

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 3, 2024, at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Michael Pruitt.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Steve Rosenberg; Clerk, Claudette K. Borgersen; and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:01 p.m. by the County Executive, Jeffrey B. Richardson.

Mr. Richardson stated he would preside over the meeting until the election of the Chair of the Board, at which time he would pass control to the elected Chair.

Mr. Richardson announced the following in attendance: Steve Rosenberg, County Attorney; Board Clerk Claudette Borgersen; and Senior Deputy Clerk Travis Morris.

Mr. Richardson introduced the following Albemarle County Police Officers in attendance: Lieutenant Angela Jamerson and Master Police Officer Dana Reves.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. **Annual Organization:** Election of Chair.

Mr. Richardson announced that this was the Board's annual organization meeting. He said he would run the election of the Chair, and after the election, he would turn the meeting over to the new Chair.

Mr. Richardson opened the floor for nominations for Chair of the Albemarle County Board of Supervisors for 2024.

Ms. Mallek nominated Mr. Andrews. Ms. McKeel seconded the nomination.

Ms. Mallek **nominated** Mr. Jim Andrews as Chair.

Ms. McKeel **seconded** the nomination.

Mr. Richardson asked if there were other nominations for Chair of the Board, and there being none, he closed the nominations.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Mr. Richardson handed control of the meeting to Mr. Andrews.

Agenda Item No. 5. Election of Vice-Chair.

Mr. Andrews opened the floor for nominations for Vice-Chair of the Albemarle County Board of Supervisors for 2024.

Ms. LaPisto-Kirtley **nominated** Ms. Diantha McKeel as Vice-Chair.

Ms. Mallek **seconded** the nomination.

There being no further nominations, the nominations for Vice-Chair were closed. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Non-Agenda Item. From the Board.

Mr. Gallaway said that he would like to wish everyone, including staff and Board members, a happy new year. He said that he would like to congratulate Supervisors Mallek and LaPisto-Kirtley on the commencement of their new terms and extend a welcome to Mr. Pruitt as he joined them on the Board. Moreover, he said that he would like to congratulate their new leadership, Mr. Andrews and Ms. McKeel.

Ms. Mallek said, in the good omen department for 2024, a pair of adult bald eagles had resided in her neighborhood from December 30 through January 2. She said that as an optimist and was always looking for any good news she could find. She said she did not see an eagle in the wild until she was 55. She said that it gave great hope moving forward.

Ms. Mallek said that they had a lot of good work to do during the year. She said that the Comprehensive Plan, AC44, had been in important phases throughout its development, particularly with the upcoming startup of the rural area chapter and addressing various other issues. She strongly encouraged citizens to participate in this process. She said that it was very important for them to familiarize themselves with all the elements and drafts and make their voices heard throughout this process.

Ms. Mallek said that Blue Star Families were seeking names and would also request contact information for deployed service members and canine officers for their packages to be sent that year. She said she heard that on the radio.

Mr. Pruitt said that he would like to congratulate the new members of leadership, Vice Chair McKeel and Chair Andrews, as well as the colleagues with whom he had the pleasure of campaigning with, Supervisors LaPisto-Kirtley and Supervisor Mallek. He said he would express his deep gratitude for the trust shown by the residents of the Scottsville Magisterial District in electing him to this role. He said that he was excited to assume this position, although he acknowledged his feelings of nervousness, which he believed signified a genuine commitment to the task ahead. He said that he looked forward to collaborating with everyone on this dais over the next four years and working together to create an inclusive, affordable, equitable, and thriving community. He said that he was excited to serve the County.

Ms. LaPisto-Kirtley said that she joined in with the others in congratulating Supervisor Andrews and Supervisor McKeel on their newly elected positions, as well as all of those who ran for office. She said that it was a good race, and she was glad to be back.

Ms. LaPisto-Kirtley said that she sent out information regarding photo speed cameras to everyone. She said that their delegate, Amy Laufer, would be a co-patron, along with delegate-elect Mike Jones from Richmond, concerning photo speed cameras. She said that this was an issue that was near and dear to all of their hearts, as they aimed to save lives using these devices. She said that she would like to see the addition of more red-light cameras this coming year, and she would love to see the Police Department instituting additional red light cameras in appropriate locations. She said it was a pleasure to be back, and she looked forward to working with everyone.

Ms. McKeel said she hoped that they had a great holiday season, and everyone had the opportunity to have some downtime and relaxation. She thanked her colleagues at the dais for their support, and said she looked forward to the year ahead. She said that there were numerous things on their calendar and their plate this year, and she welcomed Mr. Pruitt to the Board.

Mr. Andrews said that he was looking forward to working together throughout the year. He said that before they proceeded, the County Attorney informed him there was a need for a slight correction in the previous matter.

Non-Agenda Item. Revote for Election of Chair.

Mr. Steve Rosenberg, County Attorney, said that he wanted to ensure that they were technically accurate in the election of the Chair. He said this had consequences for the remainder of the year because the Chair did have certain responsibilities as provided in the state code, and they wanted to be certain that the Chair's election was beyond contest. He said it was a two-step process.

Mr. Rosenberg said that the first step was nominations, and the second was the election. He said that the election which took place for Supervisor McKeel was done unquestionably in the correct order with each step distinct: a nomination followed by the election. He said that there was technically no vote on the nomination, the vote was only on the motion to elect.

Mr. Rosenberg said that in the case of Supervisor Andrews, confusion arose because there was a motion to nominate him for Chair rather than just a simple nomination made. He said that there was not a subsequent motion to elect him and a vote taken on that motion to elect him chair. He said that to avoid any future misunderstandings, he suggested that a motion be entertained to elect him as Chair for 2024.

Ms. Mallek **moved** to elect Mr. Jim Andrews as Chair.

Ms. McKeel **seconded** the motion.

There being no further nominations, the nominations for Chair were closed. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 6. Appointment of Clerk and Senior Deputy Clerk.

The Executive Summary as forwarded to the Board states that the Code of Virginia, in Section 15.2-1538, states that "The governing body of every locality in this Commonwealth shall appoint a qualified person, who shall not be a member of the governing body, to record the official actions of such governing body." Claudette K. Borgersen expresses a desire to be reappointed as Clerk, and Travis O. Morris desires to be reappointed as Senior Deputy Clerk. These positions are reappointed annually.

Mr. Andrews **moved** to reappoint Ms. Claudette Borgersen as Clerk and Mr. Travis Morris as Senior Deputy Clerk of the Albemarle County Board of Supervisors.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 7. Board 2024 Calendar – Set the Days, Time, and Place for Regular Meetings for Calendar Year 2024 and January 2025.

The Executive Summary as forwarded to the Board states that Section 15.2-1416 of the Code states that:

"The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year."

It further provides:

"The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time."

The Board adopts its meeting schedule at its annual organizational meeting each January.

Should the Board wish to continue with the Calendar Year 2023 schedule for its regular meetings as adopted on January 4, 2023, and to add a third meeting in January 2025 to allow the first meeting in that month to be an organizational meeting, staff recommends setting the meeting times, dates, and places of the Board of Supervisors regular meetings for Calendar Year 2024 and January 2025 as set forth in the attached Resolution, and as follows: on the first and third Wednesdays of each month from February 2024 through November 2024, beginning at 1:00 p.m. (with no regular meeting on the first Wednesday of July 2024); on the first and second Wednesdays in December 2024, beginning at 1:00 p.m.; on the second and third Wednesdays of January 2025, beginning at 1:00 p.m.; and on the first Wednesday of January 2025, for an organizational meeting at 1:00 p.m.; with all meetings to be held in either the County Office Building on McIntire Road or using electronic communication means when authorized by law.

The proposed resolution also reaffirms meetings previously scheduled on the first, second, and third Wednesdays of January 2024 at 1:00 p.m., as provided in the resolution adopted by the Board on January 4, 2023.

There is no budget impact.

Staff recommends that the Board adopt the Resolution Establishing the Days, Time, and Place for Its Regular Meetings for Calendar Year 2024 and January 2025 (Attachment A).

Mr. Andrews said that it was proposed that the February 21, 2024, meeting begin at 1:00 p.m. in Lane Auditorium, which was changed from the proposed calendar which was posted online. He said, because of the lighter agenda, they would not need to meet earlier that day. He said that they were expecting to receive the first review of the FY25 budget and Capital Improvement Plan (CIP) at that meeting. He said that regular meetings were held on the first and third Wednesdays of the month. He said that in January, they would meet on the first, second, and third Wednesdays, and in June, they would meet the first and second Wednesdays because the third Wednesday was a holiday, and in July, they would take the first Wednesday off because it was a holiday, and in December, they would hold meetings on the first and second Wednesday to give staff a break for the holidays. He said that the calendar included budget work sessions so that they would minimize the need to call special meetings moving forward.

Ms. Mallek clarified that there were three months in which the Board would meet on the second Wednesday, which would impact her ability to attend her CAC (Community Advisory Committee) meetings.

Mr. Andrews, hearing no other Board comments, opened the floor for a motion.

Ms. McKeel **moved** to adopt the Board 2024 Calendar as amended.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

RESOLUTION
ESTABLISHING THE DAYS, TIME, AND PLACE FOR REGULAR MEETINGS
FOR CALENDAR YEAR 2024 AND JANUARY 2025

WHEREAS, Virginia Code § 15.2-1416 requires boards of county supervisors to establish the days, times, and places of their regular meetings at their January annual meetings.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that:

1. Days and Times: Regular meetings will be held on the days and at the times set forth in the attached schedule, which is adopted by the Board as its official meeting schedule for 2024 and January 2025; and
2. Place: Such regular meetings will be held either in the room identified on the attached schedule in the County Office Building at 401 McIntire Road, Charlottesville, Virginia, or using electronic communication means when authorized by law.

Agenda Item No. 8. Board Rules, Policies, and Operating Guidelines.

Item No 8.1. Adoption of 2024 Board Rules and Procedures.

The Executive Summary as forwarded to the Board states that rules of parliamentary procedure guide public bodies, such as the Board of Supervisors, through the various procedural issues that may arise before and during its meetings. Rules of procedure exist for the simple purpose of facilitating the Board's official actions in an orderly manner. Rules of parliamentary procedure guide public bodies, such as the Board of Supervisors, through the various procedural issues that may arise before and during its meetings. Rules of procedure exist for the simple purpose of facilitating the Board's official actions in an orderly manner.

The Board adopts its Rules of Procedure at its annual organizational meeting each January.

The draft Rules in Attachment A are those adopted by the Board on January 4, 2023, with the following proposed revisions:

1) in Rule 5(A)(1)(e) and Rule 5(A)(2)(d), provision for circumstances in which resolutions and proclamations may, and shall, be included on the Consent Agenda;

2) in Rule 5(A)(1)(f) and Rule 5(A)(3), clarification that requests by residents for proclamations and recognitions are subject to Rule 5(A)(3), whether they are made directly to the Clerk or through a member of the Board;

3) in Rule 6(A) and Rule 6(E)(3), a change in the time items may be removed from the Consent Agenda, from the Board's consideration of the Final Agenda to the Board's consideration of the Consent Agenda;

4) in Rule 6(D), a clarification of the scope of From the Public to make the rule consistent with the Board's previously expressed intention;

5) in Rule 6(D)(2), Rule 6(F)(1)(a) and Rule 6(F)(3)(a), a prohibition on sharing time for public comment; and

6) other miscellaneous revisions.

If any amendments are desired, staff will return to the Board at a later meeting with amended Rules for the Board's consideration.

There is no anticipated budget impact.

Staff recommends the Board adopt the draft amended Rules of Procedure (Attachment B)..

Mr. Steve Rosenberg, County Attorney, said he was prepared to briefly outline some highlights of the proposed changes for their consideration. He said that hard copies of these materials were available at each of their seats and they were identical to those in the agenda package with one exception: down the left-hand margin of each page, there were line numbers. These line numbers would enable him to easily direct them to provisions that he wanted to call to their attention without everyone having to search for the right spot.

Mr. Rosenberg said he would proceed through these changes and if he omitted a point that they wished to discuss, the Board should feel free to interrupt or they could return to it later. He said it was not his intention to address every change in these documents. He said that when making changes from year to year, they primarily did so based on their experiences during the preceding year. He said that these were places where they had encountered minor issues or challenges along the way. He said that with input from the Clerk, the County Executive's office, as well as members of the Board and the County Attorney's office, they had developed a set of revisions, all of which were included in this document that they had before them.

Mr. Rosenberg said that considering this background, he would first address the rules of procedure by directing their attention to page four, line number four. He said that at the top of the page, there were instances almost throughout the entire page where they had added the words "or proclamations". He said that this was done to ensure that this procedure applied not only to resolutions requested or proposed by Board members but also to proclamations. He said that line 31 previously stated that if all supervisors indicated support for the resolution, the resolution may be placed on the proposed consent agenda unless any supervisor requested otherwise. He said that same rule or procedure was now at line 34, and they had added a new rule at line 38 to address circumstances in which there is no recipient of a resolution or proclamation who would be present at the meeting of the Board.

Mr. Rosenberg said that in such instances, the resolution or proclamation would be placed on the consent agenda. He said that at the time that the Clerk's office was developing the agenda, this is what the Clerk's office would do. He said that if a member of the Board wished to handle it differently during the actual meeting, they may do so; however, this provided clear instructions to the Clerk's office regarding how to handle resolutions or proclamations requested by Board members for which there is no identified recipient.

Mr. Rosenberg said that line 43 clarified that there is an entirely different set of rules applicable to resolutions or proclamations requested not by Board members, but by members of the public. He said the procedure for that was set forth on page 5, line 13. He said that the addition on line 14 aimed to make it clear that this separate procedure applied to requests from residents, whether they address their request directly to the Clerk's office or a member of the Board. He said that it should be noted that making a request to a member of the Board did not entitle them to preferential treatment accorded to requests by members of the Board. He said that they would receive the treatment according to requests made by residents.

Mr. Rosenberg said that in lines 35 through 43, the same two rules regarding proclamations with unanimous support and proclamations for which there were no recipients. He said that those were the same as the rules applicable where a member of the Board was making the request.

Mr. Rosenberg said that on page 7, changes in lines 11 through 15 addressed when items were removed from the consent agenda. He said that previously, if a Board member wanted to remove an item from the consent agenda, it was done early in the meeting during the consideration of the full agenda for approval. He said with this proposed change, the removal of an item from the consent agenda would occur at the time that the consent agenda was considered.

Mr. Rosenberg said that on page 7, line 41, the first of three instances where the language was clarified that time may not be shared between speakers, whether it occurred during a public hearing or during "Matters from the Public". He said that time limitations applied per speaker and could not be reserved for or shared with another. He said that this same point was made again on page 8 at line 45 and page 9 at line 32.

Mr. Rosenberg said that on page 13, lines 9 and 10, he would like to thank Mr. Andrews for bringing this matter to their attention. He said there was a reference to an old section that no longer made any sense. He said they were cleaning up the reference.

Mr. Rosenberg said that the next change was on page 7 line 31 dealing with "Matters from the Public". He said there had been substantial discussion among the Board members regarding eligible topics for "Matters from the Public", and although the consensus was reflected in the title of the rule, it was not accurately reflected in the rule. He said that the change on lines 30 and 31 was made to reflect what he believed to be the consensus of the Board at that time about appropriate matters to be heard by the Board during "Matters from the Public".

Mr. Gallaway said that for the proclamations, if there was no one present to receive them, they would go to the consent agenda. He said that there have been instances where it was not a specific person receiving them. He said that regarding Item i under e, when it states unless any supervisor

requests otherwise, it could negate going to consent if the supervisor wanted it read out loud as a motion. He said the section was page 4 lines 38 to 41. He said that line 36 specified that, "unless a supervisor requested otherwise."

Mr. Rosenberg said that applied where there was unanimous support. He said that there was no similar language for lines 38 through 41; thus, it was placed on the consent agenda by the Clerk's office. He said that when the consent agenda came before the Board at the meeting itself, it was subject to the same rules that applied to any item on the consent agenda. He said that at that time a Board member may request the removal of that particular proclamation from the consent agenda.

Mr. Gallaway said that he would suggest adding an exception under Item e(ii) as well, allowing a proclamation to be read aloud and voted on during the meeting, even if there was no physical person present to receive it. He said that if they had a proclamation that they wished to read, he did not want it negated due to the absence of a recipient. He said the easiest way to address this issue was by including an exception for any supervisor requesting otherwise. He said that it would be up to the person requesting the resolution or proclamation to ensure it was placed on the agenda where proclamations and resolutions were typically read.

Mr. Gallaway said that if it was a small item that someone requested and they were comfortable with it going on consent, then it should follow the existing rule. He said he did not want them to change rules or pull items from consent unnecessarily because they should have been appropriately placed in proclamations or resolutions in the first place.

Mr. Rosenberg said that he suggested that if they were going to make that change there, they should also make it on line 43 on page 5. He said that he wanted to clarify that there would have been nothing to preclude a Board member during the meeting, even without that addition, from requesting the removal of an item from the consent agenda.

Mr. Gallaway said that typically, resolutions and proclamations occurred before they got to the consent agenda. He said that they should not have to wait until the consent agenda to address any other proclamations or recognitions.

Mr. Rosenberg said he recommended making the following changes on line 41 of page 4 and line 43 of page 5.

Mr. Gallaway said that previously, the common practice used to be that they would pull items from the consent agenda for discussion at the consent agenda approval. He said this was also the case when he served on the school board. He said that he could not recall why they changed this approach, but it appeared to have been due to strict adherence to the agenda adoption process. He said that in his opinion, returning to the previous practice made common sense.

Ms. Mallek said that in regard to the terms "proclamation" and "resolution", those words were restricted to recognition-type actions where there was Board action, approval, and so forth. She said that if someone wanted to recognize the efforts of the Thrift Store, it would be a recognition from her that she would read as simply a thank you to them; however, it was not something that she would ask the Board to vote on. She said she should never use the term "proclamation" or "resolution" in this context. She said she wanted to confirm her understanding.

Mr. Rosenberg said that there was no obstacle precluding an individual supervisor from extending recognition or appreciation to a constituent or an organization, as long as it was evident that the Board was acting in the capacity of the specific Board member and not on behalf of the entire body.

Ms. Mallek said that she believed they had fallen into a trap in the past by occasionally using terms such as 'resolution' or 'proclamation,' which was what they were trying to avoid. She said that the reason pulling consent items was moved to before adoption was done to ensure staff had some minutes later to discuss and provide information about questions that often arose. She said that people sometimes asked questions ahead of time, but there had been instances where they needed to be addressed at the end of the meeting instead of being appropriately handled with the consent agenda.

Ms. Mallek said that regarding topics for "Matters from the Public," it would be challenging to find something in the local government sphere that was not before the Board. She said that she did not want people to assume the Board was only interested in input on items from some old agenda or on a future agenda, such as comprehensive planning, zoning decisions, and climate change. She said that they had often received effective presentations from the public, and they were often presenting something they hoped the Board would work on, but they had not yet.

Ms. Mallek said that she was simply trying to clarify this understanding. She said that if others disagreed, they would discuss it further; however, she wanted to ensure that people who frequently traveled the 30-mile track one way came downtown to talk to them were not sent home because their topic was not on the agenda.

Mr. Pruitt said that he would like to address an issue that Ms. Mallek had just touched upon. He said he was concerned about the item on lines 30 and 31 on page 7, which they had been discussing regarding items before the public. He said that it appeared to place the Chair in the position of actively vetting while someone was speaking whether or not something was falling within the ambit of things that were before the Board. He said that it appeared to significantly restrict what the public could discuss. He

said that he believed that the proposed policy might considerably limit what the public can address during public comment. He said that he may reconsider statements that he made in previous public comments and whether they fell within the scope of things that were coming to the Board in the future or that had previously come before the Board.

Mr. Pruitt said that given that Board leadership and County staff have control over the agenda, he was concerned that this could potentially exclude opportunities for public comment. He said that he was curious about the specific cases this policy was addressing or correcting. He said that if it was as broad as Ms. Mallek assumed, then he may think that it did not need to exist. He said that if there were particular instances it aimed to remove from public comment, he was interested in understanding what it was responding to.

Ms. Mallek said that engaging in a foreign policy initiative is not something that she would consider affecting local government day-to-day operations. She said that although it will impact their citizens regardless of the situation, it served as an example that she would contemplate.

Ms. LaPisto-Kirtley said that they had experienced situations where inappropriate comments were made online or before the public, which were not appropriate, and which raised concerns for them. She said that when she took office four years ago, there was an individual who posted derogatory remarks about one of their Board members online. She said they wanted the ability to address such behavior and potentially cut someone off. She said she agreed with Ms. Mallek on issues of national significance that were not within their purview.

Ms. McKeel said that they were not limiting comments from the public related to issues in the County or the community. She said that in the past, they received comments about global and political issues unrelated to the County specifically. She said that the goal was to limit global political matters that were partisan and beyond their jurisdiction. She said they strived to maintain this balance for the organization's benefit.

Mr. Pruitt said that they were a local government, and matters should pertain to local government. He said he was concerned that the language may not address this issue adequately. He said that although they might have discussed ranked choice voting in the past, suppose they had not. He said that if a member of the public was interested in it due to enabling legislation they wanted to present but it had never been on the Board's agenda, then it would not be covered by this language.

Mr. Andrews said that he would argue that it was covered by the language, as they had been given express authority relating to that topic by the General Assembly. He said that there were instances in national politics where, entering an election year, they could anticipate a contentious election. He said this may lead to attempts to transform "Matters from the Public" into a forum for issues far outside the realm of possible action. He said he agreed that if there was a way to ensure that the language was clear that if anything that could potentially come before the Board was open for public comment.

Mr. Pruitt said that it would be appropriate to modify the language to address topics of public interest related to local government or concerning the local government of the County.

Mr. Gallaway said he was satisfied with the language they had lived under and it had served its purposes. He said he was confident that the Chair they elected possessed the judgment to make a call on a case-by-case basis, as they had done in the past.

Ms. McKeel said that she agreed that the current language they had in place had not caused any issues.

Mr. Andrews said that they had operated under the expectation that they could limit discussion if they felt that the discussion was far from germane to the actions to be taken by the Board. He said that the County Attorney's attempt was to provide them with clarity on this matter. He said that if they were willing to live with what they currently had, they would proceed based on that. He asked if there were any further comments from the County Attorney or otherwise. He said that it appeared that they would be entertaining a motion to adopt the Board's rules and policies.

Ms. LaPisto-Kirtley said she had a point of clarification regarding the issue that Ms. Mallek mentioned of recognitions. She asked if recognitions were read during the brief announcements made by the Board.

Ms. Mallek said that was where she has previously entertained it.

Mr. Andrews said they would consider adopting the Board's rules and policies as well as their operating guidelines for 2024. He said that the Board rules of procedures had been amended to reflect in both the proclamations and recognitions proposed by the Board members and residents to be included in the consent agenda if no one was receiving them, unless a supervisor requested otherwise. He said that this proposal did not include the change listed on page 7 at line 31, which related to how they defined which topics.

Mr. Rosenberg said that he proposed that the motion should include a conforming change to the title of Section 6(D).

Mr. Andrews asked if the County Attorney could clarify what that change would be.

Mr. Rosenberg said that after a closer examination, he believed that no changes were required for the title.

Mr. Andrews said that they were considering an amendment to the proposed Rules of Procedure in their packet, which allowed the supervisor to read a proclamation or recognition for which there was no recipient instead of it being on the consent agenda, and except for the change on page 7 regarding matters of public interest. He asked if there was a motion.

Ms. McKeel **moved** to adopt the rules of procedure as included in the Board packet with three revisions: at the end of line 41 on page 4, the words "unless any Supervisor requests otherwise"; at the end of line 43 on page 5, the words "unless any Supervisor requests otherwise"; and rejecting the proposed revision on lines 30 and 31 on page 7.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Rules of Procedure of the Albemarle County Board of Supervisors

1. Introduction

- A. **Purpose.** The purpose of these Rules of Procedure (the "Rules") is to facilitate the timely, efficient, and orderly conduct of public meetings and decision-making, and they are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors (the "Board").
- B. **Rules Do Not Create Substantive Rights in Others.** The Rules do not create substantive rights in third parties or participants in matters before the Board.
- C. **Compliance with These Rules.** The Rules that are parliamentary in nature are procedural, and not jurisdictional, and the failure of the Board to strictly comply with them does not invalidate any action of the Board. The Rules that implement the requirements of state law are jurisdictional only to the extent that Virginia law makes them so.
- D. **Applicability.** These Rules apply to all meetings of the Board, as those meetings are defined in these Rules.
- E. **Definitions.** The following definitions apply to the administration of these Rules:
 - 1. **Present.** A person is "present" at a meeting when physically attending on the date, and at the time and place, identified for the meeting, or is connected to the meeting by electronic communication means.
 - 2. **Remote Participation.** "Remote participation" means participation by an individual member of the Board by electronic communication means in a public meeting where a quorum of the Board is otherwise physically assembled.

2. Supervisors

- A. **Equal Status.** Except for the additional responsibilities of the Chair provided in Rule 3(A), all Supervisors have equal rights, responsibilities, and authority.
- B. **Decorum.** Each Supervisor will act in a collegial manner and will cooperate and assist in preserving the decorum and order of the meetings.

3. Officers and Their Terms of Office

- A. **Chair.** When present, the Chair presides at all Board meetings during the year for which elected. The Chair has a vote but no veto. The Chair also is the head official for all of the Board's official functions and for ceremonial purposes. (Virginia Code §§ 15.2-1422 and 15.2-1423)
- B. **Vice-Chair.** If the Chair is absent from a Board meeting, the Vice-Chair, if present, presides at the meeting. The Vice-Chair also discharges the duties of the Chair during the Chair's absence or disability. (Virginia Code § 15.2-1422)
- C. **Acting Chair in Absence of Chair and Vice-Chair.** If the Chair and Vice Chair are absent from any meeting, a present Supervisor must be chosen to act as Chair.
- D. **Term of Office.** The Chair and Vice-Chair shall each be elected to serve for a term of one calendar year, but either or both may be re-elected for one or more additional terms. Such

officers shall serve until their successors have been elected and qualify. (Virginia Code § 15.2-1422)

- E. **References to the Chair.** All references in these Rules to the *Chair* include the Vice-Chair or any other Supervisor when the Vice-Chair or any other Supervisor is acting as the Chair.

4. **Meetings**

- A. **Annual Meeting.** The *Annual Meeting* is the first meeting in January held after the newly elected Supervisors qualify for the office by taking the oath and meeting any other requirements of State law, and the first meeting held in January of each succeeding year. At the Annual Meeting, the Board:
1. **Elect Officers.** Elects a Chair and a Vice-Chair.
 2. **Designate Clerks.** Designates a Clerk of the Board ("Clerk") and one or more Deputy Clerks who serve at the pleasure of the Board, and who have the duties stated in Virginia Code § 15.2-1539 and any additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)
 3. **Establish Schedule for Regular Meetings.** Establishes the days, time, and place of regular meetings (Virginia Code § 15.2-1416).
 4. **Adopt Rules and Policies.** Adopts Rules of Procedure and Policies that will apply in the calendar year, subject to amendment under Rule 12.
- B. **Regular Meetings.** *Regular Meetings* are those meetings established at the *Annual Meeting* to occur on specified days and at specified times and places, with instructions for how the public may connect to the meeting by electronic communication means.
1. **Regular Meeting Falling on a Holiday.** If any day established as a Regular Meeting day falls on a legal holiday, the meeting scheduled for that day will be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)
 2. **Adjourning a Regular Meeting.** Without further public notice, the Board may adjourn a Regular Meeting from day to day, from time to time, or from place to place, but not beyond the time fixed for the next Regular Meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).
 3. **Continuing a Regular Meeting When Weather or Other Conditions Create a Hazard.** If the Chair finds and declares that weather or other conditions are hazardous for Supervisors to physically attend a Regular Meeting, prevent one or more Supervisors from being present at a meeting, or prevent a reasonably significant portion of the public from being present at a meeting considering, among other things, the items on the agenda, the meeting must be continued to the next Wednesday (one week after the date of the continued Regular Meeting). The Chair's finding, and the continuation of the meeting, must be communicated by the Chair or the Clerk to the other Supervisors and to the general news media as promptly as possible. All hearings and other matters previously advertised will be conducted at the continued meeting and no further advertisement is required. (Virginia Code § 15.2-1416)
 4. **Establishing a Different Day, Time, Place, and Instructions.** After the Annual Meeting, the Board may establish for Regular Meetings different days, times, places, and instructions for how the public may connect to the meeting by electronic communication means by adopting a resolution to that effect. (Virginia Code § 15.2-1416)
- C. **Special Meetings.** A *Special Meeting* is a meeting that is not a Regular Meeting. The Board may hold Special Meetings as it deems necessary at times and places that it deems convenient. (Virginia Code § 15.2-1417)
1. **Calling and Requesting a Special Meeting.** A Special Meeting may be called by the Chair or requested by two or more Supervisors. The call or request must be made to the Clerk and shall specify the matters to be considered at the meeting (Virginia Code § 15.2-1418)
 2. **Duty of Clerk to Provide Notice; When Notice May Be Waived.** Upon receipt of a call or request, the Clerk, after consultation with the Chair, must immediately notify each Supervisor, the County Executive, and the County Attorney about the Special Meeting. The notice must be in writing and be delivered to each Supervisor, the County Executive, and the County Attorney at their place of residence or business. Notice will be provided by email to each Supervisor's County email address. The notice may be waived if all Supervisors are present at the Special Meeting or if all Supervisors sign a waiver of the notice. (Virginia Code § 15.2-1418) An email from the Supervisor to the Clerk waiving notice satisfies this requirement. The Clerk must also notify the general news media about the Special Meeting.

3. **Contents of the Notice Provided by the Clerk.** The notice provided by the Clerk must state the date, time, place (if applicable) of the meeting, provide instructions for how the public may connect to the meeting by electronic communication means, and specify the matters to be considered.
4. **Matters That May Be Considered.** Only those matters specified in the notice may be considered at a Special Meeting unless all Supervisors are present. (Virginia Code § 15.2-1418)
5. **Adjourning a Special Meeting.** A Special Meeting may be adjourned from time to time as the Board finds necessary and convenient to complete the business of those matters identified in the notice of the Special Meeting. (Virginia Code § 15.2-1417) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).

5. Order of Business for Regular Meetings

- A. **Establishing the Agenda.** The Clerk must establish the agenda for all Regular Meetings in consultation with the County Executive and the Chair. The County Executive and the Clerk will then review the agenda with the Chair and the Vice Chair before the meeting. The Clerk sets the order of business as provided in Rule 5(B), provided that the Clerk may modify the order of business to facilitate the business of the Board. The draft agenda must be provided to the Board at least six days before the Regular Meeting date.
1. **Resolutions Proposed by Supervisors.** Resolutions may be proposed by a Supervisor requesting the Board to take a position on an issue of importance to the Board, to make a proclamation, or to recognize a person.
 - a. **Initial Notice by Supervisor.** A Supervisor requesting the Board to adopt a resolution should give notice of the intent to request action on the resolution on a specified meeting date and submit a draft of the proposed resolution or proclamation.
 - b. **When Request Must be Made.** The request must be made at least seven days before the meeting at which the resolution may be considered.
 - c. **Distributing the Draft Resolution to Supervisors for Comments.** The Clerk will distribute the draft resolution with background information, if available, to all Supervisors. Any Supervisor may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk must forward all comments received from any Supervisor to the Board.
 - d. **Preparing the Resolution.** The Supervisor requesting the resolution or proclamation will then coordinate with the Clerk to prepare a resolution or proclamation for consideration by the Board.
 - e. **Adding the Resolution to the Agenda.** The Clerk then polls the Supervisors to determine if a majority of the Supervisors supports adding the resolution or the proclamation to the agenda for consideration. If a majority of the Supervisors indicates support for considering the resolution, the resolution will be added to the proposed final agenda. If all Supervisors indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any Supervisor requests otherwise.
 - i. **Unanimous Support for Resolution or Proclamation.** If all Supervisors indicate support for the resolution or proclamation, the resolution or proclamation may be placed on the proposed consent agenda unless any Supervisor requests otherwise.
 - ii. **No Recipient of Resolution or Proclamation.** If no person has been identified to receive the resolution or proclamation at the meeting of the Board during which the resolution or proclamation will be considered, the resolution or proclamation shall be placed on the consent agenda unless any Supervisor requests otherwise.
 - f. **Proclamations and Recognitions Proposed by Residents.** Proclamations and recognitions proposed by residents are subject to Rule 5(A)(3).
2. **Items Other Than Resolutions Proposed To Be Added to the Clerk's Draft Agenda.**
 - a. **By Supervisors.** Any Supervisor may propose to add items, other than resolutions subject to Rule 5(A)(1), to the Clerk's draft agenda for action if notice of that item has been given in writing or by email to all Supervisors, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting or upon the unanimous consent of all Supervisors present at the meeting. Any item that has been timely proposed and properly noticed will be added to the end of the agenda for discussion or action unless a majority of the Supervisors present agrees to consider the item earlier on the agenda.
 - b. **By the County Executive.** The County Executive may add items to the Clerk's draft agenda for action by 5:00 p.m. two days before the date of the meeting if the item requires consideration and action by the Board at its next meeting. In an emergency, the County

Executive may add an item at any time with the consent of the Chair and the Vice Chair. In order to add an item to the agenda, the County Executive must provide information about the item to all Supervisors as soon as practicable and prior to the meeting.

3. **Proclamations and Recognitions Proposed by Residents.** A request by a resident to place a proclamation or recognition on the agenda must be made as follows:
 - a. **When Request Must be Made.** The request must be made at least four weeks in advance of the Board meeting date.
 - b. **Request Made to the Clerk.** The resident must submit the request to advance a proclamation or recognition to the Clerk. If the request is made to a Supervisor, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements.
 - c. **Review of the Request for Completeness and Distribution.** Upon submittal of the request, the Clerk will review the submittal for completeness and forward it to the Supervisors for review.
 - d. **Adding the Proclamation or Recognition to the Agenda; Informing the Requester.** The Clerk shall poll Supervisors to determine whether a majority of the Supervisors supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.
 - i. **Unanimous Support for Proclamation or Recognition.** If all Supervisors indicate support for the proclamation or recognition, the proclamation or recognition may be placed on the proposed consent agenda unless any Supervisor requests otherwise.
 - ii. **No Recipient of Proclamation or Recognition.** If no person has been identified to receive the proclamation or recognition at the meeting of the Board during which the proclamation or recognition will be considered, the resolution or proclamation shall be placed on the consent agenda unless any Supervisor requests otherwise.
 4. **Public Hearings for Zoning Map Amendments; Prerequisites.** Public hearings for zoning map amendments are subject to the following rules in order for the item to be placed on the agenda and heard by the Board:
 - a. **Public Hearing Should Not Be Advertised Until Final Documents Are Received.** The Board's preference is that a public hearing for a zoning map amendment should not be advertised until all of the final documents for a zoning application have been received by the County and are available for public review. To satisfy this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development to the County so that they are received no later than two business days before the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks' advance notice of the deadline.
 - b. **Effect of Failure to Timely Receive Final Documents.** If the County does not timely receive the required final documents, the public hearing must not be advertised and the matter shall not be placed on the agenda. If the matter is not advertised, a new public hearing date will be scheduled.
 - c. **Receipt of Final Signed Proffers.** Final signed proffers must be received by the County no later than nine calendar days before the date of the advertised public hearing. This Rule is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Supervisors at the public hearing.
 5. **Public Hearings; Zoning Map Amendments; Deferral at Applicant's Request.** Zoning map amendments advertised for public hearing must be on the agenda for public hearing on the advertised date, provided that an applicant may request a deferral as provided in County Code § 18-33.11.
- B. **Order of Business at Regular Meetings.** At Regular Meetings of the Board, the order of business will be generally as follows:
1. Call to Order.
 2. Pledge of Allegiance.
 3. Moment of Silence.
 4. Adoption of the Final Agenda.
 5. Brief Announcements by Supervisors.
 6. Proclamations and Recognitions.
 7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.
 8. Consent Agenda.

9. General Business.
10. Closed Meeting.
11. Certify Closed Meeting.
12. Actions Resulting from Closed Meeting.
13. From the County Executive: Report on Matters Not Listed on the Agenda.
14. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.
15. General Business, Including Public Hearings.
16. From the Board: Committee Reports and Matters Not Listed on the Agenda.
17. Adjourn.

C. Closed Meetings. A *Closed Meeting* is a meeting of the Supervisors that is not open to the public when authorized by the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). A Closed Meeting may be held at any point on the agenda, as necessary. Generally, a Closed Meeting will be scheduled either at the midpoint of the agenda or at the end of the agenda prior to adjournment. The Clerk must promptly post and make available for public inspection the motion to convene a Closed Meeting after it is distributed by the County Attorney; provided that: (i) the contents of the motion may be subject to change without further posting or availability; and (ii) the failure of the Clerk to comply with this subsection does not affect the legality of the Closed Meeting.

6. Rules Applicable to the Items of Business on the Agenda

A. Adoption of the Final Agenda. *Adoption of the Final Agenda* is the first order of business for a Regular Meeting of the Board. The Board may modify the order of business as part of its adoption of the Final Agenda. Any changes to the Consent Agenda, including removing an item from the Consent Agenda for discussion and separate action, should be made when the Final Agenda is adopted. The Final Agenda must be adopted by a majority vote of the Supervisors present and voting. No item for action not included on the Final Agenda may be considered at that meeting. Notwithstanding the foregoing, any changes to the Consent Agenda, including removing an item from the Consent Agenda for discussion and separate action, should be made when the Consent Agenda is considered in accordance with Rule 6(E)(3).

B. Brief Announcements by Supervisors. *Brief Announcements by Supervisors* are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.

C. Proclamations and Recognitions. *Proclamations* are ceremonial documents or recognitions adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. *Recognitions* are ceremonial acknowledgements by the Board of a person for service or achievement.

D. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. *From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board* ("Matters from the Public") allows any member of the public to speak on any topic of public interest that is not on the Final Agenda for a public hearing at that meeting, any matter that was previously considered by the Board, and any matter pending before the Board that is not on that day's Board agenda. The following rules apply:

1. **Number of Speakers.** Up to 10 persons, whether appearing in-person or by electronic communication means, may speak during each Matters from the Public session. The 10 speakers are determined on a first-come, first-served basis, with those persons signing up to speak before the meeting having priority. Only those persons signed up to speak before the Chair or presiding officer opens the Matters from the Public item shall be heard.
2. **Time.** Each speaker may speak for up to three minutes.
3. **Place.** Each speaker may speak using electronic communication means or, if the speaker physically attends the meeting, must speak from the podium or other location provided for the meeting.
4. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker may speak at only one Matters from the Public session at each meeting, must address only the Board, and must not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation, provided that the presentation is received by the Clerk at least 48 hours before the Matters from the Public session at which the speaker plans to speak.

E. Consent Agenda. The *Consent Agenda* is for items for action that do not require discussion or comment and are anticipated to have the unanimous approval of the Board, and for items provided for the Board's information.

1. **Questions to Staff.** Supervisors should ask the County Executive or the staff member identified in the executive summary any questions regarding a Consent Agenda item before the Board meeting.

2. **Discussion and Comment.** There should be either no discussion or comment or only a brief discussion or comment on Consent Agenda items at the meeting except as provided in Rule 6(E)(3).
 3. **Removing an Item from the Consent Agenda.** Any Supervisor may remove an item from the Consent Agenda at the time the Final Agenda is being considered for adoption. Any item removed from the Consent Agenda should be moved to a specific time or to the end of the meeting agenda for further discussion or action. However, an item removed from the Consent Agenda requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
 4. **Effect of Approval of the Consent Agenda.** A successful motion to approve the Consent Agenda approves those Consent Agenda items identified for action and accepts Consent Agenda items identified for information.
- F. **General Business.** *General Business* includes public hearings, work sessions, appointments, and other actions, discussions, and presentations.
1. **Public Hearings.** The Board may not decide any item before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the public hearing or consideration of the item. The procedures for receiving a presentation from the applicant and comments from members of the public are at the discretion of the Board provided that they satisfy all minimum legal requirements. However, unless otherwise decided by a majority of the Supervisors present during a particular public hearing, the following rules apply:
 - a. **Time.** The applicant is permitted up to 10 minutes to present its application; provided, when as a matter of convenience the Board determines to combine related public hearings, the applicant is permitted an additional five minutes for each additional application, with the total time to be managed by the applicant, in the applicant's discretion, to present all applications. Following the applicant's presentation, any member of the public is permitted to speak once for up to three minutes on the item; provided, when the Board combines related public hearings, a member of the public is permitted an additional one and one-half minutes for each additional application. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal presentation; provided, when the Board combines related public hearings, the applicant is permitted an additional two and one-half minutes for each additional application.
 - b. **Place.** The applicant and each member of the public presenting and speaking may speak using electronic communication means or, if the speaker physically attends the meeting, must speak from the podium or other location provided for the meeting.
 - c. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker must address only the Board, speak to issues that are relevant to the item for which the public hearing is being held, and not engage in speech or other behavior that actually disrupts the meeting. The applicant and its representatives may include a visual or audio presentation. Any other speaker may also include a visual or audio presentation, provided that the presentation is received by the Clerk at least 48 hours before the time scheduled for the public hearing.
 2. **Public Hearings; Zoning Map Amendments; Applicant's Documents Not Available During Advertisement Period.** If the public hearing is held without the applicant's final documents being available for review throughout the advertisement period due to the late submittal of documents, or because substantial revisions or amendments are made to the submitted documents after the public hearing has been advertised, it is the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application. In deciding whether to defer action or to deny the application, the Board must consider whether deferral or denial would be in the public interest or would forward the purposes of this policy.
 3. **Action Items on Deferred Matters Not Listed on the Agenda for Public Hearing When Public Hearing Previously Held.** On any matter before the Board for action that is not listed on the agenda for public hearing and was previously deferred after the close of a public hearing, the following rules apply:
 - a. **Time.** The applicant is permitted up to seven minutes to present its application; provided, when as a matter of convenience the Board determines to combine related action items, the applicant is permitted an additional three minutes for each additional application, with the total time to be managed by the applicant, in the applicant's discretion, to present all applications. Following the applicant's presentation, any member of the public is permitted to speak once for up to two minutes on the item; provided, when the Board combines related action items, a member of the public is permitted an additional one and one-half minutes for each additional application. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal presentation; provided, when the Board combines related action items, the applicant is permitted an additional two and one-half minutes for each additional application.

b. **Place and Manner.** The place and manner rules in Rule 6(F)(1)(b) and (c) apply.

G. **Report from the County Executive.** The *Report from the County Executive* is a report on matters that the County Executive deems should be brought to the Board's attention and provide updates, if necessary, to the monthly County Executive's Report.

H. **From the Board: Committee Reports and Matters Not Listed on the Agenda.** *From the Board: Committee Reports and Matters Not Listed on the Agenda* is limited to matters that are not substantial enough to be considered as agenda items to be added to the Final Agenda. Reports include routine committee reports and information updates by Supervisors. Any matters discussed during this part of the agenda may not be acted upon by the Board at that meeting.

7. **Quorum**

A. **Establishing a Quorum.** A quorum for any meeting of the Board is a majority of the members of the Board present, except as provided in Rule 7(B)(2). (Virginia Code § 15.2-1415)

B. **Quorum Required to Act; Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415) There are two exceptions:

1. **Quorum Not Established; Adjournment.** If a quorum is not established, the only action the Supervisors present may take is to adjourn the meeting.

2. **Quorum Not Established or Lost Because of a Conflict of Interests; Special Rule.** If a quorum cannot be established or is lost because one or more Supervisors are disqualified from participating in an item because of a conflict of interests under the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 *et seq.*), the remaining Supervisors are a quorum, and they may conduct the business of the Board.

C. **Loss of Quorum During Meeting.** If a quorum was established but during a meeting the quorum is lost, the only action the Supervisors present may take is to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)

D. **Quorum Required to Adjourn Meeting to Future Day and Time.** A majority of the Supervisors present at the time and place established for any regular or special meeting is a quorum for the purpose of adjourning the meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

8. **Remote Participation**

A. **Applicability of Policy.**

1. **Purposes.** Pursuant to Virginia Code § 2.2-3708.3, the following policy (a) describes the circumstances under which remote participation will be allowed and the process the Board will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and (b) fixes the number of times remote participation for personal matters can be used per calendar year, not to exceed the limitations set forth in Virginia Code § 2.2-3708.3(B)(4).

2. **Application.** This policy will be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the Supervisor(s) requesting remote participation or the matters that will be considered or voted on at the meeting.

3. **Adoption on Behalf of Other County Entities.** This policy is also adopted on behalf of any committee, subcommittee, or other entity (however designated) of the Board empowered to perform delegated functions of the Board or to advise the Board and applies to remote participation by members of any such committee, subcommittee, or other entity.

B. **Non-Emergency Individual Participation.** Except as provided in Rule 8(C) below, Supervisors may use remote participation instead of attending a public meeting in person only pursuant to and in compliance with the following rules:

1. **Grounds for Remote Participation; Advance Notice of the Chair.** Individual Supervisors may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the Supervisor notifies the Chair that:

a. **Personal Medical Condition.** The Supervisor has a temporary or permanent disability or other medical condition that prevents the Supervisor's physical attendance;

b. **Family Member's Medical Condition.** A medical condition of a member of the Supervisor's family requires the Supervisor to provide care that prevents the Supervisor's physical attendance;

- c. **Distant Meeting Location.** The Supervisor's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - d. **Identified Personal Matter; Limitation on Use.** The Supervisor is unable to attend the meeting due to a personal matter (such as a family event or business commitment) and identifies with specificity the nature of the personal matter. However, the Supervisor may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
 - 2. **Minutes.** If participation by a Supervisor through electronic communication means is approved pursuant to this Rule, the Board shall record in its minutes the remote location from which the Supervisor participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.
 - a. **Medical Condition.** If participation is approved pursuant to Rule 8(B)(1)(a) or 8(B)(1)(b), the Board shall also include in its minutes the fact that the Supervisor participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the Supervisor's physical attendance or (ii) family member's medical condition that required the Supervisor to provide care for such family member, thereby preventing the Supervisor's physical attendance.
 - b. **Distant Meeting Location.** If participation is approved pursuant to Rule 8(B)(1)(c), the Board shall also include in its minutes the fact that the Supervisor participated through electronic communication means due to the distance between the Supervisor's principal residence and the meeting location.
 - c. **Identified Personal Matter.** If participation is approved pursuant to Rule 8(B)(1)(d), the Board shall also include in its minutes the specific nature of the personal matter cited by the Supervisor.
 - d. **Disapproval.** If a Supervisor's participation from a remote location pursuant to Rule 8(B) is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
 - 3. **When Chair Requests to Participate Electronically.** In the event the Chair seeks to participate through electronic communication means from a remote location, the Chair must notify the Vice-Chair or other presiding officer and should notify the Clerk on or before the day of the meeting.
 - 4. **Audibility of Absent Supervisor.** The Clerk shall arrange for the voice of the absent Supervisor to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent Supervisor cannot reasonably be heard, the meeting may continue without the participation of the absent Supervisor.
 - C. **During a Declared Emergency or When a Continuity of Government Ordinance is in Effect.**

The Board may meet by electronic communication means without a quorum of the Board physically assembled at one location when a state of emergency is declared pursuant to Virginia Code § 44-146.17 or a local emergency is declared pursuant to Virginia Code § 44-246.21, subject to the provisions and requirements of Virginia Code § 2.2-3708.2. The Board also may meet by electronic communication means when an ordinance adopted pursuant to Virginia Code § 15.2-1413 to ensure the continuity of County government is in effect. (Virginia Code § 2.2-3708.2 and § 2.2-3708.3)
9. **Conducting the Business of the Board**
- A. **Enable Efficient and Effective Conduct of Business.** Meetings will be conducted in a manner that allows the Board to efficiently and effectively conduct its business, without actual disruptions.
 - B. **Minimizing Disruptions.** To minimize actual disruptions at meetings:
 - 1. **Speakers.** Members of the public who are speaking to the Board must comply with Rules 6(D) and 6(F)(1), as applicable. Members of the public invited to speak to the Board during any agenda item other than Matters from the Public or during a public hearing must comply with Rule 6(D).
 - 2. **Persons Physically Attending the Meeting.** Any person physically attending a meeting must comply with the following:
 - a. **Sounds.** Persons may not clap or make sounds in support of or in opposition to any matter during the meeting, except to applaud during the Proclamations and Recognitions portion of the meeting. Instead of making sounds, persons who are not speaking at the podium or other location provided for the meeting are encouraged to raise their hands to indicate their support or opposition to any item during the meeting. Cell phones and other electronic devices shall be muted.

- b. **Other Behavior.** Persons may not act, make sounds, or both, that actually disrupt the Board meeting.
 - c. **Signs.** Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons physically attending the meeting.
 - C. **Guidelines Stated on the Final Agenda.** The Guidelines stated on the Final Agenda apply during each Board meeting. The Board may amend the Guidelines from time to time without amending these Rules provided that the Guidelines are consistent with these Rules.
 - D. **Chair May Maintain Order.** The Chair is to maintain order of the meeting, including the following:
 - 1. **Controlling Disruptive Behavior of Persons Physically Attending the Meeting.** The Chair may ask any person physically attending a meeting whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may ask the Clerk to silence the audio of that person and may order the removal of that person from the meeting.
 - 2. **Controlling Disruptive Behavior of Persons Participating Through Electronic Communication Means.** The Chair may ask any person participating in a meeting through electronic communication means whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may ask the Clerk to silence the audio and hide the video of that person.
- 10. **Motion and Voting Procedures**
 - A. **Action by Motion Followed by a Vote.** Except as provided in Rules 10(B)(2) and 11(D), any action by the Board must be initiated by a motion properly made by a Supervisor and followed by a vote, as provided below:
 - 1. **Motion Must Be Seconded; Exception.** Each action by the Board must be initiated by a motion that is seconded; provided that a second is not required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate may not be further considered.
 - 2. **Voting and Recording the Vote.** The vote on any motion must be by a voice vote. The Clerk must record the name of each Supervisor voting and how each Supervisor voted on the motion.
 - 3. **Required Vote, Generally Required Vote for Specific Items.** Each action by the Board must be made by the affirmative vote of *a majority of the Supervisors present and voting* on the motion; provided that an affirmative vote of *a majority of all elected Supervisors* of the Board shall be required to approve an ordinance or resolution concerning the following:
 - a. **Appropriations.** Appropriating money exceeding the sum of \$500.
 - b. **Taxes.** Imposing taxes.
 - c. **Borrowing.** Authorizing money to be borrowed. (Article VII, § 7, Virginia Constitution; Virginia Code §§ 15.2-1420, 15.2-1427, 15.2-1428)
 - 4. **Tie Vote.** A tie vote defeats the motion voted upon. A tie vote on a motion to approve is deemed a denial of the item being proposed for approval. A tie vote on a motion to deny is not deemed an approval of the item being proposed for denial, and another motion may be made.
 - 5. **Abstention.** Any Supervisor who will abstain from voting on any motion must declare the abstention before the vote is taken and state the grounds for abstaining. The abstention must be recorded by the Clerk.
 - B. **Motion and Vote Required to Act; Exception.** The Board acts on matters as follows:
 - 1. **Motion and Vote Required.** Any action by the Board to adopt an ordinance or a resolution, and any other action when a motion is required by law or by these Rules, must be made by a motion followed by a vote.
 - 2. **Motion and Vote Not Required; Unanimous Consent.** On any item in which the Board is not adopting an ordinance or a resolution, or for which a motion and a recorded vote is not otherwise required by law, the Board may make a decision by unanimous consent. This procedure is appropriate, for example, to provide direction to County staff on an item.
 - C. **Other Motions.**
 - 1. **Motion to Amend.** A *motion to amend* a motion properly pending before the Board may be made by any Supervisor. Upon a proper second, the motion to amend must be discussed and voted on by the Board before any vote is taken on the original motion unless the motion to

amend is accepted by both Supervisors making and seconding the original motion, respectively. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.

2. **Motion to Call the Question.** The discussion of any motion may be terminated by any Supervisor making a *motion to call the question*. Upon a proper second, the Chair must call for a vote on the motion to call the question without debate on the motion itself, and the motion takes precedence over any other item. If the motion is approved, the Chair must immediately call for a vote on the original motion under consideration.
3. **Motion to Reconsider.** Any decision made by the Board may be reconsidered if a *motion to reconsider* is made at the same meeting or an adjourned meeting held on the same day at which the item was decided. The motion to reconsider may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, is to place the item for discussion in the exact position it occupied before it was voted upon.
4. **Motion to Rescind.** Any decision made by the Board, except for decisions on zoning map amendments, special use permits, special exceptions, and ordinances, may be rescinded by a majority vote of all elected Supervisors. The *motion to rescind* may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Decisions on zoning map amendments, special use permits, special exceptions, and ordinances may be rescinded or repealed only upon meeting all of the legal requirements necessary for taking action on the items as if it was a new item before the Board for consideration; otherwise, decisions on zoning map amendments, special use permits, special exceptions, and ordinances are eligible for reconsideration as provided in Rule 10(C)(3).

11. **Other Rules: Robert's Rules of Order Procedure in Small Boards**

Procedural rules that are not addressed by these Rules are governed by *Robert's Rules of Order Procedure in Small Boards*, which provide:

- A. **Not Required to Obtain the Floor.** Supervisors are not required to obtain the floor before making motions or speaking, which they can do while seated.
- B. **No Limitation on the Number of Times a Supervisor May Speak.** There is no limitation on the number of times a Supervisor may speak to a question, and motions to call the question or to limit debate generally should not be entertained.
- C. **Informal Discussion.** Informal discussion of a subject is permitted while no motion is pending.
- D. **Chair; Putting the Question to a Vote.** The Chair need not rise while putting questions to vote.
- E. **Chair; Speaking During Discussion.** The Chair may speak in discussion without rising or leaving the chair, and, subject to rule or custom of the Board (which should be uniformly followed regardless of how many Supervisors are present), the Chair usually may make motions and usually votes on all questions.

12. **Amending the Rules of Procedure**

These Rules may be amended only as follows:

- A. **Rules Eligible for Amendment.** Any Rule may be amended.
- B. **Procedure to Amend.** The Board may amend any Rule by any of the following procedures:
 1. **Notice Followed by Action at Next Regular Meeting.** A Supervisor provides notice of an intention to amend the Rules to the other Supervisors present at a Regular Meeting, followed by a majority vote of the Supervisors present and voting to amend the Rules at the next Regular Meeting.
 2. **Notice Followed by Action at Later Regular Meeting.** A Supervisor provides notice of an intention to amend the Rules to the other Supervisors present at a Regular Meeting and requests that the proposed amendment be considered at a meeting other than the next Regular Meeting; at the same meeting, a majority of the Supervisors present and voting establish the later Regular Meeting date at which the proposed amendment will be considered; followed by a majority vote of the Supervisors present and voting to amend the Rules at the Regular Meeting.
 3. **By Supermajority Vote.** A proposed motion to amend is added to the Final Agenda at any Regular Meeting; at the same meeting, five or more Supervisors vote to amend the Rules. This procedure should be used only to make minor technical amendments deemed to be necessary to allow the Board to efficiently and effectively conduct its business.

- C. **Motion.** The motion to amend a Rule may be made by any Supervisor. Upon a proper second, the motion must be discussed and voted on. In deciding whether and how to amend a Rule, the Board shall consider that Rules 3, 4, 6(D), 6(F)(1)(a) through (c), 7, 8, 9(B), 10(A)(3), and 10(B)(1) address statutory or constitutional requirements.
- D. **Limitation on the Effect of an Amendment.** The Board's approval of a motion to amend one or more Rules does not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

13. Suspending the Rules of Procedure

These Rules may be suspended only as follows:

- A. **Rules Eligible to be Suspended.** Rules 1, 2, 5, 6, 9(A), 10 (except for Rules 10(A)(3) and 10(B)(1)), 11, and 12 may be suspended.
- B. **Procedure to Suspend, Generally.** Any Rule eligible for suspension may be suspended by a majority plus one vote of the Supervisors present and voting. The motion to suspend a Rule may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to suspend a Rule, if approved, is to make that Rule inapplicable to the item before the Board.
- C. **Suspending Rules Pertaining to Motions When There is Uncertainty as to Status or Effect.** If one or more motions have been made on an item, and there is uncertainty as to the status or effect of any pending motions or how the Board is to proceed at that point, the Board may, by a majority vote of the Supervisors present and voting, suspend the Rules in Rule 10 for the sole purpose of canceling any pending motions and to permit a new motion to be made. The motion to suspend a Rule pertaining to any pending motions may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on.
- D. **Limitation on Effect of Suspended Rules.** The Board's approval of a motion to suspend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

* * * * *

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014; 1-7-2015; 1-6-2016; 1-4-2017; 2-8-2017; 1-3-2018; 3-20-2019; 01-08-2020; 9-22-2020; 12-2-2020; 1-6-21; 1-5-22; 4-6-22; 4-20-22; 8-3-22; 1-4-23).

Item No 8.2. Adoption of 2024 Board Policies.

The Executive Summary forwarded to the Board states that the Board's Policies address the Supervisors' reimbursement for travel expenses, the appointment of Supervisors and community members to public bodies, and Supervisors serving without remuneration on the board of trustees of not-for-profit entities. The Board adopts its Policies at its annual organizational meeting each January.

The proposed Policies are the same as those adopted by the Board on January 4, 2023, with several minor revisions and a clarification in Section 3(B)(9) that the terms of citizen members of boards, commissions and committees shall continue, unless such members are otherwise removed, until their successors have been appointed and qualified. This treatment is consistent with general principles of law concerning appointments to public bodies.

If any amendments are desired, staff will return to the Board at a later meeting with amended Policies for the Board's consideration.

There was no anticipated budget impact.

Staff recommends that the Board discuss the proposed additions and adopt the Policies (Attachment B).

Mr. Steve Rosenberg, County Attorney, said that there was one provision on page 4, lines 13 through 16, that he would like to bring to their attention. He said that it stated that the terms of citizen members of boards, commissions, and committees continue until their successors have been appointed and qualified. He said that there had been some confusion regarding this issue. He said that this was consistent with the general principles of law in local government concerning membership on boards and commissions. He said that they had proposed adding this language to address the issue and eliminate any ambiguity.

Mr. Andrews, hearing no questions from the Board, asked if there was a motion.

Ms. McKeel **moved** that the Board adopt the 2024 Board Policies.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

**Policies of the
Albemarle County Board of Supervisors**

1. Travel Reimbursement

Supervisors will be reimbursed travel expenses pursuant to uniform standards and procedures that will allow Supervisors to travel for official County business purposes consistent with the prudent use of County funds as follows:

- A. Routine Travel Expenses.** Supervisors may be reimbursed for the following routine travel expenses at the County's authorized car mileage reimbursement rate, provided there are available funds:
1. **Mileage to Attend Board and Committee Meetings.** Mileage for travel by personal vehicle or other travel costs to scheduled Board meetings and Board committee meetings for committees to which a Supervisor is appointed, from home or work, if a work day, which is not part of routine personal travel. Travel to use the Board's County Office Building office between other personal travel or meetings, is not eligible for reimbursement.
 2. **Mileage to Attend Matters within the Board's Responsibilities.** Mileage for travel by personal vehicle or other travel costs to events reasonably necessary to prepare for matters within the Board's responsibilities (e.g., site visits, informational meetings, local ceremonies to which the Supervisor was invited or is related to a matter for which the Board or the County has an interest) which is not part of routine personal travel.
 3. **Mileage to Attend Parades and Other Community Gatherings.** Mileage for travel by personal vehicle or other travel costs to parades and other community gatherings, that are not campaign event to discuss County business.
- B. Additional Travel Expenses.** Supervisors may be reimbursed for the following additional travel expenses, provided there are available funds:
1. **Regional, Statewide, and National Meetings.** All necessary, actual, and reasonable meal, travel, and lodging costs (including gratuity and excluding alcohol) of attending regional, statewide or national meetings at which the Supervisor represents the County, as approved by the Board.
 2. **Legislative or Congressional Hearings.** All necessary, actual, and reasonable meal, travel, and lodging costs (including gratuity and excluding alcohol) of attending legislative or congressional hearings relating to official County business.
- C. Matters for Which Supervisors will not be Reimbursed.** Supervisors will not be reimbursed for the following travel expenses:
1. **Political Events.** Travel to events which are political in nature (*i.e.*, campaigning or partisan events).
 2. **Personal Expenses.** Personal expenses incurred during travel.
 3. **Travel Not Part of Duties.** Other travel which is not part of the statutory governmental duties of the Board of Supervisors that are not provided for in Subsections (C)(1) or (C)(2).
- D. Implementation.** This policy will be applied and overseen in the following manner:
1. **Reimbursement Requests.** Reimbursement requests shall be made in writing on forms provided by the Clerk of the Board (the "Clerk") and shall itemize the date, number of miles of travel, and purpose of the meeting. Mileage for use of a personal vehicle shall be reimbursed at the County's authorized car mileage reimbursement rate. Other reimbursements shall be for the amount of costs expended and shall be documented by receipts for actual amounts paid.

2. **Clerk Review.** The Clerk, or their designee, will review all travel reimbursement requests and the Chief Financial Officer will approve all travel reimbursement requests prior to reimbursement. No payment will be made for incomplete submissions or information.
3. **Exhaustion of Funds.** When all allocated funds for Board reimbursements have been expended, there will be no further reimbursement for that fiscal year unless the Board appropriates additional funding.

2. Supervisors Appointed to Boards, Committees, and Commissions

The Board appoints its members to a variety of boards, committees, and commissions to represent the interests of the Board on those bodies. It is important that the Board have confidence that its policies and positions are being reflected in that representation.

- A. **Voting Representatives.** Supervisors who are appointed to boards, committees, and commissions are required to vote on matters that come before those bodies in a manner which is consistent with the policies and positions of the Board as reflected in previously adopted resolutions or official actions of the Board on those matters.
- B. **Liaison Representatives.** Supervisors who are appointed to boards, committees, and commissions as liaisons are to act as a resource for the board, committee, or commission and are to report to the Board on the activities of the board, committee, or commission.
- C. **Alternates.** Supervisors may serve as alternates for the Board-appointed voting representatives or liaison representatives when the representative is unable to attend a meeting. The organizational documents for the board, committee, or commission must allow alternates to be appointed. Any alternate must be appointed by the Board to serve as an alternate for the particular board, committee, or commission.

3. Boards, Commissions, and Committees

A. Review and Creation of Boards, Commissions, and Committees are as Follows:

1. **Annual Report.** By October 1 of each year, all boards, commissions, and committees shall submit a report to the Board covering the prior fiscal year (July 1 to June 30) that includes the key activities that support their mission and a summary of their activities and the attendance of each appointee.
2. **Annual Evaluation.** On an annual basis, the list of active boards, commissions, and committees will be evaluated and purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior 12-month period.
3. **Combining Functions and Activities.** Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.
4. **Short-Term Task Forces and Ad Hoc Committees.** Any newly created task force or ad hoc committee which is intended to serve for a limited duration may be comprised of magisterial or at-large members at the discretion of the Board. The appointment process shall follow that adopted in Section 3(B) for other magisterial and/or at-large positions.

B. Appointments to Boards, Commissions, and Committees

1. **Appointments, Generally.** All appointments to boards, commissions, and committees based upon magisterial district boundaries will be made by the Board. The Board will consider and/or interview candidates recommended by the Supervisor of that district.
2. **Compilation of List of Expired Terms and Vacancies.** Prior to the first regular Board meeting each month, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next 60 days. The Board will then advise the Clerk which vacancies to advertise.
3. **Advertising Positions.** When the Board advises the Clerk which vacancies to advertise, the Clerk shall, in collaboration with the County's Director of Communications and Community Engagement, distribute notice of the vacancy on any board, commission, or committee through available and appropriate media in order to reach as many citizens as possible. The advertisement shall provide a brief description of the duties and functions of the board, commission, or committee, the length of term of the appointment, the frequency of meetings, the minimum qualifications necessary to fill the position, and the Board's expectations for appointees to attend meetings and to participate in other activities of the board, commission, or committee. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.

4. **Application Content.** The application form shall request information in the following areas: (i) the name of the board, commission, or committee to which the applicant seeks to be appointed; (ii) the name, address, and other contact information of the applicant; (iii) employment; (iv) County resident status and resident history; (v) family relationship (natural or legal offspring, parent, grandparent, spouse, or sibling) to any County Supervisor or other officer, employee, or appointee; (vi) education; (vii) offices or memberships in civic, not-for-profit, and similar organizations; (viii) activities and interests; (ix) reasons for seeking to serve on the board, commission, or committee; and (x) how the applicant learned about the vacancy.
5. **Application Period.** All interested applicants will have a minimum of 30 days from the date of the first notice to complete and return to the Clerk a detailed application, with the understanding that the application may be released to the public, if requested. No applications will be accepted if they are received or, if the application is mailed through the United States Postal Service, postmarked after the advertised application deadline; however, the Board, at its discretion, may extend the deadline.
6. **Distribution of Applications.** After the application deadline has passed, the Clerk will distribute all applications received to the Supervisors before the Board meeting at which the applications will be considered. For magisterial appointments, the Clerk will forward applications as they are received to the Supervisor of that district who will then recommend their appointment.
7. **Interviews; Appointments Without Interviews.** From the pool of qualified candidates, the Board, in its discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held on the day of a regular or special Board meeting.
8. **Appointments Within 90 Days.** The Board will make all reasonable efforts to interview selected applicants and make appointments within 90 days after the application deadline. For Board-designated agency appointments to boards, commissions, and committees, the Clerk shall ask the agency to recommend a person for appointment by the Board.
9. **Vacancies Filled as They Occur; Exception.** All vacancies will be filled as they occur, except that vacancies occurring on a Community Advisory Council will be filled on an annual basis at the time regular terms expire unless there are more than three vacancies on that Council at the same time and more than three months remaining from the annual appointment date. Except as otherwise provided by law, the terms of citizen members of boards, commissions and committees shall continue, unless such members are otherwise removed, until their successors have been appointed and qualified.
10. **Appointees Required to File Real Estate Disclosure Form.** As a condition of assuming office, all citizen members of boards, commissions, and committees shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 *et seq.*) and thereafter shall file the form annually on or before February 1.
11. **Termination of Appointment for Excessive Absences.** If a member of a board, commission, or committee does not attend and participate in at least 75 percent of that body's meetings, the Chair of the body may request the Board to terminate the appointment, if permitted by applicable law, and refill it during the next scheduled advertising period. If permitted by applicable law, the Board may establish different attendance requirements and procedures to terminate an appointment for excessive absences for a particular board, commission, or committee.
12. **Appointees to Advisory Bodies Serve at the Pleasure of the Board.** Any person appointed by the Board to an advisory board, commission, or committee serves solely at the pleasure of the Board.

4. Supervisors Serving Without Remuneration on the Board of Trustees, Board of Directors, or a Comparable Governing Body of Not-for-Profit Entities; Serving on Non-Governmental Entity's Governing Body

- A. **State Law.** The State and Local Government Conflict of Interests Act (the "Act") recognizes that a system of representative government depends in part upon: (i) Supervisors representing fully the public in the legislative process; and (ii) the County's citizens maintaining the highest trust in the Board of Supervisors. The Act establishes rules designed to assure that the judgment of any Supervisor is free of inappropriate conflicts of interest. Under the Act, a Supervisor who serves without remuneration as a member of the board of trustees of a not-for-profit entity, where neither the Supervisor nor their immediate family has a personal interest in the not-for-profit entity, is not required to disclose or disqualify themselves from participating in any transaction related to the not-for-profit entity.

- B. **Board Policy.** A Supervisor who serves without remuneration as a member of the board of trustees, board of directors, or a comparable governing body of a not-for-profit entity must disclose that fact at each meeting of the Board of Supervisors at which a matter pertaining to the not-for-profit entity is considered or acted upon. The disclosure must be made at the beginning of the Board meeting at which the matter will be considered or acted upon.
- C. **Limitation on Number of Supervisors Serving on a Non-Governmental Entity's Governing Body.** Not more than one Supervisor may be assigned to or sit on a board of trustees, board of directors, or a comparable governing body of any non-governmental entity located or conducting business in Albemarle County. More than one Supervisor may serve as a committee member or a Board liaison to a non-governmental entity if the Supervisors are appointed to either of those positions by the Board of Supervisors.

5. Supervisors' Attendance of Educational and Leadership Programs

- A. **Programs.** Subject to approval by the Board, Supervisors may be reimbursed for tuition or other costs of participating in non-partisan educational or leadership programs that are relevant to and will enhance their service as a member of the Board of Supervisors, provided there are available funds and upon providing proof of successful program completion.
- B. **Related Travel Expenses.** Supervisors may be reimbursed for travel expenses, including all necessary, actual, and reasonable meal, travel, and lodging costs (including gratuity and excluding alcohol) of attending such a program, as approved by the Board.

Item No 8.3. Adoption of 2024 Board of Supervisors Operating Guidelines.

The Executive Summary as forwarded to the Board states that On August 8, 2018, the Board approved the Albemarle County Board of Supervisors Operating Guidelines for High Quality Governance, developed during the May 2018 Board Retreat. The Board reviewed and reaffirmed the guidelines at its September 2020 retreat.

The Albemarle County Board of Supervisors Operating Guidelines for High Quality Governance, most recently adopted on January 4, 2023, continue to provide an effective framework to ensure high quality governance. Annual review and adoption by the Board ensures the guidelines continue to reflect the Board's intentions.

There is no budget impact anticipated with these guidelines.

Staff recommends that the Board consider and adopt the Board of Supervisors Operating Guidelines for High Quality Governance, provided in Attachment A.

Mr. Andrews said that the Board of Supervisors' operating guidelines had remained unchanged from the previous year.

Mr. Andrews, hearing no questions from the Board, asked if a Supervisor would like to make a motion.

Ms. LaPisto-Kirtley **moved** that the Board adopt the Albemarle County Board of Supervisors Operating Guidelines for High Quality Governance.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Albemarle County Board of Supervisors Operating Guidelines for High Quality Governance

January 3, 2024

The Board commits to using the following guidelines to ensure high quality governance:

1. The County's strategic priorities will guide the work of the Board and staff and will be supported by a thoughtful priority setting process and cycle.
2. We will honor the expressed will of the majority and respect the concerns of the minority.

3. We ensure that policy decisions and directions to the County Executive are communicated by the entire Board.
 - Where this is unclear, the County Executive will seek clarification from the Board.
 - No single member of the Board can provide direction on policy implementation to the County Executive.
4. Board Members do not want their interactions with and requests to staff members to negatively impact staff productivity.
 - Staff members should use judgment and explain the resources that would be required to respond to Board requests.
 - If a policy issue is going to affect workload or a policy decision, it should come through the County Executive's office.
5. When a Board Member sends a communication to a staff member, it should be copied to the department director and the appropriate member of the County Executive's Office. Urgent matters will be clearly labeled in the subject line.
6. To assure maximum productivity, the Board should focus on policy-making work and the staff should focus on day-to-day operational work and provide progress reports.
7. We are responsible for our districts, the entire County, and the region; therefore, we should give our best efforts to work for the benefit of all.
8. When a Board Member has a concern regarding staff performance, we go directly to the County Executive in a timely manner so that it can be addressed.

Agenda Item No. 9. Adoption of Final Agenda.

Mr. Andrews asked if there was a motion to adopt the final agenda.

Ms. McKeel **moved** that the Board adopt the final agenda.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 10. Brief Announcements by Board Members.

Mr. Andrews said that in December, Albemarle County was recognized by the National Digital Inclusion Alliance as a 2023 Digital Inclusion Trail Blazer. He said the distinction was awarded due to their efforts in bringing together a coalition for digital inclusion and implementing the County-wide supplement to the Affordable Connectivity Program, and for promoting enrollment in this program through an FCC grant.

Agenda Item No. 11. From the Public: Report on Matters Not Listed on the Agenda.

Mr. Ryan Estes, Rivanna District, said that he was there to discuss two major issues that affected all of them who lived in the County. He said that mail delivery had reached an all-time low. He said that he had visited the post office and left messages with the higher-ups at the state level; however, lengthy delays and lost mail continued to degrade the quality of life for himself and his neighbors. He said that after speaking with his neighbors and family, it was evident that he was not alone in this issue.

Mr. Estes said that while it could be said that this issue was beyond the control of the County, he felt that shirking responsibility to those who elected them would be an abdication of their duties as supervisors. He said that surely they had more influence than individuals like him. He said he would appreciate any assistance they could provide in improving mail delivery in Albemarle.

Mr. Estes said that when you work with your hands, as he did, and undergo hand surgery, as he did, one became acutely aware of just how stressful the experience is. He said that the only thing more stressful than surgery was paying for it, especially when one did not have health insurance. He said that the delay in receiving bills from UVA and the delay in having his payments received by UVA had been challenging for him.

Mr. Estes said the next issue was police presence and enforcement of basic traffic laws in Albemarle. He said that in Stony Point, specifically on Route 20 North, the absence of police presence or enforcement had led to dangerous driving conditions. He said that speeding, tailgating, and passing on a double yellow line had become the new normal. He said he did not believe that speed cameras were an effective solution for this issue.

Mr. Estes said that if speeding and dangerous driving were problems, it was essential to deploy police officers in those areas. He said the lack of police presence and enforcement on Route 20 North had created a significant problem that required immediate attention to prevent further accidents and injuries. He said he hoped that his speaking today would raise awareness about these issues that degraded County life.

Agenda Item No. 12. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said that he did not have a formal report, but he would like to request the Board's guidance on a matter regarding the recognition of a general protocol. He said that since they had recently completed their organizational meeting and reviewed their policies, this would be an appropriate time to discuss media requests made to Board members. He said that these requests occur throughout the year, for 12 months, and cover various topics related to Board business, Board meeting business, votes, policy, budget-related matters, and legislative priorities.

Mr. Richardson said that he wanted to clarify their protocol in the County Executive's office and specifically within the Community and Public Engagement (CAPE) Division led by Abby Stump, the Manager of CAPE. He said that in such situations, when reporters required an interview with a County employee or Board member, they should contact the CAPE Division. He said the CAPE team will then coordinate the request. He said that reporters may send the same request to several people simultaneously due to deadlines and the need to complete their tasks efficiently during their day. He said that this can result in multiple individuals within their organization working on the same issue concurrently.

Mr. Richardson said that their protocol when it came to Board business involved connecting with the Board Chair first. He said that if the Board Chair was unavailable, they would contact the Vice Chair. He said that if neither was available, they would work down the list of supervisors, specifically looking for the next best supervisor based on topic relevance and connection to a specific district or to a board or commission. He said that they consistently employed logic, and that they ensured that Board members had what they needed to prepare for the media interviews. He said their primary goal was to present the best possible representative from the County to provide accurate and up-to-date information to their community on topics of interest.

Mr. Richardson said he was reminding the Board of these general protocols as they approached 2024, seeking their approval to continue this process. He requested a general acknowledgment from the Board regarding the effectiveness of this procedure.

Mr. Gallaway said the policy should continue.

Ms. Mallek said she agreed, and that even when a supervisor is not available regarding an issue in their district, they should be provided the information.

Mr. Pruitt said the policies seemed reasonable and prudent.

Ms. LaPisto-Kirtley said she had no problem with the policies.

Ms. McKeel said she agreed.

Mr. Andrews said that he would like to ask that the supervisor particularly interested in an issue be the spokesperson if they were interested and willing to do so. He said that the Board should direct inquiries and requests it receives appropriately. He confirmed that he would go through CAPE and asked whether Abbey Stumpf was the best person.

Mr. Richardson said that when contacted by the media, the Board did an excellent job. He said the Board pauses and informs the staff, initiating coordination to determine the best person to go on camera or record based on whether it was an operational item or a Board-related item. He said that they tried to match the topic with the appropriate Board member if it was district driven. He said that it could be legislative priorities, budget, or during their budget work sessions, and they just needed to coordinate accordingly. He said that this protocol was a work in progress and not perfect, but it aimed at ensuring that the right hand knew what the left hand was doing for the best possible outcome.

Ms. Emily Kilroy, Assistant to the County Executive, said that when the Board receives direct outreach, she was the primary point of contact, and Abbey Stumpf if she was not available. She said that for matters that arrived through alternative means, they had requested that individuals communicate with Abbey Stumpf directly.

Agenda Item No. 13. Closed Meeting.

At 2:05 p.m., Mr. Pruitt **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

Under Subsection (1):

- to discuss and consider appointments of Supervisors as members or liaisons to various County authorities, boards, and other public bodies, including, without limitation: Acquisition

of Conservation Easements Committee, Audit Committee, Solid Waste Alternatives Advisory Committee, High Growth Coalition, Regional Transit Partnership, Rivanna River Basin Commission, Albemarle Broadband Authority, Piedmont Workforce Development Board Council, Regional Housing Partnership, Agricultural and Forestal District Advisory Committee, Blue Ridge Committee for Shenandoah National Park Relations, Charlottesville-Albemarle Convention and Visitors Bureau, Historic Preservation Committee, Albemarle-Charlottesville Regional Jail Authority, Albemarle County Economic Development Authority, Police Department Citizens Advisory Committee, Rivanna Water and Sewer Authority, Hazardous Materials Local Emergency Planning Committee, Charlottesville Regional Chamber of Commerce Public Policy Committee, and various community advisory committees; and

- to discuss and consider appointments to various boards and commissions including, without limitation, Albemarle County Economic Development Authority, Albemarle County Service Authority, Blue Ridge Committee for Shenandoah National Park Relations, Crozet Community Advisory Committee, Albemarle County Board of Equalization, Piedmont Family YMCA Board of Directors, Places 29 (Hydraulic) Community Advisory Committee, Albemarle County Planning Commission and Albemarle County Social Services Advisory Board.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 14. Certify Closed Meeting.

At 3:39 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 15. Boards and Commissions:

Item No. 15. a. Board Member Committee Appointments.

Ms. McKeel **moved** that the Board appoint the following Supervisors to serve on the respective boards and commissions listed:

Jim Andrews:

- 5th & Avon Community Advisory Committee with said term to expire December 31, 2024.
- Agricultural and Forestal District Advisory Committee with said term to expire December 31, 2024.
- Audit Committee with said term to expire December 31, 2024.
- Hazardous Materials Local Emergency Planning Committee with said term to expire December 31, 2024.
- Piedmont Workforce Development Board (PWDB) Council with said term to expire December 31, 2024.
- Solid Waste Alternatives Advisory Committee (SWAAC) with said term to expire December 31, 2024.

Ned Gallaway:

- Audit Committee with said term to expire December 31, 2024.
- Charlottesville Regional Chamber of Commerce Public Policy Committee as the Board representative with said term to expire December 31, 2024.
- Darden Towe Memorial Park Committee with said term to expire December 31, 2024.
- Places 29 Rio Community Advisory Committee with said term to expire December 31, 2024.
- Regional Housing Partnership with said term to expire December 31, 2024.

Bea LaPisto-Kirtley:

- Acquisition of Conservation (ACE) Easement Committee with said term to expire December 31, 2024.
- Albemarle County Economic Development Authority with said term to expire December 31, 2024.
- Charlottesville Albemarle Convention and Visitors Bureau (CACVB) Executive Committee with said term to expire December 31, 2025.
- Darden Towe Park Memorial Committee with said term to expire December 31, 2024.
- Pantops Community Advisory Committee with said term to expire December 31, 2024.

- Places 29 North Community Advisory Committee with said term to expire December 31, 2024.
- Rivanna River Basin Commission with said term to expire December 31, 2027.
- Solid Waste Alternative Advisory Committee (SWAAC) with said term to expire December 31, 2024.

Ann Mallek:

- Blue Ridge Committee for Shenandoah Park Relations with said term to expire December 31, 2024.
- Crozet Community Advisory Committee with said term to expire December 31, 2024.
- High Growth Coalition with said term to expire December 31, 2024.
- Historic Preservation Committee with said term to expire December 31, 2024.
- Piedmont Workforce Development Board (PWDB) Council as Designee in absence with said term to expire December 31, 2024.
- Rivanna River Basin Commission with said term to expire December 31, 2027.
- Rivanna Water and Sewer Authority with said term to expire December 31, 2027.

Diantha McKeel:

- Albemarle-Charlottesville Regional Jail Authority with said term to expire December 31, 2026.
- Charlottesville Regional Chamber of Commerce Public Policy Committee as the Board representative with said term to expire December 31, 2024.
- Places 29 Hydraulic Community Advisory Committee with said term to expire December 31, 2024.
- Police Department Citizens Advisory Committee with said term to expire December 31, 2024.
- Regional Transit Partnership with said term to expire December 31, 2024.

Mike Pruitt:

- 5th & Avon Community Advisory Committee with said term to expire December 31, 2024.
- Albemarle Broadband Authority with said term to expire December 31, 2027.
- High Growth Coalition with said term to expire December 31, 2024.
- Pantops Community Advisory Committee with said term to expire December 31, 2024.
- Regional Housing Partnership (alternate) with said term to expire December 31, 2024.
- Regional Transit Partnership with said term to expire December 31, 2024.
- Thomas Jefferson Planning District Commission to fill the unexpired term of Supervisor Jim Andrews ending on December 31, 2024.
- Village of Rivanna Community Advisory Committee with said term to expire December 31, 2024.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Item No. 15. b. Vacancies and Appointments.

Ms. McKeel **moved** that the Board appoint the following individuals to boards, committees and commissions:

- **Reappoint** Mr. John Parcels as the White Hall District representative, Mr. Clarence Roberts as the Rivanna District representative, and Mr. Richard Armstrong as the Scottsville District representative to the Albemarle County Service Authority with said terms to expire December 31, 2027.
- **Appoint** Mr. Johnathan Rudy to the Blue Ridge Committee for Shenandoah Park Relations with said term to expire December 31, 2025.
- **Appoint** Mr. Nathan Alderman to the Crozet Community Advisory Committee with said term to expire March 30, 2026.
- **Reappoint** Mr. Jeff Morrill as the Samuel Miller District representative and Mr. David Storm as the Scottsville District representative to the Albemarle County Economic Development Authority with said terms to expire January 19, 2028.
- **Reappoint** Mr. Bob Beard as the Samuel Miller District representative and Mr. Evan Mayo as the Scottsville District representative to the Albemarle County Equalization Board with said terms to expire December 31, 2024.
- **Reappoint** Mr. John Lewis to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire August 5, 2025.
- **Appoint** Mr. Dennis King to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire August 5, 2025.
- **Reappoint** Mr. Corey Clayborne, as the Rivanna District representative, Mr. Frederick Missel, as the Scottsville District representative, and Mr. Lonnie Murray as the White Hall District representative to the Albemarle County Planning Commission with said terms to expire December 31, 2027.

- **Reappoint** Mr. Luis Carrazana as the Representative At-large to the Albemarle County Planning Commission with said term to expire December 31, 2025.
- **Reappoint** Ms. Sarah Harris as the White Hall District representative to the Albemarle County Social Services Advisory Board with said term to expire December 31, 2027.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 16. From the Board: Committee Reports and Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 17. Adjourn to January 10, 2024, 1:00 p.m. Lane Auditorium.

At 3:45 p.m., the Board adjourned its meeting to January 10, 2024, 1:00 p.m., Lane Auditorium. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date: 05/21/25
Initials: CKB