

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

GRACE E. MAWYER
Director of Finance and
Human Resources

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
JULY 8, 2025
THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE
GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON

- I. CALL TO ORDER**
 - A. Moment of Silence
 - B. Pledge of Allegiance
- II. PUBLIC COMMENTS**
- III. CONSENT AGENDA**
 - A. Resolution – **R2025-48** Minutes for Approval
 - B. Resolution – **R2025-49** FY25 Budget Amendment
- IV. PRESENTATIONS**
 - A. VDOT Report
 - B. Albemarle-Charlottesville Regional Jail Renovation Financing ****Evening Session****
- V. NEW & UNFINISHED BUSINESS**
 - A. Lovington Beautification Committee Request
 - B. FY25-26 Salary and Classification System (**R2025-50**)
 - C. Ordinance Confirming One-Time Employee Bonus (**O2025-06**)
 - D. Piney River Water and Sewer Rates
- VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**
 - A. Reports
 - 1. County Administrator's Report
 - 2. Board Reports
 - B. Appointments
 - C. Correspondence
 - D. Directives
- VII. OTHER BUSINESS (AS PRESENTED)**
- VIII. ADJOURN & CONTINUE – EVENING SESSION AT 7PM**

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

I. CALL TO ORDER

II. PUBLIC COMMENTS

III. PUBLIC HEARINGS

A. Ordinance O2025-04 – Amendment to Chapter 11, Taxation, Article 6 Transient Occupancy Tax

Consideration of an ordinance proposed for passage to amend Chapter 11, Taxation, Article 6 Transient Occupancy Tax. Proposed amendments would add new definitions to Sec. 11-130; Repeal current Sec. 11-132 and enact new Sec. 11-132 Collection from transients, when payable; add language to Sec. 11-133 to comply with changes to State Code effective July 1, 2025 regarding reporting requirements for accommodations providers (HB 2383 & SB 1402).

B. Ordinance O2025-05 – Amendment to Chapter 6, Licenses, Permits and Business Regulations, Article 4 General Business License

Consideration of an ordinance proposed for passage to amend Chapter 6, Licenses, Permits and Business Regulations, Article 4 General Business License. Proposed amendments repeal current Sec. 6-90 and enact new Sec. 6-90 Application requirements; which would add the requirement of a zoning approval prior to the issuance of a business license for new businesses, or existing businesses which have changed physical location or description, and would only apply to uses regulated by the Zoning Ordinance such as commercial uses, home occupations, and short term rentals.

IV. OTHER BUSINESS (AS PRESENTED)

- A. Albemarle-Charlottesville Regional Jail Renovation Project Scope Update and Financing (**R2025-51**)

V. ADJOURNMENT



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RESOLUTION R2025-48
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(January 14, 2025)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **January 14, 2025** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: July 8, 2025

Attest: _____, Clerk
Nelson County Board of Supervisors

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston, Virginia.

Present: J. David Parr, West District Supervisor – Chair
Ernie Q. Reed, Central District Supervisor – Vice Chair
Jesse N. Rutherford, East District Supervisor
Dr. Jessica L. Ligon, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Grace E. Mawyer, Director of Finance and Human Resources
Dylan M. Bishop, Director of Planning and Zoning

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Parr called the meeting to order at 2:00 p.m. with four (4) Supervisors present to establish a quorum. Mr. Harvey was absent.

- A. Moment of Silence – Attendees observed a moment of silence.
- B. Pledge of Allegiance – Mr. Parr led the Pledge of Allegiance.

Mr. Parr recognized retiring Director of Finance and Human Resources, Linda Staton. He then read a recognition of the retirement of Ms. Staton, who began her career in Nelson County with the School Board in September of 1995, worked as an accounting clerk and accounting assistant through March of 2006 until she took a position with the County in the Finance Department as accounts payable finance technician, working in this capacity until she retired from the County on July 1, 2014. He said she then returned to serve as a part-time finance technician in July 2016 then joined the County Administrator's office full time in November 2016. In February of 2017, he said, Ms. Staton returned to the Finance Department as the payroll finance technician and was appointed Director of Finance and Human Resources in August 2022, serving until the present. The Board expressed its gratitude for Ms. Staton for her service and wished her luck.

II. REORGANIZATION OF THE BOARD AND ANNUAL ORGANIZATIONAL MEETING

- A. Election of Chair and Vice Chair
- B. Resolution – R2025-01 Annual Organizational Meeting of the Board and Appointments

Ms. McGarry introduced the annual reorganization of the Board. She noted that this was comprised of the election of Chair and Vice Chair for the upcoming year, 2025. She indicated that this also included consideration of a resolution to set the meeting dates for the regular Board meetings, and some Board appointments.

Ms. McGarry asked if the Board would like to hear these items separately or together. The Board agreed to hear them together.

Ms. McGarry stated that this is pursuant to the applicable code provisions of §15.2-1416 of the Code of Virginia and also Chapter 2, Article 2 of the Code of Nelson County, and this prescribes that this happens at the first meeting in January of each year. Ms. McGarry invited nominations for Chair and Vice Chair for Calendar Year 2025.

Mr. Rutherford moved to appoint Ernie Reed as Chair and Jessica Ligon as Vice Chair of the Nelson County Board of Supervisors for Calendar Year 2025. Mr. Parr seconded the motion. There were no additional nominations and the floor for nominations was closed. Ms. McGarry asked for a roll call vote to appoint Mr. Reed as Chair and Dr. Ligon as Vice Chair. Supervisors approved the motion unanimously (4-0) by roll call vote.

Ms. McGarry stated the current Resolution R2025-01 paralleled the current regular meeting schedule, with Board meetings to be conducted in calendar year 2025 in the General District Courtroom located in the courthouse, on the second Tuesday of each month beginning at 2 p.m. and reconvening thereafter at 7 p.m. She said that should the regular meetings fall on any legal holiday; the meeting shall be held on the next following regular business day without any action of any kind by the Board unless otherwise canceled. She said it also states that should the chairman, or vice chairman if the chairman is unable to act, find and declare that weather or other conditions are such that it's hazardous for members to attend regular meetings, the

January 14, 2025

meetings will be continued on the following Tuesday. She said that such findings shall be communicated to members, staff, and the press as promptly as possible.

Ms. McGarry stated that the provision provides that hearings and other matters previously advertised shall be conducted at the continued meetings and no further advertisement is required. She said it also states that special meetings of the Board of Supervisors may be convened from time to time as determined by the Board in accordance with the applicable provisions of the Code of Virginia and Code of Nelson County. She said it also states that in accordance with the Code of the County of Nelson, Virginia, Robert's Rules of Order shall be observed as the rules for conducting business of the Board of Supervisors and the agenda for all meetings of the Board shall be established by the Clerk of the Board in consultation with the chair.

She asked if the Board wished to make any changes to its regular meeting schedule or any of the housekeeping items. The Board agreed that the schedule was fine as it is.

Ms. McGarry said that also included in their annual meeting resolution is consideration of appointments as presented, with the second page of the resolution including names for their consideration.

Mr. Rutherford said that he was willing to continue serving on the Planning District Commission.

Dr. Ligon stated that she was willing to serve on the Planning Commission.

Ms. Parr said that he would like to continue serving on Social Services and EMS. He asked for clarification that they were not necessarily tying the Director of Emergency Services to the EMS Council. Ms. McGarry confirmed that they were not, and the Board could make a separate appointment for that. Mr. Parr said he would continue serving unless Mr. Reed wanted to start doing that. Mr. Reed responded that it made sense for Mr. Parr to continue serving on the EMS Council.

Mr. Rutherford asked if Dr. Ligon wanted to stay on Career Works. Dr. Ligon responded that she would. She noted that the Albemarle County Regional Jail Board was not on here. Ms. McGarry stated that the reason it was missing is because they just started it in July, but they can make it an annual appointment if needed. Dr. Ligon said she wanted to serve the County as much as possible but preferred to do that after work hours, and those meetings required a day to go to Charlottesville.

Mr. Rutherford agreed to serve on the Albemarle County Regional Jail Board.

Mr. Reed stated that he was happy to continue serving on TJPDC.

Mr. Parr moved to approve **Resolution R2025-01**, Nelson County Board of Supervisors Annual Meeting, as amended. Dr. Ligon seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2025-01
NELSON COUNTY BOARD OF SUPERVISORS
ANNUAL MEETING**

JANUARY 14, 2025

WHEREAS, pursuant to the applicable provisions of §15.2-1416 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 2025 in the General District Courtroom 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. 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 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, 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 2025 shall be as follows:

Thomas Jefferson Planning District Commission:	Jesse N. Rutherford
Thomas Jefferson Planning District Commission:	Ernie Q. Reed
Director of Emergency Services:	Board of Supervisors Chair
Emergency Services Coordinator:	John Adkins
Virginia Career Works Piedmont Council:	Jessica Ligon
Clerk to the Nelson County Board of Supervisors:	Candice W. McGarry
Deputy Clerk to the Nelson County Board of Supervisors:	Amanda B. Spivey
Zoning Administrator:	Dylan M. Bishop
Hazardous Materials Coordinator:	John Adkins
Thomas Jefferson EMS Council:	John Adkins
Nelson County EMS Council:	J. David Parr
Thomas Jefferson Community Criminal Justice Board:	Daniel L. Rutherford
Nelson County Social Services Board:	J. David Parr
Nelson County Planning Commission:	Jessica Ligon
Albemarle-Charlottesville Regional Jail Authority Board	Jesse N. Rutherford

Ms. McGarry turned the meeting over to the new chair, Supervisor Ernie Reed.

Mr. Reed thanked Mr. Parr for all of his work as Chair over the last year. Mr. Reed then commented that the absence of Mr. Harvey was something the Board took very seriously and very sympathetically, stating they knew that Mr. Harvey would love to be able to actively serve out his term. Mr. Reed said that in Mr. Harvey’s absence, it has necessitated that the Board work more as a team and pull together.

III. PUBLIC COMMENTS

Mr. Reed read the rules for both public comments and public hearings.

Ms. Valdrie Walker - Norwood, Virginia

Ms. Walker said she is speaking in reference to Special Use Permit #24-0014, for a large solar energy system proposed to be installed in Gladstone, South District, zoned A-1 agricultural, with 4,646.8 acres and a project footprint covering approximately 550 acres. She said the Wild Rose Solar Project has been an item of discussion since June 2024, when it was presented to the public. She said this was not an easy decision for the Board, and the changing of regulations from one thing to another creates real problems—including the governance of the Board itself.

Ms. Walker said for the Board to act in favor of an exemption to a special permit, it undermines the power of the law itself, its regulation, its security for its citizens, and its protection that maintains order, direction, and structure—all the things that a society must have and its citizens to recognize where they are, what they’re doing, what is theirs, what is not. She said that anything else such as proffers, which are offered to sweeten the package for an exemption to occur, amounts to no more than bribes. She said this particular large solar energy system as proposed does not bring to the Gladstone community other than a large industrial operation sitting in the midst of an agricultural land and family homes.

She stated that the money proffered is dangled before the Board, and it speaks only too loud of how this entire situation undermines the Board of Supervisors itself, the County, and the citizens. She asked if they were so easily bought, and whether laws that have been established over periods of time are so manipulated that the Board thinks needs are greater than respect of the law. She emphasized that this is a door they don’t want or need to open. Ms. Walker encouraged respect, faith, and current zoning needs to go forward, cautioning that approval of this project could set a precedent.

Stephen Bayne, Nellysford, Virginia

Mr. Bayne stated that he was also speaking regarding the review of the SUP application for the Wild Rose Solar Project scheduled for the evening session. He said he hoped that the Board of Supervisors would follow the sentiment of County residents, particularly those in the Gladstone District. Mr. Bayne said the jobs created, both temporary and permanent, would not likely benefit Nelson County residents, noting that the estimated 2 to 5 permanent jobs were underwhelming and certainly would not benefit Nelson County residents.

Mr. Bayne said the efficiency of the energy produced, emphasizing that its cost per kilowatt hour was not guaranteed or likely, to be as advertised. He stated that the energy produced would almost certainly not benefit Nelson County or its residents. He also expressed concern that the solar farm was not in substantial accord with the County's Comprehensive plan. Mr. Bayne referenced the term sheets in the meeting packet, which were the draft terms and conditions from the developer, and said they suggested terms the County would likely be accepting and hoped that would not be the case. Mr. Bayne stated that the consideration paid to Nelson County beyond taxes must be negotiated to reach at least the greatest level realized by other peer counties, and this information was well-known and should be leveraged. He said that Nelson County should not accept community economic benefits that were merely above average, and the County must reap benefits that are excellent or outstanding—best of breed.

Mr. Bayne noted that the term sheets allowed the developer to assign its responsibilities to any other entity with unilateral notice, a condition he believed must instead involve a bilateral agreement with Nelson County. He said there was no evidence that County staff had performed a background check on the developer, adding that such due diligence was a critical step. Mr. Bayne said Nelson County should secure the best possible deal for the County and its residents, pointing out that there would be continued growing demand to locate a solar farm in Nelson County, and this particular opportunity appeared to be a stretch.

Mr. William Percy, Lovingson, Virginia

Mr. Percy congratulated Mr. Reed and Dr. Ligon on their appointments. Mr. Percy said he stood in favor of Nelson County Resolution 2025-04, which was the Blue Ridge Rising Strategic Plan. He stated that he had encouraged Mr. Kevin Brandt to include advocating for the Blue Ridge Safety Act within their agenda. He said this bill, still pending passage in the U.S. Senate, would allow the Wintergreen Resort to build the exit road connecting to the Blue Ridge Parkway. Mr. Percy stated his support for NC 2025-01 through 03, which had already passed. He said that fewer than five meeting minutes should be included in one packet because the packets were becoming too thick and hard to carry. He stated he appreciated the number of issues being addressed.

Mr. Percy said there were serious concerns relative to the CHA report included in the packet. He stated that he believed CHA owed Nelson County one more meeting or report on the Larkin property and he hoped for a town hall format with Q&A, allowing the public to speak directly to CHA representatives. He said there were questions that Mr. Parr had asked in earlier meetings that had not yet been addressed by CHA. He stated his support for Nelson County requesting RFPs from Blue Ridge Solutions and Altumint LLC regarding the school zone speed control projects. Mr. Percy said he opposed tearing down the recently purchased property on Tanbark Plaza for the DSS. He stated that he favored requesting VDOT to initiate a study and include the six-year improvement plan and Smart Scale evaluation for the proposed design of an overpass at Highway 29 and Callohill Drive.

There being no further public comments, Mr. Reed closed the public hearing.

IV. CONSENT AGENDA

Mr. Rutherford moved to approve the Consent Agenda as presented. Mr. Parr seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolutions were adopted:

A. Resolution – R2025-02 Minutes for Approval

**RESOLUTION R2025-02
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(June 4, 2024, June 11, 2024, July 9, 2024, August 13, 2024 and August 28, 2024)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **June 4, 2024, June 11, 2024, July 9, 2024, August 13, 2024 and August 28, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – R2025-03 Budget Amendment

RESOLUTION R2025-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET
January 14, 2025

I.	Transfer of Funds (Employee Benefits & Departmental)		
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
	\$ 10,255.00	4-100-091030-5616	4-100-011010-2005
	\$ 6,904.00	4-100-091030-5616	4-100-012010-1001
	\$ 4,311.00	4-100-091030-5616	4-100-012010-2002
	\$ 4,000.00	4-100-091030-5616	4-100-012010-2005
	\$ 618.00	4-100-091030-5615	4-100-012010-2011
	\$ 6,538.00	4-100-091030-5616	4-100-012090-1001
	\$ 7,018.00	4-100-091030-5616	4-100-012090-2005
	\$ 882.00	4-100-091030-5615	4-100-012090-2011
	\$ 54,890.00	4-100-091030-5616	4-100-012150-1001
	\$ 4,199.00	4-100-091030-5616	4-100-012150-2001
	\$ 13,439.00	4-100-091030-5616	4-100-012150-2005
	\$ 881.00	4-100-091030-5615	4-100-012150-2011
	\$ 3,987.00	4-100-091030-5616	4-100-012180-1001
	\$ 3,343.00	4-100-091030-5616	4-100-012180-2005
	\$ 580.00	4-100-091030-5615	4-100-012180-2011
	\$ 5,927.00	4-100-091030-5616	4-100-013020-1001
	\$ 4,675.00	4-100-091030-5616	4-100-013020-1002
	\$ 4,854.00	4-100-091030-5616	4-100-013020-2005
	\$ 1,814.00	4-100-091030-5615	4-100-013020-2011
	\$ 1,505.00	4-100-091030-5616	4-100-021010-1001
	\$ 1,645.00	4-100-091030-5616	4-100-021010-2005
	\$ 141.00	4-100-091030-5615	4-100-021010-2011
	\$ 8,733.00	4-100-091030-5616	4-100-021060-1001
	\$ 7,366.00	4-100-091030-5616	4-100-021060-2005
	\$ 1,489.00	4-100-091030-5615	4-100-021060-2011
	\$ 7,930.00	4-100-091030-5616	4-100-022010-1001
	\$ 3,269.00	4-100-091030-5615	4-100-022010-2011
	\$ 18,220.00	4-100-091030-5616	4-100-031020-1009
	\$ 27,002.00	4-100-091030-5616	4-100-031020-1010
	\$ 43,975.00	4-100-091030-5616	4-100-031020-1011
	\$ 14,895.00	4-100-091030-5616	4-100-031020-2005
	\$ 9,813.00	4-100-091030-5616	4-100-031020-2011

I. Transfer of Funds (Employee Benefits & Departmental)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 13,772.00	4-100-091030-5616	4-100-032010-1001
\$ 14,307.00	4-100-091030-5616	4-100-032010-1003
\$ 15,000.00	4-100-091030-5616	4-100-032010-2005
\$ 2,259.00	4-100-091030-5615	4-100-032010-2011
\$ 7,066.00	4-100-091030-5616	4-100-032030-1001
\$ 2,109.00	4-100-091030-5616	4-100-032030-2005
\$ 59.00	4-100-091030-5615	4-100-032030-2011
\$ 336.00	4-100-091030-5616	4-100-032030-2011
\$ 4,978.00	4-100-091030-5616	4-100-034010-2005
\$ 1,088.00	4-100-091030-5615	4-100-034010-2011
\$ 2,022.00	4-100-091030-5616	4-100-035010-1001
\$ 6,200.00	4-100-091030-5616	4-100-035010-1002
\$ 3,513.00	4-100-091030-5616	4-100-035010-2005
\$ 2,801.00	4-100-091030-5616	4-100-035010-2011
\$ 6,031.00	4-100-091030-5616	4-100-043020-2005
\$ 2,589.00	4-100-091030-5615	4-100-043020-2011
\$ 4,305.00	4-100-091030-5616	4-100-081010-1001
<u>\$ 1,428.00</u>	4-100-091030-5616	4-100-081010-2005

\$ 374,961.00 Total Employee Benefits & Departmental Transfers

C. Resolution – R2025-04 Support for Repairs and Strategic Plan Implementation Funding for the Blue Ridge Parkway

**RESOLUTION R2025-04
NELSON COUNTY BOARD OF SUPERVISORS
SUPPORTING FUNDING FOR REPAIRS AND STRATEGIC IMPLEMENTATION
OF BLUE RIDGE RISING ALONG THE BLUE RIDGE PARKWAY**

WHEREAS, the Blue Ridge Parkway traverses 469 miles from Afton Mountain in Virginia to the Qualla Boundary in North Carolina and unites these two states' unique mountain cultures and identities with a world-renowned national park that celebrates the places, communities, and people along the Parkway; and

WHEREAS, the Blue Ridge Parkway is the most-visited unit of the national park system, attracting nearly seventeen million visitors each year and contributing significantly to the local and regional economies in Virginia and North Carolina; and

WHEREAS, the Parkway generates approximately \$1.4 billion in visitor spending and \$1.8 billion in total economic output for the 1,799,000 residents of the surrounding corridor of twenty-nine counties, seven independent Virginia cities, and numerous municipalities in North Carolina and Virginia, including the towns of Buchanan, Fincastle, and Troutville in Botetourt County; and

WHEREAS, the Blue Ridge Parkway Foundation serves as the sole official philanthropic partner to the Blue Ridge Parkway, advocating for necessary funding and resources for the Parkway's maintenance, preservation, and community engagement; and

WHEREAS, the Blue Ridge Rising strategic plan provides a roadmap for the sustainable management and enhancement of the Parkway, ensuring that it continues to serve as a vital resource for environmental education, recreation, tourism, and community connection; and

WHEREAS, Tropical Storm Helene has caused catastrophic damage and loss of life for several communities in western North Carolina and southwest Virginia, including those communities adjacent to the Parkway; and

WHEREAS, repairs are critical to preserving the safety and accessibility of the Parkway and its adjacent communities, which is essential for their economic wellbeing; and

WHEREAS, collaboration among local, state, and federal governments is critical in this response and imperative to secure the necessary funding and policies that will sustain and benefit the communities surrounding the Blue Ridge Parkway; and

WHEREAS, the establishment of a coalition composed of elected officials and community representatives will enhance advocacy efforts and foster a unified regional voice for the Blue Ridge Parkway corridor.

NOW, THEREFORE, BE IT RESOLVED that the Botetourt County Board of Supervisors endorses and supports the following:

- 1. **Funding for Repairs:** Urging state and federal governments to prioritize and allocate funding for repairs along the Blue Ridge Parkway to ensure its continued safety and accessibility;
- 2. **Implementation of the Blue Ridge Rising Strategic Plan:** Advocating for the full funding and implementation of the Blue Ridge Rising Strategic Plan to enhance visitor experience, preserve natural resources, and promote sustainable tourism along the Parkway;
- 3. **Collaboration and Support:** Calling upon local, state, and federal officials to collaborate with the Blue Ridge Parkway Foundation and other stakeholders to secure resources and policies that benefit the Parkway and its surrounding communities; and
- 4. **Coalition Creation:** Supporting the formation of a coalition of elected officials and community representatives dedicated to advocating for the Blue Ridge Parkway, ensuring that the needs and voices of the communities along the corridor are effectively represented.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to relevant local, state, and federal entities, as well as the Blue Ridge Parkway Foundation, to demonstrate our unified support for the Parkway and its vital role in our communities.

D. Resolution – R2025-06 Budget Amendment

**RESOLUTION R2025-06
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET
January 14, 2025**

I. Appropriation of Funds (General Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$ 3,835.00	3-100-001901-0032	4-100-031020-3038
	\$ 8,278.92	3-100-003303-0107	4-100-031020-1013
	\$ 3,519.81	3-100-003303-0008	4-100-031020-3032
	\$ 10,000.00	3-100-002404-0060	4-100-999000-9905
	\$ 20,000.00	3-100-002404-0060	4-100-999000-9905
	\$ 45,633.73		
II. Appropriation of Funds (School Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$ 138,000.00	3-205-003302-0027	4-205-061100-9304
	\$ 138,000.00		

V. PRESENTATIONS

A. VDOT Report

VDOT Residency Administrator Robert Brown recognized the great effort from VDOT during the recent snow and ice storms, and he commended the team for their dedication. He said his team worked closely with the Nelson County school system to address trouble spots, ensuring road conditions to allow students to return to school yesterday, even though it was delayed. He noted that there had been a directive from the Governor for VDOT to do everything possible to get the students back to school. Mr. Brown reported that the transportation operations director from Nelson County Schools, Taylor Ashley, had been instrumental in providing information and fostering collaboration. He stated that the partnership had been productive and he praised those involved for their efforts.

Mr. Brown said that Nelson County’s primary headquarters had welcomed a new maintenance superintendent, Nelson native Jeremy Mays, and also announced the appointment of a new supervisor, Zach Gunter. Mr. Brown stated that he was pleased with filling these positions and said there would continue to

be great work coming from that area. Mr. Brown reported that the FY25 VDOT maintenance budget would remain lean until the end of June due to the additional costs incurred from tropical storm damages in Nelson County. He stated that safety-sensitive issues would be prioritized, but other projects would see delays until the new budget cycle begins on July 1, 2025.

Mr. Brown reported that there was additional flood damage to repair, as well as slope repairs on Route 151 toward 250, north of Bland Wade and across from Sunset. He noted that they would have contractors mobilize soon to fix the slope. He reported that the repairs had an estimated cost of \$700,000 to \$800,000. Mr. Brown stated that the repair was urgent and could not wait until the next fiscal year. He added that soil nailing would be implemented at the top and bottom to address the slope stabilization. Mr. Brown reported that temporary repairs had been made to structures on Rockfish River Road (Route 617) and Route 620, but full replacements were delayed until the next fiscal year due to funding constraints. He said delays would not pose significant issues and assured the Board that the roads were safe for use.

Mr. Brown stated that the focus for the remainder of the spring would be on low-cost maintenance activities that don't require purchasing a lot of materials, such as cutting brush and shoulders, building ditches, and running equipment. He said these tasks primarily involved fixed costs such as labor and equipment, allowing for continued progress despite budget limitations. Mr. Brown said VDOT still remained open to hearing about needs from the Board, noting that priority items would be addressed promptly and he would let them know if some requests had to wait.

Supervisors then discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford thanked Mr. Brown for getting him the information for Whippoorwill. Mr. Rutherford said he'd like to see an update for Warminster Road (645) in the Wingina area, noting that they had talked about putting it on the six-year plan. Dr. Ligon said they had already done part of it, and she recalled that it was near the top of the list. Mr. Brown noted he was unsure whether it was in the plan, or on the unpaved roads list. Mr. Rutherford asked Mr. Brown for a copy of the list, as some residents there had reached out to him. Ms. McGarry said she would provide it for him.

Mr. Rutherford reported that the Eddie Embrey Bridge at Route 6 and Route 29 North, there was a fairly sizable pothole, and a constituent told him they had gotten a flat tire because of it. He also asked Parks and Recreation Director Jerry West about the right-of-way at the canoe/kayak put-in and whether he needed anything else from VDOT. Mr. West responded that this was already in progress, and he had communicated with Daniel Brown the previous day. He confirmed for Mr. Brown that they were collaborating to get that resolved.

Mr. Parr:

Mr. Parr asked Mr. Brown if he had received his message a few weeks ago about that sign that was knocked down at 151/Avon and old 151 Route 6, as it looks like it got knocked off by a truck and was sitting in the grass on the other side of the guardrail. Mr. Parr indicated that it was the sign that said no big trucks. Mr. Brown indicated that they would get it taken care. Mr. Parr also asked about the guardrail at NEMS.

Ms. McGarry said that Mr. Brown could speak to that, but she had circulated the 2018 study that was done and the results from that.

Mr. Brown commented that nothing had changed since 2018, and he had sent Ms. McGarry some information that morning. He said that guardrails serve to protect motorists from hazards, not to protect private property, and people often misunderstand its purpose. He said he frequently received requests from people wanting guardrail for their property; it is not for houses but for motorists, and there are specific criteria for its installation. He said the location in question did not meet the necessary warrants for guardrail. Mr. Brown stated that installing unwarranted guardrail creates a fixed object, causing damage and injury. He said that if guardrail were installed where it was not warranted, it would add a hazard to the road, and this was why careful consideration was given to its placement. Mr. Brown said he had asked for another review but did not expect changes from the 2018 findings. He suggested that the County contact Makco company in Charlottesville, as they might install guardrail at the bottom of the hill in front of the building, which would be a parallel installation. He said they may do this pro bono, as they had done so in other cases such as churches. Mr. Brown stated that he did not think VDOT could do it, because it was not warranted and it would create a fixed object.

Mr. Parr thanked Mr. Brown and also recognized his recent positive staffing changes at the VDOT Headquarters in Bryant.

Dr. Ligon:

Dr. Ligon had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed had no VDOT issues to discuss.

B. 2026 General Reassessment – Gary Eanes

Mr. Gary Eanes of Wampler-Eanes Appraisal Group said that it was time again for the general reassessment, which Nelson County conducts every four (4) years. He stated that these reassessments are mandated by the state of Virginia, not by the Board of Supervisors or the Commissioner of Revenue's office. He said the state requires a reassessment every six (6) years, but recommended a four (4) year cycle.

Mr. Eanes stated that this was not a decision made by the Board of Supervisors, but rather a requirement under the Code of Virginia. He said this was the fourth time Wampler-Eanes Appraisal Group had conducted Nelson County's reassessment. He stated that his company had observed both lean and prosperous times in the real estate market and remarked that the market was still strong. He said the company had completed 162 reassessments across 54 localities in Virginia and North Carolina, covering about 2.7 million properties. Mr. Eanes stated that in December, Wampler-Eanes Appraisal Group had merged with Vision Government Solutions, a national company. He said this merger provided additional resources and strengthened both companies. He stated that the same group of employees from Wampler was working on the project without adding other individuals.

Mr. Eanes said that counties with populations under 50,000, such as Nelson County, could take as long as six years between reassessments, but others such as Roanoke County or the City of Lynchburg, reassessed annually. He stated that reassessment could also be triggered if a County's ratio dropped below 70%, which would reflect underestimation of values. He said Nelson County's properties were currently below this ratio, indicating increased values since the last reassessment.

Mr. Eanes explained that the reassessment process began by analyzing sales of vacant land and buildings in Nelson County, and he had provided a book of sales records Ms. McGarry for review, and his firm would keep these up throughout the process and would continue studying the housing market until the fall of 2025. He stated that notices would be sent out by November or December of this year and that reassessments would take effect in 2026, with hearings this fall to address citizens' concerns.

Mr. Eanes stated that the appraisers were currently studying the market without any preconceived ideas. He said there were five appraisers working across different areas of the County—including one in the Wintergreen/ Stoney Creek area, one in Afton, one at North Route 29 over to Schuyler, another one on South Route 29 going toward Montebello, and one in the Gladstone area. He concluded his presentation and asked if there were any questions.

Mr. Rutherford asked if Wampler represented other counties in the area currently. Mr. Eanes responded that the closest was probably Prince Edward County. Mr. Rutherford said he was curious about trends on a regional basis.

Mr. Eanes replied that it's all over the map, and notices for Alleghany County would go out this week—and while they have experienced a 50% increase in property values, that represented a six-year cycle. He also noted that Dinwiddie County had a 45% increase, and the real estate market is a good place to invest but perhaps not so good when it comes to paying taxes on it.

Mr. Eanes explained that reassessment was only part of the process; budgeting was the other part of it, and the Board would be looking at the tax rate once the reassessments were complete. He said that if property values went up 40%, for example, that didn't automatically mean taxpayers would be paying 40 percent more.

Dr. Ligon said that one of her constituents ran an assessor off of his property, and she asked how Wampler was educating their people on communicating who they are and why they are there.

Mr. Eanes pointed out that their employees have County IDs and their cars are marked "County Reassessment," as well as them wearing yellow vests that say "Real Estate Assessor" on the back. He said they do represent the County but they are contractors, and as soon as they walk onto a property, landowners associate them with a tax increase and consider them guilty. He stated that the contract with Nelson says they have to go on every property, but they do not climb gates or traverse barriers, and they also use aerial

photography. Mr. Eanes said they have to make an attempt to look at property, and it was only fair that they appraise what they see, so if property owners ask them to leave, employees are trained to apologize and leave the property—but people still get a fair assessment.

Dr. Ligon asked how long they were visiting properties for the reassessment process. Mr. Eanes responded that it would be a year, and they’re not remeasuring every house but instead walking around and looking at conditions and any changes made to the property, such as new decks, as well as structures like sheds that may have been torn down.

Mr. Rutherford suggested that interactions with the Sheriff’s department may help with their interactions, as they could help advertise on their social media. Mr. Eanes agreed and said that a lot of counties have a link directly from their website.

Mr. Parr asked how assessors deal with canine incidents on property. Mr. Eanes responded that they usually blow the horn to see if someone comes out to greet them, but they will not get out of the car if the situation looks dangerous.

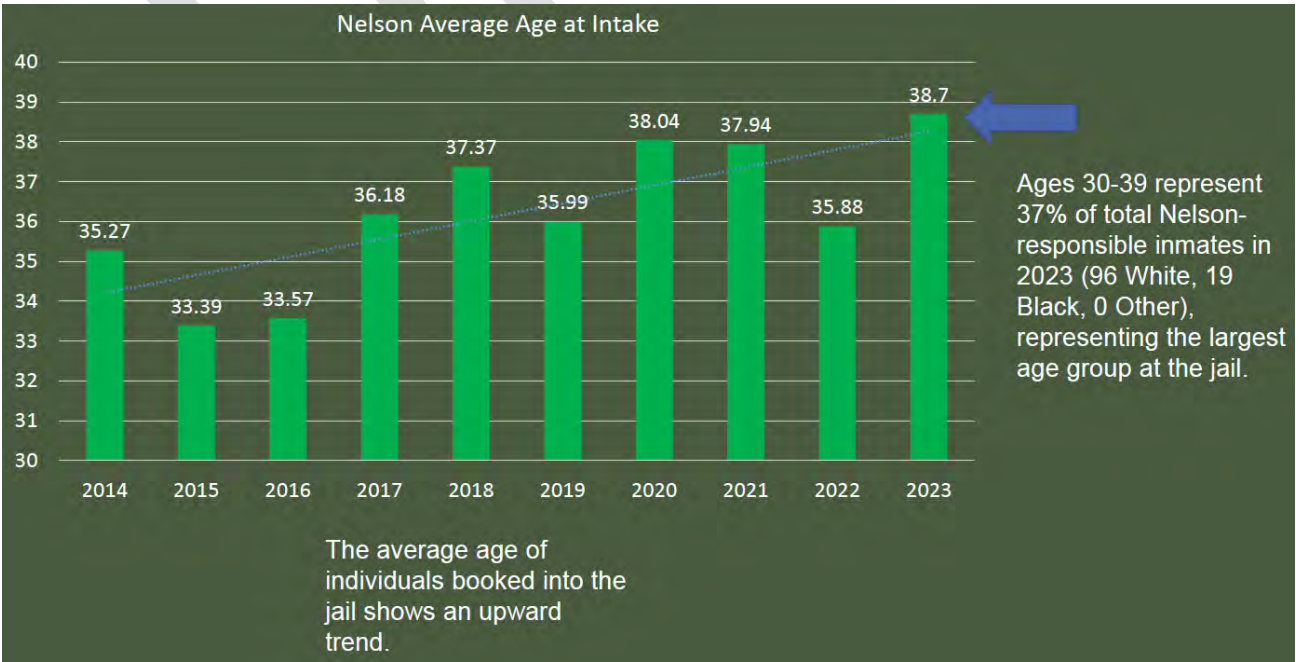
C. Nelson County Jail Utilization Report – Matthew Vitale, OAR

Mr. Matthew Vitale from Offender Aid and Restoration (OAR), representing Jefferson Area Community Corrections, addressed the Board and stated that he would provide a PowerPoint presentation.

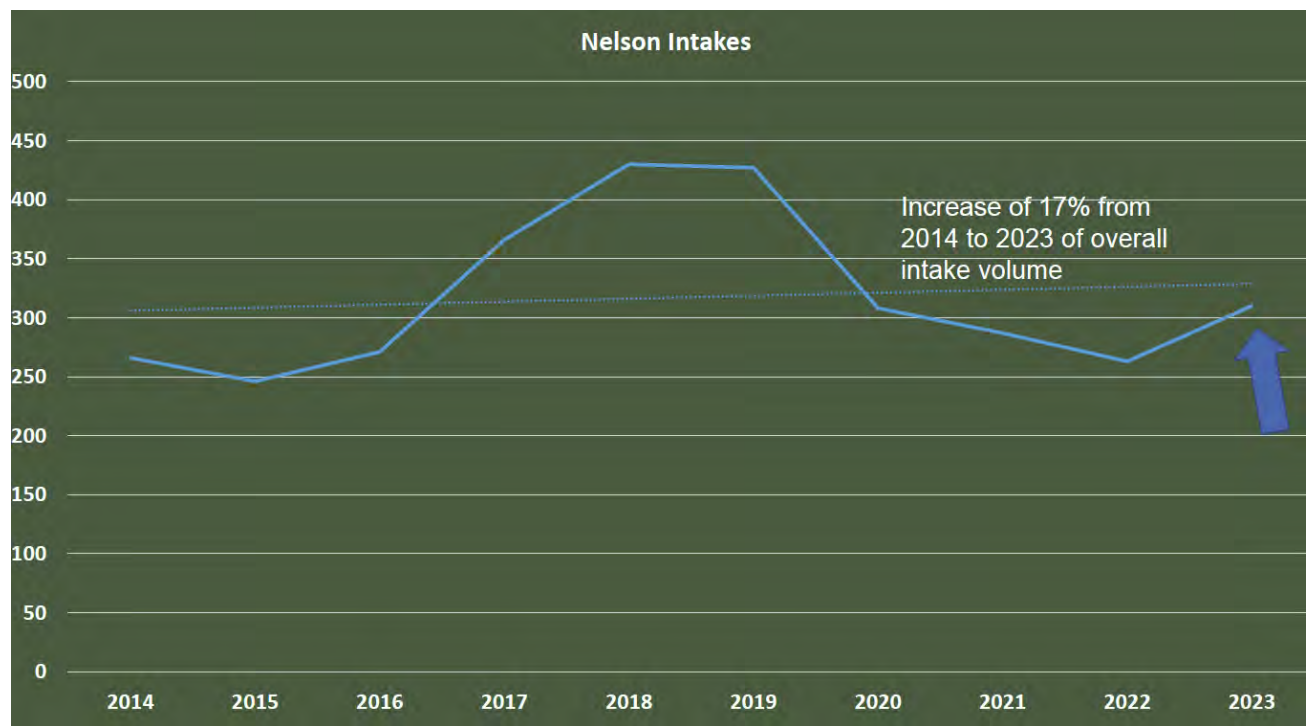
Mr. Vitale stated that the report spans 2014 through 2023, providing a clear view of 10-year trends. He said that the report consisted of six (6) parts and mentioned he had sent it to the participants, noting that they might not cover all sections but he would focus on highlights. He stated that the COVID-19 pandemic significantly impacted some charts and emphasized that reported crime incidents, sourced from the National Incident-Based Reporting System, increased by 25% in Nelson County, with the largest reported increase occurring in the crimes against persons category, which were assault-type charges.

Mr. Vitale stated that bookings of Nelson-responsible inmates increased by 17% between 2014 and 2023, despite population estimates declining, and added that individuals serving weekend sentences had been removed due to the jail management system’s tendency to double-count weekend bookings and releases, affecting only 178 individuals in the past decade. He stated that he represents the Jefferson Area Community Criminal Justice Board and succeeded Neil Goodloe, who retired in 2023.

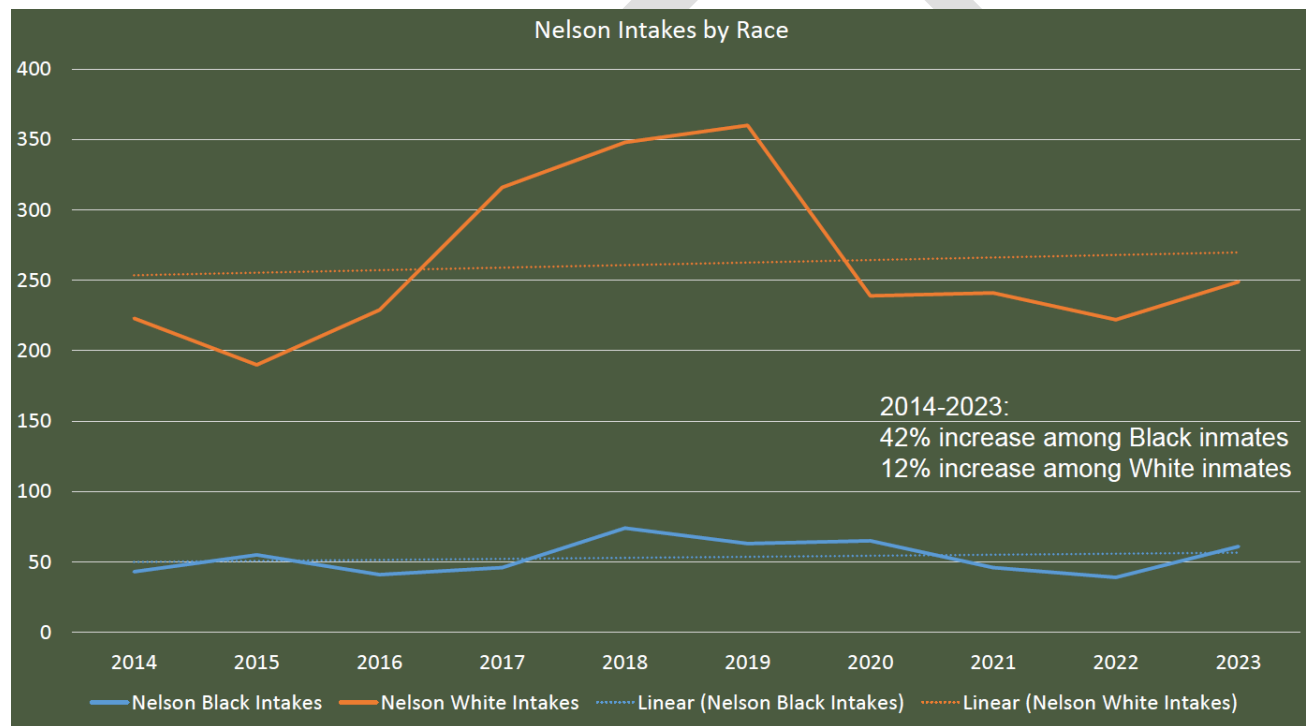
He said the overall intake rate was 21 per 1,000 individuals and noted the average age of inmates entering the jail had risen, correlating to demographic shifts in the Jefferson region, with fewer 18-29 year-olds and more 30-40 year-olds. Mr. Vitale stated that the average inmate age was now 38.7 years, explaining this demographic change while referencing various slides.



He said the number of intakes increased 17% from 2014 to 2023, and the average age fluctuated over the years.

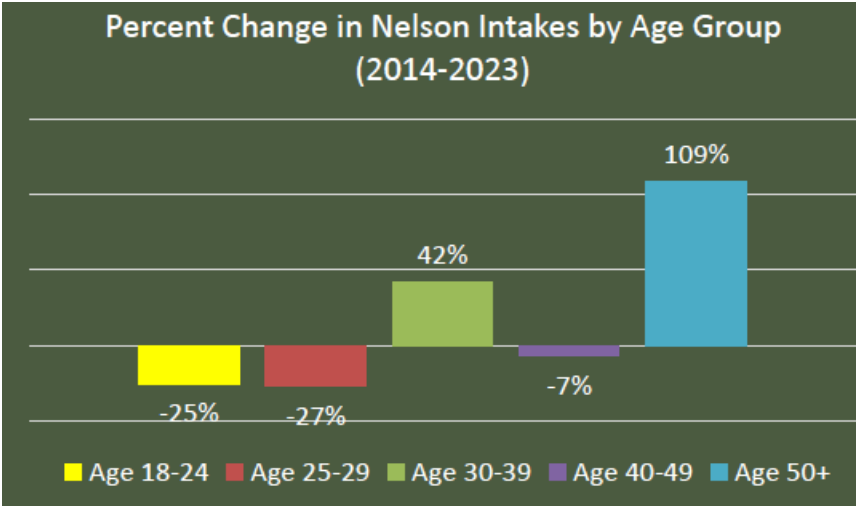


He clarified that the average referred to mathematical mean and stated that intakes by race revealed a 42% increase in black inmates booked, with a spike from 2016 to 2020 and a decline during COVID-19.

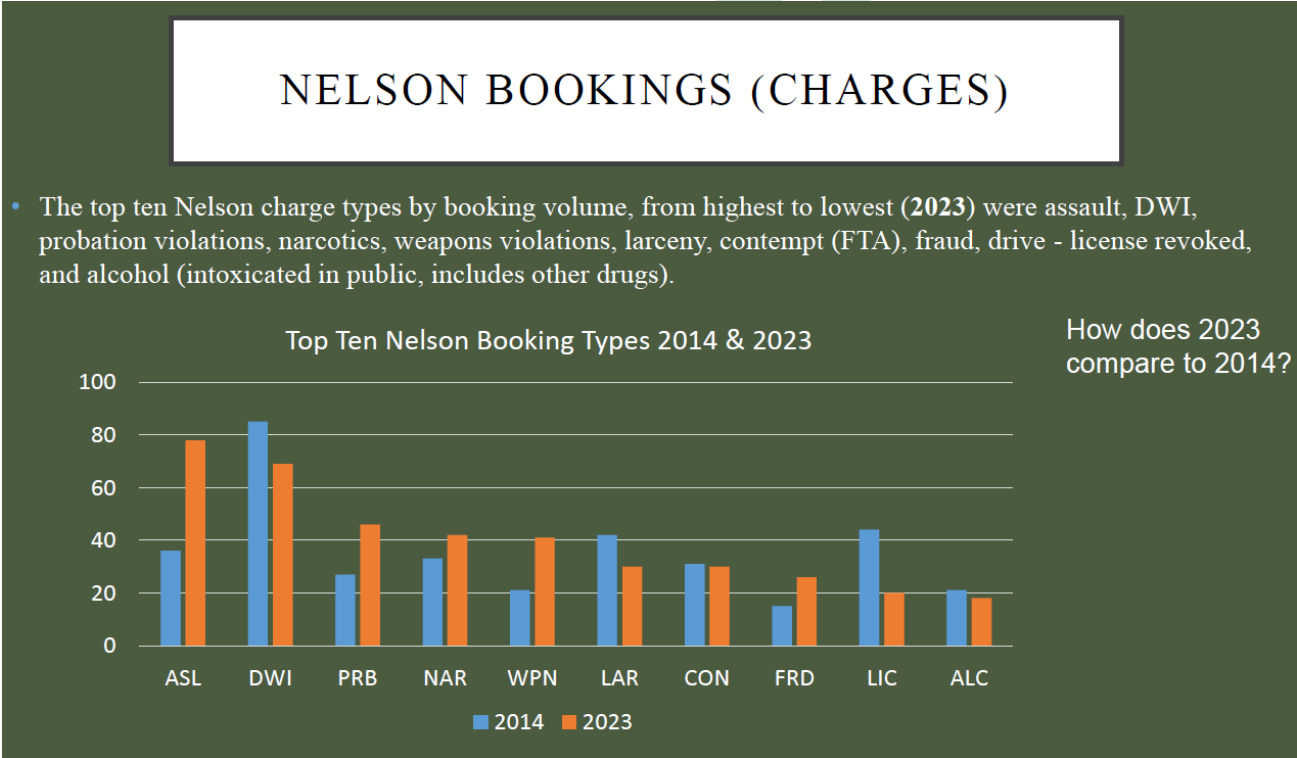


Mr. Vitale stated that population and jail intake demographics showed minimal differences compared to other localities, noting that in 2023, there were 310 jail intakes, including 61 black and 249 white individuals, with Hispanic individuals categorized under white due to jail management limitations. He said black individuals were 1.93 times more likely to be booked compared to white individuals, a lower likelihood ratio than the national average. He stated that the data lacked context on criminal history and the severity of crimes committed, which could be explored further.

He reported that female inmates increased by 100% but clarified that the total number was just above 50 in 2023. Mr. Vitale stated that younger individuals entering the jail decreased, with the 18-24 age group declining by 25% and the 50-plus age group increasing by 109%. He said diversion programs, increased mental health and substance abuse treatments, and specialty dockets might have contributed to this shift.



Mr. Vitale outlined trends in charge types, stating that narcotics bookings in 2023 represented 11% of total annual bookings. He said Virginia’s incarceration rate was 679 per 100,000 people, above the national rate and far above the U.K. rate. He stated felony bookings increased by 65% since 2014, while misdemeanor bookings decreased by 6%, noting this shift toward more serious crimes entering the system. He said assault charges in 2023 doubled compared to 2014, and DWIs declined by 19%.



Mr. Vitale said probation violations rose 70%, and assault charges increased by 117%.

- Weapons +95%
- Assault +117%
- Narcotics +27%
- Probation Violations +70%
- Fraud +87%

- DWI -19%
- Larceny -29%
- Drive suspended -55%
- Contempt -3%
- Alc/Obs (Intoxicated in public) -5%

He stated that in 2023, 41 weapons charges were associated with 18 individuals, indicating some received multiple charges. He said the average length of stay rose during COVID-19 and has since begun to decrease, although data can be skewed by long stays among certain demographics. He stated that bed day expenditures increased by 34%, with specific demographic changes in usage, including a 62% decline among the 18-24 age group and increases among 30-39 and 50-plus age groups.

Mr. Vitale said most bed days in 2023 were used by male inmates, with 46% used by the 30-39 cohort. He noted that the number of bed days for 18-24 age group had decreased significantly. He stated the use of home electronic incarceration (HEI), such as ankle monitors, increased during COVID-19 and continued afterward due to favorable outcomes, including a 12.2% lower return to custody rate compared to traditional custody. He stated that HEI reduced costs on the jail for individuals who have a high level of medical care as they could receive that care while at home. Mr. Vitale stated that studies showed black individuals on HEI experienced a 19.35% reduction in return to custody rates, and the top HEI charges included DUIs, probation violations, and drug possession. He concluded with potential next steps and a list of sources used in the report.

The Board had no questions for Mr. Vitale.

VI. NEW & UNFINISHED BUSINESS

A. Ambulance Transport Billing Rates (R2025-05)

Ms. McGarry reported that the Board had asked for a review of ambulance transport rates and requested a presentation on it. She stated that the authorizing statutes included Code of Virginia 32.1-111.14 and 38.2-347.9, as well as the Code of Nelson County, Section 13.1, Fees for Emergency Ambulance Service, Subsections C and D of Chapter 13, Emergency Services, Article 1, Emergency Ambulance Service.

Ms. McGarry said that the current ambulance transport rates, which have been in effect since March 22, 2012, reflect a basic life support rate of \$470 per trip, advanced life support 1 of \$550, and advanced life support 2 of \$775.

Current Ambulance Transport Rates - Effective Since March 22, 2012

Current rates:

▶ Basic Life Support (BLS)	\$470.00
▶ Advanced Life Support 1 (ALS1)	\$550.00
▶ Advanced Life Support 2 (ALS2)	\$775.00
▶ Mileage (All Service Levels)	\$13.00 per loaded mile

She also said that mileage at all service levels was \$13 per loaded mile. She stated that they had received the updated 2025 Medicare rate analysis from the County's billing company, EMS/MC, along with some recommendations. Ms. McGarry said that a chart was included to show the 2025 Medicare allowable charges for a rural area compared to the current charges. She further stated that the chart illustrated the recommended

rates at 150%, 200%, and a mid-range of 170% of the Medicare allowable. Finally, she said that there was a significant difference in these values because the rates had not been changed since 2012.

2025 Medicare Rate Analysis and EMS/MC (Billing Company) Recommendations

Nelson County Board of Supervisor

2025 Medicare Rate Analysis and Recommendations

Zip 22949 Carrier 11302

Local:00 Rural

Level Of Service	2025 Medicare Allowable (Rural)	Current Charge	Recommended (150% *MFS)	Recommended (200% MFS)	170 % MFS
ALS (Advanced Life Support) Emergency A0427	\$539.84	\$550.00	\$809.76	\$1,079.68	\$917.73
BLS (Basic Life Support) Emergency A0429	\$454.60	\$470.00	\$681.90	\$909.20	\$772.82
ALS 2 (Advanced Life Support) Comprehensive A0433	\$781.35	\$775.00	\$1,172.03	\$1,562.70	\$1,328.30
Patient Loaded Mileage A0425	\$9.24	\$13.00	\$13.86	\$18.48	\$15.71

* MFS – Medicare Fee Schedule

Prepared by: EMSIMC

Dr. Ligon asked what the standard was for Virginia. Ms. McGarry responded that it was up to each locality, and she provided some comparison information for some that use the same billing company. She stated that the billing company provided estimates of annual revenue gains based on rate increase options for 150% of the Medicare allowable. She stated that at a 60% confidence collection rate, the estimate showed around \$30,000 in new revenue, while an 80% collection rate could reach approximately \$40,000. She said that for a 170% Medicare allowable rate, a 60% collection rate would likely bring \$48,000, whereas an 80% rate could provide \$63,000. Ms. McGarry reported that at 200% of the Medicare allowable, the projections indicated \$74,000 for a 60% collection rate and nearly \$99,000 for an 80% rate.

Ms. McGarry shared statistics from January 2024 through September 2024, which revealed net collection rates ranging from 63.2% to 92.6%, noting that payment collections typically took about 90 days from the date of service to realize collection. Ms. McGarry pointed out that in the FY25 budget, the transport billing revenue had been budgeted at \$781,000, which helped offset budgeted EMS council expenditures of \$628,279 for volunteer fire and EMS agency contributions and \$1.6 million for career EMS expenditures.

Ms. McGarry referenced a chart showing EMS/MC billing agency rates compared Nelson County. She noted that the chart included rates for Appomattox County, Greene County, and Washington Volunteer. She added that it remained unclear what level of Medicare allowable these rates represented, as the timing of their most recent rate increases was unknown.

Level Of Service	Appomattox	Greene County	Washington Volunteer	Nelson County
BLS E A0429	\$550.00	\$632.84	\$550.11	\$470.00
ALS E A0427	\$655.00	\$751.49	\$700.00	\$550.00
ALS 2 A0433	\$945.00	\$1,087.68	\$945.54	\$775.00
Mileage A0425	\$14.50	\$12.81	\$15.00	\$13.00

Ms. McGarry reported that under their transport billing collection policy, no one would ever be denied necessary medical transport services due to either the inability to pay or lack of insurance. She stated that if a person was not covered by insurance, billing to the consumer occurred within 30 days of the date of service. Ms. McGarry said that the billing company sent past due notices after 30 days, 60 days, and 90 days overdue. She stated that after 120 days, the account was considered uncollectible and was written off. She said that financial hardship waivers were available, and the established financial hardship waiver of fees guidelines were used to evaluate such requests, with Nelson using 200% of the U.S. Department of Health and Human Services federal poverty levels table.

Ms. McGarry reported that the billing company was authorized to establish payment plans of \$50 a month, with a minimum monthly payment of \$25 per month. She stated that the County up to this point had only authorized soft billing up to this point, and no debt collection agency recovery was authorized without express authorization from the County Administrator or their designee. She stated that the 2024 200% of federal poverty level table included the number of persons in the household along with the 200% threshold.

CY 2024 -200% of Federal Poverty Level Table
*The Applicant or Responsible Party completing and submitting a Financial Hardship Waiver Request form qualifies for **100%** waiver of fees after any insurance if the following guidelines are met:*

<u># Persons in Family</u> <u>or Household</u>	<u>2024</u> <u>200% of Federal Poverty</u> <u>Level</u>
1	\$30,120.00
2	\$40,880.00
3	\$51,640.00
4	\$62,400.00
5	\$73,160.00
6	\$83,920.00
7	\$94,680.00
8	\$105,440.00
each additional person add \$10,760.00	

She said that beyond eight people, the guideline added an additional \$10,760 for each additional person. She stated that the applicant or responsible party submitting a financial hardship waiver request form qualified for a 100% waiver fee after insurance if the guidelines were met.

Ms. McGarry provided statistics from January 2024 through December 2024, as included in their packets, which showed a total trip count of 1,348, with gross charges of \$1.2 million. She stated that contract allowance amounts deducted were \$349,478, and net charges after those contracted allowances totaled \$912,037. She said that revenue adjustments amounted to \$32.99, and total payments received were \$544,425. She stated that write-offs amounted to only \$21,000, refunds were \$518, and the accounts receivable balance due totaled \$347,000. She said the net collection percentage was 59.6%, and the billing company retained 5.29% of the receipts as payment for their services.

Ms. McGarry stated that from January 2024 to September 2024, net collection rates ranged from 63.2% to 92.6%, and payment collection took about 90 days from the service date. She said the patient data transfer issue had negatively impacted these statistics but would reverse and positively affect them once payments entered the collection cycle. She said that 86% of transport payments came from private insurance, Medicare, or Medicaid, and 14% came from individuals and other sources. She said that statistics showed primary payer mix percentages, with Medicare paying for 30% of trips, Medicare Advantage for 27%, insurance for 11%, Medicaid for 1%, Medicaid MCO for 17%, patient-paid for 13%, and other government payers for 1%.

Primary Payor Mix
6-12 Month Mature Average

Primary Payor	% of Trips
Medicare	30%
Medicare Advantage	27%
Insurance	11%
Medicaid	1%
Medicaid MCO	17%
Patient	13%
Facility	0%
Other Govt. Payers	1%
TPL	0%

Net Collection Percentages
6-12 Month Mature Average

Primary Payor	Coll %
Medicare	98%
Medicare Advantage	92%
Insurance	76%
Medicaid	100%
Medicaid MCO	98%
Patient	7%
Facility	0%
Other Govt. Payers	92%
TPL	100%

Note: 86% of transport payments came from private insurance, Medicare, or Medicaid & 14% from individuals and others

Ms. McGarry stated that the graphics shown illustrated the dip in data service and the number of trips, attributing the dip to issues with billing company data downloads. She said that this issue was being resolved and predicted an uptick in payments received over the next few months.

January 2024 - December 2024
Date of Service Statistics



Ms. McGarry said staff would request that the Board consider a rate increase option of either 150% of the Medicare allowable or 170% of the Medicare allowable, rounded to the nearest dollar and effective January 1. She stated that if they would like to make a rate change, they could adopt Resolution R2025-05. She said they had included two options in the resolution, so they would need to choose either option A or B—with Option A being 150% of Medicare allowable and Option B being 107% of Medicare allowable.

Dr. Ligon said this had been a long time coming, and she supported going to the 170%.

Ms. McGarry said they could also consider the 200%; staff just didn’t include that as an option in this presentation. Dr. Ligon suggested that they revisit the rates every year or two. Mr. Rutherford said he felt that would be a healthy practice, noting that there were many things like this in the County that were one-offs, and this was something that probably needed to be revisited often. He said they have talked about this just about every budget, but this did not necessarily have to be part of the budget process. He said they are providing more services in general. He emphasized that with the light mechanism of billing, if people could not afford it, there were metrics included for the bills to be forgiven. He noted that this was not going to show up in their credit report if they cannot pay it. He added that insurance companies already have this built into their algorithm, so this was not necessarily a fee increase on the person. He said he would support the 170%. Mr. Reed and Mr. Parr agreed, and Mr. Reed asked for a motion on this item.

Dr. Ligon moved to adopt **Resolution R2025-05** with the 170% increase. Mr. Reed noted that this would be Option B as presented. Mr. Parr seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2025-05
NELSON COUNTY BOARD OF SUPERVISORS
EMERGENCY MEDICAL SERVICES
ESTABLISHMENT OF FEES FOR REVENUE RECOVERY PROGRAM

RESOLVED by the Nelson County Board of Supervisors, pursuant to Section 13.1 (Fees for Emergency Ambulance Service), subsections (c) and (d) of Chapter 13 (Emergency Services), Article 1 (Emergency Ambulance Service) of the Code of the County of Nelson, Virginia that the following fees be and are hereby established and approved by said governing body for the provision of emergency medical services by paid and volunteer emergency medical services entities operating within Nelson County, Virginia.

<u>Service Level</u>	<u>Fee</u>
1) Advanced Life Support 1	\$918.00
2) Advanced Life Support 2	\$1,328.00
3) Basic Life Support	\$773.00
4) Mileage (all Service Levels)	\$ 16.00 per loaded mile

Said fees, if approved, shall be effective January 1, 2025 and shall be utilized by Nelson County in its administration of its revenue recovery program which provides financial support for the County’s paid and volunteer emergency medical services programs.

Ms. McGarry mentioned that Nelson County’s policy as a benefit for volunteers that are members of the County’s EMS system, or their immediate family members who live in the same household, receive an administrative write-off of the amount due after insurance is billed for services received.

Dr. Ligon asked when the last time was that the County shopped around other companies that provide this service and checked rates to make sure they are comparable, as well as equal quality.

Ms. McGarry responded that they had started out with a company out of Virginia Beach when first starting the program and then went to EMS/MC, but it had been a while since they had done an RFP for these services. She said it was something staff could look into if the Board were interested, noting that the current company had been good to work with thus far.

Dr. Ligon commented that sometimes thing get cheaper as they become digitized.

B. Rockfish Valley Community Center Funding Request

Ms. McGarry stated that RVCC was developing two (2) dedicated pickleball courts on their campus as well as the completion of their partially built 0.3-mile walking and exercise path encircling the recreation fields. She noted that RVCC had stated that the project would enhance recreational and physical fitness opportunities for all County residents and they were requesting a contribution from the Board in the amount of \$25,000 to complete their fundraising effort. She said the completed walking path would include a multifunction exercise station, enabling the community to focus on both cardio and strength conditioning.

Ms. McGarry stated that the path would also serve others by providing a safe, car-free venue for activities such as running, rollerblading, biking, longboarding, scooter riding, and kids' ride-on cars. She said the project budget demonstrated that pledges totaling over \$55,000 had been received from organizations. She further stated that, in addition to this fundraising, they launched a direct appeal campaign in October targeting their membership and local residents with the goal of raising \$50,000 from that effort. She said that as of the writing of their request, they had raised \$33,000.

Ms. McGarry said that RVCC is requesting a \$25,000 contribution to enhance the project, which would provide the amount needed to cover all expenditures related to the pickleball courts and the path project.

Mr. Stu Mills of RVCC was present. He expressed his appreciation to the Board for their consideration of entering into a quasi-NGO government collaboration that had been discussed previously between County government and the local community centers, including RVCC. He said pickleball had recently gained significant attention, noting that he was not yet old enough to play but was considering taking it up. He stated that there was substantial interest among members and the community in developing facilities for pickleball, and Ken Schultz, a member of their board and a representative of the Nelson County Pickleball Association, was present and could address any questions about the sport's growth.

Mr. Mills stated that while pickleball was important, completing their walking path was equally significant. He stated that currently, there was no uninterrupted paved walking path in Nelson where pedestrians could walk safely without avoiding cars. Mr. Mills said they hoped to complete the loop around the entire recreational field to enable circuit training rather than linear training. He stated that the first half of the walking path was almost incidental, added as part of their skate park expansion project a few years prior, and it had since become highly utilized. Mr. Mills said they aimed to finish the path and noted the fundraising efforts for the project had been successful.

Mr. Mills said they had raised \$35,000 of their \$50,000 target from individuals and local businesses, though they still needed support to reach their goal. He stated that this process had been challenging because they tried not to let project-specific fundraising interfere with their annual campaigns, but timing made that impossible this time. Mr. Mills said this recreational project was among their largest undertakings, with costs exceeding six figures, making it only the third of its kind in their history. He stated that they were competing with themselves to obtain the necessary funds. He said they appreciated the Board's consideration and remarked that any contribution would help. Mr. Mills stated that a \$25,000 contribution from the County would put them over the top and allow them to meet their goal.

Mr. Rutherford asked if their target was \$50,000 total. Mr. Mills responded that the \$50,000 target was from individual contributions, and they were requesting \$25,000 on top of that. He said they had received \$55,000 from foundations and businesses, but they had exhausted their foundation resources now. He noted that they are at a total right now of committed funds of \$90,000 and they had a grant from the Perry Foundation of \$30,000, and as of today, they had matched it dollar for dollar and were guaranteed those funds.

Dr. Ligon commented that she grew up playing soccer when Rockfish was just an abandoned soccer field that they just kept mowing. She said she drove past there every day and it made her happy, and she was happy to support this, as this was a true community center.

Mr. Reed agreed, stating that RVCC was near and dear to his heart for a lot of reasons. He said that their support of community centers was paramount for a healthy and vibrant community.

Mr. Mills said that they are truly pleased with the collaboration with Jerry West, Director of Nelson County Parks and Recreation, and have a great relationship with the department overall. He added that they may even be having lacrosse played at RVCC soon.

Ms. McGarry noted that in terms of where these funds might come from, the County has some forest sustainability fund monies on hand, which come from the state and assist localities with providing a portion of foregone revenue that's due to forest use value taxation. She said these funds must be used for solely public education generally or for projects related to outdoor recreation or forest conservation, and these funds would be appropriate to use in this case if the Board were so inclined to do that.

Dr. Ligon asked how much was available. Ms. McGarry confirmed that they had \$41,389 in hand and just yesterday, they had received \$95,321, for a total of \$136,710. She said if they devoted this \$25,000, they'd have a balance of \$111,710.

Mr. Parr moved to approve the allocation of \$25,000 to the Rockfish Valley Community Center. Dr. Ligon seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry provided the following report:

A. DSS Building: The underground storage tank has been removed and the associated testing showed no adverse environmental impacts; closing on the property purchase is being finalized by the County Attorney. PMA is working on the building construction design documents and furniture sampling with DSS staff. Timmons, the geotechnical subcontractor, has submitted both the stormwater management plan to DEQ, and the major site plan for review by County Planning and Zoning, Building Inspections, VDH, VDOT, and DEQ. Finance and Administration staff are working with PMA and Davenport to develop an integrated timeline of construction and permanent financing for the project.

B. Region 2000 Solid Waste Authority: The Region 2000 landfill expansion rezoning and special use permit application was denied on a 4-3 vote by the Campbell County Board of Supervisors on January 7, 2025. Staff will begin looking at the feasibility of other disposal options for when the landfill is anticipated to reach capacity in 2028/2029.

Mr. Rutherford asked if this would go to RFP. Ms. McGarry responded that this would probably be the best approach.

C. FY26 Budget: Staff is collecting departmental capital improvement plan (CIP) requests and entering submitted departmental budget data with a draft preliminary budget calendar forthcoming. Staff's goal is to begin work sessions in late January, with the review of FY26 CIP requests to be considered as they are building the general fund budget. A challenge in budgeting FY26 real estate revenues will be estimating CY25 real estate values and CY26 (including reassessment values) because FY26 will be based upon half of CY25 and half of CY26. A preliminary budget calendar is forthcoming so the Board could start thinking about budget work sessions.

D. General Assembly 2025 Session Dates:

- January 17th – Final bill introduction deadline
- February 2nd – House and Senate money committees release their budget amendments
- February 4th – “Crossover Day” deadline for bills to be considered in their originating chambers
- February 6th – Deadline for each chamber to complete budget bills
- February 12th – Deadline for each chamber to complete consideration of the other chamber's budget and revenue bills
- February 17th – Deadline for committee action on legislation by midnight
- February 22nd – Scheduled adjournment
- April 12th – Reconvened session for Governor's amendments and vetoes VACo Summary of Governor's proposed amendments to 2024-2026 biennium budget

Ms. McGarry stated that she also provided the VACo summary in their packets, which included a summary of the governor's proposed amendments to the 24-26 biennium budget. and it was rather lengthy.

E. Dog Licenses: The FY24 cost of issuing dog/kennel licenses was \$2,614, not including the unknown postage costs to mail a tag/license back to the citizen. Revenues collected were \$14,821 for an approximate net gain of \$12,207. As of November 2024, 564 annual licenses, Sixteen 10-dog kennel licenses, Six 20-dog kennel licenses, and three 50-dog kennel licenses have been sold. Additionally, 1,039 lifetime licenses have been sold since its implementation on July 13, 2021. State code requires dog licensing and imposing a fee for such licensing in the sections below, which is incorporated into the Code of Nelson County, Chapter 3 Animals, Article II Dogs and Cats Sec. 3-26 and Sec. 3-28.

§ 3.2-6524. Unlicensed dogs prohibited; ordinances for licensing cats.

- Under Virginia Code §3.2-6524, it shall be unlawful for any person other than a releasing agency that has registered as such annually with local animal control to own a dog four months old or older in the Commonwealth unless such dog is licensed, as required by the provisions of this article.

- Under Virginia Code §3.2-6528, the governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction.

F. FEMA/Virginia Department of Emergency Management Grant Award: Ms. McGarry congratulated John Adkins on his submittal of a successful grant application and thanked all the volunteer fire EMS agencies that worked with Mr. Adkins on the application. The County has been awarded a \$275,100 grant to provide backup generators at seven local fire and EMS locations, which are designated as emergency shelters in the County's Emergency Operations Plan: Montebello Fire Department, Nelson EMS (NEMS building on 29), Roseland Rescue Squad, Piney River Volunteer Fire Department, Faber Volunteer Fire Department, Lovingson Volunteer Fire Department, and Rockfish Valley Volunteer Fire Department. The grant funds are comprised of \$209,600 federal, \$52,400 state, \$13,100 local (in-kind and/or cash match). The County intends to meet its match obligation through in-kind services provided by County staff in implementing the project. The period of project performance expires on March 11, 2026, and there will be a grant kickoff meeting with a VDEM representative within the next week or so.

G. Schuyler Boat Take Out: Jerry West is working with VDOT staff and the property owner to finalize and submit the required land use permit to VDOT. The property owner must be the permit applicant and County Parks and Recreation can be their agent in the application process.

H. Guardrail Request at NEMS Building: A request for installation of guardrail on Route 29 beside the Nelson EMS (NEMS) building was made to VDOT following the December Board meeting; a response is pending.

I. Meals and Lodging Tax Collection & Lodging Entity Tracking: As shown in the charts provided, the number of lodging units increased from 802 to 806 since the last report.

J. Staff Reports: Department and office reports for December/January have been provided.

Mr. Parr asked if the generators were replacing existing generators. Ms. McGarry confirmed that they were. Mr. Rutherford asked if they would be selling the old ones. Ms. McGarry responded that they could look into doing that, as most of them are still functional. She said they have used govdeals in the past, which is an online auction. Mr. Rutherford asked if they could join the sheriff's office in their sales to expand the audience. Ms. McGarry responded that they could.

Ms. McGarry also personally recognized Linda Staton for her service to the County for many years and congratulated her on her retirement.

Ms. McGarry informed the Board that she had just heard from Stephen Steele at CHA, with a request broken down into two different areas: Dillard Creek Water Source Evaluation; for about \$15,000, Mr. Steele would use the U.S. Geologic Survey flow gauge data and historical drought data to determine existing flows in Dillard Creek. She said this would determine how much water could be taken from the creek, and they would also evaluate permitting requirements associated with withdrawing water from the creek. She said a summary of all findings and an estimated cost of developing a creek withdrawal system would be prepared, and they would present the findings to the Board of Supervisors.

Ms. McGarry said that secondly, they would perform a Phase I well evaluation for a cost of \$18,000, which would be subsurface investigations that would allow them to map the geologic conditions on the Larkin property. She said the information would be utilized to identify favorable well sites based on geologic conditions, and they would prepare a proposed well site drawing and provide estimate costs to drill test wells and perform draw-down tests to determine how much water can be withdrawn from the wells. Ms. McGarry noted that she had just received the information earlier that day.

Mr. Rutherford asked for confirmation of the amounts. Ms. McGarry responded that it was \$15,000 and \$18,000, for a total of \$33,000.

Mr. Rutherford said that doing an evaluation is one thing—but drilling a well and doing a draw-down test did not cost \$18,000. He said he would like to know how many wells were included in the \$18,000 price, as he did not think wells should cost more than \$6,000–\$7,000 each.

Ms. McGarry noted that it said “test wells,” plural. She said her understanding was that a good portion of it was the subsurface investigation using resistivity testing. She commented that one benefit may be that they could overlay the mapped out preferable well locations with the Larkin site map for the recreation areas.

Dr. Ligon said these wells were ultimately for the Service Authority, and she asked what permits and information would be required. She asked if they were to call a well driller on their own, whether they would be able to collect the information needed to push forward with whatever the Service Authority needs to actually use this situation. Ms. McGarry responded that she was not sure it would involve the Service Authority unless it was going to be connected to their system.

Dr. Ligon recalled that the whole point of this was to determine whether they have enough water to develop Lovington and accomplish what they had previously discussed, and this was secondary to that report—so the Service Authority was involved.

Ms. McGarry said yes, if it was more than just looking at the water supply on the Larkin property, but she thought Mr. Steele's understanding was for it to be localized to that particular piece of property, maybe not necessarily the entire system. Dr. Ligon said she did not agree with that.

Mr. Reed stated that if it were going to be incorporated into the Service Authority, it would be a whole different valuation—not in terms of volume but in terms of responsibility and engineering. He commented that there would be more engineering than just would be required to do this. Mr. Reed noted that he would like to have more information on the well evaluation in regards to what they would be doing, and the information provided as a result. He said the water source evaluation is pretty clear in terms of flow projections and those kind of things, so he hoped they would get something similar for their money.

Dr. Ligon said that she needed more clarity, she commented that she thought they did the water study in terms of how much the Service Authority could handle providing—which transitioned into this next step, which is whether they can get water from this situation. She asked how those could not be connected.

Mr. Rutherford responded that they were interested in expansion, given Lovington's limitations. He said the Dillard Creek discussion addressed the retention aspect of the creek, then there were the well-drilling options, so this was just a compounding ask for expansion of Lovington's needs in light of its limited capacity.

Mr. Reed stated the options the Service Authority already has for increasing capacity outside of Dillard Creek is drilling more wells that would serve the current system, so there was certainly a relationship there but he did not see an issue or problem.

Dr. Ligon said the issue for her is they have two entities spending the same amount of money in two different locations, and it doesn't sound like they're talking to each other. She noted that her second issue is that if this is already going to the Service Authority to use and that's the path the County's going to take, she wondered if they were shooting themselves in the foot by not doing it with this engineer. Mr. Reed agreed that using CHA might be the best alternative.

Dr. Ligon agreed with Mr. Rutherford's point about this covering more than one well, adding that the Board didn't sound like they were on the same page with some of this.

Mr. Rutherford asked Mr. Reed what his last discussion was at the Service Authority related to Dillard Creek.

Mr. Reed said the only conclusion was that it's a possibility, and it would be great to have information about what the flow data would be since the Service Authority is responsible for providing the Lovington system. He said that historically, the Service Authority does not, in and of itself, provide the direction for what it's going to do in terms of expanding its capacity—the County does that, and then the Service Authority implements that or provides the water.

Mr. Rutherford said they've learned over the last several years that capacity is very much limited, and they are limited in certain things happening in Lovington unless capacity is changed—and Dillard Creek is a piece of that puzzle.

Mr. Reed said that having information allows them to chart a course, and they don't have a course pre-charted for this at all.

Dr. Ligon said it sounds like the people who have a path for more wells should come talk to the Board.

Mr. Reed emphasized that they are trying to get as much information as possible and he didn't see that trying to get information and having an agenda were the same thing, because they can't make a decision or have an agenda unless they have the information. He added that this would be valuable for anyone who's concerned about water resources in the County.

Dr. Ligon said it sounds like they were going to take it upon themselves to deal with the water on Larkin—to supply Larkin but not include the Service Authority.

Mr. Rutherford said he did not think they had the intention of not including the Service Authority, and there might be a breakdown in communication there. He asked what the interactions have been between the County and the Service Authority, whether it was related to the water retention or the wells. Ms. McGarry said it had been a while since there had been any communication as they had decided to work with CHA through the Service Authority's term contract to get more information about the water and sewer capacity.

Mr. Parr asked if this was the same guy they've been waiting to hear from for six months. Ms. McGarry confirmed that it was, and her whole reason to bring this up today, so she could get some direction from the Board. She said Mr. Steele could develop a more detailed proposal to bring back, and she was not necessarily asking for any decisions today.

Mr. Parr stated that it was at their July 9 Board meeting when they discussed this, and it sounds like they are ready to move forward with the Dillard Creek water source evaluation and need more information on the well evaluation. Ms. McGarry mentioned that there had been some issues with the company itself, including the loss of one of their primary engineers, so they have been slow getting back with information for the County.

Mr. Rutherford said an evaluation still makes sense, but he does think a stronger dialogue between the Service Authority and the Board would be helpful.

Mr. Parr stated that regardless of whether there was enough water on the property to service Lovington or the Service Authority in whatever capacity, there were still going to be water needs on the Larkin property. He said they had talked about the Dillard Creek water source evaluation and whether they could turn that into some sort of recreational use or not, as well as what's going on with well water and whether there's enough to send some to Lovington—but if not, they're still going to need it at Larkin.

Mr. Rutherford commented that he was fine moving forward with the evaluation and getting further details out of him for the well portion.

Ms. McGarry asked for confirmation that she could sign a more formal proposal for the Dillard Creek water source evaluation, and then just bring back the other phase one evaluation.

The Board agreed to move forward with the Dillard Creek water source evaluation for \$15,000. The matter as to the well evaluation on the Larkin property was tabled until more information is available about the well evaluation and after consultation with the Water Service Authority.

Mr. Reed suggested that perhaps a joint meeting would be a good idea if they felt there needed to be additional or enhanced communication.

2. Board Reports

Dr. Ligon:

Dr. Ligon reported that things are progressing with the Jail Board, and she was very impressed with the people who have been hired to find contractors. She said the timing was good, as they would be getting their financing around the same time they were financing the DSS building. She also noted that the amount they would be paying next year would be higher because their incarceration rate was higher.

Mr. Parr:

Mr. Parr reported that the EMS Council had not met in December but would be meeting the following week. Mr. Parr said that while they have heard a lot about the DSS building, he encouraged his fellow Board members to take a minute to thank DSS Director Brad Burdette and his staff for the work they do, as it can be emotionally strenuous. He said that Mr. Burdette has put together a great team that works well together.

Mr. Rutherford:

Mr. Rutherford reported that they had a chance to take a look at the property in question in Gladstone, which gave him an angle into Gladstone he had never seen.

Mr. Reed:

Mr. Reed reported the Service Authority met. He also reported that the Wintergreen Wastewater Plant was operational, and there would be something community wide to hang their hat on when the weather changed a bit. He noted that this would be the completion of a longstanding, costly, and important project.

B. Appointments

Thomas Jefferson Community Criminal Justice Board

Mr. Reed said they had two applicants for the Criminal Justice Board: Mark Stapleton and Steven Poff. Mr. Rutherford said that Mr. Poff was from Roanoke, and Mr. Stapleton has served on the Planning Commission and was a local resident. Mr. Rutherford moved to appoint Mark Stapleton to the CCJB position. Mr. Parr seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote.

C. Correspondence

Dr. Ligon said she was batting about 50% for people who want the solar project and those who do not, and that was the majority of the correspondence she had been getting over the last two weeks.

Mr. Rutherford concurred with this in terms of the solar farm correspondence he had been receiving. He also said that he had received communication about snow on the sidewalks, which is not a VDOT responsibility to clear. He stated that he is working with constituents to see if there's a community solution, and possibly a network of contractors who might be willing to shovel at a lower rate.

D. Directives

Mr. Rutherford said he has been interacting with AEP to get an idea of the cost of lighting coming up Main Street to Court Street, as that passageway gets really dark. He asked if the current lights on Main Street were County funded or resident specific. Ms. McGarry responded that the actual streetlights were County funded. Mr. Rutherford said he would connect once he heard back from AEP.

VIII. OTHER BUSINESS (AS PRESENTED)

There was no other business.

IX. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 4:15 p.m., Mr. Reed adjourned the meeting until 7:00 p.m.

EVENING SESSION 7:00 P.M. – NELSON COUNTY COURTHOUSE

I. CALL TO ORDER

Mr. Reed called the meeting to order at 7:00 p.m., with four (4) Supervisors present to establish a quorum and Mr. Harvey was absent.

II. PUBLIC COMMENTS

Mr. Reed read the guidelines for the public comment portion of the agenda and noted that Dr. Ligon would serve as timekeeper.

Denise Tusso, Afton, VA

Ms. Tusso said she learned that Savion has a good neighbor program that would provide rooftop solar systems to the two homeowners in the project area who request this system. She said the Virginia Solar Renewable Energy Credits for those rooftop installations would belong to the homeowners and not Savion, and the same is true for any rooftop solar installation in the County. She noted that the renewable energy credits belong to the system owner, which is normally the homeowner, and renewable energy credit pricing is related to the total amount of solar power generation in Virginia.

Ms. Tuso said that denying a large-scale solar installation in the County has no effect on the pricing of renewable energy credits because an equivalent solar installation is sure to occur in another county. She said that Savion has recently updated their site plan proposal with additional funds for the County of a total of \$20 million and also would award a \$10,000 scholarship every year to students from the Southern District of the County. She stated that Savion is doing their best to be a good neighbor and share as much of the project income as possible, and there are many ways the County could use the income from this project, such as more support for our schools or adding solar installations at the high school campus and other County buildings. She said that if approved, she hoped Nelson County and Savion would work together to make the project a showcase of best practices, especially for the stormwater controls, erosion management, and agrivoltaic possibilities.

Michael Tuso – Afton, Virginia

Mr. Tuso said at the December 10th public hearing for the large-scale solar project, several of the negative public comments included some incorrect claims, and he would present three of those. He said for the assertion that Savion solar panels made by a USA manufacturer for solar would poison the environment, the metal layer in these thin-fill panels is 1/30th the thickness of a human hair and is encapsulated by glass layers on both sides. He said the glass is so strong that running over a panel with a 50-ton compactor leaves the encapsulation intact. He stated that researchers at Virginia Tech published a report on these first solar panels and found that the panels are not toxic—even when damaged by hurricanes, tornadoes, or fires.

He said that second, regarding the claim that leaving the 500-acre site as a tree plantation is the best way to limit atmospheric CO2 pollution, the purpose of the solar farm is to reduce CO2 pollution by displacing fossil fuel energy. He said a 90-megawatt solar farm would produce about 200 gigawatt hours of energy per year with a CO2 footprint, mostly from the panel manufacturing of about 5,000 tons per year. He stated that gas fire generation with the same energy production would have a CO2 footprint of at least 100,000 tons per year—so the solar farm prevents 95,000 tons a year of CO2 emissions that would have come from gas-fired power, compared to the 3,000 tons per year of CO2 sequestered by a 500-acre pine forest. Mr. Tuso noted that solar power is going to keep 30 times as much CO2 out of the atmosphere as that 500-acre forest.

Mr. Tuso said that regarding the third claim that approving the Savion project would automatically open the door for additional projects, the County's comprehensive plan and zoning ordinances are very clear: Every large-scale solar project has its own special use permit, and each project is evaluated only on its own merits, not the outcome of previous SUP requests. He said that one more claim made is that the total amount of solar needed in Virginia would cover 3,329 square miles; the best information he has found, which is from several sources, says they need about 16 gigawatts of solar in the next 20 to 30 years, which takes up about 251 square miles when figuring 10 acres per megawatt.

Mr. Tuso concluded by stating that he is fine with the Savion project, and the Gladstone location may be the only one that works. He concluded by stating that he hoped the Board would base its votes on facts and not incorrect information.

Ann Mische - Nellysford, Virginia

Ms. Ann Mische said she had spent her Christmas vacation researching solar farms and the needs for electricity in Virginia. She stated that after everything she had read and seen, she had decided that she could handle having a solar farm nearby, given its contributions to Virginia. Ms. Mische said Virginia was facing an energy crisis, as was much of America, and acknowledged that the demand for power was driven by modern conveniences like data processing and data farms.

She said that unless people were willing to give up essential technologies such as cell phones, online banking, and credit cards, the demand for energy would persist, leading to a power shortage. Ms. Mische said she viewed the solar farm as akin to a victory garden during wartime—while it would not solve the energy crisis, it would play an important role in addressing it. She said her research support that solar farms were environmentally neutral and would not cause runoff issues that concerned other residents.

Ms. Mische said the major flaw of solar farms was their appearance, but those things were subjective, and solar farms contributed to sustaining the lifestyles that society has deemed essential. Ms. Mische said she considered the solar farm realistic and important and encouraged her representative, Mr. Reed, to vote in favor of the proposal. She added that she spoke solely as an individual and not on behalf of any organization she was affiliated with.

Edward McCann – Massies Mill, Virginia

Mr. McCann said he appreciated the comments of several constituents from the County and their pro-advocacy for the solar farm, but he has also done some research and called Virginia Tech. He said he has talked with people associated with the biosystems engineering program at Virginia Tech and found it very interesting. He noted that some of the things he learned about agrivoltaics were not very positive.

He urged the Board to be careful in the decisions they make tonight, regardless of the opinion of some of the people who have spoken previously, and once this is approved, they've opened the door for any solar farm that wants to come into the County. He said although it may not ultimately hold up, it will bring litigation costs to the County, which he's not sure they were prepared for. He stated that many of his fellow Farm Bureau board members could not be here tonight because they had a very important Beef Cattle Producers Association meeting, but he shared their concerns also.

James Bibb – Arrington, Virginia

Mr. Bibb said he lives not too far from the project site and is on the Tye River. Mr. Bibb said that Savion wanted the Board to believe that by allowing them to build their industrial solar installations on forest lands in Gladstone, they would produce enough energy to power all of Nelson's homes—but they could not guarantee this. He stated that following the last meeting, a press release confirmed an approved data center project in Appomattox by Aveo Digital, with a supply of 500 megawatts of power from CVEC and its suppliers.

Mr. Bibb said it was reasonable to assume the electricity generated by Savion's proposal would be used in the data center, since its energy is sold back to providers where CVEC obtains its electricity. Mr. Bibb stated that 300 megawatts would be more than sufficient to power 100,000 homes, but the proposal would not meet the demand for the new data center. He said Richmond had 112,000 homes within its city limits, providing perspective on the scale of the demand.

Mr. Bibb stated that the press release about the data center approval was withheld from the public until after the previous Board meeting, which Savion hoped would result in an approval vote. He said it was probable that Savion had prior knowledge of the data center project and played a role in the timing of the release, as it was counterproductive to their consistent messaging. He stated Savion had hired lobbyists and influenced Virginia Senate and House legislators to vote in favor of legislation to create the Virginia Energy Facility Review Board, which would create an appeals process and possibly undermine the Board's authority.

Mr. Bibb stated this could lead to eminent domain, a power already present in many states. He said the Board should question the ethics of working with Savion, given their practices of undermining constitutional authority. He asked what other information Savion might be withholding. He stated that the Wild Rose project and other energy developments were linked to the data center issues causing burdens on Virginia utility customers. Mr. Bibb said Nelson County residents would not benefit from the Wild Rose project or the Appomattox data center. He stated utility bills would continue to rise as demand exceeded supply—and on a massive scale. He said that southern Nelson communities should not be responsible for any fallout from this project.

Mr. Bibb concluded by encouraging the Board to vote against the project and stated that Savion had no interest in the people, environment, or culture of Nelson County.

Mary Kathryn Allen – Gladstone, Virginia

Ms. Allen said she has never heard the word Gladstone mentioned so much as over the last three months. Ms. Allen said she lived within a mile of the proposed project and asked the Board to vote no. She stated that she had previously expressed her opposition, both during the Planning Commission discussions and in conversations with individual Board members. Ms. Allen said that any project requiring extensive work, favors, proffers, and promises would only be as trustworthy as the paper it was written on. She stated that her parents had always told her that if something was too good to believe, she could bet it was.

Ms. Allen said that this project was not what the County needed, nor what her home district needed. She stated that five years from now, she did not think people would not feel grateful if the project were approved, as it was unlikely Savion or Wild Rose would still own it. She said she believed the project would be sold and that the 90 megawatts produced would not significantly impact the Appomattox Data Center. Ms. Allen stated her firm opposition to this proposal, asking the Board to vote no and take her concerns into consideration. She said that individuals were welcome to install solar panels on their own homes but emphasized that she did not want the installations in her backyard.

Paul Davis – Nellysford, VA

Mr. Davis said that some of the concerns he had were ones that others had already spoken about. He stated that the data center was one of his worries, mentioning that he had attended the meeting in December and found it suspicious that certain details were omitted during the presentation. He said it felt strange that information about the project only surfaced the next day, raising his suspicions about the company. He stated that other people had voiced similar doubts and added that he was particularly concerned about potential litigation costs. He said these companies often have lobbyists and legal teams at their disposal, giving them the resources to advance their agendas. He stated that his experience with special use permits made him skeptical of the County's enforcement capabilities. He said that individuals often had to uncover violations themselves because enforcement mechanisms were weak.

Mr. Davis said that he had observed companies offering money to the County during special use permit hearings, unlike private citizens who simply laid out their plans. He stated that this raised further concerns about equity and fairness. He said that special use permits, according to state code, are tied to the property, not the company, which created risks if the property changed hands. He stated his worry that a new owner might not honor financial promises made by the original company, leaving the County vulnerable. He said these were significant concerns that could arise if the permit was approved. He stated that these permits remained with the property indefinitely, which could negatively impact residents in areas like Gladstone. He said that he understood why no one would want such a project in their backyard and noted that the project, aside from temporary construction jobs, would create fewer than ten full-time positions.

Mr. Davis said the project would not attract visitors and questioned whether it would be worth approving if the monetary aspect were removed. He stated that in his experience, deals that seemed too good to be true usually were.

Valdrie Walker – Norwood, Virginia

Ms. Walker said that her concern was not about Savion or solar systems, but rather about the potential destabilization of zoning integrity in the County. She stated that if land had been designated as A-1 since the beginning of governance, it should not be altered for companies, organizations, or individuals seeking special permits. She said that the issue with special permits lay in their favor-driven nature, which often disregarded rationality, benefit, or fairness. She stated that these decisions frequently prioritized power, money, and influence over the best interests of all parties.

Ms. Walker expressed concern about A-1 zoning in the South District, leaving it vulnerable to further encroachments—with the County putting effort into other areas. Ms. Walker said that the South District had consistently faced critique compared to other areas in the County, and this situation exacerbated those frustrations. Ms. Walker stated that such zoning changes would harm those who had lived in the area for centuries. She said that those holding power and resources were often favored, while long-term residents were overlooked. She stated her disappointment in the County's direction and emphasized that maintaining the current zoning was in their best interest. Ms. Walker said they were willing to tolerate the County's shortcomings if it meant preserving the integrity of A-1 zoning.

There being no further public comments, Mr. Reed closed this portion of the agenda.

III. PUBLIC HEARINGS

A. Rezoning #24-0289 – A-1 Agricultural to B-1 Business

Ms. Bishop presented a request was to rezone property from A-1 agriculture to B-1 business to align the zoning designation with its current use and to permit additional signage area. She said the property in question was located at 10761 Thomas Nelson Highway in the East District, commonly referred to as the Sunny Mountain Store, which operates as a convenience store, gas station, and the Indian Oven restaurant. She said that all of these were legally vested, non-conforming uses that were grandfathered in due to their longstanding existence.

Ms. Bishop said that the owners were proposing the rezoning to business in order to align the zoning and to expand their signage. She explained that under the A-1 district, whereby only 50 square feet of signage was permitted for businesses; while B-1 zoning designation would allow up to 150 square feet of sign area. She said that in 2023, the owners had replaced the freestanding sign for the Marathon gas station, which approached the 50 square foot limit. She added that the owners wanted to expand the signage on this existing sign for additional advertisement of the business. Ms. Bishop stated that the property was surrounded by other A1 agricultural zoning and included flood zones that restricted development under the flood ordinance. She said that no additional uses or construction were proposed on the site. Ms. Bishop said that the property was accessed via Thomas Nelson Highway and that the Virginia Department of Transportation (VDOT) would review the proposed signage when the owners applied for it.

Ms. Bishop stated that the property fell within the Lovington designation on the future land use map, where the core concept prioritized regional-scale development, redevelopment, and infill while protecting the rural landscape. She said these priorities also aimed to ensure efficient and effective community services, bolster economic development, and improve quality of life. Ms. Bishop stated that primary land use types in this area included retail, shopping, dining, business, and employment. She said that one planning guideline was to preserve existing structures and traditional patterns of development while allowing mixed uses.

Ms. Bishop stated that the approval of rezoning requests should be based on these factors 1) good zoning practices, 2) public necessity, 3) general welfare, and 4) convenience. She concluded by saying that at their December meeting, the Planning Commission had voted unanimously to recommend approval of this rezoning to the Board.

Mr. Reed opened the public hearing. There being no public speakers, he closed the public hearing.

Mr. Rutherford asked if any conditions had been added. Ms. Bishop responded that there were not, since this is a rezoning.

Mr. Rutherford stated that Sunny Mountain has been there his whole life and generations before him, and it has been an integral part of a lot of people's commutes. He stated that he would like to support everything they're doing there.

Mr. Rutherford moved to approve Rezoning #24-0289 as presented. Dr. Ligon seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote.

B. Ordinance O2025-01 – Amendment to Chapter 7, Motor Vehicles and Traffic, Article IX, Local Authority to Reduce Speed Limits

Ms. McGarry stated that this ordinance, O2025-01, would provide local authority to reduce 25 mile per hour speed limits in a business or resident district. She said the public hearing was authorized by the Board, with the adoption of Resolution R2024-82 on December 10, 2024. She said their public hearing notice was published December 26, 2024 and January 2, 2025 and was authorized by Virginia State Code 46.2-1384.

Ms. McGarry reported that the provisions of this state statute provide that the governing body of any county, city, or town may by ordinance authorize its chief administrative officer to reduce the speed limits either 15 miles per hour or 20 miles per hour on any highway within its boundaries that is located within a business district or residence district where the posted speed limit is 25 miles per hour; and also restore a speed limit that has been reduced pursuant to the subdivision to the speed limit that had been previously posted at that location; and provided that such reduced or restored speed limit is indicated by lawfully placed signs; and a written notice of the speed limit change must be provided to the Commissioner of Highways at least 30 days prior to changing the speed limit.

Ms. McGarry said that State Code 46.2-100 defines the business district and residence districts as shown on the slide presented.

❖ **Business District:** the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

❖ **Resident District:** the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ [15.2-2200](#) et seq.) of Title 15.2.

She explained that the proposed ordinance O2025-01 amends Nelson County Code Chapter 7, Motor Vehicles and Traffic, adding Article 9 - Local Authority to Reduce Speed Limits. She noted that Section 7-149 provides the provisions of this local authority which would be granted following a public hearing and consent by resolution of the Board of Supervisors; and Section 7-150 provides for notifying the

Commissioner of Highways of a priority changing a speed limit at least 30 days beforehand and the ordinance also is effective upon enactments as presented.

Ms. McGarry offered to answer questions or engage in discussion from the Board and said that otherwise, staff recommends adoption of ordinance O2025-01 as presented.

Mr. Rutherford asked if they had to do a public hearing every time the County authorized reducing the speed limits to either 15 or 20 miles an hour. Ms. McGarry responded that the way the current ordinance is proposed, yes.

Mr. Reed opened the public hearing. There being no public comment, he closed the public hearing.

Dr. Ligon said that this originated in her district but applies everywhere, and it is more of an organizational item than a specific project approval.

Dr. Ligon moved to approve **Ordinance O2025-01**, Amendment to Chapter 7, Motor Vehicles and Traffic, Article IX, Local Authority to Reduce Speed Limits, as presented. Mr. Rutherford seconded the motion. Supervisors approved the motion (3-1) by roll call vote, with Mr. Parr voting no, and the following ordinance was adopted:

ORDINANCE O2025-01
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 7, MOTOR VEHICLES AND TRAFFIC
ARTICLE IX, LOCAL AUTHORITY TO REDUCE SPEED LIMITS

WHEREAS, the governing bodies of counties are authorized by Virginia Code Section 46.2-1300 to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within its boundaries that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, provided that such reduced or restored speed limit is indicated by lawfully placed signs. At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this subdivision, the governing body shall provide written notice of the change to the Commissioner of Highways.

WHEREAS, it is the sense of this Board that an ordinance should be enacted authorizing the County Administrator to exercise the authority above-described after receiving consent of the Board following a public hearing.

NOW, THEREFORE BE IT ORDAINED that the following ordinance be enacted:

New

Article IX. – LOCAL AUTHORITY TO REDUCE SPEED LIMITS

Sec. 7-149. Provisions.

Following public hearing and consent by resolution of the Board of Supervisors, the County Administrator is authorized to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within the County that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, provided that such reduced or restored speed limit is indicated by lawfully placed signs.

Sec. 7-150. Notice to Commissioner of Highways.

At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this section, the County Administrator shall provide written notice of the change to the Commissioner of Highways.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon enactment.

IV. OTHER BUSINESS (AS PRESENTED)

A. Special Use Permit #24-0014 – Large Solar Energy System, Wild Rose Solar

Ms. Bishop reported that this is a special use permit request for a large solar energy system, and the total property area is approximately 4,600 acres, with the area under panels at about 470 acres. She said the project is entitled the Wild Rose Solar project, and this is Nelson County's first request for a solar project of this scale.

Ms. Bishop stated that it is a 90 megawatt or utility-scale solar project. She said the land is in active timber use, and the remaining land is planned to remain in silvicultural use during the life of the project, which is 40 years. She explained that electricity is generated, sent to inverters, converted to a current where collection line can transfer it to the substation—then it's transferred through overhead transmission line to the Gladstone substation, then into AEP's power grid for distribution.

Ms. Bishop said that local zoning approval currently is one of the first steps in a lengthy review process. She stated that should the special use permit be approved, the applicants then are required to proceed with DEQ's permit by rule process, which requires that any impacts be avoided, minimized, or mitigated; there are various reviews that the state requires for that process.

Ms. McGarry reported that the County had received a revised siting agreement from Savion, which is pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code of Virginia, Siting of Solar Projects, Energy Storage Projects. She said this provides that the applicant and County may enter into a siting agreement for such facilities, so the first part of the siting agreement is such recitals. She noted that Article 1 overviews some project features, conditions, and mitigations. She indicated that Article 3 contained miscellaneous terms related to the siting agreement, and then there are exhibits, and the siting agreement makes the special-use permit a part of this particular document. She said that Exhibit B is an illustrative schedule of payments, and this is where the compensation factor comes in. She said the changes to the siting agreement are mostly related to Exhibit B, where in Column E, Additional Voluntary Payments, Operational Years 1 through 40; there's an additional voluntary payment of \$230,000 per year for 40 years, which would total \$9,200,000. She reported that this was an additional \$4,000,000 from the previous siting agreement proposal. She said that a reference was also added on Page 3 in Article 2, Payments, to add an annual \$10,000 scholarship fund for 40 years, or for \$400,000 in total, payable to a student from the South District of the County.

Mr. Eric Miarka with Savion Renewable Energy addressed the Board and said that his presentation would be brief. Mr. Miarka stated that he had no knowledge of the Appomattox data center and had just learned about it the previous week, so there was no intent for Savion to time it with the announcement of that data center. He also noted that they could not sell power directly to that data center; the only entity that could sell power directly to a residential or commercial/industrial customer was the utility. He explained that the utility holds the sole right to provide generation or provide electricity to everyone within its service territory. He said Savion would be tying into the AEP grid, and the Gladstone substation is actually where the grids change—but they are not on the CVEC side of the substation and have no business interaction with the CVEC.

Mr. Miarka said that another statement had been made regarding the signing agreement and concerns about it being potentially too good to be true. He stated that such skepticism was understandable but noted that siting agreements were standard business practice for renewable energy projects in the Commonwealth. He said there were various reasons for this. He stated that a state law passed several years ago had significantly reduced property tax liability for renewable energy projects. He said that this reduction abated taxes to a level shown in the signing agreements column of the exhibit, specifically column B, labeled "estimated M&T." Mr. Miarka stated that this column represented the minimum taxes required by state law, while all other payments, amounting to a couple million dollars, were voluntary. He further said that siting agreements became prevalent because of this tax reduction. He noted that the amount of tax reduction at one time was appropriate when renewable energy technologies were more expensive. He said that, as technology became cheaper, the tax abatement level was no longer necessary.

Mr. Miarka stated that siting agreements now serve as a method for renewable energy companies to make voluntary tax payments to host communities. He said that whether or not people believed such agreements were too good to be true, the important factor was that they were legally binding contracts. He stated that these contracts were documented on paper with signatures from both the company and the County, ensuring accountability. He said the same applied to the conditions of the special use permit.

He stated that the company believed it was important to make a strong commitment to the County, which he said was demonstrated by their aggressive proposal for voluntary payments. He further said that this commitment included a \$10,000 scholarship contribution to the South District. Mr. Miarka stated that this initiative was inspired by feedback from Mr. Reed during the public hearing in December, where they heard

the importance of connecting with the education community. He said that while the company intended to explore further opportunities with the high school, they had not been able to finalize those plans in time for the meeting. He stated that the scholarship offered a way to support higher education and provide resources for high school students pursuing college opportunities.

Mr. Miarka thanked the Board and offered to answer questions.

Dr. Ligon said she has concerns about the special use permit running with the property and being with this land for life. She said she knows of at least one other special use permit in this County that has to come back around and be accepted again, so she was hoping they could discuss that today. She said that alternately, perhaps it could be limited to this company. Regardless, she said, she did not think it should be carte blanche and she would like to see the County limit it as much as possible.

Ms. Bishop clarified that Dr. Ligon's suggestion was for a condition that the SUP would expire after the 40-year life of the project, so it couldn't automatically be rolled into another solar farm but instead would have to come back to the County after the 40-year period. She said staff would recommend that it be 40 years from the start date of commercial operations.

Mr. Reed asked if this applicant could reapply at that time. Ms. Bishop confirmed that they could, noting that her understanding is that first right of refusal in the contract goes to the County.

Dr. Ligon said that she and Mr. Parr had been designated to meet with the solar representatives to negotiate agreements and discuss matters, and they were likely the two most negative members of the Board regarding the project. She said she believed their skepticism ultimately benefitted the County, as they were prepared to reject almost any initial proposals. Dr. Ligon said their objections and actions during the negotiations likely prompted the higher monetary offers for the County—and no other locality had received such a substantial amount for a project of this size. She said the decision had caused her to lose a lot of sleep because she believed the County had gained a good deal through their negotiations, but it still left her feeling uneasy.

Dr. Ligon said erosion was a significant constituent concern that had been raised frequently. She stated that she shared this concern and emphasized the importance of trusting in the site plan and the DEQ's oversight. She said solar projects from 5 or 10 years ago were new and it took the government time to refine how they were dealing with them, but she believed there were now competent individuals in place to critically assess the site plan.

Dr. Ligon said that nothing was perfect, and replacing agriculture was another concern voiced, though less frequently. She said she loved agriculture, having grown up on a farm, but she also did not like monoculture, which is what pine land represented to her. She stated she struggled with the idea of replacing agriculture. Dr. Ligon said the aesthetic of solar projects was also a problem; she pointed out that she personally did not like their appearance. She said that while this specific project could be largely hidden if the site plan was followed, the foliage would require time to mature. She said she had wanted the Board to visualize a solar project she had often passed by in Bath County, noting that the low foliage there revealed much of the project's infrastructure.

Dr. Ligon said there were comments that highlighted public concerns about opening the way for future solar projects, and she had observed other counties approving solar projects in the past but later halting them. She said she has asked questions about this issue and has been told that each project required an individual approval process. She stated that she did not know how to fully address this concern but acknowledged it was frequently raised.

Mr. Parr stated that he did not like solar projects. He said that driving up Route 29 and seeing the solar project in Red Hill was unpleasant, describing it as ugly. He said the project's appearance, particularly its lack of alignment, detracted from its curb appeal. He agreed with Dr. Ligon's assessment that they were the most skeptical Board members. He stated that he had never lost as much sleep over a project or a vote as he had with this one, despite his 21 years of public service in Nelson County. He said that he had been up since early morning researching and reading, and described this decision as particularly challenging.

Mr. Parr stated that he recognized the aesthetic concerns surrounding solar farms, mentioning the unattractiveness of such projects and the visual impact on the landscape, with the viewsheds from this site being particularly attractive. He said that he visited the proposed site and reviewed the placement of panels, noting he was impressed with their location according to the site plan. However, he said, his primary concern was not the solar project itself but rather the financial implications and the potential loss of local control.

Mr. Parr said that proposals from state officials such as Creigh Deeds and other Democrats in Richmond would transfer decision-making power from local governments to Richmond—and the governor was standing on his own. Mr. Parr stated that if such legislation were passed, the locality could lose the ability to negotiate favorable terms for solar projects, which was a real concern if they did not approve this. He said that the originally proposed funding for the project increased from \$8 million to \$20.2 million, along with a \$10,000 annual scholarship for 40 years. He said his concern was tied to the potential loss of these funds if decision-making shifted away from local officials.

Mr. Parr stated that he did not want solar farms visible from local roads such as Route 151 or Route 56 near Montebello, nor did he want them in anyone's backyard. He said he worried about mandated state clean-energy goals, which could not be met without some solar projects like this one. He stated that local boards would likely oppose such projects, knowing their constituents' preferences to not want these in their own backyards. He said this was not necessarily about the special use permit, it was about removing control.

Mr. Parr said that while these funds would go into the General Fund, the money generated would benefit the community. He stated that the Board of Supervisors had discussed investing in areas such as Gladstone and emphasized community scholarships as a means to support local development. He said the financial boost could offset prior commitments, such as the \$10 million allocated to the school system for capital improvements. He expressed concern about risks such as hail damage to solar panels and runoff from stormwater, stating that trust in DEQ was critical to ensuring compliance with stormwater management practices. He said the timing of related announcements, particularly regarding data centers, complicated the decision further. Mr. Parr stated that power generated by solar farms goes into the grid rather than being directly supplied to specific facilities, and described this process as akin to dropping water into the ocean.

Mr. Parr concluded by saying this decision was a difficult one. He stated he might have more to contribute later but ended his remarks for the moment.

Mr. Rutherford said that governing on this matter was not a simple vote, as was noted by Dr. Ligon and Mr. Parr. He stated that he had grown up in a household where his father began exploring solar energy during the 1970's, specifically under the incentives provided during the Jimmy Carter era. He stated that he was proud of creating seasonally net-zero houses during his career as a home builder, enabling some degree of independence. He said solar concepts and technology were not unfamiliar to him and acknowledged their usage across the country. Mr. Rutherford stated that, moving forward, the County and community's goals for the future should be considered carefully.

Mr. Rutherford said he had supported numerous special use permits in the past and viewed them through the lens of communities like Lovington and Schuyler. Mr. Rutherford stated his belief that job creation is vital, particularly high-paying jobs, as the community has a significant need in this area. He said that while the project offered construction jobs temporarily, it lacked recurring benefits. Mr. Rutherford stated that recurring economic benefits were preferable to one-time incidents. He said the project did not reduce electric bills, protect farmland, or directly resolve many pivotal issues.

He stated that the \$20 million from the project, in his view, did not provide sufficient benefits to justify approval. Mr. Rutherford said his skepticism was reinforced by state maneuvers that could limit community advantages from such initiatives. He said solar energy might play a role in future energy solutions but emphasized its inability to meet the Commonwealth's substantial demand requirements. Mr. Rutherford said industrial data centers consumed vast amounts of electricity and noted that solar energy from such facilities would likely be directed toward cities and industrial areas rather than residential needs.

He said consumers faced pressures from state policies that increased energy costs. Mr. Rutherford stated that while the solar facility might prevent extreme energy costs, it would not offer substantial relief. He said the community's energy issues exceeded the scope of what the Board could resolve. He stated that the financial benefits of the project amounted to a modest \$300,000 to \$400,000 annually, which was insufficient for addressing broader community needs. Mr. Rutherford said his skepticism persisted regarding the long-term implications of this proposal, noting that he appreciated that his colleagues had approached the discussion with seriousness and dedication.

Mr. Rutherford expressed his gratitude for learning about technical limitations in Nelson County that restrict large solar projects to certain areas, and he was actually relieved that these limitations would remain in place should the state curtail local authority. Mr. Rutherford expressed his ongoing skepticism about energy solutions and what the community needs. He reiterated his commitment to high-paying jobs for the current and future generations, and checking that box was one of the most important factors to him on voting for a special use permit.

Mr. Reed thanked members of the public who had spoken on this, as they had informed everyone on the Board of the project's pros and the cons. He also thanked his colleagues, who he said have done the same and have articulated their thoughts and feelings really well.

Mr. Reed said he had started thinking about energy systems in 1979 when he and his wife designed their home off the grid. He said they took the approach that minimizing your energy needs was the most thoughtful way to build a home, as you get to use the energy that you have as, opposed to the energy that you have to pay for. He said they wanted to be responsible about where the energy came from and how much of it they used—and be effective and efficient in terms of what they did with their lives. He said that as a teacher, he always put that forth when he was teaching physics about energy that those things were very important. He said he was in a fortunate situation where he could speak directly to students doing energy audits in their homes and figuring out how much energy each of their appliances used and how much it cost them. He noted that it was always enlightening to the students and himself how everyone responded to that.

Mr. Reed said for people who say the system is rigged, he agreed that the current energy model is really bad, and his own actions felt like rebelling against what the normal "energy generation" was doing. He stated that the model they have today is one grid to serve everybody, with no redundancy, no opportunity for communities to generate energy on their own behalf, and little opportunity for communities to live within their own means to generate energy or focus on conservation in any way.

Mr. Reed stated that a lot of the responses they've received about this proposal reflects that they have a model that isn't good and doesn't serve individuals or the community in ways that it could and arguably should. He said if they were stuck with a bad model, the challenge was what to do when something like this came before them. He commented that to him a good model is one where individuals live within their ability to sustain themselves in a healthy and positive way, and for communities to generate and live within their own energy abilities. He said that was not one we have at this point. He said the closest they have is a net metering system allowed in Richmond, which does not really serve the homeowners and the people that do have the ability to generate energy on their own.

Mr. Reed said that the Board was in a position where they had to make a choice, and he emphasized that this opportunity required careful consideration. He stated that acknowledging the existence of a better model and the inevitability of change was essential, especially for the benefit of future generations who should not suffer under the current system. He said that the decisions made needed to reflect the best possible judgment under the circumstances.

Mr. Reed stated that this project was not a proxy for data centers and elaborated that data centers represented their own challenges, describing them as "black holes." He said that everyone was connected to these challenges in some way and paid the associated costs to enjoy the benefits they had become accustomed to. He acknowledged that people had little choice but to live with the realities of the time and the systems currently in place. He stated that decisions about reigning in data centers would need to be made by others, though he believed such measures might become necessary.

Mr. Reed said that the choices the Board made should focus on ensuring the County could live within its means and serve its residents effectively. He stated that the project's capacity of 90 megawatts could power the entire County with plenty left over, and this raised the idea of powering the County directly and serving its residents—whereas the current model did not allow such possibilities. He stated that the Board had to work within the constraints of the existing system, and communities would have to be more involved in both the generation and the use of the amount of energy that they have.

Mr. Reed said he supported having the right of first refusal on this project at the end of 40 years because in the event that would happen, that could possibly give the County an asset that could accommodate a good model should one exist at that time. He said the job to create that good model belonged to federal, state, and local government—in other words, all of us. He emphasized that making a decision on something didn't keep them from having to ever pay attention to it again, because if they approved this tonight, they will have to continue being responsible for establishing and sustaining a good model. He said they can do that as individuals, as groups they are a part of, as communities, with the Board, with the state, and at many different levels. He said when they make a decision, they have a responsibility to live that decision. He said if they are able to make a commitment to a better model and a better future, he could approve this despite all the costs involved with it. He added that this at least gives them something positive they can hang their hat on and work towards that can serve both the community and the individuals in it and beyond.

Mr. Reed concluded by inviting further comments or a motion from other Board members. He said that in the absence of anyone else making a motion, he would make one. He thanked his colleagues for all of the work they did on this and all the information they brought forward.

Ms. Bishop said that she has some language to add, amended to the conditions, if they want to limit the special use permit to expire on the 40th anniversary of the commercial operation date.

Mr. Reed moved to approve #24-0014 Large Solar Energy System, Wild Rose Solar, with the amendment that the SUP will expire on the 40th anniversary of the commercial operating date, unless otherwise extended by the Board of Supervisors. Dr. Ligon seconded the motion. Supervisors approved the motion (3–1) by roll call vote with Mr. Rutherford voting no.

B. Proposed Siting Agreement – Large Solar Energy System, Wild Rose Solar

Mr. Reed opened the siting agreement item for discussion.

Mr. Parr asked if there were any changes the Board has made that need to be reflected in the siting agreement. Staff confirmed that there were not.

Dr. Ligon asked how the scholarship provision is written in the event there is more than one recipient. Ms. McGarry confirmed that it says, “one or more students.”

Mr. Parr asked for clarification that the scholarship is awarded at the discretion of the County and Wild Rose Solar Project, LLC or their designee. He noted that they would have input as a locality.

Mr. Reed noted that there was not an established process, so they would have to figure it out.

Mr. Parr moved to approve the proposed siting agreement - Large Solar Energy System, Wild Rose Solar, as presented. Dr. Ligon seconded the motion. Supervisors approved the motion (3–1) by roll call vote with Mr. Rutherford voting no.

C. Wild Rose Solar Project Appeal of June 26, 2024 Planning Commission Substantial Accord Determination

Ms. Bishop indicated that by approving the special use permit, it automatically overturned the Planning Commission’s determination, so no action was needed.

V. ADJOURNMENT

Prior to adjourning, Mr. Rutherford said he had received information on the cost of the lights on Main Street: \$12 per month per light, with 2–3 lights needed, and he would email Ms. McGarry about it.

At 8:21 p.m., Mr. Rutherford moved to adjourn the Board meeting. Mr. Parr seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote and the meeting adjourned.



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

GRACE E. MAWYER
Director of Finance and
Human Resources

RESOLUTION R2025-49
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET
July 8, 2025

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 3,575.00	3-100-001901-0032	4-100-031020-3038
\$ 3,575.00		

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

- I. Appropriations are the addition of unbudgeted funds received or held by the County for use within the current fiscal year budget. These funds increase the budget bottom line. The General Fund Appropriations of \$3,575.00 include requests of (1) \$1,300.00 and \$2,275.00 appropriations totaling \$3,575.00 requested for Sheriff's FY25 UVA MOU Special Events Overtime funding for June 2025. *The total appropriation request for this period is below the 1% of expenditure budget limit of \$989,163.73 for July.***

Company No: 001

Date: 7/03/25

Budget Amount

\$35,538.25-

Account Number: 3100 1901 32

UVA-MOU Special Events OT

Year To Date

\$39,113.75-

Encumbrances

\$.00

Period:

Time: 1214

Balance

\$3,575.50

Date	Source	Reference	Number	PO#	Amount	Period	Description
09242024	CS	1	20240924		\$1,625.00	-202409	-TREASURER CASH REPORT-
10072024	CS	1	20241007		\$1,527.50	-202410	-TREASURER CASH REPORT-
10232024	CS	1	20241023		\$1,462.50	-202410	-TREASURER CASH REPORT-
11082024	CS	1	20241108		\$4,972.50	-202411	-TREASURER CASH REPORT-
11152024	CS	1	20241115		\$3,677.50	-202411	-TREASURER CASH REPORT-
11152024	CS	1	20241115		\$5.00	202411	-TREASURER CASH REPORT-
11202024	CS	1	20241120		\$1,397.50	-202411	-TREASURER CASH REPORT-
12122024	CS	1	20241212		\$1,105.00	-202412	-TREASURER CASH REPORT-
12202024	CS	1	20241220		\$2,145.00	-202412	-TREASURER CASH REPORT-
01072025	CS	1	20250107		\$585.00	-202501	-TREASURER CASH REPORT-
01222025	CS	1	20250122		\$2,437.50	-202501	-TREASURER CASH REPORT-
01312025	CS	1	20250131		\$2,567.50	-202501	-TREASURER CASH REPORT-
02072025	CS	1	20250207		\$942.50	-202502	-TREASURER CASH REPORT-
02202025	CS	1	20250220		\$845.00	-202502	-TREASURER CASH REPORT-
03072025	CS	1	20250307		\$650.00	-202503	-TREASURER CASH REPORT-
03182025	CS	1	20250318		\$1,495.00	-202503	-TREASURER CASH REPORT-
03242025	CS	1	20250324		\$650.00	-202503	-TREASURER CASH REPORT-
04092025	CS	1	20250409		\$1,086.82	-202504	-TREASURER CASH REPORT-
04112025	CS	1	20250411		\$241.82	202504	-TREASURER CASH REPORT-
04172025	CS	1	20250417		\$1,267.50	-202504	-TREASURER CASH REPORT-
05012025	CS	1	20250501		\$2,762.50	-202505	-TREASURER CASH REPORT-
05192025	CS	1	20250519		\$731.25	-202505	-TREASURER CASH REPORT-
*****			G/L Year-To-Date-		\$33,686.25-		
*****			Encumbrance-				
*****			A/P Holding File-				
*****			P/R Holding File-				
*****			U/T Holding File-				
06112025	CS	1	20250611		\$1,852.50	-202506	-TREASURER CASH REPORT-
06272025	CS	1	20250627		\$3,575.00	-202506	-TREASURER CASH REPORT-
*****			A/R Holding File-		\$5,427.50-		
*****			G/L Holding File-				
*****			S/S Holding File-				
*****			INV Holding File-				
10082024	BS	1	0000424		\$1,625.00	-202410	FY25 UVA MOU AUGUST 24 05039
11142024	BS	1	0000425		\$2,990.00	-202411	FY25 UVA MOU 9/24 & 10/2405049
12102024	BS	1	0000428		\$10,042.50	-202412	FY25 UVA MOU OCT NOV 24 E05061
01162025	BS	1	0000430		\$3,835.00	-202501	FY25 UVA MOU SPECIAL EVEN05077

3-100-1901-0032

4-100-31020-3038

Company No: 001	Account Number: 3100 1901 32	Period:
Date: 7/03/25	UVA-MOU Special Events OT	Time: 1214
Budget Amount	Year To Date	Encumbrances
\$35,538.25-	\$39,113.75-	\$3,575.50

Date	Source	Reference	Number	PO#	Amount	Period	Description	
02182025	BS	1	0000432		\$5,005.00-202502	FY25	SHERIFFS UVA MOU	05090
03112025	BS	1	0000433		\$1,787.50-202503	FY25	UVA MOU OVERTIME	05106
04082025	BS	1	0000436		\$2,795.00-202504	FY25	UVA MOU	05118
05152025	BS	1	0000437		\$4,875.00-202505	FY25	UVA MOU W/ SHEF OFF	05130
06102025	BS	1	0000438		\$731.25-202506	FY25	SHERIFF UVA MOU APRI	05141
06302025	BS	1	0000440		\$1,852.00-202506	FY25	UVA MOU MAY 2025	05158
*****			Budget Amount-		\$35,538.25-			



NELSON COUNTY SHERIFF'S OFFICE

An equal opportunity employer

P.O. BOX 36, 84 COURTHOUSE SQUARE, LOVINGSTON, VIRGINIA 22949 ~ BUSINESS 434.263.7050 ~ FAX 434.263.7056

SHERIFF
M.E. EMBREY

INVOICE #06072025

Bill To: UVA

Date: 06/12/25

Officer:	Assignment:	Hourly Rate:	Hours Worked:	Total:
	Back of the House	\$65.00	6.5	\$422.50
	JPJ Massie Crosswalk/ Suite Level	\$65.00	8.5	\$552.50
	Main Entrance WTMD	\$65.00	6.5	\$422.50
	Floor Vol 3/ Copley Lot/ N Entrance	\$65.00	6.5	\$422.50
	Copley/ Ivy/ 112	\$65.00	7	\$455.00

Balance Due: \$2,275.00

Comments/Remarks: UVA Chris Stapleton Concert show #2 Saturday 6/7/25. Please make a single check for the full amount payable to County of Nelson

Name:

Major Brad Metje

Signature:

Brad Metje



NELSON COUNTY SHERIFF'S OFFICE

An equal opportunity employer

P.O. Box 36, 84 COURTHOUSE SQUARE, LOVINGSTON, VIRGINIA 22949 ~ BUSINESS 434.263.7050 ~ FAX 434.263.7056

SHERIFF
M.E. EMBREY

INVOICE #06062025

Bill To: UVA

Date: 06/12/25

Officer:	Assignment:	Hourly Rate:	Hours Worked:	Total:
	Crosswalk JPJ East	\$65.00	7	\$455.00
	Floor 3	\$65.00	6.5	\$422.50
	Floor Vom 2	\$65.00	6.5	\$422.50

Balance Due: \$1,300.00

Comments/Remarks: UVA Chris Stapleton Concert show #1 Friday 6/6/25. Please make a single check for the full amount payable to County of Nelson

Name:

Major Brad Metje

Signature:

Brad Metje

FEDERAL, STATE OR LOCAL GOVERNMENT ENTITY ASSISTANCE AGREEMENT

This agreement is entered into between the **Nelson County Sheriff's Office** and the **University of Virginia Police Department** on this 2nd day of August 2024.

Whereas **University of Virginia Police Department** desires the assistance of the **Nelson County Sheriff's Office** in the following described initiative:

Providing police and traffic control services and when deemed necessary, a representative in unified command for sporting and major events until agreement is cancelled by **Nelson County Sheriff's Office**.

Whereas, public safety and security may be enhanced through the deployment of extraordinary law enforcement resources, therefore, the **Nelson County Sheriff's Office** and the **University of Virginia** enter into the following agreement:

1. The **Nelson County Sheriff's Office** will use its best efforts to seek volunteer sworn employees to work paid overtime to assist in accomplishment of the initiative.
2. Sworn **Nelson County Sheriff's Office** employees assisting in the initiative will be under the sole control and supervision of the **Nelson County Sheriff's Office** at all times while engaged in the activity.
3. The **Nelson County Sheriff's Office** will evaluate all requests for support personnel to ensure **Nelson County Sheriff's Office** participation is desirable and feasible.
4. The **Nelson County Sheriff's Office** and **University of Virginia** will agree on desirable manpower and the number of hours of assistance required.
5. Sworn employees providing assistance will be available for temporary reassignment to other areas in the event that emergencies arise during the project and the sworn employees and/or sworn employees' supervisors shall have the same discretion to make the determination as would exist in similar situations absent this agreement.
6. The **University of Virginia** will reimburse the **Nelson County Sheriff's Office (NCSO)** for the number of hours of assistance provided at the sworn employees' overtime rates, plus fringe benefits and any predetermined actual costs associated with the use of vehicles during the project.
7. The **University of Virginia** will require that all events be billed individually as each event occurs. Any invoices received that are more than 20-days old will not be reimbursable due to payment constraints placed on us by the organizing event agency. **Include on your billing statement the officer's name, date of the event, time in/out and hourly rate.**
8. Provide ample parking for sworn employees of the **Nelson County Sheriff's Office**.
9. Name of contact person from your organization in charge of billing for services.

Mark Embrey 94 Courthouse Sq. Lexington VA member@nelsoncounty.org
Name Address Email Phone Number

Mark Embrey
Sheriff
Nelson County Sheriff's Office

Timothy J. Longo, Sr.
AVP & Chief of Police
UVA Police Department

434-253-7050

June 9, 2025

To: Jesse Rutherford

Request from Gail Bastarache and Lovington Beautification Committee

I would like to be placed on the July Board of Supervisors Meeting. I would like to thank the Board of the 2024 Grant that we received, and I would like to request another \$2000 grant to cover our expenses for 2026-2027.

We have documented all of our expenses for the past 18 months which include new barrel planters, soil for 13 planters throughout Lovington, flowers for all the planters through 3 different seasons, and the purchase of seasonal decorations which can be reused. We have also purchased greenery to embellish the bench area at the town center, and we sealed and placed four new wooden planters under the large mural.

By the end of 2025, our funds will be depleted. At this point we have about \$540 in the Beautification grant account. We would like to continue planting seasonal flowers, and we hope to upgrade the seasonal decorations, so that they look better, and are more organic in origin, rather than plastic. We will also need to seal the barrel planters to protect them from the ravages of the weather.

Thanks for your consideration of this request. ~Gail

VI. NEW & UNFINISHED BUSINESS

A. Funding Request from Lovington Beautification Volunteers

Ms. Gail Bastarache of Lovington was present to request funding from the Board in the amount of \$2,000 for expenses during calendar years 2024 and 2025 for the beautification of Lovington. Ms. Bastarache noted that she moved to Nelson three years ago and had been working with a group on beautification for Lovington. She reported that over the past few years, any beautification efforts through flowers, benches, signage and flower pots through Lovington had been funded through donations, and a recent bake sale. She noted that volunteers had provided monetary donations, labor and maintenance of the flowers and shrubs. She commented that since Lovington was the County seat, they wanted to take pride in their community and work to keep it attractive to visitors and locals. She explained that the funding would help to replace older barrels, replenish potting soil and fertilizer in the barrels, provide seasonal flowers and decorations, labor for any heavy lifting and digging maintenance, as well as other miscellaneous beautification projects in the future.

Ms. Bastarache reported that she, and Patty Turpin would manage the funds in a Beautification Account at Atlantic Union Bank. She noted other committee members who had agreed with the request included Patty Avalon, Carla and Paul Quenneville, Vicki Vestal, Larry Wells and Patty Turpin.

Mr. Rutherford thanked Ms. Bastarache for attending. He noted Patty Turpin had been maintaining the flowers in Lovington for years. He commented on new things happening in Lovington - The Heart of Nelson, Patty Avalon's Studio, the seamstress, and the antique shop, as well as the farmers' market. Mr. Parr thanked Ms. Bastarache for her efforts. He noted he had just visited with Patty Turpin and they had discussed the changes that they could see from her front porch.

Mr. Parr moved to approve the request for \$2,000 to the Lovington Beautification volunteers for years 2024 and 2025. Mr. Barton seconded the motion. Mr. Harvey asked why they were trying to do anything in Nellysford or Afton. Mr. Rutherford indicated that the group was in Lovington. Ms. Bastarache noted that they looked at as the County seat and people from the whole County, were in and out all the time.

There being no further discussion, Supervisors approved the motion (4-1) by roll call vote to approve the motion, with Mr. Harvey voting no.

Mr. Barton noted that they also needed to fund Juneteenth.

Juneteenth Funding

Mr. Barton made a motion to fund the 2024 Juneteenth celebration with \$5,000 as requested by Ms. Edith Napier of the Juneteenth Celebration Committee. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion (4-1) by roll call vote to approve the motion, with Mr. Harvey voting no.

The Board took a brief recess.

B. Authorization for Public Hearing on Personal Property Tax Exemption for Volunteer Fire and Rescue (**R2023-78**)

Ms. McGarry reported that at the last meeting, the Board had requested that staff return with information on increasing the current tax relief for volunteer fire and rescue personnel. Ms. McGarry reported the following:

Current Tax Relief for Volunteer Fire and Rescue Personnel as of 1993 Ordinance:

Personal Property Tax Exemption, Chapter 11 Taxation, Article I In General:

Sec. 11-5.1. - Exemption for volunteer fire and rescue squad members

Members of the Nelson County Volunteer Fire Department and Rescue Squads **shall be exempted from paying taxes on the first five thousand dollars (\$5,000.00) of assessed value on their personal property tax bill.** The chief or captain of each squad/department shall provide to the Commissioner of the Revenue by June 1st of each year a certified list of all members who are eligible for the exemption during that year.

A qualifying volunteer must have completed one hundred (100) hours of volunteer activities during the preceding twelve (12) months.

Value of Current FY24 Tax Relief: **\$67,301**

BOARD OF
SUPERVISORSTHOMAS D. HARVEY
North DistrictERNIE Q. REED
Central DistrictJESSE N. RUTHERFORD
East DistrictJ. DAVID PARR
West DistrictDR. JESSICA LIGON
South DistrictCANDICE W. MCGARRY
County AdministratorAMANDA B. SPIVEY
Administrative Assistant/
Deputy ClerkGRACE E. MAWYER
Director of Finance and
Human Resources

RESOLUTION R2025-50
NELSON COUNTY BOARD OF SUPERVISORS
FY2025-2026 AMENDMENT OF SALARY AND CLASSIFICATION SYSTEM

BE IT RESOLVED by the Nelson County Board of Supervisors that the local government's "Salary and Classification System" is hereby amended to incorporate the following:

A three percent (3%) salary adjustment shall be hereby authorized for Nelson County personnel (full-time and regular part-time) employed pursuant to the County's salary classification and pay plan, effective on July 1, 2025. Additionally, a three percent (3%) salary adjustment shall be authorized for all regular part-time employees and all full-time employees, inclusive of the elected/appointed official, employed by a Constitutional Officer or in the Office of the Registrar. The three percent (3%) is inclusive of the 3% across-the-board percentage-based salary increases effective July 1, 2025 for all constitutional officers and their Compensation Board funded permanent staff positions and shall be calculated based upon the salary in effect on June 30, 2025 (Compensation Board and local supplement).

An additional six percent (6%) salary adjustment shall be authorized for all full-time dispatch employees effective on July 1, 2025. This is inclusive of the 6% across-the-board percentage-based salary increases for all Compensation Board funded COMOP and CO SP positions (dispatch positions in sheriffs' offices with primary law enforcement responsibilities in their county) effective July 1, 2025.

Finally, in order to endeavor to maintain competitive market rate salaries, as of July 1, 2025, the pay range assigned to the Public Safety Dispatcher position within the pay and classification system shall be increased by 6% for FY26, pursuant to the new Compensation Board salary scale for dispatch positions. The pay ranges of all other positions within the pay and classification system shall be increased by 1.5% for FY26. Probationary employees as of July 1, 2025 that are at the minimum of their assigned pay range, shall be moved to the new minimum of their assigned pay range within the pay and classification system. Upon successful completion of their probationary period, these employees shall receive the remaining salary increase of 1.5% for FY26 in order to provide a total salary increase of 3% based upon their salary as of June 30, 2025.

Attachment: Fiscal Year 2025-2026 Salary Scale (Full Time & Part-Time)

Approved: July 8, 2025

Attest: _____, Clerk
 Nelson County Board of Supervisors

Code	Class Title	Annual Salary		
Unified		Min	Mid	Max
103		\$32,822	\$41,027	\$49,234
124	Convenience Center Attendant Parks & Rec Scorekeeper/Timekeeper			
104		\$34,463	\$43,079	\$51,695
106	Animal Shelter Attendant			
119	Commissioner Deputy I			
127	Custodian			
138	Deputy Treasurer I			
105		\$36,187	\$45,233	\$54,279
	Recreation Assistant			
154	Office Assistant			
155	Parks & Rec Seasonal Site Leader			
162	Parks & Rec Field & Trail Maintenance Worker			
106		\$37,996	\$47,495	\$56,993
115	Circuit Court Deputy I			
120	Commissioner Deputy II			
139	Deputy Treasurer II			
174	Transfer Station Operator			
107		\$39,896	\$49,869	\$59,843
	Maintenance Tech I			
164	Roll-off Vehicle Operator			
107.5		\$41,664	\$52,080	\$62,497
160	Public Safety Dispatcher			
108		\$41,890	\$52,363	\$62,836
116	Circuit Court Deputy II			
121	Commissioner Deputy III			
109	Deputy Registrar			
171	Senior Transfer Station Operator			
109		\$43,984	\$54,982	\$65,977
	Sheriff's Evidence Tech			
	Administrative Assistant I/Permit Technician			
101	Administrative Assistant I			
112	Building Inspector			
179	Maintenance Tech II			
169	Senior Public Safety Dispatcher			
168	Solid Waste & Recycling Coordinator			
110		\$46,184	\$57,730	\$69,277
117	Circuit Court Deputy IV			
140	Deputy Treasurer IV			
146	Economic Development & Tourism Specialist			
150	Finance & HR Specialist			
157	Parks & Rec Specialist			
111		\$48,493	\$60,617	\$72,740
102	Administrative Assistant II			
104	Animal Control Officer			
136	Deputy Sheriff - Uncertified			
118	Judicial Assistant			
177	Victim Witness Advocate			

DRAFT____ Salary and Classification System
County of Nelson FY26

Code	Class Title	Annual Salary		
Unified		Min	Mid	Max
112		\$50,917	\$63,648	\$76,377
128	Deputy Sheriff - Certified			
129	Deputy Sheriff - Certified (K-9 Handler)			
130	Deputy Sheriff - Certified (SRO)			
131	Deputy Sheriff - (Facility Security)			
113		\$53,463	\$66,830	\$80,196
	Dispatch Supervisor			
107	Assistant Building Code Official			
132	Deputy Sheriff - Investigator			
178	Shelter Manager			
114		\$56,137	\$70,171	\$84,205
159	Planner			
115		\$58,943	\$73,680	\$88,416
103	Asst. to the County Administrator/Deputy Clerk			
151	Information Systems Specialist			
134	Sergeant			
116		\$61,891	\$77,363	\$92,837
	Assistant Director of Tourism & Economic Dev.			
180	Chief Deputy Registrar			
126	CSA Coordinator			
105	Director of Animal Control			
118		\$68,234	\$85,294	\$102,352
133	Lieutenant			
119		\$71,647	\$89,559	\$107,470
163	Registrar			
120		\$75,229	\$94,036	\$112,844
111	Building Code Official			
148	Director of Emergency Services			
144	Director of Parks & Recreation			
121		\$78,990	\$98,738	\$118,485
113	Captain			
173	Director of Public Works			
122		\$82,941	\$103,674	\$124,410
108	Assistant Commonwealth Attorney			
123		\$87,087	\$108,859	\$130,631
142	Director of Information Systems			
143	Director of Planning & Zoning			
145	Director of Tourism & Economic Development			
124		\$91,440	\$114,301	\$137,162
141	Director of Finance & Human Resources			
153	Major			
133		\$141,854	\$177,319	\$212,783
125	County Administrator			

**OVERVIEW OF COMPENSATION BOARD
FY26 BUDGET PRIORITIES AND POLICIES
MAY 1, 2025**

New Positions, FY26

- **New Positions:**

Additional positions and funding have been approved by the 2025 General Assembly for FY26, to assist with anticipated workload increases resulting from implementation of HB2723/SB1466 (2025) related to sealing and expungement of court records, as follows:

- 70 new Assistant Commonwealth's Attorney positions in Commonwealth's Attorneys' offices, funded effective July 1, 2025;
- 120 new Deputy Clerk IV positions in Circuit Court Clerks' offices, funded effective July 1, 2025.
- Budget language directs local governments that funding for these new positions may not supplant local funds currently provided for salaries. Language also requires Commonwealth's Attorneys and Clerks to report information regarding the workload directly associated with the implementation of the legislation upon the request of the Compensation Board.

No constitutional officer programs have funded positions available for reallocation in FY26, except for emergency corrections positions that are reallocated annually based upon changes in jail inmate populations. Based on ongoing changes in jail populations and corrections staffing standards for jail overcrowding, a total of 3 emergency corrections positions will be removed and reallocated in FY26, effective July 1, 2025.

- No jail expansion projects are scheduled for completion in FY26. Jails with positions allocated in FY25 for new or expanded capacity have such positions included in base funding for FY26.

Permanent Salaries, FY26

- **FY26 Salaries:** The FY26 budget provided May 1, 2025, provides the base salary amounts approved for FY26, effective July 1, 2025.
 - These amounts **DO NOT** include the 1.5% salary bonus approved by the 2025 General Assembly to be paid by the locality in July, 2025 and reimbursed with the July, 2025 payroll and expense reimbursement for Compensation Board funded positions that are filled on July 1, 2025. Implementation of the bonus, also effective July 1, 2025, requires the governing authority to use the bonus funds to support such bonuses for constitutional officers and their employees. The calculation of 1.5% of salary amounts to be paid for the bonus is based upon the Compensation Board funded salary prior to the implementation of any salary increases that are effective July 1, 2025.

- These amounts **DO** include across-the-board percentage-based increases approved by the 2025 General Assembly to be provided in the base salaries on July 1, 2025.

Salary Increases during FY26: The 2025 General Assembly has approved salary increases to be effective July 1, 2025 of 3% across-the-board for all constitutional officers and their Compensation Board funded permanent staff positions. Implementation of this increase requires the governing authority to use the increased funds to support salary increases for constitutional officers and their employees, such that localities must provide salary increases of at least 3% of Compensation Board salary levels in FY26 in order to meet legislative intent. The Compensation Board will increase the minimum and maximum salaries of its pay bands for constitutional officer employees by 3% effective July 1, 2025.

The 2025 General Assembly has also approved salary increases to be effective July 1, 2025 of an additional 6% across-the-board for all Compensation Board funded COMOP and CO SP positions (dispatch positions in sheriffs' offices with primary law enforcement responsibilities in their County). The Compensation Board will increase the minimum salary for these positions in its pay band chart for employees in sheriffs' offices by 6% effective July 1, 2025.

There are no performance-based increases approved for FY26. **New Compensation Board base salary amounts effective July 1, 2025 are shown in the May 1 budget.**

- **Conversion of Part-time Commonwealth's Attorney's Offices to Full-time:** The General Assembly has approved funding to support the conversion of the part-time Commonwealth's Attorneys' offices in Bath and Highland Counties to full-time status effective July 1, 2025. Conversion includes funding to support a full-time salary for the elected Commonwealth's Attorney and a full-time administrative support position.
- **Automatic Regrades from Grade 7 to 8 for Sworn Deputies and Jail Officers (RBL):** Automatic re-grades from grade 7 to grade 8 for deputy sheriffs and regional jail officers occur on the first of the month on or after the one-year anniversary of the date of hire into a grade 7 position and are accompanied by a 4.56% salary increase.
- **Withholding of Salary increases for Circuit Court Clerks:** Language in the Appropriation Act requires the Compensation Board to withhold across-the-board salary increases from circuit court clerks identified by the Auditor of Public Accounts as having not taken corrective action on internal control matters that could be reasonably expected to lead to the loss of revenues or assets or otherwise compromise fiscal accountability. Such audit findings repeated over multiple audit cycles will result in notification by the Auditor of Public Accounts and subsequent withholding of salary increases. Note that beginning in FY25, the Compensation Board may take into consideration the size of the office of a circuit court clerk and its staffing capacity and determine whether there are extenuating circumstances under which any salary increases should not be withheld. When remediation of such findings is verified by the Auditor of Public Accounts, salary increase amounts withheld will be restored prospectively.

Career Development Programs, FY26

The 2025 General Assembly did not approve additional funding to support further participation in any career development program in FY26. However, salary increases for newly funded participation in FY26 are approved effective July 1, 2025 in some cases where existing funds have accrued through attrition of former funded participants. Salary increases for newly funded participants using existing program funding through attrition are included in the salaries listed in the FY26 budget provided on May 1, 2025.

- **Sheriffs' Career Development Programs:** The Career Development Program includes two tracks: one for sheriffs whose offices are accredited by certain law enforcement standards committees/associations and one for sheriffs achieving certification with Virginia Commonwealth University. For FY26, 53 officers have qualified for the Career Development Program and have received a 9.30% salary increase effective July 1, 2025, including 8 newly funded officers using funds from attrition of former participants. Existing funding is sufficient to fund all Sheriffs newly certified for FY26.
- **Master Deputy/Jail Officer Programs:** Funding is available for participation in the Master Deputy/Jail Officer programs for offices certifying their participation through FY26. For future participation by additional offices, budget language still requires that any office wishing to opt-in to participate in the Master Deputy/Jail Officer programs will need to notify the Compensation Board by July 1 that they have established the Program in their office, recognizing that additional funds will need to be requested for appropriation to the Compensation Board by the General Assembly.
- **Career Prosecutor Program:** Funding is available for current participants in the Career Prosecutor Program. A total of 133 Career Prosecutors continue to be funded in the program in FY26, and 15 new Career Prosecutors are funded in the program in FY26 effective July 1, 2025 through available attrition savings. Existing funding is insufficient to fund 39 Career Prosecutors newly certified for FY26.
- **Treasurers and Commissioners of the Revenue Career Development Programs:** Funding is available for current participants in the Treasurers and Commissioners of the Revenue's Career Development Programs. A total of 72 Treasurers and 63 Commissioners continue to be funded in the programs in FY26, and 4 new Treasurers and 2 new Commissioners are funded in the programs in FY26 effective July 1, 2025 through available attrition savings. Existing funding is insufficient to fund 2 Treasurers and 4 Commissioners newly certifying for FY26.
- **Deputy Treasurers and Deputy Commissioners of the Revenue Career Development Programs:** Funding is available for current participants in the Deputy Treasurers and Deputy Commissioners of the Revenue's Career Development Programs. A total of 207 Deputy Treasurers and 227 Deputy Commissioners continue to be funded in the programs in FY26 and 18 new Deputy Treasurers and 24 new Deputy Commissioners are funded in the program in FY26 effective July 1, 2025 through available attrition savings. Existing funding is insufficient to fund 47 Deputy Treasurers newly certified by their Officers for FY26.

- **Circuit Court Clerks' Career Development Plan:** Funding is available for current participants in the Circuit Court Clerks' Career Development Program. A total of 27 Circuit Court Clerks continue to be funded in the program in FY26, and 5 new Circuit Court Clerks are funded in the program in FY26 effective July 1, 2025 through available attrition savings. Existing funding is sufficient to fund all Circuit Court Clerks newly certified for FY26.
- **Deputy Circuit Court Clerks Career Development Plan:** Funding is available for current participants in the Deputy Circuit Court Clerks' Career Development Program. A total of 165 Deputy Circuit Court Clerks continue to be funded in the program in FY26, and 10 new Deputy Circuit Court Clerks are funded in the program in FY26 effective July 1, 2025 through available attrition savings. Existing funding is insufficient to fund 48 Deputy Circuit Court Clerks newly certified by their Clerk for FY26.

Other Funding Items, FY26

- **Technology Trust Funds:** The 2022 General Assembly approved complete restoration of funds to offset previous general fund budget reductions beginning in FY23 for the general operating budgets of Circuit Court Clerks' offices; consequently, the Compensation Board will no longer need to utilize a like amount of Technology Trust Funds (TTF) to offset general operating budget reductions from FY24 and beyond.
- **Office Equipment Funding:** No funding has been provided for office equipment in the approved budget for Constitutional Officers for FY26, except for start-up equipment funding for two part-time Commonwealth's Attorneys' offices converting to full-time status effective July 1, 2025. For Sheriffs and Regional Jails, requests for Livescan/upgrades previously considered by the Compensation Board through the budget approval process will now be considered on an individual basis and presented as a docket request item at the Compensation Board's regularly scheduled monthly board meetings. Sheriffs and Superintendents are reminded that the Board may consider one-time transfers of an office's accrued vacancy savings to fund its livescan/upgrade needs. (Note for Clerks: Technology Trust Funds are not a part of your base budget funds and budgeting is handled separately in the months of August and September).
- **Training Events:** Additional allowance funding is not available for the reimbursement of attendance at non-Compensation Board-sponsored training events such as VALECO and the Association's annual meeting. However, attendance at these events is considered a reimbursable expense if funds are available in your budget. All Officers will continue to be reimbursed for the approved travel-related expenses associated with attending Compensation Board-sponsored training events such as Lawful Employment and New Officer Training.

Transfer Policy, FY26

- **Vacancy Savings:** Policies restricting transfers of accumulated vacancy funds to other budget categories for one-time use for all Constitutional Officers are not required for FY26 at this time.
 - Officers who wish to leave permanent positions vacant for the entire fiscal year and transfer the funds to temporary salaries or office expenses should submit their requests to the Compensation Board not later than July 10 for Compensation Board action on July 24. Offices requesting to transfer annual salary amounts for medical and food service contracts must provide information regarding the costs of such contracts. **Offices requesting to transfer annual salary amounts from Behavioral Health Case Manager positions must provide information regarding how these case management services are being provided in the jail with the transferred funds utilized in another budget category.**
- **Turnover:** Turnover funds are not currently restricted and can be used by all offices for restoration to prior base salary amounts for positions with salaries reduced due to previous across-the-board budget reductions, through April 15, 2026 and prior to the May 1 setting of the budget for a subsequent fiscal year.
- **Base transfers:** Base budget transfers of turnover funds to other budgeted categories may be considered under special circumstances in FY26. Base budget transfers within other budget categories can be requested by all offices but require Compensation Board action.
- **One-time transfers:** One-time transfers can be made by all offices as follows:
 - From Vacancy Savings, Temporary or Office Expenses to Equipment (not in the base) but transfers require Compensation Board action;
 - Between Temporary and Office Expenses or from Vacancy savings to one of these categories, not to exceed \$10,000 per month (not in the base); amounts requested for transfer above \$10,000 per month require Compensation Board action.

Other Funding Policies, FY26

- **5% Salary Amount and Transition of 5% VRS Member Contribution to Officer/Employee related to Chapter 822, 2012 Acts of Assembly (SB497 of 2012 General Assembly) – Non-Supplanting Language:**
 - While not a matter of Compensation Board policy, during the reconvened session of the 2013 General Assembly, a Governor's amendment was approved preventing local governments from using Compensation Board funding to supplant local funds provided for the salaries of constitutional officers and their employees under the provisions of Chapter 822, 2012 Acts of Assembly, who were affected members in service on June 30, 2012. In accordance with the provisions of SB497 from the 2012 Session of the General Assembly (aka Chapter 822, 2012 Acts of Assembly), localities provided a 5% salary increase (unless phasing-in) on July 1, 2012 to

constitutional officers and their employees to offset the transition of the payment of the 5% member contribution to VRS for retirement premiums from the locality to the employee. Any Compensation Board funded salary increase funds cannot be used to offset the 5% salary increase amount (or phase-in amount) funded by the locality in association with this VRS contribution change. This language regarding non-supplanting of local funds does not apply to any salary supplement amounts provided by localities that exceed the 5% increase related to the VRS member contribution amount, nor does it apply to employees hired into a Compensation Board funded position after July 1, 2012 (or after July 1, 2010 if “plan 2” employees have been required to pay their own 5% member contribution since that time).

- **Required Data Submissions:** Language was approved by the 2014 General Assembly requiring that all law enforcement agencies receiving funding from the Compensation Board (including local and regional jails) provide the necessary data and meet the necessary data requirements to participate in the Statewide Automated Victim Information and Notification System (SAVIN), administered for the Commonwealth’s jails through the Virginia Center for Policing Innovation.
- **Constitutional Officers’ VRS Retiree Health Care Credit Premium Recovery:** Included in the Appropriation Act for FY26 is continued language requiring that 100% of the unfunded amount of the Compensation Board’s payment for the retiree health care credit premium on behalf of Constitutional Officers and their employees to the Virginia Retirement System be recovered from payments made to localities. The recovery amount is estimated at a statewide total of \$2,011,613 and the Compensation Board is appropriated base funding of just under \$1.71 million in FY26 to pay the difference between the recovery amount and the estimated premium amount of \$3.72 million in FY26. Distribution of the recovery amount for the retiree health care credit is based upon a prorated amount projected for each office based upon prior year actual costs, and does not include recoveries on behalf of Directors of Finance, Regional Jails, or localities not participating in the Virginia Retirement System. Changes in estimated costs for FY26 based upon actual FY26 costs may result in a change to each office’s estimated recovery amount. Each office’s related cost is anticipated to be recovered from the July payroll reimbursement amount prior to fund transfer to the locality.
- **Division of Risk Management Liability Insurance/Surety Bond Premium Recovery:** Included in the Appropriation Act for FY26 is continued language requiring that 100% of the amount of the Compensation Board’s payment for liability insurance and surety bond premiums on behalf of Constitutional Officers and their employees to the Division of Risk Management (DRM) be recovered from payments made to localities. Since FY17, budget language requires that DRM identify premium amounts by office, incorporating factors such as claims history, staffing, and average daily jail populations, and results in a different distribution of premium recovery amounts by office than the previous distribution based upon staffing levels. For FY26, the total VARISK general liability premium will remain unchanged, however, every office’s proportion of the total will change somewhat in FY26 based upon these factors; some offices will see an increase in their premium amounts, while other offices will see a decrease. Estimates of the FY26 recovery amounts reflecting these changes were provided on March 6, 2025.

Each office's related cost is anticipated to be recovered from the July payroll reimbursement amount prior to electronic transfer of funds to the locality. However, budget language allows for recoveries to occur in more than one month if necessary.

- **Body Worn Camera Local Funding Language:** The 2019 General Assembly approved language based on a recommendation of the 2018 Body Worn Camera study work group establishing guidelines for staffing requirements by localities for Commonwealth's Attorneys' offices to provide funding to support one Assistant Commonwealth's Attorney for every 75 body worn cameras employed by local law enforcement officers, but allows for any locality to implement alternative staff funding with the consent/agreement of the Commonwealth's Attorney. Any agreed upon funding formula between the impacted Commonwealth's Attorney and the locality employing body worn cameras shall be filed with the Compensation Board by July 1 of each year and shall remain in effect unless modified by the agreement of both parties until June 30th of the following year. Additional information regarding reporting for this requirement for FY26 will be provided in a separate communication.
- **Withholding of Reimbursements:** Language in the Appropriation Act provides that the Compensation Board is authorized to withhold reimbursements due the locality for sheriff and jail expenses upon notification from the Superintendent of State Police that there is reason to believe that crime data reported by a locality to the Department of State Police in accordance with §52-28, Code of Virginia, is missing, incomplete or incorrect. Upon subsequent notification by the Superintendent that the data is accurate, the Compensation Board shall make reimbursement of withheld funding due the locality when such corrections are made within the same fiscal year that funds have been withheld.
 - **Withholding language** was also approved by the 2015 General Assembly and amended by the 2016 General Assembly to provide that the Compensation Board is also authorized to withhold reimbursements due the locality for sheriff and jail expenses if a Sheriff fails to self-certify his or her compliance with the information transmittal requirements for the Sex Offender and Crimes Against Minors Registry. Any funds withheld shall be reimbursed once the Sheriff makes the proper certification regarding compliance when the certification is made within the same fiscal year that funds have been withheld.
- **June Payroll Shift:** Based upon action by the 2002 General Assembly, the Compensation Board's reimbursement cycle for fiscal year payroll and expenses was permanently changed. While the Compensation Board has always reimbursed expenditures one month in arrears, prior to FY02 it included an accelerated schedule in June to reimburse both May and June expenditures prior to the end of the fiscal year. In FY02, localities did not receive a reimbursement for June expenditures. Instead, June 2002 expenditures were reimbursed in the month of July 2002, or the beginning of FY03. In FY03, localities received reimbursements for the months of June through May. Since FY04, this reimbursement schedule has remained the same, with localities receiving reimbursement payments for the months of

June through May in the months of July through June. This has not changed the budget cycle for the fiscal year, however, which is still established on a fiscal year cycle, beginning July 1 and ending June 30. Because of this change, officers should keep in mind that expenditures in the month of June of each year will be reimbursed out of budgeted funds available for the following fiscal year and could result in a delay in reimbursement of expenditures in the later months of the fiscal year.

Requests for Additional Compensation Board Funding

- Due to funding limitations, requests for additional funding in any budget category are unlikely to be approved during FY26. The Compensation Board reserves the right to make future budget adjustments as may be necessary to limit expenditures in the case of reduced appropriation balances that emerge at a later date.

Exceptions

- The Compensation Board will consider exceptions to these policies upon written request of Constitutional Officers, Finance Directors or Jail Superintendents.

If you have further questions, please contact a member of the Compensation Board staff:

County Sheriffs – Brian Bennett – 804-225-3443, brian.bennett@scb.virginia.gov;
City Sheriffs and Regional Jails – Donna Foster – 804-225-3435,
donna.foster@scb.virginia.gov;

Commonwealth's Attorneys and Circuit Court Clerks – Paige Christy – 804-225-3475,
paige.christy@scb.virginia.gov;

Treasurers, Commissioners of the Revenue & Finance Directors – Joan Bailey – 804-225-3351, joan.bailey@scb.virginia.gov;

Clerks' Technology Trust Funds – Charlotte Lee – 804-225-3366,
charlotte.lee@scb.virginia.gov

All Officers

Bill Fussell – 804-225-3321, william.fussell@scb.virginia.gov

Local Governments

Charlotte Lee – 804-225-3366, charlotte.lee@scb.virginia.gov; or
Robyn de Socio – 804-225-3439, robyn.desocio@scb.virginia.gov

BOARD OF
SUPERVISORSTHOMAS D. HARVEY
North DistrictERNIE Q. REED
Central DistrictJESSE N. RUTHERFORD
East DistrictJ. DAVID PARR
West DistrictDR. JESSICA LIGON
South DistrictCANDICE W. MCGARRY
County AdministratorAMANDA B. SPIVEY
Administrative Assistant/
Deputy ClerkGRACE E. MAWYER
Director of Finance and
Human Resources

DRAFT
ORDINANCE O2025-06
NELSON COUNTY BOARD OF SUPERVISORS
ORDINANCE PROVIDING FOR THE PAYMENT OF
BONUSES TO CERTAIN COUNTY EMPLOYEES

WHEREAS, pursuant to Virginia Code §15.2-1508, Bonuses for Employees of Local Governments, the County may provide for payment of monetary bonuses to its officers and employees; and

WHEREAS, the 2025 General Assembly has approved funding to support a 1.5% bonus for all Department of Social Services employees, constitutional officers, regional jail superintendents and their Compensation Board funded full-time permanent employees on July 1, 2025; and

WHEREAS, the 1.5% bonus is based on their current base salary provided that the governing authority of such employees use such funds to support the provision of a bonus for the stated employees; and

WHEREAS, during the County's FY26 budget work sessions, consideration for the 1.5% bonus was granted to all County Department full-time employees as well as a \$200 bonus for all regular part-time employees; and

WHEREAS, the Board of Supervisors, after duly advertising, held a Public Hearing for this purpose on May 13, 2025, and;

WHEREAS, the Board of Supervisors included the bonuses in its FY26 budget that was approved at the June 25, 2025 continued meeting; and

NOW, THEREFORE, BE IT ORDAINED that the Nelson County Board of Supervisors hereby approves the above referenced bonuses to be paid to the employees in all of the County Departments, to include the Constitutional Officer Departments, Registrar's Office, and the Department of Social Services.

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors



JEFFREY PALMORE
CHAIRMAN

ROBYN DE SOCIO
EXECUTIVE SECRETARY

STACI HENSHAW
JAMES ALEX
EX-OFFICIO MEMBERS

COMMONWEALTH OF VIRGINIA

Compensation Board

P.O. Box 710
Richmond, Virginia 23218-0710

June 16, 2025

MEMORANDUM

TO: Constitutional Officers and Regional Jail Superintendents
City Managers and County Administrators

FROM: Robyn M. de Socio
Executive Secretary

SUBJECT: July 1, 2025 1.5% Bonus for Constitutional Officers and Employees

I am writing to provide further information regarding the 1.5% salary bonus approved by the 2025 Session of the General Assembly for constitutional officers, regional jail superintendents, and their Compensation Board funded deputies and employees, as noted in prior communications regarding legislative actions impacting constitutional officer funding, FY26 budget estimates, and FY26 approved budget policies. Note that information regarding budget estimates and approved budgets and policies for FY26 can also be found on the Constitutional Officers Budgets and Salaries page of the Compensation Board's website at www.scb.virginia.gov.

While salary bonus amounts were included in the FY26 budget/revenue estimate provided earlier this year in March (and available on the Compensation Board website), final May 1, 2025 budgets established for FY26 do not reflect these amounts, as they represent one-time funding and will not become part of each office's base salary funding. Consequently, we are providing a projection of total and reimbursable bonus amounts at this time. Please note that personnel changes between now and July 1 could impact these projections. Additionally, please note the following information regarding these one-time bonus payments of 1.5%:

1 – The calculation of the 1.5% bonus amount is based on the Compensation Board funded salary as of July 1, 2025, but prior to implementation of any salary increases that will also be effective on July 1, 2025 or later (e.g. across-the-board, targeted, or career development increases).

2 – While the Appropriation Act provides for the salary bonus on July 1, 2025, the Compensation Board recognizes the need for flexibility in the date for the bonus to be paid by the locality or regional jail to the elected officers and employees, based upon varying pay cycles instituted across localities. If payment of the bonus on July 1, 2025 is not possible, the Compensation Board will allow for payment of the bonus on another day in July, 2025, as fits with the locality's pay cycle. However, please note that the bonus may only be reimbursed by the Compensation Board for officers and employees that are in a Compensation Board funded position on July 1, 2025. Bonus payments made to any individual that is not in a Compensation Board funded position on July 1 will not be reimbursable. Reimbursements for the bonus payment will be processed with the July, 2025 payroll and expense report.

3 – Reimbursements of the bonus amounts will require a certification by the locality confirming payment of the bonus to the officers and employees; payment of a higher (supplemented) salary amount by the regional jail or locality is not sufficient to meet the requirement that a bonus is paid in order to receive the reimbursed bonus funds.

As the Compensation Board prepares for the implementation of FY26 budgets and reimbursement of bonus amounts, there will be a short window to identify and confirm bonus amounts that are reimbursable. The Compensation Board will request each office to ensure any personnel actions occurring with an effective date of July 1, 2025 are entered into the COIN personnel and reimbursement system during the week of July 14-18, 2025. The Compensation Board will then provide notice of final reimbursable bonus funds during the week of July 21 along with a certification form, and local government certifications that such bonus payment costs were incurred/paid will be due during the following week of July 28. Once certifications are received, reimbursement of the bonuses paid will be included in the July, 2025 payroll and expense reimbursement.

Please refer to the attached spreadsheet showing the projected bonus amounts by position for each office. Note that the attached spreadsheet is a macro-enabled Excel file. **Please first open** the attached pdf document entitled “FY26 Instructions to Open 7-1-2025 Budget Estimate Spreadsheet File” for detailed instructions on how to download and extract your office data from the macro-enabled Excel file, as many computers will block macro files. If you still cannot extract your data after following these instructions, or the macro-enabled Excel file is missing, please contact the Compensation Board staff noted at the end of this letter for assistance.

After you have extracted and opened the bonus estimate spreadsheet for your office, please open the attached pdf document entitled “FY26 Instructions to Complete Review of 7-1-2025 Bonus Estimate” for further information and instructions regarding the bonus and eligibility of officers and deputies/employees.

Please review all provided information carefully, and if you have any questions, please contact a member of the Compensation Board staff below.

Officer	Staff Member	Email Address	Telephone
Sheriffs and Regional Jails	Brian Bennett, Senior Fiscal Technician	brian.bennett@scb.virginia.gov	804-225-3443
	Donna Foster, Senior Fiscal Technician	donna.foster@scb.virginia.gov	804-225-3435
Commissioners of the Revenue, Treasurers and Finance Directors	Joan Bailey, Senior Fiscal Technician	joan.bailey@scb.virginia.gov	804-225-3351
Circuit Court Clerks and Commonwealth’s Attorneys	Paige Christy, Senior Fiscal Technician	paige.christy@scb.virginia.gov	804-225-3442
All Officers or Gov Bodies	Bill Fussell, Customer Service Supervisor	william.fussell@scb.virginia.gov	804-225-3321
	Charlotte Lee, Budget Manager	charlotte.lee@scb.virginia.gov	804-225-3366
	Robyn de Socio, Executive Secretary	robyn.desocio@scb.virginia.gov	804-225-3439

Code of Virginia

Title 15.2. Counties, Cities and Towns

Subtitle II. Powers of Local Government

Chapter 15. Local Government Personnel, Qualification for Office, Bonds, Dual Office Holding and Certain Local Government Officers

Article 1. General Provisions for Certain Officers and Employees

§ 15.2-1508. Bonuses for employees of local governments

Notwithstanding any contrary provision of law, general or special, the governing body of any locality may provide for payment of monetary bonuses to its officers and employees. The payment of a bonus shall be authorized by ordinance.

1985, c. 142, § 15.1-7.4; 1997, c. 587; 2003, c. [204](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

PINEY RIVER WATER & SEWER SYSTEM (PRWS) WATER & WASTEWATER SERVICE & USAGE AND CONNECTION FEES

JULY 8, 2025 BOARD OF SUPERVISORS MEETING

PINEY RIVER WATER & SEWER SYSTEM (PRWS) CUSTOMER BASE

- Total Customer Base as of March 2025 is 206:
 - 5 Water Only
 - 18 Sewer Only
 - 83 Sewer & Grinder Pump
 - 100 Water, Sewer & Grinder Pump

PRWS SYSTEM SERVICE & USAGE FEES COMPARED TO NELSON COUNTY SERVICE AUTHORITY

<u>Fee/Charge Description</u>	<u>RATES</u>		
	<u>2024 NCSA - Lovingston, Schuyler, Gladstone</u>	<u>2024 NCSA - Wintergreen Mountain (Where Different)</u>	<u>2013 Piney River County-O2013-04</u>
<u>Base Service & Usage Fees</u>			
Water Usage - (4,000 gallons monthly minimum)	\$ 48.30	\$ 52.90	\$ 29.90
Water Usage - (per 1,000 gallons over monthly minimum)	\$ 12.00		\$ 6.10
Sewer Usage - (4,000 gallons per month)	\$ 80.15	\$ 80.15	\$ 29.60
Sewer Usage - (per 1,000 gallons over monthly minimum)	\$ 11.30		\$ 6.85
Grinder Pump Fees	\$ 25.25		\$ 9.00

*NCSA Base Sewer Usage Rate Effective July 1, 2025

PRWS WATER AND SEWER CONNECTION FEES COMPARED TO NELSON COUNTY SERVICE AUTHORITY

<u>Fee/Charge Description</u>	<u>RATES</u>		
	<u>2024 NCSA - Lovingston, Schuyler, Gladstone</u>	<u>2024 NCSA - Wintergreen Mountain (Where Different)</u>	<u>2013 Piney River County-O2013-04</u>
<u>Connection Fees - (Water & Sewer) - each</u>			
5/8" to 3/4"	\$ 4,000.00		\$ 2,000.00
- Full 3/4" (3/4")	\$ 6,000.00		\$ 3,000.00
- One Inch (1")	\$ 10,000.00		\$ 5,000.00
- One & One Half (1 1/2")	\$ 17,500.00		\$ 8,000.00
- Two Inch (2")	\$ 32,000.00		\$ 16,000.00
- Three Inch (3")	\$ 64,000.00		\$ 32,000.00
- Four Inch (4")	\$ 100,000.00		\$ 50,000.00
- Six Inch (6")	\$ 200,000.00		\$ 100,000.00

5 YEAR PHASE-IN OF EQUALIZING COUNTY PRWS & NCSA WATER & SEWER SERVICE & USAGE FEES (EQUAL INCREASES EACH YEAR)

5-Year Rate Phase-In

Base Service & Usage Fees	NCSA	WGR	NC-PRWS	5-Year Differential	Year-1	% Change	Year-2	Year-3	Year-4	Year-5
Water Usage - (4,000 gallons monthly minimum)	\$ 48.30	\$ 52.90	\$ 29.90	\$ 3.68	\$ 33.58	12.31%	\$ 37.26	\$ 40.94	\$ 44.62	\$ 48.30
Water Usage - (per 1,000 gallons over monthly minimum)	\$ 12.00		\$ 6.10	\$ 1.18	\$ 7.28	19.34%	\$ 8.46	\$ 9.64	\$ 10.82	\$ 12.00
Sewer Usage - (4,000 gallons per month)	\$ 80.15	\$ 80.15	\$ 29.60	\$ 10.11	\$ 39.71	34.16%	\$ 49.82	\$ 59.93	\$ 70.04	\$ 80.15
Sewer Usage - (per 1,000 gallons over monthly minimum)	\$ 11.30		\$ 6.85	\$ 0.89	\$ 7.74	12.99%	\$ 8.63	\$ 9.52	\$ 10.41	\$ 11.30
Grinder Pump Fees	\$ 25.25		\$ 9.00	\$ 3.25	\$ 12.25	36.11%	\$ 15.50	\$ 18.75	\$ 22.00	\$ 25.25
Minimum Total With Grinder Pump	\$ 153.70		\$ 68.50	\$ 17.04	\$ 85.54	24.88%	\$ 102.58	\$ 119.62	\$ 136.66	\$ 153.70
Minimum Total Without Grinder Pump	\$ 128.45		\$ 59.50	\$ 13.79	\$ 73.29	23.18%	\$ 87.08	\$ 100.87	\$ 114.66	\$ 128.45

6 YEAR PHASE-IN OF EQUALIZING COUNTY PRWS & NCSA WATER & SEWER SERVICE & USAGE FEES (EQUAL INCREASES EACH YEAR)

6-Year Rate Phase-In

	NCSA	WGR	NC	6-Year Differential	Year-1	% Change	Year-2	Year-3	Year-4	Year-5	Year-6
Base Service & Usage Fees											
Water Usage - (4,000 gallons monthly minimum)	\$ 48.30	\$ 52.90	\$ 29.90	\$ 3.07	\$ 32.97	10.26%	\$ 36.03	\$ 39.10	\$ 42.17	\$ 45.23	\$ 48.30
Water Usage - (per 1,000 gallons over monthly minimum)	\$ 12.00		\$ 6.10	\$ 0.98	\$ 7.08	16.12%	\$ 8.07	\$ 9.05	\$ 10.03	\$ 11.02	\$ 12.00
Sewer Usage - (4,000 gallons per month)	\$ 80.15	\$ 80.15	\$ 29.60	\$ 8.43	\$ 38.03	28.46%	\$ 46.45	\$ 54.88	\$ 63.30	\$ 71.73	\$ 80.15
Sewer Usage - (per 1,000 gallons over monthly minimum)	\$ 11.30		\$ 6.85	\$ 0.74	\$ 7.59	10.83%	\$ 8.33	\$ 9.08	\$ 9.82	\$ 10.56	\$ 11.30
Grinder Pump Fees	\$ 25.25		\$ 9.00	\$ 2.71	\$ 11.71	30.09%	\$ 14.42	\$ 17.13	\$ 19.83	\$ 22.54	\$ 25.25
Minimum Total With Grinder Pump	\$ 153.70		\$ 68.50	\$ 14.20	\$ 82.70	20.73%	\$ 96.90	\$ 111.10	\$ 125.30	\$ 139.50	\$ 153.70
Minimum Total Without Grinder Pump	\$ 128.45		\$ 59.50	\$ 11.49	\$ 70.99	19.31%	\$ 82.48	\$ 93.98	\$ 105.47	\$ 116.96	\$ 128.45

6 YEAR PHASE-IN OF EQUALIZING COUNTY PRWS & NCSA

WATER & SEWER SERVICE & USAGE FEES

(PLUS 2% ESCALATION OF INCREASES EACH YEAR)

6-Year Rate Phase-In with 2%/Year Inflationary Factor YR 2-6

	NCSA	WGR	NC	6-Year Differential	Year-1	% Change	Year-2	Year-3	Year-4	Year-5	Year-6
Base Service & Usage Fees											
Water Usage - (4,000 gallons monthly minimum)	\$ 48.30	\$ 52.90	\$ 29.90	\$ 3.07	\$ 32.97	10.26%	\$ 36.75	\$ 40.62	\$ 44.56	\$ 48.58	\$ 52.68
Water Usage - (per 1,000 gallons over monthly minimum)	\$ 12.00		\$ 6.10	\$ 0.98	\$ 7.08	16.12%	\$ 8.23	\$ 9.40	\$ 10.59	\$ 11.80	\$ 13.04
Sewer Usage - (4,000 gallons per month)	\$ 80.15	\$ 80.15	\$ 29.60	\$ 8.43	\$ 38.03	28.46%	\$ 47.38	\$ 56.92	\$ 66.65	\$ 76.58	\$ 86.70
Sewer Usage - (per 1,000 gallons over monthly minimum)	\$ 11.30		\$ 6.85	\$ 0.74	\$ 7.59	10.83%	\$ 8.50	\$ 9.43	\$ 10.37	\$ 11.34	\$ 12.32
Grinder Pump Fees	\$ 25.25		\$ 9.00	\$ 2.71	\$ 11.71	30.09%	\$ 14.71	\$ 17.76	\$ 20.88	\$ 24.06	\$ 27.30
Minimum Total With Grinder Pump	\$ 153.70		\$ 68.50	\$ 14.20	\$ 82.70	20.73%	\$ 98.84	\$ 115.30	\$ 132.09	\$ 149.21	\$ 166.68
Minimum Total Without Grinder Pump	\$ 128.45		\$ 59.50	\$ 11.49	\$ 70.99	19.31%	\$ 84.13	\$ 97.54	\$ 111.21	\$ 125.16	\$ 139.38

5 & 6 YEAR PHASE-IN OF EQUALIZING COUNTY PRWS & NCSA WATER & SEWER SERVICE & USAGE FEES

6-Year Rate Phase-In with 2%/Year Inflationary Factor YR 2-6

Base Service & Usage Fees	NCSA	WGR	NC	6-Year Differential	Year-1	% Change	Year-2	Year-3	Year-4	Year-5	Year-6
Water Usage - (4,000 gallons monthly minimum)	\$ 48.30	\$ 52.90	\$ 29.90	\$ 3.07	\$ 32.97	10.26%	\$ 36.75	\$ 40.62	\$ 44.56	\$ 48.58	\$ 52.68
Water Usage - (per 1,000 gallons over monthly minimum)	\$ 12.00		\$ 6.10	\$ 0.98	\$ 7.08	16.12%	\$ 8.23	\$ 9.40	\$ 10.59	\$ 11.80	\$ 13.04
Sewer Usage - (4,000 gallons per month)	\$ 80.15	\$ 80.15	\$ 29.60	\$ 8.43	\$ 38.03	28.46%	\$ 47.38	\$ 56.92	\$ 66.65	\$ 76.58	\$ 86.70
Sewer Usage - (per 1,000 gallons over monthly minimum)	\$ 11.30		\$ 6.85	\$ 0.74	\$ 7.59	10.83%	\$ 8.50	\$ 9.43	\$ 10.37	\$ 11.34	\$ 12.32
Grinder Pump Fees	\$ 25.25		\$ 9.00	\$ 2.71	\$ 11.71	30.09%	\$ 14.71	\$ 17.76	\$ 20.88	\$ 24.06	\$ 27.30
Minimum Total With Grinder Pump	\$ 153.70		\$ 68.50	\$ 14.20	\$ 82.70	20.73%	\$ 98.84	\$ 115.30	\$ 132.09	\$ 149.21	\$ 166.68
Minimum Total Without Grinder Pump	\$ 128.45		\$ 59.50	\$ 11.49	\$ 70.99	19.31%	\$ 84.13	\$ 97.54	\$ 111.21	\$ 125.16	\$ 139.38

6-Year Rate Phase-In

Base Service & Usage Fees	NCSA	WGR	NC	6-Year Differential	Year-1	% Change	Year-2	Year-3	Year-4	Year-5	Year-6
Water Usage - (4,000 gallons monthly minimum)	\$ 48.30	\$ 52.90	\$ 29.90	\$ 3.07	\$ 32.97	10.26%	\$ 36.03	\$ 39.10	\$ 42.17	\$ 45.23	\$ 48.30
Water Usage - (per 1,000 gallons over monthly minimum)	\$ 12.00		\$ 6.10	\$ 0.98	\$ 7.08	16.12%	\$ 8.07	\$ 9.05	\$ 10.03	\$ 11.02	\$ 12.00
Sewer Usage - (4,000 gallons per month)	\$ 80.15	\$ 80.15	\$ 29.60	\$ 8.43	\$ 38.03	28.46%	\$ 46.45	\$ 54.88	\$ 63.30	\$ 71.73	\$ 80.15
Sewer Usage - (per 1,000 gallons over monthly minimum)	\$ 11.30		\$ 6.85	\$ 0.74	\$ 7.59	10.83%	\$ 8.33	\$ 9.08	\$ 9.82	\$ 10.56	\$ 11.30
Grinder Pump Fees	\$ 25.25		\$ 9.00	\$ 2.71	\$ 11.71	30.09%	\$ 14.42	\$ 17.13	\$ 19.83	\$ 22.54	\$ 25.25
Minimum Total With Grinder Pump	\$ 153.70		\$ 68.50	\$ 14.20	\$ 82.70	20.73%	\$ 96.90	\$ 111.10	\$ 125.30	\$ 139.50	\$ 153.70
Minimum Total Without Grinder Pump	\$ 128.45		\$ 59.50	\$ 11.49	\$ 70.99	19.31%	\$ 82.48	\$ 93.98	\$ 105.47	\$ 116.96	\$ 128.45

5-Year Rate Phase-In

Base Service & Usage Fees	NCSA	WGR	NC	5-Year Differential	Year-1	% Change	Year-2	Year-3	Year-4	Year-5
Water Usage - (4,000 gallons monthly minimum)	\$ 48.30	\$ 52.90	\$ 29.90	\$ 3.68	\$ 33.58	12.31%	\$ 37.26	\$ 40.94	\$ 44.62	\$ 48.30
Water Usage - (per 1,000 gallons over monthly minimum)	\$ 12.00		\$ 6.10	\$ 1.18	\$ 7.28	19.34%	\$ 8.46	\$ 9.64	\$ 10.82	\$ 12.00
Sewer Usage - (4,000 gallons per month)	\$ 80.15	\$ 80.15	\$ 29.60	\$ 10.11	\$ 39.71	34.16%	\$ 49.82	\$ 59.93	\$ 70.04	\$ 80.15
Sewer Usage - (per 1,000 gallons over monthly minimum)	\$ 11.30		\$ 6.85	\$ 0.89	\$ 7.74	12.99%	\$ 8.63	\$ 9.52	\$ 10.41	\$ 11.30
Grinder Pump Fees	\$ 25.25		\$ 9.00	\$ 3.25	\$ 12.25	36.11%	\$ 15.50	\$ 18.75	\$ 22.00	\$ 25.25
Minimum Total With Grinder Pump	\$ 153.70		\$ 68.50	\$ 17.04	\$ 85.54	24.88%	\$ 102.58	\$ 119.62	\$ 136.66	\$ 153.70
Minimum Total Without Grinder Pump	\$ 128.45		\$ 59.50	\$ 13.79	\$ 73.29	23.18%	\$ 87.08	\$ 100.87	\$ 114.66	\$ 128.45

OTHER FEES/CHARGES TO CONSIDER EQUALIZING

- Water & Sewer Availability Fees
- Yard Hydrant fees
- Unauthorized Water/Sewer Use Fees (Additional Daily Charge)
- Copies of County Rules/Regulations
- New Service Opinion Fee
- Voluntary Disconnect/Reconnection Fees (Water)
- Misuse/Damage Fee Minimum

OTHER FEES/CHARGES TO CONSIDER EQUALIZING

<u>Fee/Charge Description</u>	<u>2024 NCSA - Lovingston, Schuyler, Gladstone</u>	<u>2024 NCSA - Wintergreen Mountain (Where Different)</u>	<u>2013 Piney River County-O2013-04</u>
<u>Availability Fees</u>			
Availability Fee - Water	\$ 3.50		\$ -
Availability Fee - Sewer	\$ 5.00		\$ -
<u>Yard Hydrant Fees</u>			
Yard Hydrant Fees - (1,500 gal. base charge monthly - NC, 4,000 gal. NCSA) additional if on separate meter	\$ 48.30	\$ 52.90	\$ 7.50
<u>Fire Protection Fees</u>			
Fire Protection Fees - (annual per hydrant) Can be Paid Quarterly (County Pays NCSA)	\$ 981.41		N/A
<u>Unauthorized Water/Sewer Use Fees</u>			
Additional Daily Charge	\$ 1,000.00		\$ 500.00
<u>Septage Hauler's Fees - (per gallon)</u>	\$ 0.16		N/A
<u>Copies of Authority/County Rules & Regulations</u>	\$ 10.00		\$ 2.50
<u>New Service Opinion Fee - (add'l charge of time & material if actually located or dug up)</u>	\$ 50.00		\$ -
<u>Voluntary Disconnect/Reconnection Fees (water service)</u>	N/A		\$ 25.00
<u>Misuse/Damage Fee - (actual cost for time & materials for all damages over minimum)</u>	\$ 500.00		\$ -

NEXT STEPS

Q& A - Discussion of Information Presented and Next Steps:

- Staff Development of Other Rate Increase Options for Water/Sewer Usage Fees (If Desired):
 - Looking at a rate that covers a worst operational year break even point was discussed; but not yet developed by staff.
- Maximum Usage Fees and Connection Fees could be advertised for public hearing, with other operational differences proposed for public hearing at a later date (this too would require a County Ordinance amendment).
- Staff Recommendation is for the working group to meet again to look at operational differences and reach consensus on County Ordinance changes, and bring back those proposed Ordinance changes, along with proposed fee changes to the Board for public hearing authorization at the August/September regular Board meeting. This would provide for a public hearing in September/October and would allow for adequate lead time for customer notification prior to a possible January 1, 2026 effective date.

(1) New Vacancies/Expiring Seats & New Applicants :

<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant(s)</u>
N.C. Library Committee - West District	6/30/2028	4 year term/No limits	Audrey D. Evans	passed away	Advertising
Economic Development Authority	6/30/2025	4 year term/No limits	Richard Averitt	N - Resigned for PC	Margaret Clair

(2) Existing Vacancies:

<u>Board/Commission</u>	<u>Term Expired</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant(s)</u>
Board of Zoning Appeals	3/30/2025	5 year term/No limits	Mary Cunningham	N	Advertising
N.C. Library Committee - South District	6/30/2025	4 year term/No limits	Jean B. Holliday	N	Advertising
N.C. Social Services Board - North District	6/30/2025	4 year term/2 term limit	Diane Harvey (T2)	N - term limit	Advertising
Ag & Forestal District Advisory Committee - landowner	5/13/2027	4 year term/3 term limit	Mary Cunningham	N - Resigned	Advertising

NELSON COUNTY LIBRARY ADVISORY COMMITTEE

NAME, ADDRESS & PHONE

TERM :4 Years, July-June

Jennifer Page – **North District**
122 Mickens Road
Afton, Va. 22920
(571) 246-1297
Jpage.nbs@gmail.com

July 1, 2022 – June 30, 2026
(appointed 10-11-22)

Chuck Strauss- **Central District**
112 River View Lane
Faber, VA 22938
strausshaus@hotmail.com

July 1, 2023 - June 30, 2027

Gloria Ashley- **East District**
48 Henry's Hill LN
Lovingston, VA 22949
H (434) 263-5035
W (434) 263-4086
Gashley3@verizon.net

July 1, 2022 – June 30, 2026
(Appointed 3-10-15)

Jean B. Holliday- **South District**
24 Kingswood Ln
Arrington, VA 22922
(434) 263-5266

July 1, 2021 – June 30, 2025

Audrey D. Evans – **West District**
1184 Dickie Rd.
Roseland, VA 22967
(434) 277-5814
bossmare1955@gmail.com

July 1, 2024 - June 30, 2028
(Appointed 2-12-13)

Membership: 5 Members by Election District.

Term(s) of Office: Regular Terms are 4 years July – June, with no term limits. Membership is voluntary.

Summary of Duties: To serve in an advisory capacity to the Jefferson Madison Regional Library Nelson member of the Board, the JMRL Librarian, and the Nelson Librarian.

Meetings: Monthly on the 3rd Monday from 4-6 PM at the Nelson Memorial Library. Members serve on a voluntary basis.

NELSON COUNTY ECONOMIC DEVELOPMENT AUTHORITY

NAME, ADDRESS & PHONE

TERM

Larry Saunders
1610 Wilson Hill Road
Arrington, VA 22922
434-981-1235 (C)
Larrya5819@aol.com

July 1, 2023 -June 30, 2027
(First appointed 3-14-23)

John Bruguiera
1339 Stoney Creek West
Nellysford VA 22958
434-277-5516 (W)
540-456-6778 (H)
John@DickieBros.com

July 1, 2023 -June 30, 2027

R. Carlton Ballowe
1 Mosby Lane
Faber, VA 22938
434-263-6285 (H)
434-996-7796 (W)
catbalu1@aol.com

July 1, 2024 –June 30, 2028
(First Appointed 3-12-13)

Deborah L. Brown
23 Windy Acres Drive
Afton, VA 22920
434-981-2832 (C)
dbrown@alliedconcrete.com

July 1, 2024 –June 30, 2028
(First Appointed 4-10-18)

Richard Averitt
88 Grace Glen
Nellysford, VA 22958
434-262-3418
richard@raveritt.com

July 1, 2021 – June 30, 2025
(Unexpired term, appointed 4-11-23)

Jeri M. Lloyd
9322 Rockfish Valley Hwy.
Afton, VA 22920
434-996-2126
jeri@ntelos.net

July 1, 2022 – June 30, 2026
(Unexpired term, appointed 5-14-24)

J. Alphonso Taylor
288 Village Rd.
Shipman, VA 22971
434-263-5894 (H)
434-263-6195 (W)
alphonsotaylor04@gmail.com

July 1, 2022 – June 30, 2026

<u>Authority:</u>	Established pursuant to the Code of Virginia §15.2-4903 et seq.
<u>Membership:</u>	Consists of seven (7) County Resident members
<u>Term:</u>	4 years, July – June (Staggered) with no term limits.
<u>Summary of Duties:</u>	To administer the provisions of Virginia State Code §15.2-4905
<u>Meetings:</u>	Meets biannually on the 1 st Thursday of each month. Members are compensated \$75 per meeting plus mileage.

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: Candice W. McGarry, Clerk of Board
Post Office Box 336
Lovingston, VA 22949

or fax to (434) 263-7004 or email aspivey@nelsoncounty.org

Date March 26, 2025

Mr. _____ Mrs. _____ Ms. _____

Name: Margaret Clair

List a maximum of three (3) Boards on which you are interested in serving.

1. Economic Development Authority
2. _____
3. _____

Home Address:

560 Gullysville Lane, Faber, VA 22938

Occupation: Director Employed by: NCCDF

Home Phone No.: 434-996-3425 Business Phone No.: 434-263-8074

Fax No.: _____ E-Mail Address: margaretclair@nccdf.org

Do you live in Nelson County? Yes ☒ No ☐

Are you currently a member of a County Board, Commission, Committee or Authority? Yes ☒ No ☐

If yes, list the Board(s):

School Board, Central District

What talent(s) and/or experience can you bring to the Board(s)?

I have more than 40 years of experience in a variety of businesses including
non-profits, government contracting, and for profit technology companies. My husband has
an S-Corp and I have helped him build and grow that business as well. We have raised 3
children in Nelson and I have worked for the betterment of the community for 20 years as a
PTA member, board member for RVCC, and the Rockfish Ruritans.

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 been raising money for years, and I also have a good idea of how the
County is interested in growing.

Please use this space for any additional information you would like to provide:

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 X No

BOARD OF ZONING APPEALS
Board Appoints & Recommends Certification by the Circuit Court

<u>Name & Address</u>	<u>Term Expiration Date</u>
Angela Jones 148 Miles Lane Faber, VA 22938 H 434-995-9441 ajjones9267@gmail.com	November 11, 2026
Carole Saunders 1610 Wilson Hill Rd. Arrington, VA 22922 H (434) 263-4976 carolevar@aol.com	November 9, 2028
W. Jerrold Samford 302 Bellevette Place Arrington, VA 22922 (804) 314-7291 jerry.samford@troutman.com	November 11, 2027
Philippa Proulx (Active PC Member) 950 Avon Road Afton, VA 22920 540-456-6849 proulx@lumos.net	November 1, 2029
Shelby Bruguiera 1339 Stoney Creek West Nellysford VA 22958 540-456-6778 (H) Shelby@DickieBros.com	November 10, 2025
Mary Cunningham (Alternate) 171 Joshua Lane Afton, VA 22920 434-882-1587 (H) mscsherpa@gmail.com	March 30, 2025

BOARD OF ZONING APPEALS

Board Recommends Appointment to the Circuit Court.

Established: by Article 14 of the Nelson County Code,

Composition: 5 members and an alternate recommended by the BOS and appointed by the Nelson Circuit Court, 1 of which is an active Planning Commission member.

Term of Office: 5 years; No Term Limits

Summary of Duties:

To hear and decide applications for Special Use Permits where authorized by Ordinance including deciding interpretation of the district map where there is uncertainty as to location or boundary. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to public interest.

Meetings:

Meetings are held at the call of the Chairman or at such times as a quorum of the board may determine. Members serve on a volunteer basis without pay other than for travel expenses.

NELSON COUNTY SOCIAL SERVICES BOARD

NAME, ADDRESS & PHONE

TERM (July – June) 4 Years, 2 Term Limit

Edith Napier – **West District**
43 Napier Loop
Arrington, VA 22922
(434) 996-9403
3424dw@gmail.com

July 1, 2022 – June 30, 2026 (**Reg. Term 1**)

Brad Johnson – **East District**
2016 Wheelers Cove Rd
Shipman, Va. 22971
H (309) 824-1503
W (434) 872-2766
Bjavin57@msn.com

July 1, 2022 – June 30, 2026 (**Reg. Term 2**)

Diane Harvey - **North District**
10921 Rockfish Valley Hwy
Afton, VA 22920
W (540) 456-6379
harveyasc@gmail.com

July 1, 2021 – June 30, 2025 (**Reg. Term 2**)

Claudia Van Koba – **South District**
1033 Falling Rock Drive
Amherst, VA 24521
(H) 434-263-4596
(C) 434-907-5836
Email: Claudia_van_koba@yahoo.com

July 1, 2023 – June 30, 2027 (**Reg. Term 1**)

Stacy Rush – **Central District**
501 Rodes Valley Drive
Nellysford, VA 22958
PH: (703) 350-5602
sjrush1@gmail.com

September 10, 2024 – June 30, 2028 (**Unexpired Term**)

J. David Parr- **BOS Liaison**
250 Firehouse Road
Piney River, VA 22964
H: (434) 277-5265
dparr@nelsoncounty.org

January 2025 – December 31, 2025

Authority: Established by the Code of Virginia §63.2-300 et seq.

Membership: 5 Members appointed by Election District.

Term: 4 Years, July 1 – June 30. **2 term limit**

Summary of Duties: To provide, either directly or through the purchase of services subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, any or all child welfare services herein described when such services are not available through other agencies serving residents in the locality such as: Protecting the welfare of all children including handicapped, homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems that may result in the neglect, abuse, exploitation or delinquency of children; preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving these problems and preventing the break up of the family where preventing the removal of a child is desirable and possible; restoring to their families children who have been removed by providing services to the families and children; placing children in suitable adoptive homes in cases where restoration to the biological family is not possible or appropriate; and assuring adequate care of children away from their homes in cases where they cannot be returned home or placed for adoption.

The local board is also authorized and, as may be provided by regulations of the Board, shall provide rehabilitation and other services to help individuals attain or retain self-care or self-support and such services as are likely to prevent or reduce dependency and, in the case of dependent children, to maintain and strengthen family life.

Meetings: Regular meetings are held monthly on the third Tuesday of each month at 1:00 PM at the Dept. of Social Services building in Lovington. Members are compensated \$75 per meeting plus mileage paid at the existing State mileage rate.

Agricultural & Forestal District Advisory Committee

Citizen Members (Producers) 4

Term 4 years

Andy Wright dutchcreekfarm@aol.com
1315 Dutch Creek Lane
Shipman, VA 22971
434-263-8938 (H)

May 13, 2023 – May 13, 2027 (T5)

Billy Newman enviroforllc@netscape.net
356 Deer Run Lane
Shipman, VA 22971
434-263-4172 (H)

May 13, 2023 – May 13, 2027 (T4)

Susan McSwain losthorseshoe3@gmail.com
3254 Dutch Creek Lane
Shipman, VA 22971
434-263-6714 (H)

May 13, 2023 – May 13, 2027 (T5)

Ernie Reed ereed@nelsoncounty.org
971 Rainbow Ridge Road
Faber, VA 22938
434-249-8330

May 13, 2023 – May 13, 2027 (T1)

Citizen Members (Other Landowners) 4

Joyce Burton joybirdpt@gmail.com
96 Old Turtle Place
Nellysford, VA 22958
434-361-2328

May 13, 2023 – May 13, 2027 (T3)

Ben Kessler bkessler@gm.slc.edu
1323 Glass Hollow Road
Afton, VA 22920
434-227-2317 (H)

May 13, 2024 – May 13, 2028 (UT)
(Appointed 06-11-24)

Mary Cunningham mscsherpa@gmail.com
171 Joshua Lane
Afton, VA 22920
434-1587 (H)

May 13, 2023 – May 13, 2027 (T2)

Charlotte L. Rea the.creac1@gmail.com
411 Bland Wade Ln.
Afton, VA 22920
540-456-6509 (H)
434-996-7291 (Cell)

August 13, 2023 – May 13, 2027 (T2)

Commissioner of Revenue

Kim Goff kgoff@nelsoncounty.org 434-263-7070
P.O. Box 246
Lovingston, VA 22949

Board of Supervisors Member

Jesse Rutherford jrutherford@nelsoncounty.org

P.O. Box 336

Lovington, VA 22949

434-981-8728

Establishment: Established by the Code of Virginia §15.2-4300 et seq. and the Code of Nelson County, Chapter 9, Article V. on February 11, 2003.

Members: Consists of 10 members, four (4) agricultural producers, four (4) other landowners, the Commissioner of Revenue and a Board of Supervisors member.

Term: Regular terms are 4 years from May 13th to May 13th with a term limit of 3 consecutive terms except in cases where there are no new applicants to fill the vacancy.

Summary of Duties: To advise the Planning Commission and the County governing body and assist in creating, reviewing, modifying, continuing or terminating districts within the county. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources with the district(s) and their relation to the entire county.

Meetings: Meetings are held on an as needed basis. Members serve on a voluntary basis, but the Board of Supervisors may at its discretion, reimburse each member for actual and necessary expenses incurred in the performance of duties.

PUBLIC HEARINGS – JULY 8, 2025
AUTHORIZED BY R2025-41 & R2025-42 ON JUNE 10, 2025

III A. ORDINANCE O2025-04 AMENDMENT TO CH. 11, TAXATION, ARTICLE VI TRANSIENT OCCUPANCY TAX

III. B: ORDINANCE O2025-05 AMENDMENT TO CH. 6 LICENSES, PERMITS, AND BUSINESS REGULATIONS, ARTICLE IV,
GENERAL BUSINESS LICENSE

JULY 8, 2025 BOARD OF SUPERVISORS MEETING



III A. ORDINANCE O2025-04 AMENDMENT TO CH. I I, TAXATION, ARTICLE VI TRANSIENT OCCUPANCY TAX STATE CODE AUTHORIZATION

Authorizing State Code Sections Pursuant to Enacted General Assembly Bills HB2383/SB1402 Effective July 1, 2025:

- State Code Title 58. I. Taxation, Subtitle III. Local Taxes, Chapter 38. Miscellaneous Taxes, Article 6. Transient Occupancy Tax,
- Sections: §58. I-3818.8. Definitions, §58. I-3826. Scope of Transient Occupancy Tax, and §58. I-3827. Administration of Transient Occupancy Tax
- §58. I-3818.8 References Title 58. I. Taxation, Subtitle I. Taxes Administered by the Department of Taxation, Chapter 6. Retail Sales and Use Tax, §58. I-602. Definitions

SUMMARY CHANGES TO COUNTY CODE

CHAPTER 11, TAXATION, ARTICLE VI, TRANSIENT OCCUPANCY TAX

- **Adds Definitions to County Code Section 11-130 Definitions pursuant to §58.1-602. Definitions for:**
 - Accommodations
 - Accommodations Fee
 - Accommodations Intermediary
 - Accommodations Provider
- **Repeals Current Section 11-132 and enacts new Section 11-132 – Collection From Transients; When Payable, pursuant to §58.1-3826. Scope of Transient Occupancy Tax :**
 - Provides for Collection of Tax by Accommodations Intermediaries and Accommodations Providers
 - Provides for Reporting and Remittance of Tax by Accommodations Intermediaries and Accommodation Providers

SUMMARY CHANGES TO COUNTY CODE

CHAPTER 11, TAXATION, ARTICLE VI, TRANSIENT OCCUPANCY TAX

- **Adds to County Code Section 11-133 Report of Collection and Remittance of Tax, pursuant to §58.1-3827. Administration of Transient Occupancy Tax:**
 - Accommodations Providers are not required to submit a report to the Commissioner of Revenue (COR) if all accommodations sales are facilitated by an Accommodations Intermediary and the Provider attests to the locality by COR form stating the same.
 - Provides for when the Attestation Forms must be provided to the Commissioner of Revenue.
 - Accommodations Providers who do not use an Accommodations Intermediary are required to submit a report and remit such tax as otherwise required in Article VI.

NEXT STEPS & STAFF RECOMMENDATIONS

- Conduct the Public Hearing
- Q&A
- Staff Recommendations:
 - Adopt Ordinance O2025-04 Amendment to CH. 11, Taxation, Article VI Transient Occupancy Tax, effective upon adoption.

III. B: ORDINANCE O2025-05 AMENDMENT TO CH. 6 LICENSES, PERMITS, AND BUSINESS REGULATIONS, ARTICLE IV, GENERAL BUSINESS LICENSE STATE CODE AUTHORIZATION

**Authorizing State Code Section Pursuant to Enacted
General Assembly Bills HB2383/SB1402 Effective July 1,
2025:**

- Title 58.1. Taxation, Chapter 0 General Provisions. Article 1 In General, §58.1-3. Secrecy of information; penalties (G)

SUMMARY CHANGES TO COUNTY CODE

CH. 6 LICENSES, PERMITS, AND BUSINESS REGULATIONS, ARTICLE IV, GENERAL BUSINESS LICENSE

- **Pursuant to State Code §58.1-3. Secrecy of Information; Penalties (G) Effective July 1, 2025:**
 - Information provided by an Accommodations Intermediary to Commissioners of Revenue or Treasurers for Transient Occupancy Tax purposes shall be confidential and cannot be shared with any other Department or Official of the Locality.

Procedural Implications:

- Currently, the COR submits copies of the Business Licenses for each month to Planning & Zoning staff to confirm Zoning Ordinance compliance and these are also provided to Tourism & Economic Development in maintaining the County's Business Registry. This will no longer be allowed pursuant to the new State Code provisions for those businesses whose information is provided by an Accommodations Intermediary.
- In order to address this change, County staff proposes a solution that amends the County Code, Chapter 6, License Permits and Business Regulations, Article IV, General Business License, Section 6-90 Application Requirements.

ORDINANCE O2025-05 PROPOSED AMENDMENT TO COUNTY CODE, CHAPTER 6, LICENSE
PERMITS AND BUSINESS REGULATIONS, ARTICLE IV.,
SECTION 6-90 APPLICATION REQUIREMENTS

- The Proposed County Code Amendment would repeal and re-enact the current Section 6-90 Application Requirements; adding the requirement of obtaining Zoning approval prior to the issuance of a Business License for new or existing businesses, which have changed physical location or description.
- This would only apply to uses regulated by the Zoning Ordinance such as commercial uses, home occupations, and short term rentals.
- Planning and Zoning is developing a new zoning approval application to ensure the necessary information is captured and that the use is compliant prior to the applicant acquiring a Business License from the Commissioner of Revenue.

NEXT STEPS & STAFF RECOMMENDATIONS

- Conduct the Public Hearing
- Q&A
- Staff Recommendations:
 - Adopt ordinance O2025-05 Amendment to Ch. 6 Licenses, Permits, and Business Regulations, Article IV, General Business License

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-1427, the Nelson County Board of Supervisors hereby gives notice that Public Hearings will start at **7:00 p.m., Tuesday, July 8, 2025** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingson.

Public Hearing(s):

1. Ordinance O2025-04 – Amendment to Chapter 11, Taxation, Article 6, Transient Occupancy Tax

Consideration of an ordinance proposed for passage to amend Chapter 11, Taxation, Article 6 Transient Occupancy Tax. Proposed amendments would add new definitions to Sec. 11-130; Repeal current Sec. 11-132 and enact new Sec. 11-132 Collection from transients, when payable; add language to Sec. 11-133 to comply with changes to State Code effective July 1, 2025 regarding reporting requirements for accommodations providers (HB 2383 & SB 1402).

2. Ordinance O2025-05 – Amendment to Chapter 6, Licenses, Permits and Business Regulations, Article 4 General Business License

Consideration of an ordinance proposed for passage to amend Chapter 6, Licenses, Permits and Business Regulations, Article 4 General Business License. Proposed amendments repeal current Sec. 6-90 and enact new Sec. 6-90 Application requirements; which would add the requirement of a zoning approval prior to the issuance of a business license for new businesses, or existing businesses which have changed physical location or description, and would only apply to uses regulated by the Zoning Ordinance such as commercial uses, home occupations, and short term rentals.

Copies of the above files are available for review in the Office of the County Administrator, 84 Courthouse Square, Monday through Friday, 9:00 a.m. to 5:00 p.m. For more information, call the County Administrator's Office at (434) 263-7000. EOE.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

GRACE E. MAWYER
Director of Finance and
Human Resources

DRAFT
ORDINANCE O2025-04
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE 6 TRANSIENT OCCUPANCY TAX

BE IT HEREBY ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Virginia, Chapter 11, Taxation, Article 6 Transient Occupancy Tax is hereby amended as follows:

Amend

Add to Sec. 11-130. Definitions

(6) *Accommodations*: any room or rooms, lodgings, accommodations, or space at a Lodging Facility for which tax is imposed on the retail sale of the same pursuant to this Article.

(7) *Accommodations fee*: the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than \$0.

(8) *Accommodations intermediary*: any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider.

Accommodations intermediary does not include a person:

(1) If the accommodations are provided by an accommodation provider operating under a trademark, trade name, or service mark belonging to that person;

(2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodation provider to such person; or

(3) Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 *et seq.*) of Chapter 21 of Title 54.1 of the Virginia Code, when acting within the scope of such license.

(9) *Accommodations provider*: any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

Repeal current Sec. 11-132.

Enact:

Sec. 11-132. Collection from transients, when payable.

Collection of Tax.

(a) For any retail sale of accommodations facilitated by an accommodation intermediary, the accommodations intermediary will be deemed a facility making a retail sale of an accommodation. The accommodations intermediary must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.

(b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.

Report and Remittance of Tax.

(a) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary must remit the tax imposed pursuant to this Article to the Commissioner.

(b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must remit the tax imposed pursuant to this Article to the Commissioner.

(c) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this Article prohibits such parties from making an agreement regarding which party will be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the Commissioner for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax will be the sole party liable for the tax, and the other parties to such agreement will not be liable for such tax.

(d) Each accommodations intermediary must submit to the Commissioner the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in Nelson County on a monthly basis.

Add to Sec. 11-133:

An accommodations provider shall not be required to submit a report to the Commissioner of the Revenue if (i) all retail sales of accommodations owned by the accommodations provider are facilitated by an accommodations intermediary and (ii) the accommodations provider attests to the locality that all such sales are facilitated by an accommodations intermediary. Such attestation shall be effective for 12 months beginning with the month in which the attestation is made. Thereafter, such attestation shall be due annually on a date determined by the Commissioner of the Revenue, on such forms and in such manner as the Commissioner of the Revenue may prescribe and require. However, such accommodations provider shall make out and submit a report in accordance with this subsection for the retail sale of any accommodations not facilitated by an accommodations intermediary and shall remit such tax as otherwise required by this article.

BE IT FURTHER ORDAINED, that this ordinance becomes effective upon adoption.

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

GRACE E. MAWYER
Director of Finance and
Human Resources

**RESOLUTION R2025-41
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE 6 TRANSIENT OCCUPANCY TAX**

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **July 8, 2025 at 7:00 P.M.** in the General District Courtroom in the Courthouse in Lovington, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article 6 Transient Occupancy Tax. Proposed amendments would add new definitions to Sec. 11-130; Repeal current Sec. 11-132 and enact new Sec. 11-132 Collection from transients, when payable; add language to Sec. 11-133 to comply with changes to State Code effective July 1, 2025 regarding reporting requirements for accommodations providers (HB 2383 & SB 1402).

Approved: June 10, 2025

Attest: *Candice W. McGarry*, Clerk
Nelson County Board of Supervisors

Sec. 11-130. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly indicates a different meaning:

- (1) *Commissioner*: The commissioner of the revenue of the County of Nelson and his or her duly designated deputies, assistants, inspectors, clerks or other employees.
- (2) *Hotel*: Any public or private hotel, inn, hostelry, tourist home or house, rooming house, dwelling unit, condominium, bed and breakfast inn, vacation house or other lodging place within the county offering lodging, as defined in this section, for compensation to any transient, as hereinafter defined in this section.
- (3) *Lodging*: Room or space furnished any transient.
- (4) *Person*: Any individual, corporation, company, association, firm, co-partnership or any group or individuals acting as a unit.
- (5) *Transient*: Any person who, for a period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains lodging or the use of any space at any hotel, for which lodging or use of space a charge is made.

(Ord. of 2-14-95; Ord. No. O2022-06, 12-13-22)

Sec. 11-132. Collection from transients; when payable.

Every person receiving any payment for lodging or the use of space with respect to which a tax is levied under this article shall collect the amount of such tax so imposed from the transient on whom such tax is levied, or from the person paying for such lodging, at the time payment for such lodging is made. The taxes required to be collected under this article shall be deemed to be held in trust by the person required to collect such taxes until the same shall have been remitted to the county as provided by this article.

(Ord. of 2-14-95)

Sec. 11-133. Report of collection and remittance of tax.

The person collecting any tax as provided in this article shall make out a report thereof, upon such forms and setting forth such information as the commissioner may prescribe and require, showing the amount of lodging charges collected and the tax required to be collected and shall sign and deliver such reports with the remittance of such tax to the commissioner of the revenue. When the taxes are remitted by a person other than the owner of the hotel, the accompanying report shall list each owner's name and property address and the amount of the remittance for each. Such reports and remittances shall be made on or before the twentieth day of each month covering the amount of tax due and collected during the preceding month. Businesses which generate less than fifty dollars (\$50.00) per month in transient occupancy taxes may remit said tax and required report by the twentieth of the month following the end of each calendar quarter.

(Ord. of 2-14-95; Ord. of 11-14-95; Ord. No. O2022-06, 12-13-22)

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 458

An Act to amend and reenact §§ 58.1-3, 58.1-3826, and 58.1-3827 of the Code of Virginia, relating to transient occupancy tax; administration.

[H 2383]

Approved March 24, 2025

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3, 58.1-3826, and 58.1-3827 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or § 58.1-512 ~~or~~, 58.1-2712.2, or 58.1-3826, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by the commissioner of accounts making a settlement of accounts filed in such estate;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how

few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.

5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such obligations.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of finance, or other similar collector of county, city, or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of income, filing status, number and type of dependents, whether a federal earned income tax credit as authorized in § 32 of the Internal Revenue Code and an income tax credit for low-income taxpayers as authorized in § 58.1-339.8 have been claimed, and Forms W-2 and 1099 to facilitate the administration of public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or as may be necessary to facilitate the administration of outreach and enrollment related to the federal earned income tax credit authorized in § 32 of the Internal Revenue Code and the income tax credit for low-income taxpayers authorized in § 58.1-339.8; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate

the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401; (xxii) provide to the Department of Medical Assistance Services and the Department of Social Services, upon entering into a written agreement, the name, address, social security number, email address, dependent information provided pursuant to subdivision B 2 of § 58.1-341.1, number and type of personal exemptions, tax-filing status, adjusted gross income, and any additional information voluntarily provided by the taxpayer for disclosure pursuant to subdivisions B 1 and 2 of § 58.1-341.1, of an individual, or spouse in the case of a married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of identifying persons who would like to newly enroll in medical assistance; (xxiii) provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit under § 46.2-328.3 or an applicant for an identification privilege card under § 46.2-345.3 reported income and deductions from Virginia sources, as defined in § 58.1-302, or was claimed as a dependent, on an individual income tax return filed with the Commonwealth within the preceding 12 months; and (xxiv) provide to the Virginia Health Benefit Exchange, upon entering into a written agreement, for taxable years starting on January 1, 2023, or as soon thereafter as practicable, as determined by the Department of Taxation and the Virginia Health Benefit Exchange, the name, address, social security number, email address, dependent information provided pursuant to subdivision B 2 of § 58.1-341.1, number and type of personal exemptions, tax-filing status, adjusted gross income, and any additional information voluntarily provided by the taxpayer for disclosure pursuant to subdivision B 3 of § 58.1-341.1, of an individual, or spouse in the case of a married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of identifying persons who do not meet the income eligibility requirements for medical assistance and would like to newly enroll in a qualified health plan. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any

representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent that may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it is unlawful for any person to disseminate, publish, or cause to be published any confidential tax document that he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

G. Information provided by an accommodations intermediary pursuant to subsection F of § 58.1-3826 to the commissioner of the revenue, treasurer, or any other local tax or revenue officer or employee of a county, city, or town, or any other person to whom such tax information is divulged, shall be confidential pursuant to subsection A and shall not be divulged to any other department or official of the locality or any other political subdivision of the Commonwealth. Such information shall be used by such officials only for the purpose of levying and collecting retail sales and use tax, transient occupancy tax, and any other taxes imposed on the sale of accommodations.

§ 58.1-3826. Scope of transient occupancy tax.

A. The transient occupancy tax imposed pursuant to the authority of this article shall be imposed only for the use or possession of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

B. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this article, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the locality and shall be liable for the same.

C. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge, and shall remit the same to the locality and shall be liable for the same.

D. For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this section shall prohibit such parties from making an agreement regarding which party shall be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the locality for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax shall be the sole party liable for the tax, and the other parties to such agreement shall not be liable for such tax.

E. In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations. In any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately

state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

F. ~~Subject to applicable laws, an~~ An accommodations intermediary shall submit to a locality the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in such locality. Such information shall be submitted monthly.

§ 58.1-3827. Administration of transient occupancy tax.

A. The tax-assessing officer of a county, city, or town shall administer and enforce the assessment of, and the treasurer of such county, city, or town shall collect, transient occupancy taxes from accommodations intermediaries.

B. In administering the assessment of transient occupancy taxes from accommodations intermediaries, the tax-assessing officer of a county, city, or town shall provide adequate information to accommodations intermediaries to enable them to identify transient occupancy rates, the applicable jurisdiction, and any discounts, deductions, or exemptions.

C. Every accommodations intermediary required to collect or pay the transient occupancy tax, on or before the twentieth day of the month following the month in which the tax shall become effective, shall transmit to the tax-assessing officer of a county, city, or town a return showing the gross receipts, any allowable discounts, deductions, or exemptions, and the rate applied to the resultant net receipts and shall remit to the treasurer of such locality the total local transient occupancy tax due, as well as any penalties and interest due, arising from all transactions taxable under this chapter during the preceding calendar month. Where applicable, the return shall also include the number of room nights and the room tax rate applied, the total amount of room tax due, and any regional transportation transient occupancy taxes due. Thereafter, a like return shall be prepared and transmitted to the tax-assessing officer of a county, city, or town by every accommodations intermediary on or before the twentieth day of each month, for the preceding calendar month.

D. *An accommodations provider shall not be required to transmit a return to the tax-assessing officer of a county, city, or town if (i) all retail sales of accommodations owned by the accommodations provider are facilitated by an accommodations intermediary and (ii) the accommodations provider attests to the locality that all such sales were facilitated by an accommodations intermediary. Such attestation shall be effective for 12 months beginning with the month in which the attestation is made, and thereafter, such attestation shall be due annually on a date determined by the locality. However, such accommodations provider shall transmit returns for the retail sale of any accommodations not facilitated by an accommodations intermediary as otherwise required by this article.*

§ 58.1-3. Secrecy of information; penalties

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or § 58.1-512, 58.1-2712.2, or 58.1-3826, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by the commissioner of accounts making a settlement of accounts filed in such estate;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a

written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.

5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-

audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such obligations.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of finance, or other similar collector of county, city, or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of income, filing status, number and type of dependents, whether a federal earned income tax credit as authorized in § 32 of the Internal Revenue Code and an income tax credit for low-income taxpayers as authorized in § 58.1-339.8 have been claimed, and Forms W-2 and 1099 to facilitate the administration of public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or as may be necessary to facilitate the administration of outreach and enrollment related to the federal earned income tax credit authorized in § 32 of the Internal Revenue Code and the income tax credit for low-income taxpayers authorized in § 58.1-339.8; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax

Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401; (xxii) provide to the Department of Medical Assistance Services and the Department of Social Services, upon entering into a written agreement, the name, address, social security number, email address, dependent information provided pursuant to subdivision B 2 of § 58.1-341.1, number and type of personal exemptions, tax-filing status, adjusted gross income, and any additional information voluntarily provided by the taxpayer for disclosure pursuant to subdivisions B 1 and 2 of § 58.1-341.1, of an individual, or spouse in the case of a married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of identifying persons who would like to newly enroll in medical assistance; (xxiii) provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit under § 46.2-328.3 or an applicant for an identification privilege card under § 46.2-345.3 reported income and deductions from Virginia sources, as defined in § 58.1-302, or was claimed as a dependent, on an individual income tax return filed with the Commonwealth within the preceding 12 months; and (xxiv) provide to the Virginia Health Benefit Exchange, upon entering into a written agreement, for taxable years starting on January 1, 2023, or as soon thereafter as practicable, as determined by the Department of Taxation and the Virginia Health Benefit Exchange, the name, address, social security number, email address, dependent information provided pursuant to subdivision B 2 of § 58.1-341.1, number and type of personal exemptions, tax-filing status, adjusted gross income, and any additional information voluntarily provided by the taxpayer for disclosure pursuant to subdivision B 3 of § 58.1-341.1, of an individual, or spouse in the case of a married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of identifying persons who

do not meet the income eligibility requirements for medical assistance and would like to newly enroll in a qualified health plan. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of

information by the Tax Commissioner or his agent that may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it is unlawful for any person to disseminate, publish, or cause to be published any confidential tax document that he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

G. Information provided by an accommodations intermediary pursuant to subsection F of § 58.1-3826 to the commissioner of the revenue, treasurer, or any other local tax or revenue officer or employee of a county, city, or town, or any other person to whom such tax information is divulged, shall be confidential pursuant to subsection A and shall not be divulged to any other department or official of the locality or any other political subdivision of the Commonwealth. Such information shall be used by such officials only for the purpose of levying and collecting retail sales and use tax, transient occupancy tax, and any other taxes imposed on the sale of accommodations.

Code 1950, § 58-46; 1972, cc. 311, 565; 1974, c. 134; 1978, c. 161; 1980, c. 49; 1983, c. 372; 1984, cc. 319, 675; 1985, c. 78; 1988, c. 544; 1989, cc. 99, 327; 1990, c. 678; 1992, c. 386; 1993, cc. 41, 519; 1994, c. 493; 1995, c. 38; 1996, cc. 614, 784, 793, 919, 988; 1997, cc. 517, 705, 787; 2000, cc. 717, 880, 901; 2001, c. 84; 2002, cc. 64, 747; 2003, cc. 757, 758, 884; 2004, cc. 166, 515, 536, 582, 594; 2005, cc. 863, 884; 2006, cc. 31, 159, 590, 780; 2008, cc. 387, 689, 785; 2010, c. 34; 2012, c. 395; 2013, cc. 29, 163, 230; 2014, cc. 194, 195, 225; 2015, cc. 38, 247, 730; 2016, cc. 227, 344, 677; 2018, c. 40; 2019, cc. 261, 786, 853; 2020, cc. 325, 916, 917, 1227, 1246; 2021, Sp. Sess. I, cc. 162, 544; 2025, cc. 458, 473.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 58.1-3826. Scope of transient occupancy tax

A. The transient occupancy tax imposed pursuant to the authority of this article shall be imposed only for the use or possession of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

B. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this article, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the locality and shall be liable for the same.

C. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge, and shall remit the same to the locality and shall be liable for the same.

D. For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this section shall prohibit such parties from making an agreement regarding which party shall be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the locality for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax shall be the sole party liable for the tax, and the other parties to such agreement shall not be liable for such tax.

E. In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations. In any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

F. An accommodations intermediary shall submit to a locality the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in such locality. Such information shall be submitted monthly.

2005, c. [20](#);2021, Sp. Sess. I, c. [383](#);2022, cc. [7](#), [640](#);2025, cc. [458](#), [473](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 58.1-3827. Administration of transient occupancy tax

- A. The tax-assessing officer of a county, city, or town shall administer and enforce the assessment of, and the treasurer of such county, city, or town shall collect, transient occupancy taxes from accommodations intermediaries.
- B. In administering the assessment of transient occupancy taxes from accommodations intermediaries, the tax-assessing officer of a county, city, or town shall provide adequate information to accommodations intermediaries to enable them to identify transient occupancy rates, the applicable jurisdiction, and any discounts, deductions, or exemptions.
- C. Every accommodations intermediary required to collect or pay the transient occupancy tax, on or before the twentieth day of the month following the month in which the tax shall become effective, shall transmit to the tax-assessing officer of a county, city, or town a return showing the gross receipts, any allowable discounts, deductions, or exemptions, and the rate applied to the resultant net receipts and shall remit to the treasurer of such locality the total local transient occupancy tax due, as well as any penalties and interest due, arising from all transactions taxable under this chapter during the preceding calendar month. Where applicable, the return shall also include the number of room nights and the room tax rate applied, the total amount of room tax due, and any regional transportation transient occupancy taxes due. Thereafter, a like return shall be prepared and transmitted to the tax-assessing officer of a county, city, or town by every accommodations intermediary on or before the twentieth day of each month, for the preceding calendar month.
- D. An accommodations provider shall not be required to transmit a return to the tax-assessing officer of a county, city, or town if (i) all retail sales of accommodations owned by the accommodations provider are facilitated by an accommodations intermediary and (ii) the accommodations provider attests to the locality that all such sales were facilitated by an accommodations intermediary. Such attestation shall be effective for 12 months beginning with the month in which the attestation is made, and thereafter, such attestation shall be due annually on a date determined by the locality. However, such accommodations provider shall transmit returns for the retail sale of any accommodations not facilitated by an accommodations intermediary as otherwise required by this article.

2023, c. [410](#);2025, cc. [458](#), [473](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 58.1-602. Definitions

As used in this chapter, unless the context clearly shows otherwise:

"Accommodations" means any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, short-term rental, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration. "Accommodations" does not include rooms or space offered by a person in the business of providing conference rooms, meeting space, or event space if the person does not also offer rooms available for overnight sleeping.

"Accommodations fee" means the room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

"Accommodations intermediary" means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person;
2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person; or
3. Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 et seq.) of Chapter 21 of Title 54.1, when acting within the scope of such license.

"Accommodations provider" means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or

consumer of all tangible personal property purchased for use in such advertising.

"Affiliate" means the same as such term is defined in § [58.1-439.18](#).

"Amplification, transmission, distribution, and network equipment" means production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing, and retrieving end-user subscribers' requests. A "network" includes modems, fiber optic cables, coaxial cables, radio equipment, routing equipment, switching equipment, a cable modem termination system, associated software, transmitters, power equipment, storage devices, servers, multiplexers, and antennas, which network is used to provide Internet service, regardless of whether the provider of such service is also a telephone common carrier or whether such network is also used to provide services other than Internet services.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Discount room charge" means the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § [58.1-605](#) or [58.1-606](#).

"Import" and "imported" are words applicable to tangible personal property imported into the

Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means, collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor to such protocol, to communicate information of all kinds by wire or radio.

"Internet service" means a service that enables users to access content, information, and other services offered over the Internet.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et

seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, or the City of Danville.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of §

58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any accommodations furnished to transients for less than 90 continuous days; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Room charge" means the full retail price charged to the customer for the use of the accommodations before taxes. "Room charge" includes any fee charged to the customer and

retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name. The room charge shall be determined in accordance with 23VAC10-210-730 and the related rulings of the Department on the same.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Short-term rental" means the same as such term is defined in § [15.2-983](#).

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

Code 1950, §§ 58-441.2, 58-441.3, 58-441.6; 1966, c. 151; 1972, c. 680; 1973, c. 313; 1974, c. 431; 1976, cc. 375, 489, 666, 712, 764, 770; 1977, cc. 247, 504; 1978, cc. 50, 82, 181, 505, 656, 665, 706, 784, 819; 1979, cc. 148, 205, 555, 556, 557, 558, 561, 562, 564, 572, 575; 1980, cc. 81, 610, 611, 617, 618, 621, 631, 753, 756; 1981, cc. 398, 400, 405, 409, 416, 599; 1982, cc. 533, 546, 547, 636, 649; 1983, cc. 100, 184, 384, 414, 557, 565, 599; 1984, cc. 419, 522, 675, 683, 690, 693; 1985, c. 473; 1986, c. 22; 1988, c. 899; 1989, cc. 581, 739; 1995, c. 96; 1999, cc. 138, 187, 723, 981; 2000, c. 425; 2004, c. 60; 2005, cc. 121, 122, 355; 2006, cc. 519, 541, 568, 602; 2007, c. 751; 2013, cc. 766, 783; 2014, c. 359; 2015, c. 252; 2017, c. 104; 2018, cc. 838, 840; 2019, cc. 815, 816, 854; 2020, cc. 327, 427, 428, 705, 708, 865; 2021, Sp. Sess. I, c. 383; 2022, cc. 7, 154, 434, 435, 640.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia
Title 58.1. Taxation
Subtitle III. Local Taxes
Chapter 38. Miscellaneous Taxes
Article 6. Transient Occupancy Tax

§ 58.1-3818.8. Definitions

As used in this article, unless the context requires a different meaning:

"Accommodations" means any room or space for which tax is imposed on the retail sale of the same pursuant to this article.

"Accommodations fee" means the same as such term is defined in § 58.1-602.

"Accommodations intermediary" means the same as such term is defined in § 58.1-602.

"Accommodations provider" means the same as such term is defined in § 58.1-602.

"Affiliate" means the same as such term is defined in § 58.1-439.18.

"Discount room charge" means the same as such term is defined in § 58.1-602.

"Retail sale" means a sale to any person for any purpose other than for resale.

"Room charge" means the same as such term is defined in § 58.1-602.

2021, Sp. Sess. I, c. 383.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

GRACE E. MAWYER
Director of Finance and
Human Resources

DRAFT
ORDINANCE O2025-05
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 6, LICENSES, PERMITS AND BUSINESS REGULATIONS
ARTICLE 4 GENERAL BUSINESS LICENSE

BE IT HEREBY ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Virginia, Chapter 6, Licenses, Permits and Business Regulations, Article 4 General Business License is hereby amended as follows:

Amend

Repeal current Sec. 6-90.

Enact:

Sec. 6-90. Application requirements.

(a) The Commissioner of Revenue shall develop an application which shall require the business name and any trade names, the federal identification number, the type of business and its description, the physical and mailing addresses of the business, the name of the individual signing the application together with his driver's license number and contact information, and such other information deemed necessary by the Commissioner for the processing of the application.

(b) For new businesses, or existing businesses which have changed physical location or description, the following additional information is required:

(1) A copy of the approved Zoning Permit from the Planning and Zoning Department to indicate whether the applicant's business is in compliance with the Zoning Ordinance.

BE IT FURTHER ORDAINED, that this ordinance becomes effective upon adoption.

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

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**RESOLUTION R2025-42
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 6, LICENSES, PERMITS AND BUSINESS REGULATIONS
ARTICLE 4 GENERAL BUSINESS LICENSE**

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **July 8, 2025 at 7:00 P.M.** in the General District Courtroom in the Courthouse in Lovington, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 6, Licenses, Permits and Business Regulations, Article 4 General Business License. Proposed amendments repeal current Sec. 6-90 and enact new Sec. 6-90 Application requirements; which would add the requirement of a zoning approval prior to the issuance of a business license for new businesses, or existing businesses which have changed physical location or description, and would only apply to uses regulated by the Zoning Ordinance such as commercial uses, home occupations, and short term rentals.

Approved: June 10, 2025

Attest: *Candice W. McGarry*, Clerk
Nelson County Board of Supervisors

Nelson County
Board of Supervisors

Memo

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: June 10, 2025

Re: Consideration of Updates to Business License Requirements

The Commissioner of Revenue (COR) recently made Planning and Zoning staff aware that there is an upcoming update to the Code of Virginia relating to dissemination of information regarding short term rentals. House Bill #2383, which goes into effect on July 1, prohibits Commissioners of Revenue from sharing addresses and gross receipts data with other government officials. Currently, the COR submits copies of the business licenses for each month to Planning and Zoning staff to confirm the use is compliant with the Zoning Ordinance. They are also provided to the Tourism Department to be included in the County's registry. Because this information will not be shared going forward, staff met to discuss how this could be addressed. A simple solution would be to amend County Code Section 6-90 to require a zoning approval prior to issuance of a business license. Planning and Zoning staff is developing a new application to ensure the necessary information is captured, and that the use is compliant prior to acquiring a business license. This would only apply to uses regulated by the Zoning Ordinance such as commercial uses, home occupations, and short term rentals.

Staff is requesting that the Board of Supervisors authorize a public hearing to amend Section 6-90 (attached).

Sec. 6-90. Application requirements.

The commissioner of revenue shall develop an application which shall require the business name and any trade names, the federal identification number, the type of business and its description, the physical and mailing addresses of the business, the name of the individual signing the application together with his driver's license number and contact information, and such other information deemed necessary by the commissioner for the processing of the application.

(Ord. No. O2022-05, 12-13-22)

Revised Scope of Work for the Expansion and Renovation of the Albemarle – Charlottesville Regional Jail

July 8, 2025

Martin Kumer, Superintendent



Project Update as of July 1, 2025:

On May 30, 2025 the facility received five bids out of the original six pre-qualified bidders. The bids ranged from \$53m to \$76m. English Construction, Lynchburg, Virginia was the apparent low bidder.

Prior to bid opening, the construction/hard costs had been estimate to cost approximately \$39.9m. (This cost is does not include “soft costs” design, engineering etc which bring the total project costs to \$49.23m)

With the lowest bid approximately 34% over the estimate we determined to not seek additional funding but to work within the previously approved budget.

Therefore, we began working with English Construction, Moseley Architects and our Construction Manager, Downey and Scott reduce the scope of the project to fit the original budget. The team was directed to address the core issues and concerns identified in the Community Based Corrections Plan.

The original scope was comprised of two.
primary phases.

Phase 1: “Expansion”

Consisted of razing east wing of the facility which was built in 1974 and rebuilding a two-story structure in its footprint.

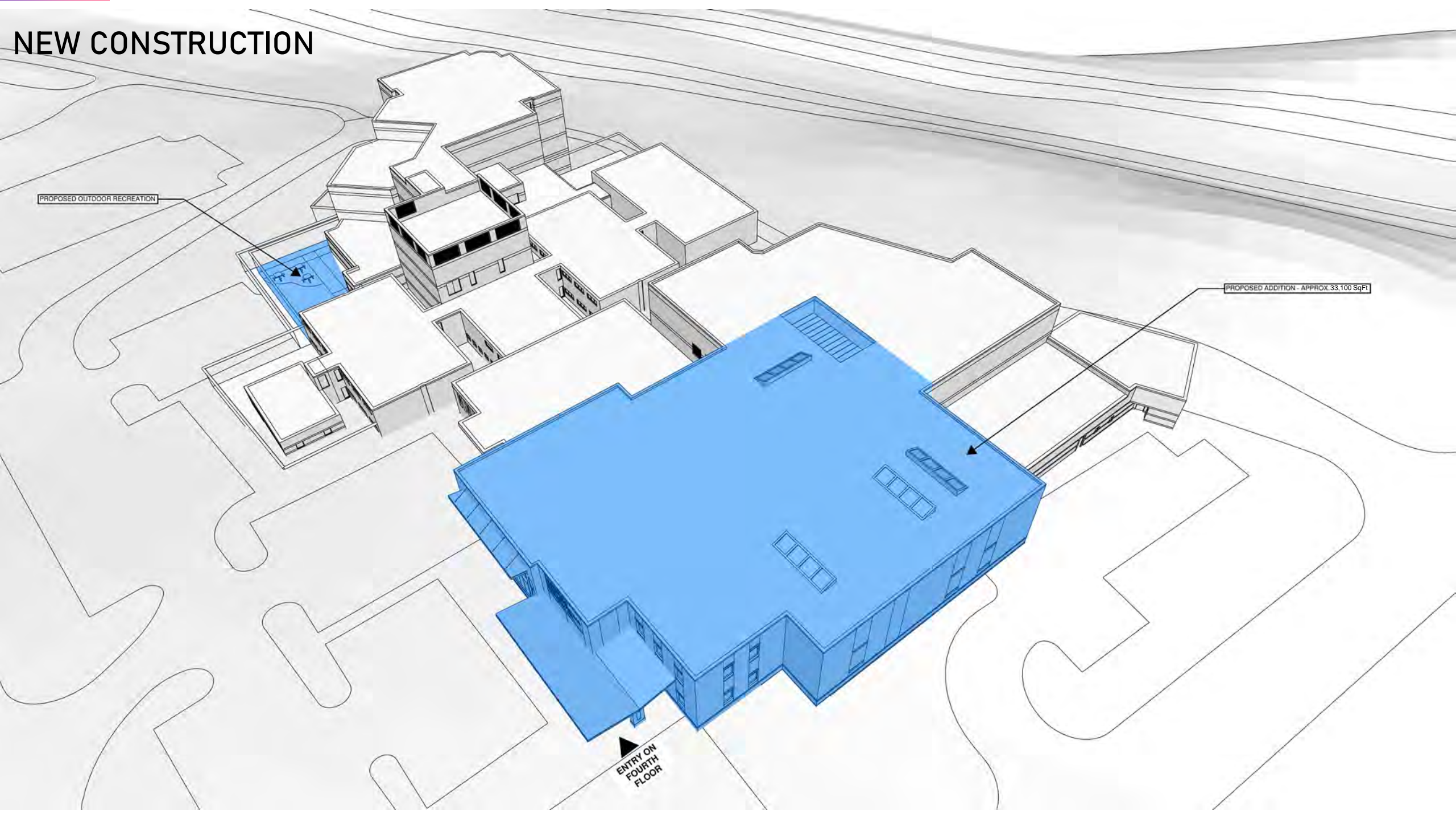
Phase 2: “Renovation”

Involved renovating the 1974 facility’s west wing and ground floor.

AREA TO BE RAZED



NEW CONSTRUCTION



Original Scope of Phase 1 (Expansion)*

Raze 16,000 square feet of the East Wing, 1974 section of the facility.

Construct a two story 32,000 square foot portion in the footprint of the 1974 East Wing.

This will create a dedicated public entrance separate from the employee secure entrance.

It will also include 12 new individual rooms for family, friends and professional visitation.

The expansion will include 65 single bed cells designed to meet 2018 standards and ADA accessible

This area will include three new outdoor recreation areas, one attached to each of the three new housing units.

***Expansion refers to total square footage only. There is no increase in the rated bed capacity of 329.**

Original Scope of Phase 1 (Expansion) continued:

Video Court space with holding areas for defendants

Two mental health offices with group therapy rooms.

Two additional mental health community provider rooms

Two purpose built mental health housing areas with a total of 14 beds.

One large inmate classroom

14 additional office spaces for staff

The new housing areas will be designed with trauma informed design to reduce noise, increase natural sunlight and etc.

ORIGINAL SCOPE OF RENOVATION



Original Scope of Phase 2 (Renovation)

Renovate and reconfigure approximately 40,000 square feet primarily of the West Wing, Ground Floor and its support areas of the 1975 original facility.

Renovations included removing bar grate from all housing areas. This would have increase the dormitory and dayroom space (not cells) to meet 2018 standards.

Replacing exterior windows.

Replacing existing and adding additional toilets and showers to meet 2018 standards.

Additional outdoor recreation.

Replace all lighting, HVAC and plumbing.

Improve ADA accessibility.

Final Reduced Scope of Work

We chose to eliminate the vast majority of Phase 2 (Renovation) and proceed as designed with Phase 1 (Expansion).

Phase 1 was selected since this portion of the facility does not house vital operational components such as medical, food service, mechanicals or the public entrance and lobby.

This section can be completely turned over the general contractor without interruption to services or operations for the public , local law enforcement or staff.

Finally, when the expansion is complete it will accomplish most of the CBCP concerns and be 100% building code compliant and ADA accessible.

The Phase 2 (Renovation) portion of the original scope is located in the middle of the facility between areas that each house vital operational components.

To renovate this section would have been disruptive to operations.

In addition, since this area was only being renovated as opposed to demolished and rebuilt, it would still not have met most new building codes, especially square footage per person.

However, the team has been directed to focus remaining funds from Phase 1 to replacing and enhancing the HVAC and mechanical systems in this section.

Jail staff will continue to renovate and enhance this area of the facility over coming years with budgeted maintenance funds. However, the intent it not to complete the original design scope in this manner.

Final Cost with Reduced Scope of Work

Total Cost, including both /"hard" costs and "soft" costs (design engineering permits etc.) \$49,227,414.

There is no overall change in the total cost of the project. The General Assembly has already approved and the Board of Local and Regional Jails has assured us that the reduced scope of work is still eligible for the original 25% reimbursement of \$11.9m.

The project is estimated to begin September 15, 2025 and take approximately 28 months.





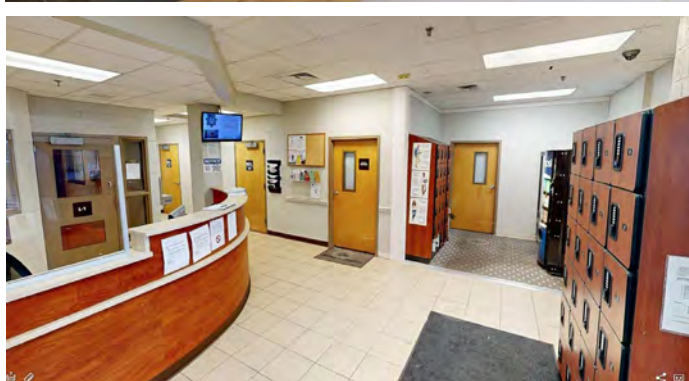
NEW EXPANSION



PUBLIC LOBBY



PUBLIC LOBBY





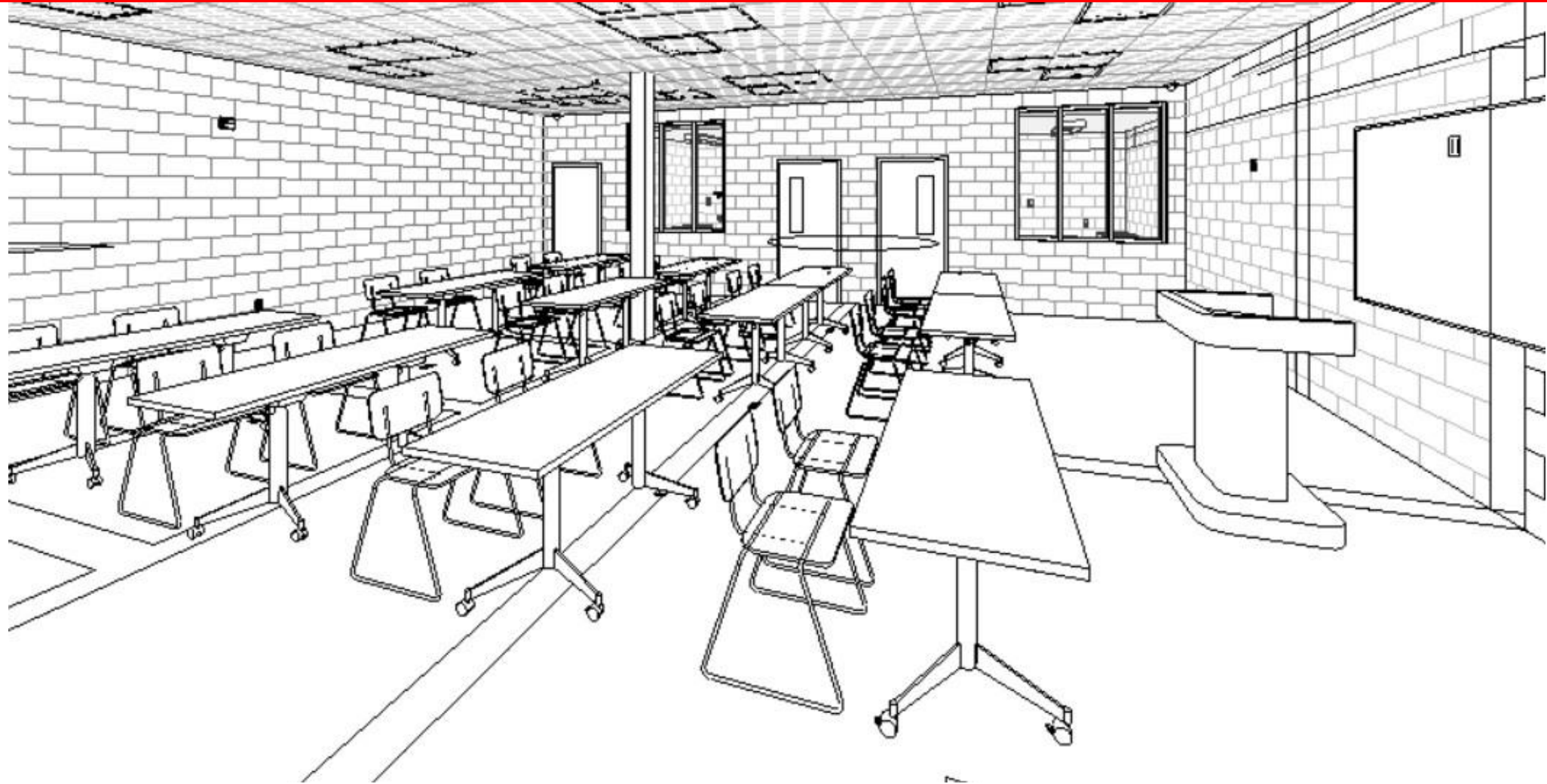




Mental Health Unit



Inmate Classroom



Questions



**NEW EXPANSION
PUBLIC ENTRY**

Presentation to Nelson County Board of Supervisors

Albemarle-Charlottesville Regional Jail Authority: Jail Renovation Project – Plan of Finance Update



July 8, 2025

Background



- Davenport & Company (“Davenport”), in our capacity as Financial Advisor to the Albemarle-Charlottesville Regional Jail Authority (the “Authority”), is providing an update to the Two-Part Plan of Finance.

- The presentation herein will cover the following topics:
 - Overview of the Jail Funding Process;
 - Review of the Two-Part Plan of Finance;
 - Recommended Funding Approach for the Permanent Financing and Grant Anticipation Note (GAN);
 - A Timetable for the Permanent Financing and GAN; and,
 - The Projected Budgetary/Cashflow Impact to each Member Jurisdiction.

Jail Funding Process



- In the Commonwealth of Virginia, regional jails are eligible for a 25% reimbursement of eligible costs for major capital projects.
- After the Authority decided to undertake the project (i.e. the proposed Renovation Project), it was required to undertake a Community Based Corrections Plan and Planning Study in order to develop a cost estimate for reimbursement consideration by the Board of Local and Regional Jails.
- Following approval by the Board of Local and Regional Jails, the request for the 25% reimbursement was forwarded to the General Assembly for approval and inclusion in the Governor's Budget.
 - After approval, the 25% reimbursement was set aside by the Commonwealth and will be made available once the project is complete and a formal request is made by the Authority.
 - A reimbursement of project costs in an amount of \$11,689,250 was included in the Governor's Budget in spring of 2023.
- The Two-Part Plan of Finance is typically undertaken after the Commonwealth's approval of the 25% reimbursement.





Two-Part Plan of Finance

The Two-Part Plan of Finance is designed to minimize the incurrence of debt and related interest costs until the Authority has received bids for construction and a firm project cost is known.

Part 1: Interim Financing (2023 BAN)



- The Interim Financing provides only what is necessary to complete preliminary design and engineering costs so the project can be bid.

Part 2: Permanent Financing/Grant Anticipation Note

- After bids are received and Total Project Costs are known, the Permanent Financing is undertaken to fully fund the Project Costs that are above the Commonwealth reimbursement amount, and permanently finance the interim financing.
- Simultaneously, a Grant Anticipation Note (“GAN”) is undertaken to fund Project Costs in an amount equal to the Commonwealth’s anticipated reimbursement.
 - The GAN would be paid off prior to maturity with funds provided by the Commonwealth’s reimbursement once the project is complete.



Part 1: Interim Financing – 2023 BAN

- The Authority [closed](#) on the Interim Financing (the “2023 BAN”) in [December of 2023](#).
- The Interim Financing (“2023 BAN”) was structured as a drawdown loan to provide up to \$4.5 million of funding for pre-development costs (architectural, engineering, and other related costs) in order to prepare the Authority for bidding the project.

Borrowing	Amount	Planning Interest Rate	Actual Interest Rate	Term
2023 BAN	Up to \$4.5 million	4.50%	4.49%	18 Months

- The 2023 BAN will be [repaid by the Permanent Financing](#) in Part 2 of the Plan of Finance in the [Summer of 2025](#).



Part 2: Permanent Financing/GAN – Overview

- Part 2 of the Plan of Finance consists of the simultaneous undertaking of **two** separate financings (the “2025 Financings”) in the Summer of 2025:
 1. **Grant Anticipation Note** (2025 GAN) – Interim Financing undertaken in an amount equal to the anticipated State Reimbursement.
 - Note: The anticipated reimbursement consists of 25% of the eligible project costs (\$11,689,250), as well as interest costs related to the Commonwealth’s portion between the midpoint of construction and construction completion.
 2. **Permanent Bonds** (2025 Bonds) – Permanent Financing undertaken to fund remaining project costs and permanently finance the 2023 BAN.
- The 2025 GAN will be repaid prior to maturity with grant monies received from the Commonwealth following the completion of construction.
- The 2025 Bonds will be repaid via contributions from the Member Jurisdictions.

Recommended Financing Approach

2025 Permanent Financing (\$36.9 Million)



Direct Bank Loan via RFP	Public Market Issuance – Authority Stand Alone	Public Market Issuance – Virginia Resources Authority
<p>Authority controls schedule and could be completed in 30 to 45 days.</p> <p>Less upfront cost of issuance (“COI”) expense than Public Market Issuance.</p> <p>The size of the issuance could prohibit participation by smaller banks.</p> <p>Unlikely to receive a fixed rate for term lengths longer than 20 years.</p> <p>Typically includes more flexible prepayment terms compared to an issuance in the public market.</p>	<p>The Authority would need to pursue a bond rating(s).</p> <p>Authority controls schedule and could be closed in 45 to 60 days.</p> <p>Can lock in fixed rates for 20 to 30 years.</p> <p>Public Market Rates are very attractive right now and investor participation is strong.</p> <p>10-year call provision.</p> <p>Upfront COI slightly higher than VRA.</p>	<p>While VRA controls the schedule, the Summer Pool is expected to close in August, which aligns with the beginning of construction.</p> <p>Will lock in fixed rates for up to 30 years.</p> <p>Pool Program Rating avg. of “AA+”. No standalone bond rating required, as each member has at least 1.50x debt service coverage on state-aid debt.</p> <p>Public Market Rates are very attractive right now and investor participation is strong.</p> <p>Upfront COI lower than Stand-Alone.</p> <p>VRA charges ongoing admin fee semi-annually based upon 0.125% of the outstanding par amount.</p> <p>10-year call provision.</p> <p>VRA could impose Reserve Requirements and may require one or more members to enter into a support agreement.</p>

Recommended Financing Approach

2025 GAN (\$12.1 Million)



Direct Bank Loan via RFP (Authority Standalone)

Does not require a stand alone credit rating.

Authority controls schedule and could be completed in 30 to 45 days.

Less upfront COI expense

Size of the GAN is more favorable to smaller or mid-sized banks.

Typically includes more flexible prepayment terms compared to an issuance in the public market.

Direct Bank Loan via RFP (VRA as Conduit Issuer)

VRA offers a program in which it serves as the conduit issuer on a direct bank loan transaction. This would add the state aid enhancement to the security package, which may result in better terms for the Authority.

Does not require a stand alone credit rating.

Authority controls schedule and could be completed in 30 to 45 days.

Slightly higher upfront COI due to VRA's involvement.

Size of the GAN is more favorable to smaller or mid-sized banks.

Typically includes more flexible prepayment terms compared to an issuance in the public market.

Key Assumptions – 2025 Permanent Financing & GAN



- Approximate amounts for the 2025 Permanent Financing and 2025 GAN are provided in the table below:

Borrowing	Project Costs Borrowed	Planning Interest Rate	Term
2025 GAN	\$12.1 million ⁽¹⁾	5.00%	3 Years (Note: May change depending upon the construction timeline)
2025 Bonds	\$36.9 million ⁽²⁾	Current Public Market Tax-Exempt Rates as of April 30, 2025 + 0.50% ⁽³⁾ (Est. TIC: 4.97%)	28 Years (3 years interest only; 25 years level debt service)
<u>Total</u>	\$49 million		

- The allocation of debt service to member jurisdictions is based upon the inmate day calculation for FY 2026⁽⁴⁾:

Albemarle	44.14%
Charlottesville	39.54%
Nelson	16.32%

(1) GAN Size based upon Commonwealth reimbursement of project costs (\$11.6 million) plus estimated reimbursable interest costs calculated using the interest rate/timing assumptions noted above. Project funding allocation between the GAN and Permanent financing is preliminary and subject to change.

(2) Amount includes permanent financing of 2023 BAN. Assumes full \$4.5 million is taken out.

(3) Preliminary, subject to change.

(4) Provided by Authority Staff.

Timetable – 2025 Bonds & 2025 GAN



Task	Date
Davenport presents Plan of Finance for the 2025 Bonds and 2025 GAN	March 13, 2025
Davenport & Sands Anderson work with Authority to prepare VRA Application for Summer Pool.	April 2025
Authority issues IFB for Construction of ACRJ Renovation and Addition to Pre-Qualified Contractors.	April 21, 2025
VRA Application Deadline for Summer Pool	May 1, 2025
Construction bids received by Authority.	May 30, 2025
Plan of Finance presented to Member Jurisdictions; Members consider providing authorization for participation in Summer Pool and approval of Not-To-Exceed parameters for 2025 GAN.	June 2 – June 10, 2025
ACRJ holds De-Scoping Meeting with Apparent Low Bidder	June 11, 2025
Authority Board awards construction contract and considers authorization to participate in VRA 2025 Summer Pool.	June 12, 2025
Tentative VRA Local Approval Deadline	By June 13, 2025

Timetable – 2025 Bonds & 2025 GAN (cont.)



Task	Date
Davenport distributes RFP for 2025 GAN to lending institutions.	June 13, 2025
RFP Responses due to Davenport for 2025 GAN.	July 2, 2025
Davenport presents results of 2025 GAN RFP process to Authority Board; Board approves recommended bank proposal.	July 10, 2025
Davenport calculates GAN final sizing amount ahead of VRA bond sale.	July 15, 2025
VRA Bond Sale	Week of July 21, 2025
Close on 2025 GAN	Week of July 21, 2025
Close on 2025 Bonds	Week of August 4, 2025

Projected Debt Service & Budgetary/Cashflow Impact



Aggregate Projected Debt Service and Budgetary/Cashflow Impact to Member Jurisdictions							
Fiscal Year	Projected 2025 GAN D.S.	Projected 2025 Bonds D.S.	Projected Total Member Jurisdiction D.S.	Charlottesville D.S. Allocation	Nelson D.S. Allocation	Albemarle D.S. Allocation	
2026	\$ 471,208	\$ 1,390,583	\$ 1,861,791	\$ 736,152	\$ 303,844	\$ 821,794	GAN & Permanent Financing Interest Only Period
2027	612,400	1,889,094	2,501,494	989,091	408,244	1,104,159	
2028	612,400	1,889,094	2,501,494	989,091	408,244	1,104,159	
2029	-	2,629,619	2,629,619	1,039,751	429,154	1,160,714	Long-Term Full Principal & Interest Payments
2030	-	2,629,644	2,629,644	1,039,761	429,158	1,160,725	
2031	-	2,632,491	2,632,491	1,040,887	429,622	1,161,981	
2032	-	2,633,031	2,633,031	1,041,101	429,711	1,162,220	
2033	-	2,631,266	2,631,266	1,040,402	429,423	1,161,441	
2034	-	2,632,066	2,632,066	1,040,719	429,553	1,161,794	
2035	-	2,630,303	2,630,303	1,040,022	429,265	1,161,016	
2036	-	2,630,850	2,630,850	1,040,238	429,355	1,161,257	
2037	-	2,628,578	2,628,578	1,039,340	428,984	1,160,254	
2038	-	2,628,359	2,628,359	1,039,253	428,948	1,160,158	
2039	-	2,629,938	2,629,938	1,039,877	429,206	1,160,854	
2040	-	2,628,184	2,628,184	1,039,184	428,920	1,160,081	
2041	-	2,627,972	2,627,972	1,039,100	428,885	1,159,987	
2042	-	2,631,819	2,631,819	1,040,621	429,513	1,161,685	
2043	-	2,628,888	2,628,888	1,039,462	429,034	1,160,391	
2044	-	2,631,375	2,631,375	1,040,446	429,440	1,161,489	
2045	-	2,628,894	2,628,894	1,039,465	429,035	1,160,394	
2046	-	2,631,144	2,631,144	1,040,354	429,403	1,161,387	
2047	-	2,628,894	2,628,894	1,039,465	429,035	1,160,394	
2048	-	2,631,894	2,631,894	1,040,651	429,525	1,161,718	
2049	-	2,629,894	2,629,894	1,039,860	429,199	1,160,835	
2050	-	2,631,269	2,631,269	1,040,404	429,423	1,161,442	
2051	-	2,630,572	2,630,572	1,040,128	429,309	1,161,134	
2052	-	2,628,853	2,628,853	1,039,449	429,029	1,160,376	
2053	-	2,630,728	2,630,728	1,040,190	429,335	1,161,203	
Total	\$ 1,696,008	\$ 70,925,292	\$ 72,621,300	\$ 28,714,462	\$ 11,851,796	\$ 32,055,042	

Note: Debt service estimates are based upon current market tax-exempt rates as of April 30, 2025 + 0.50%. Preliminary, subject to change. Projected 2025 Bonds debt service includes VRA admin fee. Member Jurisdiction allocations are based on FY 2026 information provided by Authority Staff and are subject to change based upon future jail population (i.e. inmate days). Does not take into account potential interest earnings on the project fund.



Appendix

Projected Aggregate Sources & Uses



2025 GAN / 2025 Bonds

	2025 GAN	2025 Bonds	Total
Sources			
Par Amount	\$ 12,248,000	\$ 37,355,000	\$ 49,603,000
Premium	-	542,919	542,919
Total Sources	\$ 12,248,000	\$ 37,897,919	\$ 50,145,919
Uses			
Project Fund	\$ 12,148,000	\$ 32,701,620	\$ 44,849,620
2023 BAN Takeout	-	4,500,000	4,500,000
Estimated VRA Costs of Issuance	TBD	206,775	206,775
Estimated Local Costs of Issuance	100,000	300,000	400,000
Estimated Underwriter's Discount	-	186,775	186,775
Add. Proceeds	-	2,749	2,749
Total Uses	\$ 12,248,000	\$ 37,897,919	\$ 50,145,919

Note: Preliminary, subject to change. Actual results may vary from these estimates. All issuance cost figures are estimates. VRA issuance costs represent the Authority's allocation of issuance costs for the Summer Pool and will depend upon the size of the Summer Pool. Estimated Local Cost of Issuance represents costs for the Authority's financial advisor, bond counsel, lender's counsel (GAN only), and contingency amounts. Assumes that the Authority draws the full \$4.5 million on the 2023 BAN prior to takeout.



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Version 01/01/2025 AA/SG/RK/CR

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

GRACE E. MAWYER
Director of Finance and
Human Resources

RESOLUTION R2025-51
NELSON COUNTY BOARD OF SUPERVISORS
APPROVING THE EXECUTION AND DELIVERY OF A SUPPORT AGREEMENT OR
AGREEMENTS WITH THE ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL
AUTHORITY FOR THE ISSUANCE BY SUCH AUTHORITY OF ITS JAIL FACILITY
REVENUE BOND AND JAIL FACILITY GRANT REVENUE ANTICIPATION NOTES

WHEREAS, the Albemarle-Charlottesville Regional Jail Authority (**the “Authority”**) is a public instrumentality of the Commonwealth of Virginia created pursuant to Article 3.1, Chapter 3, Title 53.1, Code of Virginia of 1950, as amended (**the “Act”**) by resolutions duly adopted by the governing bodies of the County of Nelson, Virginia (**the “County”**), the County of Albemarle, Virginia (**“Albemarle County”**) and the City of Charlottesville, Virginia (**“Charlottesville,” collectively, the “Member Jurisdictions”**) for the purpose of renovating the regional jail (**the “Regional Jail”**) to be operated on behalf of the Member Jurisdictions by the Authority;

WHEREAS, the Authority and the Member Jurisdictions have entered into an Amended and Restated Service Agreement, dated June 9, 2022 (**the “Service Agreement”**), in which the Authority has agreed to, design, construct, renovate and equip the Regional Jail and obtain financing therefor;

WHEREAS, the Authority desires to issue its jail facility revenue bond in an estimated maximum aggregate principal amount of \$41,000,000 (**the “Local Bond”**) the proceeds of which, together with other available funds, are expected to be sufficient to finance and refinance the costs of the renovation and equipping of the Regional Jail (**the “Project”**);

WHEREAS, the Authority’s financial advisor, Davenport & Company LLC (**the “Financial Advisor”**) has advised the Authority that the Virginia Resources Authority (**“VRA”**), a public body corporate and political subdivision of the Commonwealth of Virginia, is willing to finance a portion of the Project at favorable rates to the Authority;

WHEREAS, VRA has indicated its willingness to purchase such Local Bond from a portion of the proceeds of its Series 2025B VRA Bonds (**as more particularly defined in the below-defined Local Bond Sale and Financing Agreement, the “VRA Bonds”**) and to provide a portion of the proceeds thereof to the Authority to finance a portion of the Project and pay certain costs of issuance of the Local Bond, in accordance with the terms of a Local Bond Sale and Financing Agreement to be dated as of a date to be specified by VRA, between VRA and the Authority (**the “Local Bond Sale and Financing Agreement”**);

WHEREAS, the Authority is expecting to receive a grant from the Commonwealth of Virginia (**the “Commonwealth Grant”**) as reimbursement of a portion of the “eligible costs” of the Project following completion of the Project;

WHEREAS, the Authority desires to issue its jail facility grant revenue anticipation note in an estimated maximum aggregate principal amount of \$12,500,000 (**the “Note”**) to be sold to a purchaser to be selected by the Authority, the proceeds of which, together with proceeds from

the sale of the Local Bond are expected to be sufficient to finance a portion of the construction and renovation of the Project;

WHEREAS, VRA has indicated that its agreement to purchase the Local Bond will be conditioned upon each of the Member Jurisdictions undertaking non-binding obligations to appropriate from time to time moneys to the Authority in connection with payments due on the Local Bond and a similar agreement to purchase the Note by the purchaser thereof will require a similar non-binding obligation to appropriate;

WHEREAS, the Board of Supervisors (**the “Board of Supervisors”**) of the County has previously indicated its support of the financing of the Project and hereby desires to approve the issuance of the Local Bond by the Authority and to enter into such a Support Agreement evidencing such obligation (**the “Bond Support Agreement”**), the form of which has been submitted to this meeting and the issuance of the Note by the Authority and a support agreement, if required in such Note transaction (**the “Note Support Agreement”**), the form of which has been submitted to this meeting.

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

1. The County hereby approves the issuance of the Local Bond and the Note as required under the Service Agreement. It is determined to be in the best interests of the County and its citizens for the Board of Supervisors to enter into the Bond Support Agreement regarding the Local Bond and a Note Support Agreement regarding the Note. The forms of the Bond Support Agreement and Note Support Agreement submitted to this meeting are hereby approved.
2. It is acknowledged that (i) VRA would not purchase the Local Bond without the security and credit enhancement provided by the Bond Support Agreement, (ii) VRA will be a third party beneficiary of the Service Agreement, and (iii) VRA is treating the Bond Support Agreement as a "local obligation" within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended, including amendments thereto taking effect as of July 1, 2011 (**the “Virginia Code”**), which in the event of a nonpayment thereunder authorizes VRA or the trustee for VRA's bonds to file an affidavit with the Governor that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia Code. In purchasing the Local Bond, VRA is further relying on Section 62.1-216.1 of the Virginia Code, providing that if the Governor is satisfied that such nonpayment has occurred, the Governor will immediately make an order directing the Comptroller to withhold all further payment to the County of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the County for any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to VRA, so as to cure, or cure insofar as possible, such nonpayment.
3. In consideration of the Authority's undertakings with respect to the financing plans of the Project, the Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Bond Support Agreement and a Note Support Agreement. The Bond Support Agreement and the Note Support Agreement shall be in substantially the forms presented to this meeting, which are each hereby approved, with such completions, omissions, insertions or changes not inconsistent with this resolution as may be approved by the Chairman or Vice-Chairman of the Board of Supervisors, in their sole discretion, the execution thereof by the Chairman or Vice-Chairman of the Board of Supervisors to constitute conclusive evidence of his or her approval of such completions, omissions, insertions or changes.

4. The County Administrator is hereby authorized and directed to carry out the obligations imposed by the Bond Support Agreement and the Note Support Agreement on the County Administrator, and to take all proper steps on behalf of the County as may be required, in accordance with the plan of financing set forth above.
5. Nothing contained herein or in the Bond Support Agreement or the Note Support Agreement is or shall be deemed to be a lending of the credit of the County to the Authority, VRA or to any holder of the Local Bond or the Note or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything contained herein or in the Bond Support Agreement or the Note Support Agreement legally bind or obligate the Board of Supervisors to appropriate funds for purposes described in the Bond Support Agreement or the Note Support Agreement.
6. All actions previously taken by officials, representatives or agents of the County in furtherance of the plan of financing and issuance of the Local Bond and the Note are hereby ratified and approved.
7. This resolution shall take effect immediately.

Approved: _____, 2025

Attest: _____, Clerk
Nelson County Board of Supervisors

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the Board of Supervisors of the County of Nelson, Virginia hereby certifies that the Resolution set forth above was adopted during an open meeting on _____, 2025, by the Board of Supervisors with the following votes:

Aye:

Nay:

Abstentions:

Signed this ____ day of _____, 2025.

By: _____
Clerk, Board of Supervisors

**SUPPORT AGREEMENT
ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY AND NELSON
COUNTY**

(GRANT REVENUE ANTICIPATION NOTE)

THIS SUPPORT AGREEMENT (this “Support Agreement”) is made as of June 1, 2025, among the **BOARD OF SUPERVISORS OF THE COUNTY OF NELSON, VIRGINIA (the “Board”)**, acting as the governing body of the County of Nelson, Virginia (**the “County”**), **ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY (the “Jail Authority”)**, and **[LENDER] (the “Lender”)**, as purchaser of the Note, as hereinafter defined, pursuant to a Note Purchase and Financing Agreement dated as of the date hereof (**the “Note Purchase Agreement”**), among the Lender and the Jail Authority.

RECITALS:

WHEREAS, the Jail Authority is a regional jail authority pursuant to Section 53.1-95.2 et seq of the Code of Virginia, as amended, and a public instrumentality of the Commonwealth of Virginia established by resolutions duly adopted by the governing bodies of the City of Charlottesville, Virginia (**“Charlottesville”**), the County of Nelson, Virginia (**“Nelson County”**) and the County (**collectively, the “Member Jurisdictions”**) for the purpose of developing a regional jail (**the “Facility”**) to be operated on behalf of the Member Jurisdictions by the Jail Authority;

WHEREAS, the Jail Authority has determined that it is in its best interest to issue and sell its Jail Facility Grant Revenue Anticipation Note, Series 2025 in an original aggregate principal amount of \$12,500,000 (**the “Note”**) to the Lender pursuant to the terms of the Note Purchase Agreement;

WHEREAS, the Lender requires each Member Jurisdiction, as a condition to the purchase by the Lender of the Note, to enter into a Support Agreement; and

WHEREAS, in connection with the issuance by the Jail Authority and the purchase by the Lender of the Note, the Board adopted on _____, 2025, a resolution authorizing, among other things, the execution and delivery of an agreement providing for a non-binding obligation of the Board to consider certain appropriations in support of the Note.

AGREEMENT

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. Unless otherwise defined, each capitalized term used in this Support Agreement shall have the meaning given it in the Note Purchase Agreement.

2. The Jail Authority shall use its best efforts to issue the Note and to use the proceeds thereof to pay a portion of the costs of the Facility.

3. No later than February 15 of each year, beginning February 15, 2026, the Jail Authority shall notify each Member Jurisdiction of its respective proportionate share (calculated in the same manner as described in Section 5.1(c) of the Amended and Restated Service Agreement, dated June 9, 2022 (**the “Service Agreement”**) among ACRJA and the Member Jurisdictions) of the amount (**the “Annual Deficiency Amount”**) by which the Jail Authority reasonably expects the Net Revenues (as defined in the Note Purchase Agreement) to be insufficient to pay (i) the debt service obligations under the Note Purchase Agreement and the Note and the Bond, (ii) operation and maintenance expenses of the Authority, and (iii) any other payments due and owing by the Jail Authority under the Note Purchase Agreement in full as and when due during the County’s fiscal year beginning the following July 1.

4. The County Administrator of the County (**the “County Administrator”**) shall include the County’s respective share of the Annual Deficiency Amount in his budget submitted to the Board for the following fiscal year as an amount to be appropriated to or on behalf of the Jail Authority. The County Administrator shall deliver to the Lender within ten days after the adoption of the County’s budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Board has appropriated to or on behalf of the Jail Authority an amount equal to the Annual Deficiency Amount.

5. If at any time Revenues shall be insufficient to make any of the payments referred to in paragraph 3 hereof, the Jail Authority shall notify the Lender and each Member Jurisdiction of its respective proportionate share (calculated in the same manner as described in Section 5.1(c) of the Service Agreement) of the amount of such insufficiency and the County Administrator shall request a supplemental appropriation from the Board in the amount necessary to make such payment.

6. The County Administrator shall present each request for appropriation pursuant to paragraph 5 above to the Board, and the Board shall consider such request at the Board’s next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meeting, the County Administrator shall notify the Lender as to whether the amount so requested was appropriated. If the Board shall fail to make any such appropriation, the County Administrator shall add the amount of such requested appropriation to the Annual Deficiency Amount reported to the County by the County Administrator for the County’s next fiscal year.

7. The Board hereby undertakes a non-binding obligation to appropriate such amounts as may be requested from time to time pursuant to paragraphs 4 and 5 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards do likewise.

8. Nothing herein contained is or shall be deemed to be a lending of the credit of the County to the Jail Authority, the Lender or to any holder of the Note or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board to appropriate funds for the purposes described herein.

9. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (i) if to the County, to P.O. Box 336, Lovingson, VA 22949 Attention: County Administrator, (ii) if to the Jail Authority, to 160 Peregory Lane, Charlottesville, VA 22902, Attention: Superintendent, and (iii) if to the Lender, to [Lender] _____, _____, _____, Attention: _____. Any party may designate any other address for notices or requests by giving notice.

10. It is the intent of the parties hereto that this Support Agreement shall be governed by the laws of the Commonwealth of Virginia.

11. This Support Agreement shall remain in full force and effect until the Note and all other amounts payable by Jail Authority under the Note Purchase Agreement have been paid in full.

12. This Support Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

[REMAINDER OF PAGE LEFT BLANK; SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have each caused this Support Agreement to be executed in their respective names as of the date first above written.

**BOARD OF SUPERVISORS OF THE
COUNTY OF NELSON, VIRGINIA**

By: _____
Chairman

**ALBEMARLE-CHARLOTTESVILLE
REGIONAL JAIL AUTHORITY**

By: _____
Chairman

[LENDER]

By: _____

Its: _____

**SUPPORT AGREEMENT
ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY AND NELSON
COUNTY**

(VRA FINANCING)

This **SUPPORT AGREEMENT** is made as of June __, 2025, between the **BOARD OF SUPERVISORS OF NELSON COUNTY, VIRGINIA (the “Board”)**, acting as the governing body of Nelson County, Virginia (**the “County”**), **ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY (“ACRJA”)**, and the **VIRGINIA RESOURCES AUTHORITY (“VRA”)**, as purchaser of the Local Bond, as hereinafter defined, pursuant to a Financing Agreement, as hereinafter defined.

RECITALS

WHEREAS, ACRJA is a regional jail authority pursuant to Section 53.1-95.2 et seq of the Code of Virginia, as amended, and a public instrumentality of the Commonwealth of Virginia established by resolutions duly adopted by the governing bodies of the City of Charlottesville, Virginia (**“Charlottesville”**), the County of Albemarle, Virginia (**“Albemarle County”**) and the County (**collectively, the “Member Jurisdictions”**) for the purpose of developing a regional jail (**the “Facility”**) to be operated on behalf of the Member Jurisdictions by the Jail Authority; and

WHEREAS, ACRJA has determined that it is in its best interest to issue and sell its Revenue Bond, Series 2025, in the original principal amount of \$41,000,000 (**the “Local Bond”**) to VRA pursuant to the terms of a Local Bond Sale and Financing Agreement dated as of June __, 2025 (**the “Financing Agreement”**), between ACRJA and VRA to finance and refinance the costs of the renovation and equipping of the Facility together with associated financing costs of issuance (**collectively, the “Project”**); and

WHEREAS, the Board adopted on June __, 2025, a resolution authorizing, among other things, the execution of an agreement providing for a non-binding obligation of the Board to consider certain appropriations in support of the Local Bond and the Project; and

AGREEMENT

NOW, THEREFORE, for and in consideration of the issuance of the Local Bond by the ACRJA, the purchase of the Local Bond by VRA and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. Unless otherwise defined, each capitalized term used in this Support Agreement (**this “Agreement”**) shall have the meaning given it in the Financing Agreement.

2. ACRJA shall use its best efforts to issue the Local Bond and to use the proceeds thereof to finance the costs of the Project.

3. No later than February 15 of each year, beginning February 15, 2026, ACRJA shall notify each Member Jurisdiction of its respective proportionate share (calculated in the same manner as described in Section 5.1(c) of the Amended and Restated Service Agreement,

dated June 9, 2022 (**the “Service Agreement”**) among ACRJA and the Member Jurisdictions) of the amount, if any (**the “Annual Deficiency Amount”**) by which ACRJA reasonably expects the Revenues to be insufficient to pay (i) the debt service obligations under the Financing Agreement, the Local Bond and the Existing Parity Bonds, (ii) the Operation and Maintenance Expenses, and (iii) any other payments due and owing by ACRJA under the Financing Agreement (**the “Additional Payments”**) in full as and when due during the County's fiscal year beginning the following July 1.

4. The County Administrator of the County (**the “County Administrator”**) shall include the County’s respective share of the Annual Deficiency Amount in his budget submitted to the Board for the following fiscal year as an amount to be appropriated to or on behalf of ACRJA. The County Administrator shall deliver to VRA within 10 days after the adoption of the County's budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Board has appropriated to or on behalf of ACRJA an amount equal to the Annual Deficiency Amount.

5. If at any time Revenues shall be insufficient to make any of the payments referred to in paragraph 3 hereof, ACRJA shall notify VRA and each Member Jurisdiction of its respective proportionate share (calculated in the same manner as described in Section 5.1(c) of the Service Agreement) of the amount of such insufficiency and the County Administrator shall request a supplemental appropriation from the Board in the amount necessary to make such payment.

6. The County Administrator shall present each request for appropriation pursuant to paragraph 5 above to the Board, and the Board shall consider such request at the Board's next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meeting, the County Administrator shall notify VRA as to whether the amount so requested was appropriated. If the Board shall fail to make any such appropriation, the County Administrator shall add the amount of such requested appropriation to the Annual Deficiency Amount reported to the County by the County Administrator for the County's next fiscal year.

7. The Board hereby undertakes a non-binding obligation to appropriate such amounts as may be requested from time to time pursuant to paragraphs 4 and 5 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards do likewise.

8. The Board and ACRJA acknowledge that (i) the Local Bond may be payable from and will be secured by amounts derived pursuant to this Agreement, (ii) VRA would not purchase the Local Bond without the security and credit enhancement provided by this Agreement, and (iii) VRA is treating this Agreement as a “local obligation” within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended (**the “Virginia Code”**), which in the event of a nonpayment hereunder authorizes VRA or the Trustee to file an affidavit with the Governor that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia

Code. In purchasing the Local Bond, VRA is further relying on Section 62.1-216.1 of the Virginia Code, which provides that if the Governor is satisfied that the nonpayment has occurred, the Governor will immediately make an order directing the Comptroller to withhold all further payment to the County of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the County for any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to VRA, so as to cure, or cure insofar as possible, such nonpayment.

9. Nothing herein contained is or shall be deemed to be a lending of the credit of the County to ACRJA, VRA or to any holder of the Local Bond or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board to appropriate funds for the purposes described herein.

10. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (i) if to the County, to P.O. Box 336, Lovington, VA 22949, Attention: County Administrator, (ii) if to ACRJA, to 160 Peregrine Lane, Charlottesville, VA 22902, Attention: Superintendent, and (iii) if to VRA, to 1111 East Main Street, Suite 1920, Richmond, Virginia 23219, Attention: Executive Director. Any party may designate any other address for notices or requests by giving notice.

11. It is the intent of the parties hereto that this Agreement shall be governed by the laws of the Commonwealth of Virginia.

12. This Agreement shall remain in full force and effect until the Local Bond and all other amounts payable by ACRJA under the Financing Agreement have been paid in full.

13. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed in their respective names as of the date first above written.

**BOARD OF SUPERVISORS OF NELSON
COUNTY, VIRGINIA**

By: _____
Chair

**ALBEMARLE-CHARLOTTESVILLE
REGIONAL JAIL AUTHORITY**

By: _____
Chair

VIRGINIA RESOURCES AUTHORITY

By: _____
Shawn B. Crumlish, Executive Director