Hill Road Area (See Attached Description)	5/27/03

and fully described in an exhibit file with a copy of this division in the clerk's office of the county circuit court and in the office of the county administrator of the county.

(Ord. of 4-24-84(3), § 13; Ord. of 12-11-84; Ord. of 11-11-97; Ord. of 4-14-98; Ord. of 9-8-98; Ord. of 10-13-98; Ord. of 12-8-98; Ord. of 1-12-99; Ord. of 6-29-99; Ord. of 5-27-03)

**Cross reference—** Streets, sidewalks and other public places, ch. 62.

**Sec. 14-63. - Confinement of certain dogs; confinement orders.**

It shall be unlawful for any person to suffer or permit any dog belonging to him or under his control and known by him to be vicious or destructive, to run at large within the county. Should the animal warden or any law enforcement officer have reason to believe that any animal is dangerous to the health, safety or personal property of any person, such officer may order the confinement of such animal by delivering a confinement order to the owner or custodian of such animal, and any person who thereafter permits such animal to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section. Should the animal not be confined within six hours after the delivery of the confinement order, or should the animal warden or other officer, after due diligence, be unable to deliver the confinement order to the owner or custodian of such animal, the animal warden or any other law enforcement officer shall impound any such vicious or destructive dog, subject to the

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provisions of section 14-64; provided, however, that upon the issuance of the confinement order, or the impoundment of such animal, the animal warden or other officer shall forthwith summon the owner or custodian of such animal to appear in the county general district court where the matter shall be heard as all other matters are heard on criminal warrants. The animal shall remain confined until the final disposition of the court proceeding; provided, however, that for the purposes of this section, the owner or custodian of such dog shall be conclusively presumed to have known the dog to be vicious or destructive if at any time prior to the running at large of such animal the owner or custodian has received from any person a complaint that the animal is dangerous to the health, safety or property of any person.

(Ord. of 4-24-84(3), § 15)

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**Hanover County**

***DIVISION 4. - GENERAL PROVISIONS***

[Sec. 4-72. - Limit on ownership of dogs in areas zoned for residential use.](#)

[Sec. 4-73. - Reserved.](#)

[Sec. 4-74. - Running at large prohibited; penalty for violation.](#)

[Sec. 4-75. - Dangerous dogs.](#)

[Sec. 4-76. - Vicious dogs.](#)

[Sec. 4-77. - Violations and enforcement of article provisions.](#)

[Sec. 4-78. - Nuisance animals.](#)

[Sec. 4-79. - Reserved.](#)

Sec. 4-74. - Running at large prohibited; penalty for violation.

- (a) It shall be unlawful for the owner of any canine or canine crossbreed to allow such canine or canine crossbreed to run at large in the county during the months of April, May and June of any year.
- (b) It shall be unlawful for the owner of any canine or canine crossbreed to allow such canine or canine crossbreed to run at large, at any time, in the urban service area, as defined in the subdivision ordinances, or in the areas of the county zoned R-1, R-2, R-3, R-4, R-5 and R-6, in county parks or on the grounds of any schools operated by the county school board. For any canine or canine crossbreed which is the subject of a written hunt club agreement between the county and a participating hunt club and is found running at large in a county park located outside the urban service area or on the grounds of any county schools located outside the urban service area, the enforcement of this section shall be governed by the terms of such agreement.
- (c) Any person who violates this chapter by allowing any of his canine or canine crossbreeds to run at large in violation of this chapter shall be fined twenty-five dollars (\$25.00) for the first violation and an additional ten dollars (\$10.00) shall be added to this amount for every subsequent violation within a twelve-month period of time, up to the maximum allowed by law. Each occurrence of a canine or canine crossbreed belonging to a particular owner running at large in violation of this chapter shall be considered a separate violation and an additional penalty shall apply as set out in this section regardless of whether or not it is the same canine or canine crossbreed who was found to be running at large.

(Ord. No. 04-14, § 1, 6-9-04)

**State law reference**— Governing body of county, city or town may prohibit dogs from running at large, Virginia Code § 3.1-796.93.

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**Sec. 4-77. - Violations and enforcement of article provisions.**

- (a) A violation of any provision of this article shall constitute a class 4 misdemeanor, unless otherwise specifically provided.
- (b) Should any person who owns or controls a dog or cat fail or refuse to comply with any of the provisions of this article or with any instructions given by an animal control officer, a veterinarian, a health department representative or other appropriate official, pursuant to this article, the animal control officer may take such dog or cat immediately into custody and confine it in the county pound and the person owning or controlling such dog or cat shall then be summoned immediately by the animal control officer to appear in the general district court. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in [article 4](#) (§ 19.2-260 et seq.) of [chapter 15](#) of title 19.2. The commonwealth shall be required to prove its case beyond a reasonable doubt. Upon finding that such person either owns or controls a dog or cat and has failed or refused to comply with any provision of this article or with instructions properly given pursuant to this article, the judge, in addition to any sentence which he or she may impose for conviction of a class 4 misdemeanor, shall order any confinement or destruction of the animal appropriate under the circumstances and pursuant to this article and shall order the convicted person to pay for any required vaccination, license and/or confinement-related expenses.

(Ord. No. 04-14, § 1, 6-9-04; Ord. No. 06-12, § 1, 7-26-06)

**Sec. 4-78. - Nuisance animals.**

- (a) All animal owners shall exercise proper care and control of their domestic, companion, wild or exotic animals to prevent them from becoming a public nuisance. Acts deemed public nuisances shall include, but are not limited to, the following:
  - (1) Chasing, threatening or harassing vehicles, bicycles or pedestrians on any public right of way or private right of way not owned or controlled by the owner of the alleged nuisance animal on two (2) or more separate occasions.
  - (2) Chasing, threatening, harassing or otherwise acting in an aggressive manner toward persons on any property not owned or controlled by the owner of the alleged nuisance animal on two (2) or more separate occasions.
  - (3) Biting a person so as to cause physical injury on two (2) or more separate occasions without substantiated provocation, unless in response to an actual threat to the person or property of owner or of the owner's family.
  - (4) Chasing, threatening, harassing or injuring livestock, poultry or other domestic, companion, wild or exotic animals on two (2) or more separate occasions, unless such livestock, poultry or other domestic, companion, wild or exotic animal is trespassing upon the property of the owner of the alleged nuisance animal.
  - (5) Trespassing upon school grounds or public parks or playgrounds on two (2) or more separate occasions.
  - (6) Damaging real or personal property of a person other than the owner on two (2) or more separate occasions.
  - (7) Overturning trash containers and scattering trash on any property not owned or controlled by the owner of the alleged nuisance animal on three (3) or more separate occasions.

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- (8) Habitually running at large. "Habitually running at large" shall refer to any animal whose owner has been convicted of allowing his animal to run at large, pursuant to Hanover County Code [section 4-74](#), three (3) or more times within a twelve-month period.
- (9) Producing conditions offensive or dangerous to the public safety or welfare by virtue of the number and living conditions of such animals. For the purposes of this section, "conditions offensive or dangerous to the public safety or welfare" include, but are not limited to, conditions which attract insects and rodents, large numbers of animals kept in poor living conditions, unvaccinated animals and odors emanating beyond the property owned or controlled by the owner of the alleged nuisance animal(s), which conditions have not been corrected after receiving a warning from animal control. This subsection shall not apply to livestock or poultry.
- (b) Any person owning or having in his possession or under his control any domestic, companion, wild or exotic animal suspected of constituting a nuisance may be summoned before the Hanover County General District Court to determine whether such domestic, companion, wild or exotic animal constitutes a public nuisance and, if so, whether such animal should be confined or the nuisance otherwise abated. When a violation of this section is committed in the presence of an animal control officer, or when, upon investigation, an animal control officer finds evidence to suggest that such a violation has occurred, the officer may proceed to issue a summons and take other action as set forth in this section.
- (c) When a summons is issued, if the animal control officer deems confinement in the pound necessary during the pendency of the case to prevent a reoccurrence of the nuisance, then the owner or custodian shall be responsible for the impound fees. If the animal control officer determines that confinement in the pound is unnecessary, the animal shall be confined at the home of the owner during the pendency of the case.
- (d) Upon proof that the domestic, companion, wild or exotic animal constitutes a public nuisance, the domestic, companion, wild or exotic animal shall, by order of the judge of the general district court, be confined or the nuisance shall be otherwise abated, as such judge may determine to be appropriate. The court may also impose a civil penalty of up to \$250.00 to be paid by the owner or custodian of such animal. It shall be unlawful and shall constitute contempt of court for any person to harbor or conceal any animal which has been deemed to be a nuisance by the general district court or to fail to confine or restrain an animal when such an order has been entered by the court. For the purposes of this section, "confine" shall mean to place within a secure enclosure, such as a kennel or adequately fenced yard, or to keep indoors, and not to chain or tether the animal.
- (e) This section shall not apply to any person while engaged in law enforcement or search and rescue activity, in a supervised formal obedience training class or show, during formally sanctioned field trials, while engaged in lawful hunting with a dog or dogs during open season, or during bona fide hunting or field trial dog training.
- (f) No canine or canine crossbreed shall be found to be a nuisance animal solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited.
- (g) Any person who owns any animal that has been adjudged a nuisance pursuant to this section by the general district court and who appeals that decision to the circuit court shall be responsible for the fees connected with the impounding of the animal by the animal control officer, if the animal control officer deems impoundment to be necessary. If deemed necessary, the animal control officer or owner shall confine such animal during pendency of the appeal to prevent a reoccurrence of the nuisance. If on appeal the circuit court determines that the animal is not a nuisance, no such fees for the impounding of the animal shall be imposed.

(Ord. No. 11-11, 7-27-11)

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**Henrico County**

**DIVISION 1. - GENERALLY**

[Sec. 5-27. - Dogs killing or injuring livestock or poultry.](#)

[Sec. 5-28. - Compensation for livestock and poultry killed by dogs; false claims.](#)

[Sec. 5-29. - Unlawful acts; animals running at large.](#)

[Sec. 5-30. - Control of dangerous or vicious dogs.](#)

[Secs. 5-31—5-48. - Reserved.](#)

**Sec. 5-29. - Unlawful acts; animals running at large.**

The following shall be deemed unlawful acts and constitute a class 4 misdemeanor:

(1) *Diseased dogs or cats off of owner's premises.* It shall be unlawful for the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner.

(2) *Female dogs in season off of owner's premises.* It shall be unlawful for the owner of any female dog to permit such dog to stray from his premises while such dog is known to such owner to be in season.

(3) *Removing license tag.* It shall be unlawful for any person, except the owner or custodian, to remove a legally acquired license tag from a dog.

(4) *Concealing unlicensed or rabid dog.* It shall be unlawful for any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog to keep it from being destroyed.

(5) *Poisoning, injuring or killing dogs.* It shall be unlawful for any person, except the owner or his authorized agent, to administer poison to any dog under four months of age or any dog licensed pursuant to this article, or to expose poison where it may be taken by any such dog, or to injure, disfigure or kill any such dog except as otherwise provided in this article.

(6) *Dogs running at large.* It is prohibited for any dog to run at large within the county at any time during any month of the year. For the purposes of this subsection, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. A dog shall not be deemed to be running at large if it and its owner or custodian are within a county-designated off-leash, fenced dog exercise area. Any owner who permits his dog to run at large in the county shall be deemed to have violated the provisions of this subsection.

(Code 1980, § 4-21; Code 1995, § 5-34; Ord. No. 1039, § 2, 10-22-2002; Ord. No. 1161, § 1, 8-9-2011)

**State law reference—** Authority to prohibit dogs from running at large, Code of Virginia, § 3.2-6539; violation to be class 4 misdemeanor, Code of Virginia, § 3.2-6587(A)3; penalty for class 4 misdemeanor, Code of Virginia, § 18.2-11.

**Louisa County**

**ARTICLE II. - DOGS AND CATS <sup>[10]</sup>**

<sup>(10)</sup> **State Law reference**— Comprehensive animal laws, Code of Virginia, § 3.1-796.66 et seq.

[Sec. 14-31. - Definitions.](#)

[Sec. 14-32. - Dog license required; amount of license tax.](#)

[Sec. 14-33. - When license tax on dogs payable.](#)

[Sec. 14-34. - How to obtain dog license.](#)

[Sec. 14-35. - What dog licenses shall consist of.](#)

[Sec. 14-36. - Duplicate license tags.](#)

[Sec. 14-37. - Displaying receipts; dogs to wear tags.](#)

[Sec. 14-38. - Kennel dogs.](#)

[Sec. 14-39. - Dogs and cats deemed personal property; rights relating thereto.](#)

[Sec. 14-40. - Dogs not to be off owner's premises during April, May and June except when under control; enforcement.](#)

[Sec. 14-41. - Dogs running at large in certain subdivisions and other designated areas; penalty for violation.](#)

[Sec. 14-41.5. - Vicious dogs not to run at large; penalty.](#)

[Sec. 14-42. - Dogs killing, injuring or chasing livestock or poultry.](#)

[Sec. 14-43. - Compensation for livestock and poultry killed or injured by dogs.](#)

[Sec. 14-44. - Disposition of stray dogs.](#)

[Sec. 14-45. - Unlawful acts; penalties.](#)

[Secs. 14-46—14-60. - Reserved.](#)

**Sec. 14-40. - Dogs not to be off owner's premises during April, May and June except when under control; enforcement.**

It shall be unlawful for any dog in this county to roam, run or self-hunt off the property of its owner or custodian at any time during the months of April, May and June of any year except when under the immediate control of such owner or custodian. It shall be the duty of the animal warden of this county and his deputy or deputies to enforce the provisions of this section.

(Code 1971, § 3-16)

**State law reference**— Board of supervisors may prohibit dogs from running at large during designated months, Code of Virginia, § 3.1-796.93.

**Sec. 14-41. - Dogs running at large in certain subdivisions and other designated areas; penalty for violation.**

(a) The running at large of all dogs at any time is prohibited within the confines of the following subdivisions:

- (1) Blue Ridge Shores Subdivision, Green Springs Magisterial District, Louisa County, Virginia;
- (2) Aspen Hill Subdivision, Mineral Magisterial District, Louisa County, Virginia;
- (3) Dogwood Lake Estates, Green Springs Magisterial District, Louisa County, Virginia;
- (4) Both Waters Subdivision, Cuckoo Magisterial District, Louisa County, Virginia;

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- (5) Edgewood Bay Subdivision, Mineral Magisterial District, Louisa County;
- (6) Overton Fork Property Subdivision, Cuckoo Magisterial District, Louisa County, Virginia;
- (7) Shorewood Property Subdivision, Cuckoo Magisterial District, Louisa County, Virginia;
- (8) Spring Woods Subdivision, Jackson Magisterial District, Louisa County, Virginia;
- (9) Bluewater Subdivision, Mineral Magisterial District, Louisa County, Virginia;
- (10) Hickory Creek Acres Subdivision, Green Springs Magisterial District, Louisa County, Virginia;
- (11) Noah's Landing, Jackson Magisterial District, Louisa County, Virginia;
- (12) Freshwater Estates, Mineral Magisterial District, Louisa County, Virginia;
- (13) Contrary Creek—Contrary Forest, Cuckoo Magisterial District, Louisa County, Virginia;
- (14) Willow Brook Estates, Jackson Magisterial District, Louisa County, Virginia;
- (15) Oak Grove Estates, Mineral Magisterial District, Louisa County, Virginia;
- (16) Hidden Hills Subdivision, Green Springs Magisterial District;
- (17) Orchid Lake Estates, Inc., Cuckoo Magisterial District, Louisa County Virginia.
- (18) Reedy Creek I Subdivision, Patrick Henry Magisterial District, Louisa County, Virginia.
- (19) Tara Woods Subdivision, Cuckoo Magisterial District, Louisa County, Virginia.

(b) The running at large of all dogs at any time is prohibited within the confines of the following portions of the county:

- (1) Mineral Trailer Park, commonly known as "MTP", Mineral Magisterial District, Louisa County, Virginia; Tax Map #43-5-B.

(c) For the purposes of this section, a dog shall be deemed to run at large while such dog is roaming, or self-hunting off the property of its owner or custodian and not under its owner's or custodians immediate control; provided, that no dog shall be deemed to be running at large in violation of this section if it shall be engaged in lawful hunting outside of such subdivision under the direction of its owner or custodian and shall thereafter stray into such subdivision; provided, that such owner or custodian shall place such dog under his immediate control within a reasonable time.

(d) Any person who permits his dog to run at large in violation of this section shall be subject to a fine of not more than \$100.00 for each occurrence.

(Code 1971, § 3-16.2; Res. of 3-20-00(00.058); Res. of 5-15-00(00.090); Res. of 3-19-01(01.053); Res. of 6-4-01(01.093); Res. of 12-17-01(01-195); Res. of 12-2-02(02.166); Res. of 10-18-04(04.125); Res. of 12-20-04(04.162); Res. of 4-18-05(05.043); Res. of 6-6-05(05.067); Res. of 9-6-05(05.106); Res. of 10-17-05(05.133); Res. of 12-5-05(05.160); Res. of 2-6-06(06.028); Res. of 12-4-06(06.176); Res. of 12-3-07(07.195); Res. of 2-1-10(10.025); Res. of 5-13-10(10.101))

**State law reference—** Board of supervisors may prohibit dogs from running at large in designated portions of county, Code of Virginia, § 3.2-6538.

- CODE  
Chapter 3 - ANIMALS

ARTICLE II. - DOGS

**Montgomery County**

**ARTICLE II. - DOGS** <sup>[10]</sup>

[Sec. 3-26. - Animal control officer; deputy animal control officer.](#)

[Sec. 3-27. - Dogs deemed personal property.](#)

[Sec. 3-28. - County dog pound; confinement and disposition of stray dogs.](#)

[Sec. 3-28.1. - Sterilization of adopted dogs and cats; enforcement.](#)

[Sec. 3-28.2. - Sterilization agreement.](#)

[Sec. 3-28.3. - Sterilization confirmation; civil penalty.](#)

[Sec. 3-28.4. - Notification concerning lost, stolen or dead dogs or cats; civil penalty.](#)

[Sec. 3-28.5. - Exemptions.](#)

[Sec. 3-28.6. - Releasing agency; fees and deposits.](#)

[Sec. 3-28.7. - Civil penalties.](#)

[Sec. 3-29. - Certain unlawful acts.](#)

[Sec. 3-30. - Dogs killing, injuring or chasing livestock or poultry.](#)

[Sec. 3-31. - Compensation for livestock and poultry killed by dogs.](#)

[Sec. 3-32. - Disposal of dead dogs.](#)

[Sec. 3-33. - Rabid animals.](#)

[Sec. 3-34. - License—Procedures; tax.](#)

[Sec. 3-35. - Same—Display of receipts; dog to wear tags.](#)

[Sec. 3-36. - Running at large.](#)

[Sec. 3-37. - Same—Duplicate tags.](#)

[Secs. 3-38, 3-39. - Reserved.](#)

**Sec. 3-36. - Running at large.**

- (a) It shall be unlawful for the owner of any dog to permit or allow such dog to run or be at large within the county. For the purposes of this section, a dog shall be deemed to be "at large" while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.
- (b) This section shall not apply to any person while engaged in a supervised, formal obedience training class or show, or during formally sanctioned field trials, or while engaged in lawful hunting with a dog during open season or during bona fide hunting or field trial dog training. This section shall also not apply to any person whose dog is actively engaged in agricultural work such as herding or guarding livestock. It shall be unlawful for the owner of a dog to place such dog or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such dog.

(Ord. No. 1993-12, 8-9-93)

PART I - GENERAL ORDINANCES  
Chapter 10 - ANIMALS  
ARTICLE II. - DOGS  
DIVISION 1. - GENERALLY

**New Kent County**

**DIVISION 1. - GENERALLY**

[Sec. 10-41. - Running at large in residential subdivisions.](#)  
[Sec. 10-42. - Dogs not to run at large from April 15 to August 15; impoundment.](#)  
[Sec. 10-43. - Dogs prohibited from destroying property, endangering lives or being a nuisance.](#)  
[Sec. 10-44. - Control of dangerous and vicious dogs.](#)  
[Sec. 10-45. - Unlawful acts; penalties.](#)  
[Secs. 10-46—10-60. - Reserved.](#)

**Sec. 10-41. - Running at large in residential subdivisions.**

(a) It shall be unlawful for the owner or custodian of any dog to allow such dog to run at large in any subdivision zoned residential or in any mobile home park in the county. All dogs shall be kept on a leash or under direct control of the owner or custodian to ensure that the dog is not running, roaming or self-hunting off the property of the owner or custodian.

(b) Any dog captured while in violation of this section shall be impounded by the animal control officer and disposed of as set forth in Code of Virginia, § 3.1-796.96.

(c) Owners of dogs who violate the provisions of this section shall be guilty of misdemeanor and, upon conviction, shall be punished in accordance with section 10-1

(Code 1999, § 4-16)

**Sec. 10-42. - Dogs not to run at large from April 15 to August 15; impoundment.**

(a) It shall be unlawful for any owner or custodian of any dog to allow any dog to run at large in this county during the period of April 15 to August 15 of each calendar year. During this period all dogs must be kept on a leash or under the direct control of the owner or custodian to ensure that the dog is not roaming, running or self-hunting off the property of its owner or custodian.

(b) It shall be the duty of the animal control officer, insofar as reasonably possible, to capture and impound any dog observed running at large during this period of confinement and to notify forthwith the owner or custodian, if reasonably ascertainable, and to dispose of the dog as set forth in Code of Virginia, § 3.1-796.96.

(c) Any person convicted of violating this section shall be punished as set forth in section 10-1

(Code 1999, § 4-17)

**State law reference—** Governing body of county may prohibit dogs from running at large, Code of Virginia, § 3.1-796.93.

**Sec. 10-43. - Dogs prohibited from destroying property, endangering lives or being a nuisance.**

(a) Owners and custodians of dogs are hereby prohibited from permitting their dogs to destroy property of any kind, kill livestock or fowl, endanger the lives or cause harm to persons, or any way to be a nuisance, when off the property or premises of the owner or custodian.

(b) It shall be the duty of any animal control officer or other officer, if he finds a dog in the act of killing

PART I - GENERAL ORDINANCES  
Chapter 10 - ANIMALS  
ARTICLE II. - DOGS  
DIVISION 1. - GENERALLY

or injuring livestock or poultry, to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this subsection shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer. Any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian or harbinger of the dog to produce the dog.

(c) If the animal control officer has reason to believe that any dog is killing livestock or poultry, he shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned in this section. If the animal control officer or other person has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this subsection, he shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this subsection, the district court shall order that the dog be killed immediately by the animal control officer or other officer designated by the court or removed to another state which does not border on the commonwealth and prohibited from returning to the commonwealth. Any dog ordered removed from the commonwealth which is later found in the commonwealth shall be ordered by a court to be killed immediately.

(Code 1999, § 4-18)

**State law reference—** Similar provisions, Code of Virginia, § 3.1-796.116.

CODE  
Chapter 10 - ANIMALS  
ARTICLE II. - ANIMAL CONTROL  
DIVISION 4. - ANIMALS RUNNING AT LARGE

**Powhatan County**

**DIVISION 4. - ANIMALS RUNNING AT LARGE**

[Sec. 10-116. - Dogs.](#)

[Sec. 10-117. - Confinement and release of dogs and other animals.](#)

[Secs. 10-118—10-135. - Reserved.](#)

**Sec. 10-116. - Dogs.**

(a) It shall be unlawful to permit any dog to run at large in the county at any time during the year. Any person who permits his dog to run at large shall be deemed to have violated the provisions of this section. It shall be the duty of the animal control officers to cause all dogs found running at large in violation of this section to be caught and penned up at the county animal shelter.

(b) For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

(c) A dog which is engaged, with its owner or custodian, in lawful hunting, training for hunting, or field trials in conjunction with a hunting, training or field trial season authorized by the state department of game and inland fisheries and which is wearing a collar with a tag showing the name, address and telephone number of the owner of the dog, shall not be deemed to be running at large.

(d) This section shall be enforced on private property upon receipt of a verbal or written complaint.

(Ord. of 2-12-96)

**State law reference—** Dogs running at large, Code of Virginia, § 3.1-796.93.

CODE  
Chapter 10 - ANIMALS  
ARTICLE II. - DOGS; IMPOUNDMENT OF ANIMALS  
DIVISION 1. - GENERALLY

**Prince Edward County**

**DIVISION 1. - GENERALLY**

[Sec. 10-31. - Purpose; legislative authority.](#)  
[Sec. 10-32. - Definitions.](#)  
[Sec. 10-33. - Penalties.](#)  
[Sec. 10-34. - Duties and compensation of animal warden.](#)  
[Sec. 10-35. - Running at large.](#)  
[Sec. 10-36. - Dogs killing, injuring or chasing livestock or poultry.](#)  
[Sec. 10-37. - Compensation for livestock and poultry killed by dogs.](#)  
[Sec. 10-38. - Unlawful acts.](#)  
[Secs. 10-39—10-55. - Reserved.](#)

**Sec. 10-35. - Running at large.**

(a) It shall be unlawful for any person to permit any dog, belonging to him or under his control, to run at large in the county at any time from March 1 to August 31.

(b) For the purpose of this section a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his or her dog to run at large, or remain unconfined, unrestricted and not penned up, in the area described or during the periods specified in subsection (a) of this section shall be deemed to have violated the provisions of this section.

(c) Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor and shall be subject to punishment as provided in Code of Virginia §§ 3.1-796.93 and 3.1-796.128.

(Ord. of 11-1-65, §§ 2-54—2-56; Ord. of 4-8-03; Ord. of 11-9-05)

PART I - CODE OF THE COUNTY  
Chapter 5 - ANIMALS AND FOWL  
ARTICLE II. - DOGS, CATS AND OTHER ANIMALS

DIVISION 1. - GENERALLY

**Roanoke County**

***DIVISION 1. - GENERALLY***

[Sec. 5-21. - Definitions.](#)

[Sec. 5-22. - Reserved.](#)

[Sec. 5-23. - Dogs and cats deemed personal property; rights relating thereto.](#)

[Sec. 5-24. - Limitation on number kept per dwelling unit.](#)

[Sec. 5-25. - Sanitary condition of premises where kept.](#)

[Sec. 5-26. - Nuisance prohibited.](#)

[Sec. 5-26.1. - Dangerous dogs; vicious dog; penalties; procedures.](#)

[Sec. 5-26.2. - Licensure of dangerous dog.](#)

[Sec. 5-26.3. - Keeping dangerous dogs; conditions.](#)

[Sec. 5-26.4. - Violations.](#)

[Sec. 5-26.5. - Exceptions.](#)

[Sec. 5-27. - Barking or howling dogs.](#)

[Sec. 5-28. - Running at large—Prohibited.](#)

[Sec. 5-29. - Same—Impoundment.](#)

[Sec. 5-30. - Confinement of female dogs while in season.](#)

[Sec. 5-31. - Killing, injuring, etc., livestock or poultry—Generally.](#)

[Sec. 5-32. - Same—Investigation of claims against county.](#)

[Sec. 5-33. - Disposal of dead companion animal.](#)

[Sec. 5-34. - Penalties.](#)

[Sec. 5-35. - Responsible animal care.](#)

[Sec. 5-36. - Community service officers; duties and responsibilities.](#)

[Sec. 5-37. - Abandonment of animal; penalty.](#)

[Sec. 5-38. - Standards for residential chicken keeping.](#)

[Secs. 5-39, 5-40. - Reserved.](#)

**Sec. 5-26. - Nuisance prohibited.**

It shall be unlawful for the owner or harbinger of any dog, cat or other wild or domestic animal to cause or permit such animal to perform, create or engage in any animal nuisance defined in [section 5-21](#). Any animal found acting in any way forbidden by this article shall hereby be declared a nuisance and its owner or harbinger shall be subject to the penalties provided by [section 5-34](#).

(Ord. No. 41294-7, § 1, 4-12-94)

PART I - CODE OF THE COUNTY  
Chapter 5 - ANIMALS AND FOWL  
ARTICLE II. - DOGS, CATS AND OTHER ANIMALS

DIVISION 1. - GENERALLY

**Editor's note—**

Ord. No. 72793-7, § 1, adopted July 27, 1993, repealed former [§ 5-26](#), relative to vicious dogs, and enacted new §§ [5-26.1](#)—5-26.5 pertaining to similar subject matter. The provisions of former [§ 5-26](#) derived from Code 1971, § 5-10.1 and Ord. No. 84-192, § 1, adopted Nov. 13, 1984. Subsequently, Ord. No. 41294-7, § 1, adopted Apr. 12, 1994, enacted new provisions as herein set out.

**Sec. 5-28. - Running at large—Prohibited.**

- (a) It shall be unlawful for the owner of any domestic or feral dog, exotic or poisonous animal or exotic bird or poultry to permit such domestic or feral dog, exotic or poisonous animal or exotic bird or poultry to run at large in the county at any time during any month of the year.
- (b) This section shall not apply to a companion animal engaged in lawful hunting in open season or when being trained or exercised and accompanied by its owner or custodian or under the immediate control of its owner or custodian.

(Code 1971, § 5-10; Ord. No. 120506-2, § 1, 12-5-06)

**Sec. 5-30. - Confinement of female dogs while in season.**

Every female dog suspected of being in season shall be confined by the owner to a building or structure properly enclosed, so as to obscure such dog from public view while such dog is known to be in season.

(Code 1971, § 5-13)

**Sec. 5-34. - Penalties.**

A violation of any provision of this article and any "animal nuisance" as defined in sections [5-21](#) may also be corrected, removed or abated through an appropriate action at law or suit in equity by any person suffering injury or or damage therefrom.

Except as otherwise specifically provided, the penalties for violations of all sections of this chapter shall be as follows:

- (1) For the first offense, a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).
- (2) For a second offense within a consecutive twelve-month period, a fine of not less than fifty dollars (\$50.00) nor more than one hundred fifty dollars (\$150.00).
- (3) For a third and all subsequent offenses, a fine of not less than one hundred fifty dollars (\$150.00) nor more than two hundred fifty dollars (\$250.00).
- (4) The judge trying case may order any animal permanently removed from the county within twenty-four (24) hours of such order.

(Ord. No. 52290-7, § 1, 5-22-90; Ord. No. 41294-7, § 1, 4-12-94; Ord. No. 120506-2, § 1, 12-5-06)

- SUPPLEMENT HISTORY TABLE  
Chapter 4 - ANIMALS AND FOWL  
ARTICLE II. - DOGS  
  
DIVISION 2. - RUNNING AT LARGE

**Rockingham County**

***DIVISION 2. - RUNNING AT LARGE***

[Sec. 4-18. - Prohibited.](#)

[Sec. 4-18.1. - Dogs to be delivered to S.P.C.A.](#)

[Secs. 4-19, 4-20. - Reserved.](#)

[Sec. 4-21. - Enforcement—By animal control officer.](#)

[Sec. 4-22. - Same—Procedure upon receipt of complaint.](#)

[Sec. 4-23. - Reserved.](#)

**Sec. 4-18. - Prohibited.**

It shall be unlawful for the owner of any dog to allow such dog to run at large within the county. (2-1-54; 9-29-75)

**Sec. 4-18.1. - Dogs to be delivered to S.P.C.A.**

The animal control officer may take custody of any dog found to be running at large within the county in violation of the provisions of this division, and deliver such dog to the custodial organization under contract with the county to receive stray dogs.

(Amended for recodification, 1987)

**Secs. 4-19, 4-20. - Reserved.**

**Sec. 4-21. - Enforcement—By animal control officer.**

It shall be the duty of the animal control officer to enforce the provisions of this division. (2-1-54; amended for recodification, 1987)

**Sec. 4-22. - Same—Procedure upon receipt of complaint.**

Upon receipt of a complaint against a dog running at large contrary to the provisions of this division, the animal control officer of the county shall proceed to investigate the complaint, and if he is satisfied as to the truth of the complaint, he shall take into custody the offending dog and deliver the same to the custodial organization under contract with the county to receive stray dogs. (12-30-69; amended for recodification, 1987)

**Sec. 4-23. - Reserved.**

- CODE OF THE COUNTY  
Chapter 4 - ANIMALS AND FOWL

ARTICLE II. - DOGS GENERALLY

**Spotsylvania County**

**ARTICLE II. - DOGS GENERALLY**

[Sec. 4-21. - Running at large—Generally.](#)

[Sec. 4-22. - Same—Impoundment.](#)

[Sec. 4-23. - Killing or injuring livestock or poultry.](#)

[Sec. 4-24. - Compensation for livestock or poultry killed by dogs.](#)

[Sec. 4-25. - Disposal of dead companion animals.](#)

[Sec. 4-26. - Kennels and kennel dogs—Generally; display of license tag; disposition of identification plates.](#)

[Sec. 4-27. - Same—Permitting kennel dogs to stray beyond limits of enclosure.](#)

[Sec. 4-28. - Same—Fraudulent, etc., operation of kennel.](#)

[Sec. 4-29. - Number of dogs allowed.](#)

[Sec. 4-30. - Reserved.](#)

**Sec. 4-21. - Running at large—Generally.**

- (a) No dog shall run at large in the county. Any person who is the owner or custodian of a dog found running at large in the county shall be in violation of this section.
- (b) For the purposes of this section, a dog shall be deemed to be "running at large" while roaming, running or self-hunting off the property or premises of its owner or custodian and not under the immediate control of the owner or custodian or his agent. "Property or premises of its owner or custodian" for purposes of this section, shall not mean residential or commercial common areas.
- (c) This section shall not apply to any person while engaged in law enforcement or search and rescue activity; in a supervised formal obedience training class or show; during formally sanctioned field trials; while engaged in lawful hunting with a dog or dogs during open season; or during bona fide hunting or field trial dog training.
- (d) It shall be unlawful for the owner of a dog to place such dog or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such dog.
- (e) A violation of this section shall constitute a Class 4 misdemeanor for the first offense; provided, however, if the dog is a dangerous or vicious dog, a violation of this section shall constitute a Class 1 misdemeanor.
- (f) A second violation of this section within one (1) year of a conviction of the first violation shall constitute a Class 2 misdemeanor; provided, however, if the dog is a dangerous or vicious dog, a violation of this section shall constitute a Class 1 misdemeanor.
- (g) A third or subsequent violation of this section within two (2) years of conviction of the second or subsequent violation shall constitute a Class 1 misdemeanor.

(Code 1980, § 4-10; Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98; Ord. No. 4-14, 8-11-98; Ord. No. 4-15, 9-28-99; Ord. No. 4-22, 5-10-05)

**State law reference—** Authority for above section, Code of Virginia, §§ 3.1-796.93, 3.1-796.100.

PART I - CODE  
Chapter 10 - ANIMALS  
ARTICLE II. - DOGS AND CATS

DIVISION 1. - GENERALLY

**Washington County**

***DIVISION 1. - GENERALLY***

[Sec. 10-31. - Rabies inoculation of dogs and domesticated cats; availability of certificate.](#)

[Sec. 10-32. - Dogs running at large prohibited.](#)

[Secs. 10-33—10-50. - Reserved.](#)

**Sec. 10-32. - Dogs running at large prohibited.**

The running at large of dogs in the county is prohibited. For the purposes of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. The owner and/or custodian of any dog found running at large shall be deemed to have violated the provisions of this section.

(Ord. No. 2010-005, 9-14-2010)

**State law reference**— Authority of county to adopt prohibition on dogs running at large, Code of Virginia, § 3.2-6538.

**Secs. 10-33—10-50. - Reserved.**

8 February, 2013

To: Board of Supervisors  
From: S. Carter *SAc*  
Re: County Administrator's Report (February 8, 2013 Meeting)

**A. Courthouse/Government Center Project (All Related):**

- 1) **Courthouse Addition** – Blair Construction working to complete punch list.
- 2) **Courthouse Display:** Complete and installed within 30 days.
- 3) **Courthouse Signage:** Complete other than minor punch list items (in process).
- 4) **Courthouse Retaining Wall (Law Office):** Complete. Drainage installation being reviewed per VDOT comment.
- 6) **Jefferson Building:** Lynchburg Restoration has completed interior outside wall work. Proposal on balance of building interior is pending receipt.
- 7) **Magistrate's Building:** Door and windows pending completion. Price Masonry Contractors Inc. will then complete interior re-plastering.

**B. Broadband Project:** Massies Mille Tower installation in process (late February/early March 13 completion). Extension request to NTIA submitted (to 9-13). Tower lease agreements with SCS are in process. Staff & BRIW working on rate revisions.

**C. 2012 Radio Project (Narrow banding):** BOS has approved the project's Contract Design Review (CDR). Project comment is pending from the National Radio Astronomy Observatory ('quiet zone'). The FCC has granted the County a narrow banding compliance waiver until 11-30-13. Project completion projected at September 2013.

**D. Lovington Health Care Center:** Howard & Assoc.'s final report has been received and conference call conducted with consultant, JABA and County staff. JABA input received (attached). Meeting to discuss next steps to be scheduled.

**E. 2013 Courthouse Refunding:** Pooled financing application submitted to VRA on 2-8.

**F. 2014 General Reassessment:** In process.

**G. Stormwater Program (Local):** The project is in process.

**H. Trail Projects:** BRRT in design phase. BRT – funding application submitted to VDOT. Tunnel tour with VA-CTB members planned for 3-13. NPS Rivers, Trails and Conservation Assistance project in process. Grant application to FHA for Paul S. Sarbanes Transit in Parks grant funding pending final decision.

**I. Route 151 Corridor Study:** Kick off meeting with VDOT conducted on 1-10.

**J. FY 13-14 Budget:** In development. Submittal to the Board projected for 3-12-13.

**K. Emergency Services:** School Division and Disaster Dynamic staff proceeding with an initial assessment meeting at RRES on 2-11 and proceeding with more in depth review thereafter, including use of a project Task Force.

**L. Personnel:** New employees include: Mr. Grant Massey on 1-29 (SW & Recycling Coordinator) and Mr. Shawn Wood on 2-5 (Public Safety Dispatcher).

**M. Other:** a) Smoke Free Campus is in review; b) updated financial information placed on County website; c) K. White affidavit placed in BOS in-boxes; d) Reverse E-911 messaging to cell phone numbers in review; e) Per Treasurer's Office, \$74,355.30 in RE taxes billed to WG Resort based on \$12,385,650 assessment with \$10,802 pending payment (Note: Per discussion with Comm. of Revenue the assessment is incomplete and a supplemental tax bill is to be issued);

Please advise on questions you may have on the above or other subjects. Your consideration is appreciated.

## Steve Carter

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**From:** Chris Murray <CMurray@jabacares.org>  
**Sent:** Tuesday, February 05, 2013 3:53 PM  
**To:** Steve Carter  
**Cc:** Gordon Walker  
**Subject:** FW: Nelson County and JABA Nursing home Conversion 2-5-13  
**Attachments:** Nelson County - JABA Nursing home Conversion 2-5-13.doc

Steve –

Gordon and I drafted the attached report. It is an update on the status of the MFA Nursing Home and lays out what the next steps might be. I apologize for taking so long.

Please call with any questions.

Regards,

Chris

Christopher Murray | Business Development Director | JABA, Inc. | 674 Hillsdale Dr, Ste # 9 | 434 / 817 - 5288 o | 434 / 962 - 5338 m

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**From:** Gordon Walker  
**Sent:** Tuesday, February 05, 2013 3:10 PM  
**To:** Chris Murray  
**Cc:** Leonard Lohman  
**Subject:** Nelson County and JABA Nursing home Conversion 2-5-13

I made what I consider to be final edits so I think it is ready to send after you give it one more quick read. When sending it to Steve Carter please indicate you and I authored this status report for he needs to know I am still involved.. Blind copy Connie Brennan. It is Steve's call as to sending this to his board.

We should share it with Richard Brewer, Rick Richmond and Dick Gibson indicating still a long way to go but at least there is momentum.

**Lovingston Health and Rehabilitation Center  
Nelson County, VA  
Assisted Living / Memory Care Conversion  
January 31, 2013**

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**Background**

Medical Facilities of America, (MFA) has been granted a Certificate of Public Need (COPN) to build an additional 30 nursing home “beds” in Planning District 10. Rather than expand their Lovingston Health Care Center, a 60-bed nursing home in Lovingston, VA, MFA is planning to add these 60 beds to their expanded presence in Charlottesville within the next 18 months. The result will leave the County with no long term care beds inside its borders. MFA is due to donate the Lovingston nursing home to Nelson County and JABA is interested in working with the County to find the means to convert the nursing home to an assisted living facility (ALF). Nelson County and JABA commissioned a Market Demand Study from Evelyn Howard & Associates to determine the feasibility of a conversion from nursing home to an assisted living facility. In short, this study has determined that there is sufficient demand for Assisted Living and for Memory Care units at the Lovingston location.

**Challenges:**

But there are challenges to address:

1. **Architecture:** Determine whether it is physically possible for the Lovingston Health and Rehabilitation Center be transformed into a residential style building suitable for assisted living care and Alzheimer’s/dementia care, and do so in accordance with the number of units recommended by the Howard Report.
2. **Reimbursement rates:** Determine if the reimbursement rate under the Virginia Medicaid waiver for Alzheimer’s/dementia care is sufficient to result in at least a cost/revenue breakeven. That reimbursement rate is substantially higher than the reimbursement rates under the regular Auxiliary Grant (AG) program, and thus can represent a best case revenue picture for providing a memory unit for low income persons.
3. **Marketing Program:** The new facility must attract private pay residents to Lovingston including those living in the Wintergreen master planned community and other northwest sections of Nelson County. The Howard Report suggests that it can be done because
  - The county’s road access to Lovingston is good.
  - The distance to Lovingston is shorter than to assisted living properties located outside of Nelson County.
  - Nelson County’s adult children are key referral sources for their parents, and the secondary market area - Amherst, Appomattox and Buckingham Counties – lacks options for private pay assisted living

**Ownership:**

JABA and the County of Nelson do need to discuss the optimal public/private configuration for the entity that would own, renovate, and operate the property. Maintaining a long-term care presence, especially one enabling affordable long-term care in the County once MFA closes the nursing home, is

certainly in JABA's mission. And JABA would like to help the County realize its own objectives for the property as well. The next step would be to have drafted a Letter of Intent under which both parties could explore both feasibility of the project (see below), and the entity that would own the facility.

#### **MFA architect**

Based on MFA's Bruce Hedrick's recommendation, we have been in touch with an architect MFA has been using for the last 15 years, Richard "Jyke" Jones of Jones & Jones Associates. Jyke and his firm have designed over 20 senior, assisted living and nursing home projects for MFA. In the Charlottesville area, he did The Laurels nursing home, and designed The Lodge at Old Trail which recently opened in Crozet.

In order to convert the nursing home into an assisted living facility, Mr. Jones understands that some drawings will be needed on a speculative basis for construction estimating purposes. Should the project be approved, a contract would be awarded to him. If the project does not go forward, there would be no compensation for the upfront work. He has received floor plans and pictures of the facility and has committed the floor plans to their digital CAD system. The next step according to Mr. Jones is to schedule a visit and tour, and he is working with MFA, JABA and Nelson County staff to do so in early February.

#### **CDBG Planning Grant**

Following an architectural feasibility assessment by Mr. Jones, the probable first of several next steps is for the County to file a CDBG Planning Grant application, in concert with JABA. CDBG moneys are a potential source of pre-development funds for the conversion. They must be applied for by the jurisdiction to Virginia Department of Housing and Community Development (DHCD). JABA has been a successful partner in the past to secure planning grant funds from DHCD in partnership with local jurisdictions, including Nelson. The County will need further internal discussion to determine whether the project can meet the planning grant requirements (i.e. CDBG national and State objectives). Should the County decide to move forward, potential departments for coordination include Economic Development and Tourism office, and/or the County's Planning and Zoning Department.

#### **Zoning**

There are potential entitlement issues having to do with converting the MFA nursing home to assisted living and memory care units. It is possible the conversion itself (new bathrooms in most of the units, for example) might make it necessary for the footprint to increase, even in order to maintain the same number of residents. The premise, for both Nelson and JABA is that any conversion be revenue neutral at worst, so an increase in footprint in order to reach economies of scale may be necessary. These costs of construction questions will be answered once an architectural feasibility assessment has been performed.

#### **Reimbursement Rates**

The Howard Report and JABA's experience with its own Mountainside Senior Living in Crozet both point to a significant unmet need for Memory Care, in addition to regular Assisted Living beds in Nelson County. The need exists among those that can afford market rate and those eligible for support from

Medicaid. Fortunately, under a Medicaid waiver program, reimbursement rates for memory care in an assisted living setting are considerably higher (\$2,671 vs. \$1,251) than they are for regular assisted living reimbursement. Therefore, for financial as well as social reasons, any conversion must include memory care units for both private pay and Auxiliary Grant. The balance needs to be found between meeting the social need; a feasible building footprint; building economies of scale; and operational viability.

### **Marketing**

Again, JABA's experience with assisted living at Mountainside Senior Living in Crozet supports the conclusions drawn in the Howard Report. The demand for a resident mix of three sub-populations – private pay for regular assisted living; private pay memory care units; and auxiliary grant memory care units – all appear to make the facility marketable and thus economically viable. Furthermore, the need for private memory care alone is great enough that JABA believes the proposed facility can draw residents from several neighboring counties. Finally, the need for jobs in Nelson County, especially in the rural areas is another factor in support of this proposed use of the nursing home.

### **Conclusion**

In conclusion, JABA is eager to continue to work with MFA, Richard Jones of Jones & Jones Architects, and the County of Nelson to determine whether it is feasible to convert the Lovingson Health and Rehabilitation Center into an appropriate mix of Assisted Living and Memory Care beds.

February 12, 2013

<b>(1) New Vacancies/Expiring Seats &amp; New Applicants :</b>					
<b>Board/Commission</b>	<b>Term Expiring</b>	<b>Term &amp; Limit Y/N</b>	<b>Incumbent</b>	<b>Re-appointment</b>	<b>Applicant (Order of Pref.)</b>
MACAA Board of Directors	2/28/2013	5 Year Term/N	Pete Perdue	N- Resigning	None Received
N.C. Library Advisory Committee - West District	6/30/2012	4 Years / No Limit	Janet Ngai - West	N	Audrey D. Evans
<b>(2) Existing Vacancies:</b>					
<b>Board/Commission</b>	<b>Terms Expired</b>	<b>Term &amp; Limit Y/N</b>	<b>Number of Vacancies</b>		
Ag Forestal District Advisory Committee	5/13/2011	4 Years /3 Terms	1 Vacancy - Other Land Owner	N/A	No Applications Received
Economic Development Authority	6/30/2016	4 Years/ No Ilmit	1 Vacancy		No Applications Received
Keep Nelson Beautiful Council	12/31/2011	2 Years/No Limit	4 Vacancies Gail Roussos Roger Nelson Anne Colgate	N/A TBD TBD TBD	Elwood Waterfield
JABA Council on Aging	12/31/2012	2 Year/No Limit	Mary Lee Embrey	N	No Applications Received

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors  
Attention: Stephen A. Carter, Clerk of Board  
Post Office Box 336  
Lovingston, VA 22949

or fax to (434) 263-7004

Date 1/25/13

Mr. \_\_\_\_\_ Mrs. \_\_\_\_\_ Ms. X

Name: Audrey D. Evans

List a maximum of three (3) Boards on which you are interested in serving.

1. Library Advisory Board
2. \_\_\_\_\_
3. \_\_\_\_\_

Home Address:

1184 Dickie Road Roseland, VA 22967

Occupation: Secretary Employed by: Sweet Briar College

Home Phone No. (434) 277-5814 Business Phone No.: (434) 381-6142

Fax No.: N/A E-Mail Address: bossmare@ceva.net

Do you live in Nelson County? Yes X No \_\_\_\_\_

Are you currently a member of a County Board, Commission, Committee or Authority? Yes \_\_\_\_\_ No X

If yes, list the Board(s):

n/A

What talent(s) and/or experience can you bring to the Board(s)?

I was instrumental in creating and operating a lending library in my local church.

I'm also "computer-savvy".

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

I have a working knowledge of subject classification, both case and repair, and library practices and policies.

Please use this space for any additional information you would like to provide:

I am a long-time regular user of our local library, and have been a faithful patron of libraries in other locations in the area. My reading interests are many. In addition, I have (over)

A resume or separate sheet with additional information may be included.

#### ATTENDANCE REQUIREMENTS

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes  No



To: Nelson County Board of Supervisors

From: Tim Padalino | Director | Nelson County Department of Planning & Zoning

Date: February 5, 2013

Subject: **Staff Report for Rezoning Application #2012-003 (Saunders)**

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### **Introduction**

The Department of Planning & Zoning received an application from Mr. Larry Saunders seeking a rezoning of a property located in the Colleen area. More specifically, the applicant is seeking an amendment to the proffered conditions established in "Rezoning #2000-5."

### **Property Information**

The subject property is identified as tax map parcel #76-11-1. It is located in the West District of Nelson County along the southbound lanes of U.S. Route 29. (Figure 1) This is a 21.75-acre property which is currently zoned Industrial (M-2) Conditional. (Figure 2)

In that conditional rezoning which established the property's current land use conditions (Rezoning #2000-5), the subject property was rezoned from Limited Industrial (M-1) to Industrial District (M-2), with multiple conditions. Among the 15 proffered conditions, the conditions require that the property be limited to the following uses:

- 1.) 9-1-10: building materials, plumbing supplies, storage yards with or without sales
- 2.) 9-1-14: draying and freighting or trucking yard or terminal
- 3.) sales and storage of manufactured sectional or modular homes
- 13.) All uses permitted in the Limited Industrial District (M-1) by-right uses and/or conditional use permit. The uses listed in Section 18-5 "Prohibited Uses" would not be permitted to locate on the property.

*(Please see the attached Department correspondence dated January 31, 2001 which contains a complete summary of conditions established by the Board of Supervisors' approval of Rezoning #2000-5 at the February 13th, 2001 Board meeting.)*

With those proffered conditions currently limiting the available by-right uses of the property, the applicant is now seeking an amendment which would allow for several additional uses on the subject property. This rezoning request seeks to re-establish the following M-2 uses by-right:

- 9-1-2: automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping, or battery manufacturing
- 9-1-7a: manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn, and paint
- 9-1-8: manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas
- 9-1-11: coal and wood yards, lumberyards, feed and seed stores
- 9-1-12: contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors
- 9-1-20: veterinary or dog or cat hospital, kennels
- 9-1-21: wholesale business, storage warehouse
- 9-1-28: communication towers subject to Article 20, Communication Tower Ordinance

### **Notes from Applicant**

The applicant has visited the Department several times to determine how to best go through the permitting process. The initial cause for seeking an amendment to the rezoning conditions was the applicant's intent to relocate a pre-fabricated office building on the site for possible future rental or for storage of construction equipment.

### **Staff Recommendation**

The applicant's stated need to relocate an existing structure to this site was communicated to the Dept. of Planning & Zoning at the end of November 2012. The applicant indicated that he had no flexibility with the deadline to move the existing structure off of the previous site and onto the subject property. As such, the applicant sought permission for temporary placement of the existing structure from both the Dept. of Planning & Zoning as well as Building Inspections Dept. In early December, Mr. David Thompson, Mr. Fred Boger, and myself all communicated about this proposal and agreed that a temporary placement was possible if certain conditions were met.

However, the applicant later determined not to go through with this initial arrangement. Instead, the applicant began preparing a foundation for the existing structure to eventually be placed on. The applicant understood that this new course of action would require a rezoning amendment to the proffered conditions that currently exist on the property. This is necessary because the applicant's stated intentions for the building (once it is eventually placed on site) do not fit within the proffered conditions established by Rezoning #2000-5.

As such, the applicant submitted the necessary application and worked with then-Director of Planning & Zoning Fred Boger and myself to create a site plan depicting the proposed use. The Site Plan identifies the building location, proposed parking area (and existing commercial entrance and access drive), proposed septic field, property setbacks, and universal access (denoted as "HC" on plan). Mr. Boger also communicated that a Site Plan Review process was not required for this application because this request seeks to re-establish by-right uses that had been proffered away during a previous rezoning (#2000-5) that included a Site Plan Review.

In regards to the applicant's requested amendments to the conditions established by Rezoning #2000-5, County staff recognize that permitting additional uses would be beneficial for small business activity in the County. The requested amendments do not seem inherently controversial; and additional important conditions (established in Rezoning #2000-5) would remain in place to ensure that negative impacts would be prevented. For example, condition 15 requires that, per Section 18-4-2, "no use shall be permitted which produces noise, smoke, smell, dust, or other airborne nuisance which will negatively affect the local community."

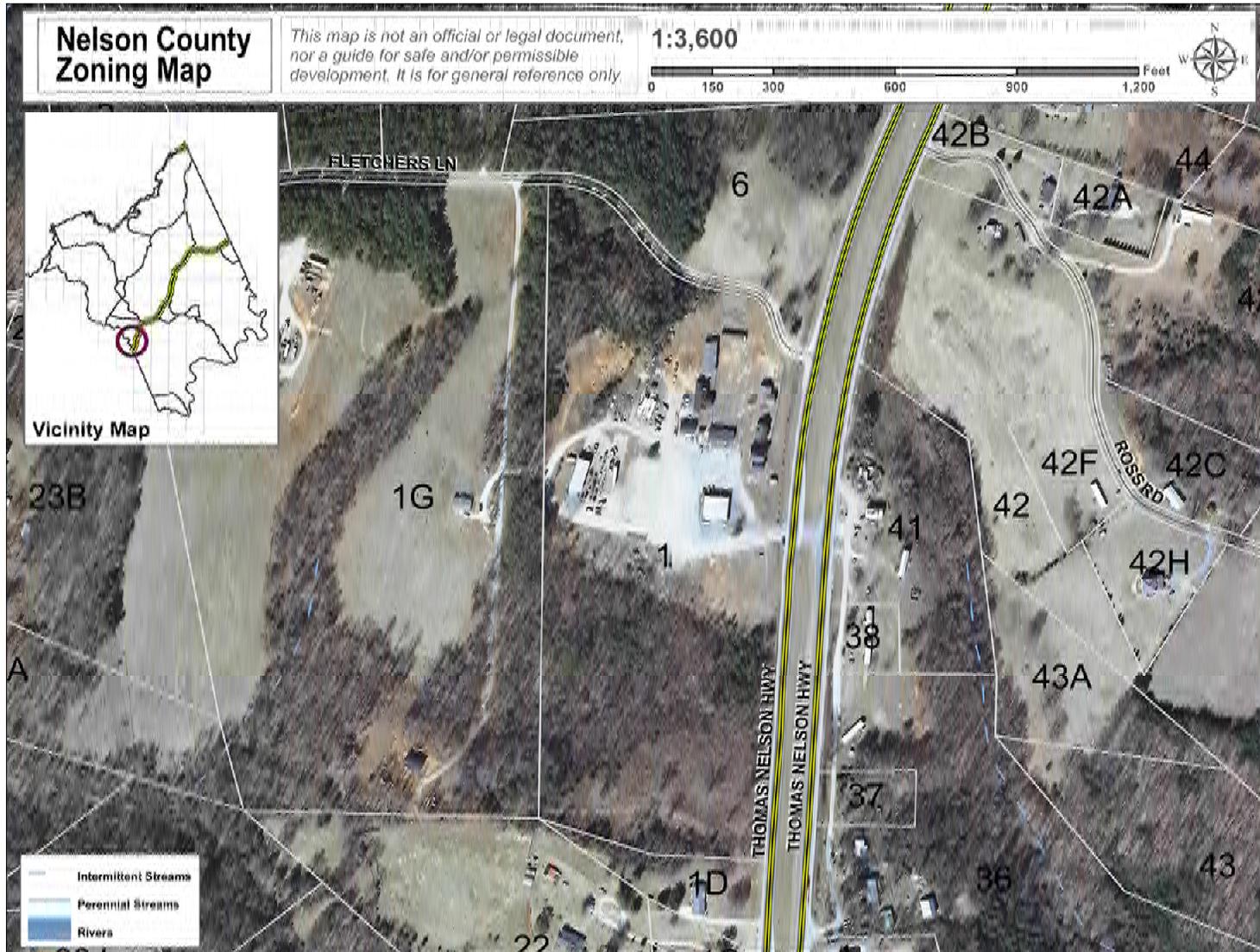
*(Again, please see the attached Department correspondence which contains a complete summary of conditions established by the Board of Supervisors' approval of Rezoning #2000-5 at the February 13th, 2001 Board meeting.)*

As such, County staff recommend approval of the requested amendments. I also support the Planning Commission's recommendation to strike "battery manufacturing" from the applicant's requested amendments (the final use listed under Item 9-1-2 above). This is because battery manufacturing is an intense industrial use with a much higher potential for negative impacts (both on site and off site) than the other requested uses.

The Department notes that the applicant must continue to work with the Building Inspections Dept. to properly go through their permitting process for the placement and approval of the pre-fabricated structure. Per that Department's protocol, any Planning & Zoning applications and issues must be resolved before they can issue any permits.

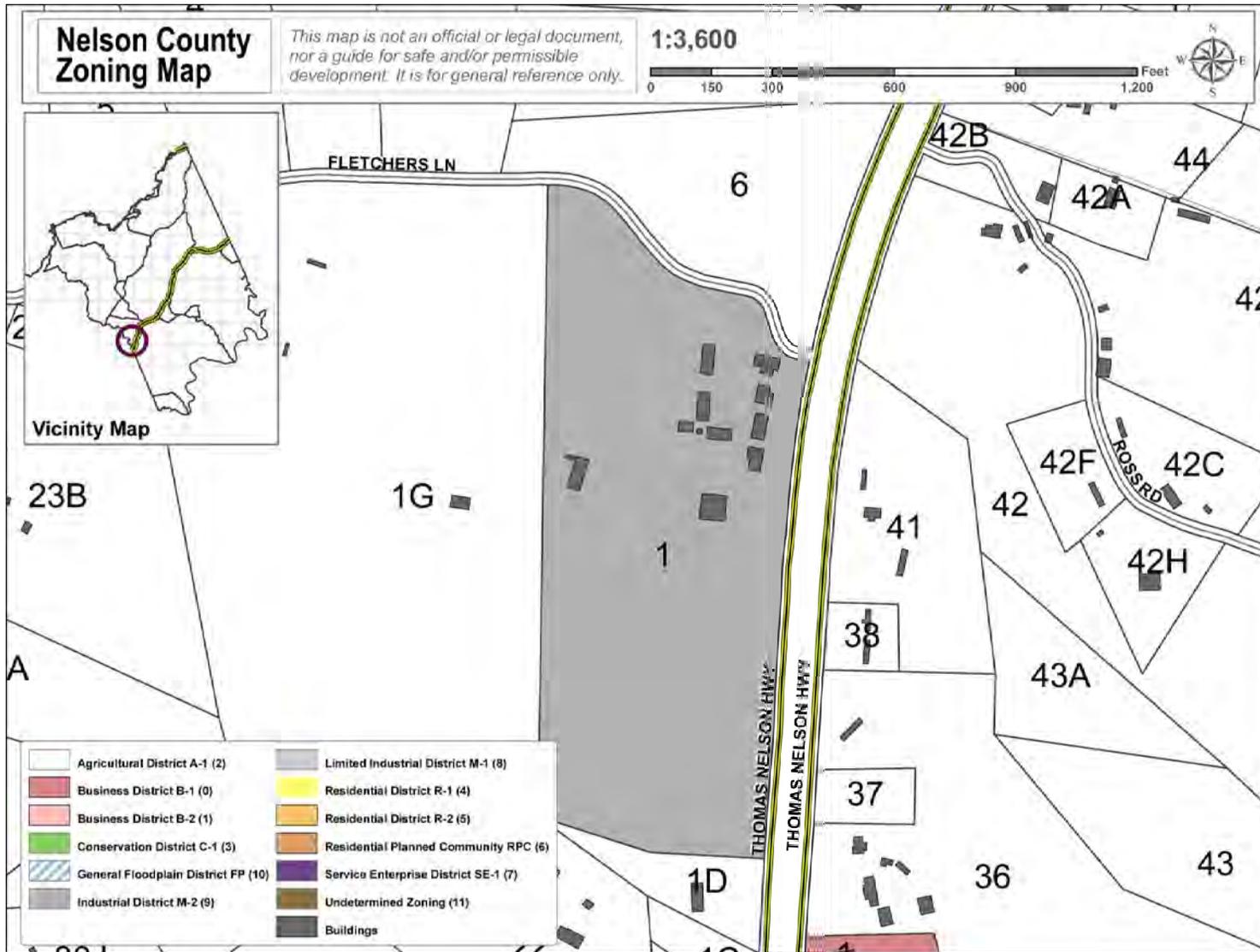
The County has fulfilled the requirements to publicly advertise this process and to notify the adjacent landowners.

Please contact me if you have any questions or issues with this staff report, or if you would like to discuss the application further. Thank you.



**Figure 1.** This aerial image shows the location of tax map parcel #76-11-1. This 21-75 acre parcel is situated along the southbound lanes of U.S. Route 29, and is the site of multiple existing businesses.

The inset vicinity map identifies the location of the property relative to the rest of Nelson County.



**Figure 2.** This zoning map depicts the land use classification of tax map parcel #76-11-1 and adjacent properties.

The subject property is zoned M-2 (Conditional). Virtually all surrounding properties are zoned Agricultural (A-1), with a small number of properties zoned Business (B-1). Those are located just off this map, further south down Route 29, on the northbound side of the corridor.

The inset vicinity map



**ORIGINAL**

Rezoning - Request No. 2012-003  
to Amend

**TO THE ZONING ADMINISTRATOR:**

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- |   |   |
|---|---|
| <input type="checkbox"/> Rezoning from _____ to _____       | <input type="checkbox"/> Subdivision - Regular Preliminary                            |
| <input type="checkbox"/> Special Use Permit                 | <input type="checkbox"/> Subdivision - Regular Final                                  |
| <input type="checkbox"/> Site Plan - Preliminary (Optional) | <input type="checkbox"/> Site Plan - Minor  |
| <input type="checkbox"/> Site Plan - Final                  | <input type="checkbox"/> Site Plan - Major  |
| <input type="checkbox"/> Amend text of Zoning Ordinance     | <input checked="" type="checkbox"/> Other - <u>Amend to Rezoning Request # 2000-5</u> |

Pursuant to Article \_\_\_\_\_, Section \_\_\_\_\_ of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

Reason(s) for request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. **Applicant(s) and Property Owner(s):** (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant     Property Owner    Name: Larry Saunders  
Address: 1610 Wilson Hill Rd Arrington, VA 22722  
Tel. No.: 263-4201    Cell No. \_\_\_\_\_    E-mail addr. \_\_\_\_\_  
Relationship (if applicable): \_\_\_\_\_

Applicant     Property Owner    Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_    Cell No. \_\_\_\_\_    E-mail addr. \_\_\_\_\_  
Relationship (if applicable): \_\_\_\_\_

Applicant     Property Owner    Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_    Cell No. \_\_\_\_\_    E-mail addr. \_\_\_\_\_  
Relationship (if applicable): \_\_\_\_\_

Applicant     Property Owner    Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_    Cell. No. \_\_\_\_\_    E-mail addr. \_\_\_\_\_  
Relationship (if applicable): \_\_\_\_\_

(Use reverse if more space is needed.)

3. **Location and Characteristics of Property:**

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: \_\_\_\_\_

Official tax map number: # 76 (11)

b. Acreage of property: 21.75

c. Present use: Sales and Storage of Manufactured Homes - sign shop

d. Present zoning classification: M-2

e. Zoning classification of surrounding properties: M2

(Continued on reverse.)

ORIGINAL

4. Names of Adjacent Property Owners: CAROLYN T. ALBRITTON  
DORA ROBINSON - WILLIAM PERRY SPARROW

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: [Signature]  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_

6. Additional information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

\*\*\*\*\*TO BE COMPLETED BY PLANNING & ZONING OFFICE\*\*\*\*\*

Completed application and fee (\$ 25.00 ) received on December 21, 2012  
Hearing Notice published on January 3 and 10, 2013  
Planning Commission action: Date of Hearing: January 23, 2013  
Recommendation: \_\_\_\_\_

Board of Supervisor action: Date of Hearing: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_  
Action: \_\_\_\_\_

**A RESOLUTION  
RECOMMENDING APPROVAL OF  
REZONING APPLICATION #2012-003 FOR  
LARRY SAUNDERS**

**WHEREAS**, Larry Saunders has filed an application to amend rezoning application # 2000-005 on a parcel of land identified as Tax Map # 76-11-1 to include Articles 9-1-2, 9-1-7a, 9-1-8, 9-1-11,9-1-12, 9-1-20, 9-1-21 and 9-1-28; and;

**WHEREAS**, a notice of Public Hearing for the review of the application by the Nelson County Planning Commission was published in the Nelson County Times on January 3 and 10, 2013; and

**WHEREAS**, on January 10, 2013, adjoining property owners were notified of the public hearing on this application; and

**WHEREAS**, on January 23, 2013, the Nelson County Planning Commission held the required public hearing on said rezoning application; and

**NOW, THEREFORE, BE IT RESOLVED BY THE NELSON COUNTY PLANNING COMMISSION as follows:**

**The Planning Commission recommends to the Board of Supervisors approval of rezoning application #2012-003 for Larry Saunders to amend rezoning Permit # 2000-005 on a parcel of land identified as Tax Map # 76-11-1 to include the following Articles: : 9-1-2 (automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping), 9-1-7a (manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn, and paint), 9-1-8 (Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas), 9-1-11 (Coal and wood yards, lumberyards, feed and seed stores), 9-1-12 (Contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors), 9-1-20 (Veterinary or dog or cat hospital, kennels), 9-1-21 (Wholesale business, storage warehouse), 9-1-28 (Communication towers subject to Article 20, Communication Tower Ordinance).**

Motion made by Commissioner: Mary Kathryn Allen

Motion seconded by Commissioner: Michael Harman

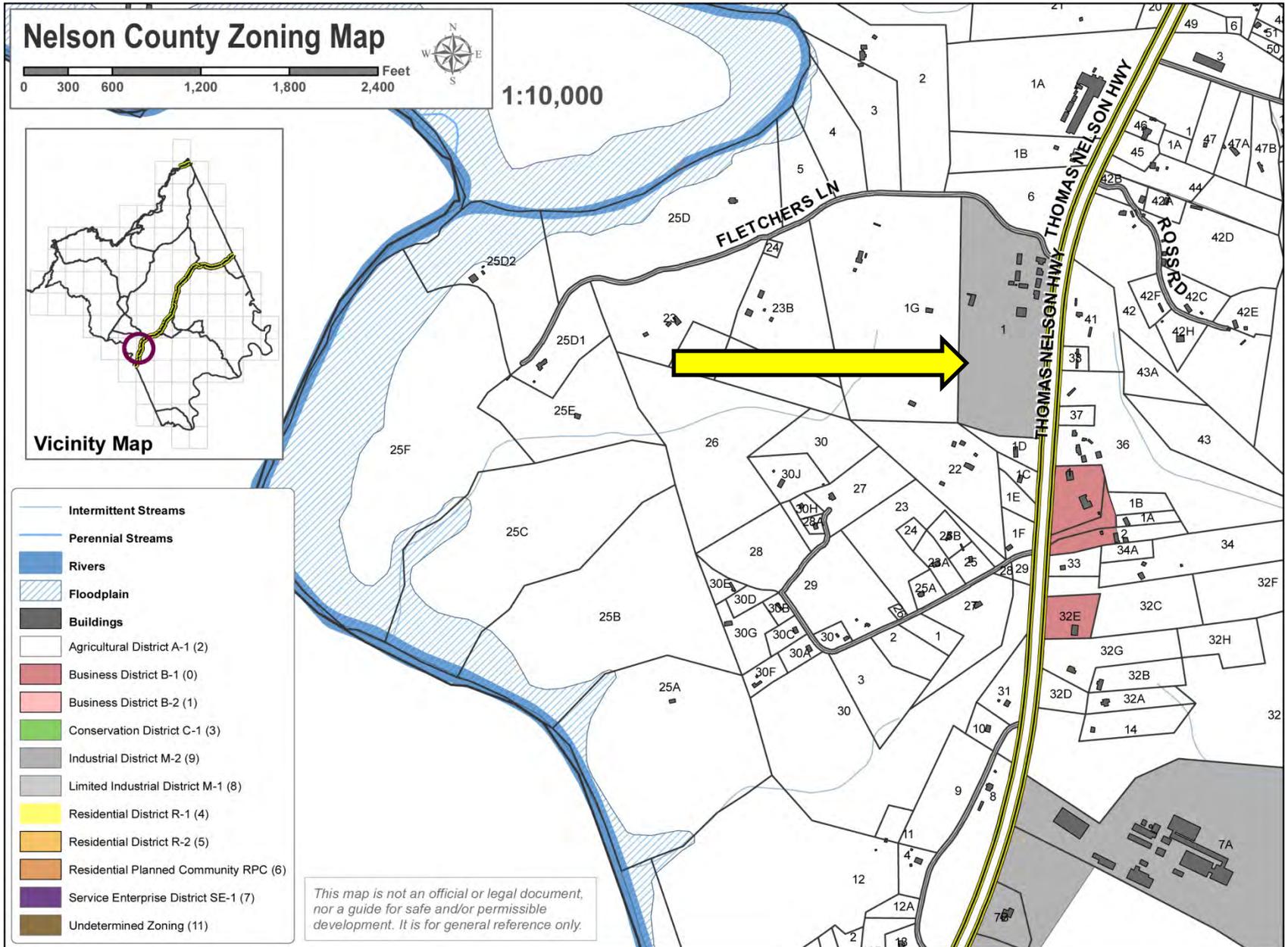
Motion Passed: 4-0 with Supervisor Brennan abstaining.

APPROVED: *P. Prouty*  
CHAIR

ATTEST: *Melissa M. Thompson*  
Planning Commission Secretary

DATE: January 23, 2013

# Zoning Map: Tax Map Parcel #76-11-1

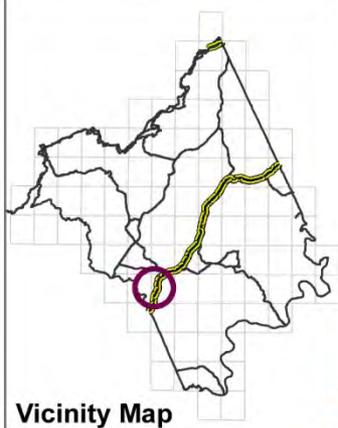


## Nelson County Zoning Map

0 300 600 1,200 1,800 2,400 Feet



1:10,000



Vicinity Map

- Intermittent Streams
- Perennial Streams
- Rivers
- Floodplain
- Buildings
- Agricultural District A-1 (2)
- Business District B-1 (0)
- Business District B-2 (1)
- Conservation District C-1 (3)
- Industrial District M-2 (9)
- Limited Industrial District M-1 (8)
- Residential District R-1 (4)
- Residential District R-2 (5)
- Residential Planned Community RPC (6)
- Service Enterprise District SE-1 (7)
- Undetermined Zoning (11)

*This map is not an official or legal document, nor a guide for safe and/or permissible development. It is for general reference only.*

# Aerial Image Map: Tax Map Parcel #76-11-1

**Nelson County  
Zoning Map**

*This map is not an official or legal document,  
nor a guide for safe and/or permissible  
development. It is for general reference only.*

1:3,600

0 150 300 600 900 1,200 Feet



Vicinity Map



approximate  
location of  
recently relocated  
structure

- Intermittent Streams
- Perennial Streams
- Rivers



future septic /  
drain field

**New structure looking east towards Route 29 corridor (1/16/2013)**



**New structure looking east towards Route 29 corridor (1/16/2013)**



*future parking*

**New structure (back and side) (1/16/2013)**



**New structure (side) (1/16/2013)**



*future location for  
universal access*

**New structure (front) (1/16/2013)**



**Existing commercial entrance to Saunders property from Route 29 (1/16/2013)**





January 31, 2001

Mr. Larry Saunders  
1610 Wilson Hill Road  
Arrington, VA 22922

Re: Rezoning Request #2000-5  
Site Plan Review

Dear Mr. Saunders:

At its February 13<sup>th</sup> meeting, the Nelson County Board of Supervisors approved the rezoning request of your property identified as Tax Map #76 (11), Parcel 1 from Limited from Limited Industrial (M-1) to Industrial District (M-2) Conditional with the following proffers:

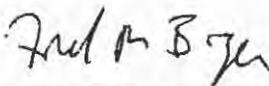
1. 9-1-10 Building materials, plumbing supplies, storage yards with or without sales (note: this may be in conflict with 18-3-1).
2. 9-1-14 Draying and freighting or trucking yard or terminal.
3. Sales and storage of manufactured sectional or modular homes.
4. 9-2 Requirements for permitted uses.
5. 9-2-1 Permitted uses may be required to be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid board fence or an evergreen hedge between six (6) and ten (10) feet in height.
6. 9-2-2 Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets.

7. 9-2-3 Sufficient area shall be provided to screen adequately permitted uses from adjacent business and residential district and for off street parking of vehicles incidental to the industry, its employees and clients.
8. 9-2-5 The Administrator shall act on any application received within thirty (30) days after receiving the application. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.
9. Setback regulations.
10. A 50 feet setback is required from the edge of Route 29 South.
11. 9-4 Yard regulations: The minimum side and rear yards adjoining a boundary of a residential, agricultural, or conservation district shall be twenty (20) feet or more. (Consideration should be given to modifying this proffer to say district or use and increasing the setback to twenty-five (25) feet).
12. 9-5 Site plan: Before a building and zoning permit shall be issued, a site plan of proposed development shall be approved by the Commission in conformance with Article 13 of this ordinance.
13. All uses permitted in the Limited Industrial District by right and/or conditional use permit. The uses listed in Section 18-5 "Prohibited Uses" would not be permitted to locate on the property.
14. 18-4 Special regulations.
15. 18-4-2 No use shall be permitted which produces noise, smoke, smell, dust or other airborne nuisance which will negatively effects the local community.

I am required by state regulations to inform you that any citizen can appeal the Board's decision within thirty (30) days from the date of this decision. If an appeal is not made within this time period, then the Board's decision becomes final and unappealable.

If you have any questions regarding the Board's decision, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Fred M. Boger". The signature is written in a cursive style with a large, stylized "F" and "B".

Fred M. Boger  
Planning Director

FMB/efk

Cc: Rob Rutherford