

COUNTY of FREDERICK


Finance Department
Cheryl B. Shiffler
Director

540/665-5610

Fax: 540/667-0370

E-mail: cshiffle@co.frederick.va.us

TO: Board of Supervisors

FROM: Cheryl B. Shiffler, Finance Director 

DATE: May 10, 2007

SUBJECT: Finance Committee Agenda

The Finance Committee will meet in the Board of Supervisors' Meeting Room at 107 North Kent Street on Wednesday, May 16, 2007 at 8:00 a.m.

1. The Economic Development Commission requests a General Fund supplemental appropriation in the amount of \$25,130. This amount is needed to cover the rental for the NetTech Center for the remainder of this fiscal year. No local funds are required as this is reimbursed by GSA. See attached information, p. 1 – 2.
2. The Sheriff requests a General Fund budget transfer in the amount of \$2,000 from the contingency line item. This amount represents estimated expenses for the remainder of the fiscal year to reimburse citizens for livestock killed. This item was returned to the Committee for further information on policy. See attached information, p. 3 – 8.
3. The Sheriff requests a General Fund supplemental appropriation in the amount of \$7,800. This amount represents a refund to the Virginia State Treasury for the sale of two seized vehicles. Local funds are required. See attached information, p. 9 – 15.
4. The Finance Director requests a discussion on a policy to set the mileage reimbursement rate for employees using personal vehicles for business travel.



WINCHESTER
FREDERICK COUNTY
VIRGINIA EDC

May 2, 2007

TO: Cheryl Shiffler
Finance Director

FROM: Patrick Barker *PB*

RE: **Supplemental Appropriation Request for NetTech Center of Winchester**
Supplemental Lease Agreement No. 20, to Lease GS-03B-70041
Frederick County Account No. 10-8102-3002-002

Based on a March 2007 extension of the contract between GSA and the Winchester-Frederick County Economic Development Commission, we are requesting a supplemental appropriation for the NetTech Center of Winchester contingent upon terms identified in SLA #20 (attached). **Our contract necessitates us to add \$25,130.04 to the current appropriation amount in order to cover the rental rate for the remaining two months of the current fiscal year.** This would then increase our appropriation for this line item from \$202,593.00 to \$227,723.04. Supplemental Appropriation should be recorded in Frederick County Account No. 10-8102-3002-002.

This supplemental appropriation will allow EDC to receive and expend Federal monies directly related to our contract with GSA as the fiscal agent of the NetTech Center of Winchester. No local monies are required.

We request this issue be added to the May 16th Finance Committee agenda. Please advise our office if you need any additional information.

Attachment (SLA #20)

-1-

Your Move. Our Commitment.

FREDERICK COUNTY SHERIFF'S OFFICE

ROBERT T. WILLIAMSON
Sheriff



MAJOR R.C. ECKMAN
Chief Deputy

5 NORTH KENT STREET
WINCHESTER, VIRGINIA 22601

540/662-6168
FAX 540/722-4001

TO : Cheryl Shiffler, Director
Finance Department

FROM : Sheriff R. T. Williamson *RTW*

SUBJECT : Compensation for Livestock Killed

DATE : March 21, 2007

Attached please find a Report of Animal Control Officer submitted by Dep. M. Moreland for compensation for 3 Nigerian Dwarf goats attacked and killed by canines (pitbulls). The owner of the livestock, Ms. Trudi Dixon, 1623 Redbud Road, Winchester, VA is requesting compensation for her livestock.

The owner(s) of the canines are unknown.

In accordance to the Code of Virginia>3.1-796.126:11, we are requesting the county reimburse Ms. Dixon for her loss in the amount of \$300.00 from 5802-00.

RTW/asw



2

REPORT OF ANIMAL CONTROL OFFICER

As to Livestock, Fowls, etc... killed or injured by dogs

Name of Claimant: Trudi Dixon

Address: 1073 Redbud Rd. District: _____
Winchester, Va. 22603

Date Reported to Animal Control: 3/14/07 Case # 07001281

| Date Killed | Number | Kind | Assessed Value per Head | Amount |
|----------------|----------|-----------------------------|-------------------------|-----------------|
| <u>3/14/07</u> | <u>3</u> | <u>Goats Nigerian Dwarf</u> | <u>\$100.00</u> | <u>\$300.00</u> |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

Amount recommended to be paid \$ \$300.00

Remarks: 2 dogs (pitbulls) attacked complainant's 3 goats killing all three. Dogs accessed by digging under fence. Dogs had no identification (tags), microchips, or last reports on file.

Given under my hand this 14 day of March, 2007.

Manorland 153

Animal Control Officer/Unit&Code

FINANCE : MAKE CHECK PAYABLE TO CLAIMANT AND MAIL TO ADDRESS LISTED ABOVE.

Applicable line item: ~~3402~~-5802-00

Approved By: OK-aww Date to Finance: 3-21-07

FREDERICK COUNTY S.

ROBERT T. WILLIAMSON
Sheriff



5 NORTH KENT STR
WINCHESTER, VIRGINIA

540/662-6168
FAX 540/722-4001

Called
Angie
about
Code 319

AN

999999

TO : Cheryl Shiffler, Director
Finance Department

FROM : Sheriff R. T. Williamson *RW*

SUBJECT : Compensation for Livestock Killed

DATE : March 9, 2007



Attached please find a Report of Animal Control Officer submitted by Dep. B. Harvey for compensation for 3 REO (fowls) killed by a canine. The owner of the livestock, Mr. Robert Arnold, 233 Huttle Road, Stephens City, VA, is requesting compensation for his livestock.

The owner of the canine is unknown.

In accordance to the Code of Virginia>3.1-796.126:11, we are requesting the county reimburse Mr. Arnold for his loss in the amount of \$750.00 from the General Fund.

RTW/asw

Cc: Dep. Harvey

REPORT OF ANIMAL CONTROL OFFICER

As to Livestock, Fowls, etc... killed or injured by dogs

Name of Claimant: Robert Arnold

Address: 233 Huddle Rd, Stephens City District:

Date Reported to Animal Control : 3-6-07 Case # 07001140

| Date Killed | Number | Kind | Assessed Value per Head | Amount |
|---------------|----------|------------|-------------------------|-----------------|
| <u>3-6-07</u> | <u>3</u> | <u>REC</u> | <u>\$250.00</u> | <u>\$750.00</u> |
| <u></u> | <u></u> | <u></u> | <u></u> | <u></u> |
| <u></u> | <u></u> | <u></u> | <u></u> | <u></u> |

Amount recommended to be paid \$ 750.00

Remarks: Killed by Black and white Collie mix Dog. Can not
locate possible a wild Dog. No one in the area owns the
Dog.

Given under my hand this 8th day of March, 2007.

Bill J. [Signature] 152
Animal Control Officer/Unit&Code

FINANCE : MAKE CHECK PAYABLE TO CLAIMANT AND MAIL TO
ADDRESS LISTED ABOVE.

~~Applicable from 3-1-07 to 3-31-07~~

Approved By: Date to Finance:

Finance

Frederick County Sheriff's Office

ROBERT T. WILLIAMSON
Sheriff



MAJOR R. C. ECKMAN
Chief Deputy

5 North Kent Street
Winchester, Virginia 22601

(540) 662-6168
Fax (540) 722-4001

To: Major Eckman

From: Captain Beeman *ABM*

Date: April 30, 2007

Re: Compensation for Livestock

The Sheriff's Office procedure for obtaining compensation for livestock killed by dogs is based on Virginia Code § 3.1-796.118 and Frederick County Code 48-8. The ACO responds to the incident and investigates the livestock killing. The ACO completes an incident report with the results of their investigation, including the owner's value of the killed livestock. The ACO then contacts the Livestock Exchange located on Northwestern Pike and ascertains the market value of the killed livestock. The lowest value is placed on the attached form that is submitted to Finance for payment.

The fowl listed on the one form that has been sent to Finance is misleading. The emu's are large birds resembling an ostrich that are from Australia, which is why they have a higher value than regular fowls.

court may order the dog killed in accordance with the provisions of § 3.1-796.119. (1984, c. 492, § 29-213.86; 1987, c. 488; 1993, c. 977; 1998, c. 817.)

§ 3.1-796.118. Compensation for livestock and poultry killed by dogs. — Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10 per fowl, provided that: (i) the claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other officer shall have been notified of the incident within seventy-two hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law. (1984, c. 492, § 29-213.87; 1986, c. 108; 1987, c. 488; 1992, c. 461; 1998, c. 817.)

§ 3.1-796.119. Capturing, confining, and euthanizing companion animals by animal control officers; approval of drugs, etc., used.

— It shall be the duty of the animal control officer or any other officer to capture and confine any companion animal of unknown ownership found running at large on which the license fee has not been paid. Following the expiration of the holding period prescribed in § 3.1-796.96, the animal control officer or other officer may deliver such companion animal to any person in his jurisdiction who will pay the required license fee on such companion animal. Prior to disposition by euthanasia or otherwise, all the provisions of § 3.1-796.96 shall have been complied with. For all companion animals not otherwise disposed of as provided for in this chapter, it shall be the duty of the animal control officer or any other officer to euthanize such companion animals. Any person, animal control officer, or other officer euthanizing a companion animal under this chapter shall cremate, bury, or sanitarily dispose of the same.

All drugs and drug administering equipment used by animal control officers or other officers to capture

companion animals pursuant to this chapter shall have been approved by the State Veterinarian. (1984, c. 492, § 29-213.88; 1987, c. 488; 1991, c. 348; 1997, c. 159; 1998, c. 817.)

§ 3.1-796.120. Gift, sale, or delivery of animals from pounds or animal shelters. — A. The governing body of any political subdivision shall dispose of impounded animals in accordance with the provisions of § 3.1-796.96. Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the treasurer of the political subdivision, and no part of such proceeds shall accrue to any individual.

B. The following shall confine and dispose of animals in their custody in accordance with the provisions of § 3.1-796.96:

1. Any humane investigator who has custody of any animal pursuant to his official duties;
2. Any humane society; and
3. Any animal shelter.

Animals that have been confined at a county or city pound as required by § 3.1-796.96 prior to being delivered to a local humane society or animal shelter may be immediately placed for adoption, or humanely euthanized in accordance with methods approved by the State Veterinarian. Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the clerk or treasurer of the humane society for the expenses of the society and expenses incident to any agreement concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except for the aforementioned purposes. Humane societies, humane investigators and animal shelters shall keep accurate records of all animals handled. Records shall include a description of the animal including color, breed, sex, approximate weight, reason for bringing in, age, owner's or finder's name, address and telephone number, license number or other identifying tags or markings, as well as disposition of the animal. Humane societies and animal shelters shall submit a summary of such records to the State Veterinarian annually in a format prescribed by him.

C. D. [Repealed]. (1984, c. 492, § 29-213.89; 1987, c. 488; 1993, c. 601; 1996, c. 213; 1997, c. 286; 2000, c. 1010; 2002, cc. 53, 208; 2003, c. 770.)

§ 3.1-796.121. Disposal of dead companion animals. — The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury, or sanitarily dispose of the same. If, after notice, any owner fails to do so, the animal control officer or other officer shall bury or cremate the companion animal, and he may recover on behalf of the local jurisdiction from the owner the cost for this service. (1984, c. 492, § 29-213.90; 1987, c. 488; 1993, c. 174; 1998, c. 817.)

§ 3.1-796.122.

A. Any person who loads, transports, or confines animals in an inhumane, cruel, or otherwise unscientific manner shall be guilty of a crime. (i) any animal other; (ii) drink, shall; (iii) sores or drugs or the purpose unless such is within the relationship willfully in any way (v) carried vehicle, vehicle, or brutal, or torture or under the above permits a guilty of a crime.

B. Any inhumane, cruel, or otherwise unscientific manner shall be guilty of a crime. (i) sores or drugs or the purpose unless such is under the sole and solely engages in to any animal any of the (iii), or be acts to be years or subsection current subsection an animal the recom determining due to the tion was a tion or su

C. Not prohibited.

D. For 796.111, § 3.1-796.122 include bi

E. This life man

FREDERICK COUNTY SHERIFF'S OFFICE

ROBERT T. WILLIAMSON
Sheriff



MAJOR R.C. ECKMAN
Chief Deputy

5 NORTH KENT STREET
WINCHESTER, VIRGINIA 22601

540/662-6168
FAX 540/722-4001

April 23, 2007

John R. Riley, County Administrator
107 North Kent Street
Winchester, VA 22601

Dear John:

Enclosed are copies of correspondence from Deborah Turck, Forfeited Asset Sharing Program Coordinator, requesting reimbursement of monies received from the sale of two (2) vehicles.

As I'm sure you recall we have spoken about this situation on a couple of occasions. Winchester PD's agents assigned to the Northwest Regional Drug Task Force seized these two vehicles. At the time the vehicles were seized, Winchester's impound lot was full and had been the subject of numerous vandalisms. The vehicles were impounded at the Frederick County impound lot on August 8, 2003. In September 2004 Deputy Cooley inquired of Wally Stottlemeyer – Winchester PD and Chris Holmes – Winchester Commonwealth Attorney's Office, the status of these vehicles and was told there was no forfeiture occurring and we were free to sell the vehicles as abandoned. We did so only to later be notified that there was a seizure in place.

At the time of the sale all proceeds were returned to the General Fund. I am therefore requesting that we reimburse the state from the General Fund. The total amount for reimbursement is \$7,800.00 with the check payable to the Virginia State Treasury.

Sincerely,

Robert T. Williamson, Sheriff

RTW/asw
Enclosures

OKDM 4-23-07



Sheriff's Dept ?

COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Leonard G. Cooke
Director

March 21, 2007

202 N. Ninth Street
Richmond, Virginia 23219
(804) 786-4000
FAX (804) 371-8981
TDD (804) 386-8732

Sheriff Robert T. Williamson
Frederick County Sheriff's Office
5 North Kent Street
Winchester, VA 22601

Case Name: Silvano Chavez-Cipriano
Case Number: 03037087 (Winchester PD)
DCJS Seizure Number: 04-FS25102
Asset: 1996 GMC Pickup
VIN#: 2GTEC19R0T1503315

Dear Sheriff Williamson:

On March 9, 2007, the Department of Criminal Justice Services (DCJS) received the attached court order for the case listed above. According to the court order attached, the vehicle was forfeited. Per the information provided by the Winchester Police Department, the vehicle in this case was sold prior to the issuance of the court order in the amount of \$6,700.00. Per the Code of Virginia §19.2-386.12, the proceeds of a sale shall be paid over to the state treasury into a special fund of the Department of Criminal Justice Services in accordance with §19.2-386.14.

Therefore, I am requesting that you submit a check in the amount of \$6,700.00 payable to the Treasurer of Virginia to be remitted to the address above in order to disburse the proceeds from the sale of this vehicle as mandated by the Code of Virginia §19.2-386.14. Any expenses incurred in the sale of this vehicle (i.e. tow bills, auctioneer fees, etc.) may be deducted from the sale proceeds prior to submission to DCJS. Please note that only expenses associated with this asset may be deducted. Expenses may be prorated if necessary. If you have any questions concerning this matter, please do not hesitate to contact me at 804-371-0538.

Thank you for your assistance in this matter.

Sincerely,

Deborah C. Turck
Forfeited Asset Sharing Program Coordinator

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF WINCHESTER

COMMONWEALTH OF VIRGINIA

v.

Docket No. CL03-232

RED 1996 GMC PICKUP
VIN #2GTEC19ROT1503315

and

SILVANO CHAVEZ-CIPRIANO



FINAL ORDER OF FORFEITURE

This Cause came on to be heard upon the Information filed by the Commonwealth to appear and show cause why the RED 1996 GMC PICKUP VIN #2GTEC19ROT1503315 (hereinafter sometimes referred to as "Property") should not be forfeited to the Commonwealth under the provisions of Chapter 22.1, Title 19.2, *Code of Virginia*, 1950, as amended. The Commonwealth was represented by Heather D. Enloe, Assistant Commonwealth's Attorney.

IT APPEARING to the Court that the Commonwealth properly followed all statutory requirements; and

IT FURTHER APPEARING to the Court that proper service by publication was made upon the Defendant pursuant to Sections 8.01-316 through 318, *Code of Virginia*, 1950, as amended; and

IT FURTHER APPEARING to the Court that the Defendant has failed to respond or make any appearance before this Court in defense of this action; and

IT FURTHER APPEARING to the Court that the RED 1996 GMC PICKUP

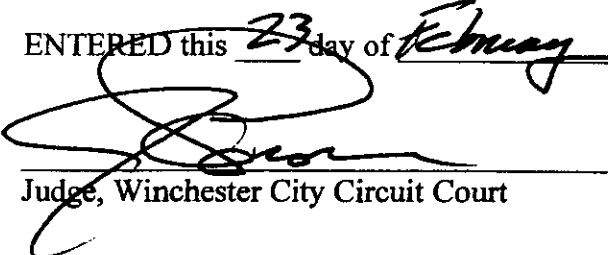
VIN #2GTEC19ROT1503315 was property used in substantial connection with the illegal possession or illegal manufacturing, sale or distribution of a Schedule II controlled substance in violation of Sections 18.2-248 or 18.2-250, *Code of Virginia*, 1950, as amended,

IT IS THEREFORE, adjudged, ordered and decreed, that the said RED 1996 GMC PICKUP VIN #2GTEC19ROT1503315 shall be, and hereby is FORFEITED to the Commonwealth. The forfeited Property shall be paid over to the Department of Criminal Justice Services for distribution according to the law, after payment of any costs of this proceeding.

IT IS FURTHER ORDERED, that a Copy of this Order shall be provided to the Defendant, the Commonwealth's Attorney for the City of Winchester, and Sgt. Thomas Frazier of the Winchester Police Department.


Nothing remaining to be done, the case is hereby closed.

ENTERED this 23 day of February 2007

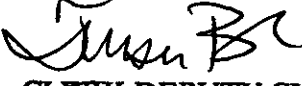


Judge, Winchester City Circuit Court

I ASK FOR THIS:



Heather D. Enloe
Assistant Commonwealth's Attorney
City of Winchester

A COPY TESTE:


CLERK-DEPUTY CLERK
WINCHESTER CIRCUIT COURT



Sheriffs dept ?

COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Leonard G. Cooke
Director

202 N. Ninth Street
Richmond, Virginia 23219
(804) 786-4000
FAX (804) 371-8981
TDD (804) 386-8732

March 21, 2007

Sheriff Robert T. Williamson
Frederick County Sheriff's Office
5 North Kent Street
Winchester, VA 22601

Case Name: Martin Andrade
Case Number: 03037088 (Winchester PD)
DCJS Seizure Number: 04-FS25105
Asset: 1996 Ford
VIN#: 3FALP653XTM126680

Dear Sheriff Williamson:

On March 9, 2007, the Department of Criminal Justice Services (DCJS) received the attached court order for the case listed above. According to the court order attached, the vehicle was forfeited. Per the information provided by the Winchester Police Department, the vehicle in this case was sold prior to the issuance of the court order in the amount of \$1,100.00. Per the Code of Virginia §19.2-386.12, the proceeds of a sale shall be paid over to the state treasury into a special fund of the Department of Criminal Justice Services in accordance with §19.2-386.14.

Therefore, I am requesting that you submit a check in the amount of \$1,100.00 payable to the Treasurer of Virginia to be remitted to the address above in order to disburse the proceeds from the sale of this vehicle as mandated by the Code of Virginia §19.2-386.14. Any expenses incurred in the sale of this vehicle (i.e. tow bills, auctioneer fees, etc.) may be deducted from the sale proceeds prior to submission to DCJS. Please note that only expenses associated with this asset may be deducted. Expenses may be prorated if necessary. If you have any questions concerning this matter, please do not hesitate to contact me at 804-371-0538.

Thank you for your assistance in this matter.

Sincerely,

Deborah C. Turck
Forfeited Asset Sharing Program Coordinator

-13-

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF WINCHESTER

COMMONWEALTH OF VIRGINIA

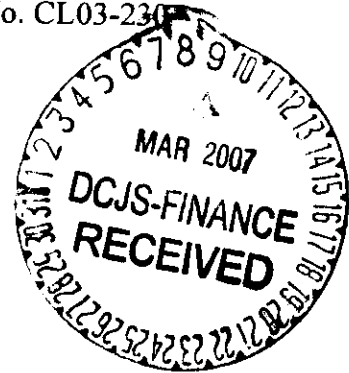
v.

Docket No. CL03-230

TAN 1996 FORD
VIN # 3FALP653XTM126680

and

MARTIN ANDRADE



FINAL ORDER OF FORFEITURE

This Cause came on to be heard upon the Information filed by the Commonwealth to appear and show cause why the TAN 1996 FORD VIN #3FALP653XTM126680 (hereinafter sometimes referred to as the "Property") should not be forfeited to the Commonwealth under the provisions of Chapter 22.1, Title 19.2, *Code of Virginia*, 1950, as amended. The Commonwealth was represented by Heather D. Enloe, Assistant Commonwealth's Attorney.

IT APPEARING to the Court that the Commonwealth properly followed all statutory requirements; and

IT FURTHER APPEARING to the Court that proper service by publication was made upon the Defendant pursuant to Sections 8.01-316 through 318, *Code of Virginia*, 1950, as amended; and

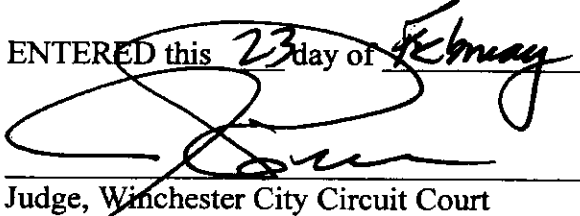
IT FURTHER APPEARING to the Court that the Defendant has failed to respond or make any appearance before this Court in defense of this action; and

IT FURTHER APPEARING to the Court that the TAN 1996 FORD VIN # 3FALP653XTM126680 was property used in substantial connection with the illegal possession or illegal manufacturing, sale or distribution of a Schedule II controlled substance in violation of Sections 18.2-248 or 18.2-250, *Code of Virginia*, 1950, as amended,

IT IS THEREFORE, adjudged, ordered and decreed, that the said TAN 1996 FORD VIN # 3FALP653XTM126680 shall be, and hereby is FORFEITED to the Commonwealth. The forfeited Property shall be paid over to the Department of Criminal Justice Services for distribution according to the law, after payment of any costs of this proceeding.


IT IS FURTHER ORDERED, that a Copy of this Order shall be provided to the Defendant, the Commonwealth's Attorney for the City of Winchester, and Sgt. Thomas Frazier of the Winchester Police Department.

Nothing remaining to be done, the case is hereby closed.

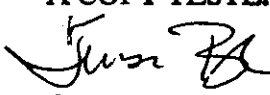
ENTERED this 23 day of February, 2007


Judge, Winchester City Circuit Court

I ASK FOR THIS:



Heather D. Enloe
Assistant Commonwealth's Attorney
City of Winchester

A COPY TESTE:


CLERK-DEPUTY CLERK
WINCHESTER CIRCUIT COURT