

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 5, 2022 at 1:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection, due to the COVID-19 state of emergency.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Greg Kamptner; 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 1:00 p.m. by Mr. Richardson.

Mr. Richardson stated that this was the annual organizational meeting of the Albemarle County Board of Supervisors. He stated that the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said that the opportunities for the public to access and participate in the electronic meeting were posted on the Albemarle County website, on the Board of Supervisors' homepage, and on the Albemarle County calendar. He stated that participation included the opportunity to comment on those matters for which comments from the public would be received.

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

Agenda Item No. 4. 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. Gallaway **nominated** Ms. Donna Price as Chair.

Ms. Mallek **seconded** the nomination.

Mr. Richardson said, there being no further nominations, he would open the floor for a motion to elect the Chair.

Mr. Gallaway **moved** to elect Ms. Price as Chair.

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 Ms. Price.
NAYS: None.

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

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

Mr. Andrews **seconded** the nomination.

Ms. Price said, there being no further nominations, she would open the floor for a motion to elect the Chair.

Ms. McKeel **moved** to elect Ms. LaPisto-Kirtley as Vice-Chair.

Mr. 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 Ms. Price.
NAYS: None.

Non-Agenda Item. Brief Announcements by Board Members.

Mr. Gallaway said he wanted to wish citizens and their staff a happy new year. He said he was thankful to the residents and citizens of the Rio District for electing me to a second term. He said he would continue enjoying this work for the next four years and would remain focused on his priorities as he has previously stated, including public education, public safety, and economic development. He said he knew this year had started off rough for folks in terms of power, internet access, and things of that nature. He said he hoped they would be receiving an update on that, but being mindful of that, he was grateful of

all the work the staff did to respond to emergency calls and provide the services they needed to in a situation like this. He said to Mr. Richardson to send along his words of thanks to everyone involved in this effort.

Mr. Andrews said he wanted to second the gratitude for the County's services, especially emergency services at this time. He said he was grateful to the Samuel Miller District for entrusting him to that position, and he was honored to serve. He said it was a rough start to the week, and government may not always be able to do everything people want, but if someone lets them know, they might be able to do what they need. He said there were a lot of them without power and connectivity, but hopefully people had neighbors and could get the word out if need be. He said that hearing from people was the most important part of his job right now. He said he made it clear in his campaign that his values included the schools, the environment, and equity, and economic resilience, but he did not feel that he had all the information, nor did the Board have all the information, and the public could help with that. He said he wished for a great wealth of ideas from people to give him and the Board by email, mail, public comment, or phone calls, to help them stay on the right track.

Ms. McKeel said happy new year to 2022. She said she appreciated the folks in the Jack Jouett District for electing her for another term. She thanked all the people who reached out to her all year long, especially when people needed something related to constituent service. She said for many years, it had been her top focus was to help people improve their quality of life, and she thinks all of them on the Board recognize that, but they often do not know unless people reach out to them. She said it was very helpful when they heard from constituents or people from other magisterial districts. She continued that, like Mr. Gallaway, economic development was one of her focuses, for the reason that they needed to figure out how to rebalance revenues to reduce their reliance on property taxes and because they needed to diversify their economic base. She said that was critical for the work, ideas, and platform they wanted to put forward. She stated that she was also focused on resilience through their climate action plan, and providing equity of opportunity and service delivery, which could encompass lots of different services in Albemarle. She emphasized that partnering with the school board was very important due to the capacity issues their school division was seeing, as well as seeking opportunities to partner with their school board and the school division on use of government and school properties. She said she believed that could really move their community forward in a myriad of ways. She wished everyone a happy new year.

Ms. Mallek welcomed Supervisor Andrews and welcomed back Supervisors McKeel and Gallaway. She said she looked forward to working with them for the remaining two years of her term. She greeted their citizens in 2022 and said she would start by sharing the discomfort many of their residents had had over the last three or four days. She said they in the northwest part of the County were a rural chunk that had not seen service yet, and while they hoped to have it by tomorrow, there were a lot of people who were suffering. She said this was part of the resiliency issue that was already mentioned; the benefits of electric power were more than just lights, and they looked forward to having great improvement on that service, and for Dominion to continue working on their underground service they had been doing for the last four or five years. Ms. Mallek said this was an example of how prepared they all must be in their own homes.

Ms. Mallek said as she was struggling with her internet, people had mentioned generators, but her generator quit on her yesterday, so it was not a perfect solution. She said people should keep things to be prepared for when modern technology did not pan out as they would hope. She stated that she had not heard much discussion in the last many years about when traveling in the winter, people needed to have a blanket, candle, matches and flashlight to keep warm, but a quick trip to the store could turn into a 24-hour disaster as was suffered by so many people on I-95 the other day. She said in the country, people tended to take their houses with them to be prepared for whatever would happen in a 20-mile drive, but people in general should be more prepared for things.

Ms. Mallek stated that she supported the County leadership and workforce had done during this stressful last year. She said they tried their very best to provide services to their residents and to improve processes to keep County government operating. She said they had many more obstacles to face; COVID-19, 20, and 21 were bounding around, but she was confident they would avoid chaos, which was the most important thing for their services and the confidence of their citizens.

Ms. Mallek said she would like to begin by giving special kudos to local residents that were in Ms. LaPisto-Kirtley's district. She said their regional historic preservation organization, had presented the 2021 preservation award to owners Tim Mullins and Tara Crawson, and builder Craig Jacobs, who was on the historic preservation committee, for thoughtful rehabilitation of an important Albemarle County structure called Findowrie. She said it was the oldest framed home standing in the County now, built in the 1780's. She said it was an iconic Virginia design, and the preservation of the home and outbuildings and property as a whole was a true gift to Albemarle County and a testament to the many who had worked to bring this about. She said she thanked again Jared Lowenstein, longtime chair of the Historic Preservation Committee, who really recruited buyers and assisted in outreach efforts to the owners.

Ms. Mallek said about where they were going on some high priority program issues, she concurred with all the things that had already been mentioned. She said phase one of the housing policy, with its specific actions and protocols, improved the County's ability somewhat to acquire and retain moderately priced housing, but they needed to complete that phase two adoption as soon as possible to ensure that a larger percentage of new construction in their few remaining green fields, as well as

redevelopment, provided the types of housing needed by their residents. She said that funding long-promised infrastructure in their growth areas, which were overflowing with new residents in all districts, was a very high priority. She said the comprehensive plan update should make changes to prioritize green space in the growth areas to increase the quality of life. She continued that if fewer units were built to make room for the green space, that should be a goal; the quality of life for residents was outside of their house walls as well.

Ms. Mallek said she remembered a donation offer of land for eight rectangular recreation fields in Crozet in 2010 – 2011. She said the County BOS at the time refused the donation because they would have needed to modify the comprehensive plan, and lost some proffers, yet the 120 houses built on that land since have each paid only \$300 in proffers because the project was approved in 2005. She said the total amount of that did not pay one salary for one teacher for one year. She said they needed to do better than that. She continued that adding climate considerations to every level of investment and approval would bring better decisions by the whole staff. She said interconnections in their climate policy to include procurement and disposal and environmental implications of all of their purchases must be clear before they purchase. She said they could not decide to answer that question down the road.

Ms. Mallek said that as Albemarle worked to tell a more complete history, and improve equitable provision of services, they must go the next step to make better decisions which affect their populations. She said that started in 2009, Fairfax County's NAACP and climate justice program recognized the strong correlation between issues like pollution, lack of quality natural spaces, and its effect on the health, wellbeing, and socioeconomic advancement of vulnerable communities. She said they had three goals that they were still working on, which were to reduce harmful emissions, particularly greenhouse gases, advance energy in the home, and strengthen community resilience and sustainability. She said they were proud to say they were starting down that path locally, and she looked forward to the County doing more in the future.

Ms. Mallek said on the knowledge front, the County did not know where its historic cemeteries are. She said that should the County ask citizens to provide their knowledge to better ensure the state rules on cemetery preservation were followed. She said state rules put an obligation on a landowner to protect a cemetery and provide access to descendants, yet Albemarle had no process to map, assist, or enforce those state rules, and when it comes up, it was always after the graveyard had been destroyed. She said other counties had paved the way for gathering this information. She said identification of these places would help them provide equitable protection to all residents and their ancestors. She said at the same time, the day-to-day issues, such as their citizens' demand for enforcement of speeding and pedestrian safety, construction of sidewalks and bridges, and they needed to connect their communities better than they were now. She said there was a lot to do, and she looked forward to every minute of it.

Ms. LaPisto-Kirtley said her support was always there for education, economic development, and supporting their first responders, as well as equity in all aspects of what they continued to do as a County. She thanked the County staff for doing a great job in helping all of their residents in the past two years. She said they had gone through a lot, and services were still there for everybody because the staff did such hard work. She said in her community, they were reaching out to everyone in need and reminded those listening to check in on their neighbors, especially those that were elderly or disabled. She said lastly, she was very impressed with the Board. She said while they did not always agree, they had a sense of community and wanted to do what was best for all of their residents during these trying times.

Ms. Price said when she thought of this year, her thoughts turned to the four groups that had been essential to achieving stability that the County had been able to achieve. She said first and foremost were the members of their community, be they businesses, which provided the incomes necessary for their survival, the nonprofits, which sought the betterment of the general welfare for all, or the individuals, both those who served the County in innumerable volunteer positions as well as the common resident, it was the people who made all this possible.

Ms. Price said she thought of their County staff, forward-facing public servants who provided daily, regular, and responsive services to the public. She said that Albemarle County, and through them, their entire community, were blessed to have these individuals serving them. She continued that she got to know many of these in her individual capacity long before running for office, as she had been remodeling and improving her property. She greatly appreciated their "let's get this right" rather than "let's punish you for shortcomings" approach. She said they saw life as when they could help you do things the right way, they all could benefit.

Ms. Price said she thought of their elected and appointed public servants, like now-former Supervisor Liz Palmer and, from her personal experience, Rick Randolph. She said that although both of them were merely examples of others, Mr. Randolph served for four years as a Planning Commissioner, four years as a supervisor, and then two more years as a Planning Commissioner, clearly putting public service above self. She said she thought of supervisor Anne Mallek, who had served as Chair of this Board, had been on the Board for many years, and was now the second vice president of VACo (Virginia Association of Counties), serving the entire Commonwealth. She thought of Supervisors Diantha McKeel and Ned Gallaway, who had served on both the school board and the Board of Supervisors and were Chair of both. She said she thought of Supervisor Bea LaPisto-Kirtley, who had previously served her community as a mayor in California and was now again serving the community again as a supervisor. She said she thought of their newest member, Jim Andrews, who brought his experience as an attorney and professor with an education background would assist all of them in their decision-making.

Ms. Price said that what set Albemarle County apart from other principalities was the steady, stable, and long-term leadership of the Offices of the County Executive and the County Attorney. She said the foresight of their County Executive, Jeff Richardson, the astuteness of their County Attorney, Greg Kamptner, and the dedication of the numerable citizens and public servants. She said in an era of anger, and while a deadly pandemic had killed more than 825,000 Americans, with the death toll last year 20% higher than average, a pandemic that continued to disrupt the economy and impact all of their lives. She said that Albemarle County had not only survived, but they had also thrived. She said the overall success for this year, however, was once again substantially at risk, with the latest surge this time of the Omicron variant.

Ms. Price said as they began 2022, she was both comforted and reassured that the recent mutual decision of the Board of Supervisors and their County Executive, Mr. Richardson, to reinforce his stability of his position in the County for the foreseeable future. She said while any large organization would inevitably and necessarily experience a turnover of personnel, they all should recognize and appreciate that it was through the steady helm, steadfastness, and firm leadership of their Office of the County Executive, which included their Deputy and Assistant County Executives Doug Walker and Trevor Henry, that had led the County through these challenging years. She said that knowing they were in place would give them great assurances for their continued success. She said their challenges were many and much work remained, but they were extremely well-positioned to continue to move their beloved County forward. She said their Commonwealth was known for its manner of conducting business as “the Virginia way,” and she believed that they in the County had improved upon that with “the Albemarle County way,” and she would continue to the best of her ability to help the Board of Supervisors exemplify the best effects of governance, decorum and comedy, and called upon all that came before this body to do their part to achieve those objectives.

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

Ms. LaPisto-Kirtley **moved** to reappoint Claudette K. Borgersen as Clerk and Travis O. Morris as Senior Deputy Clerk.

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 Ms. Price.

NAYS: None.

Agenda Item No. 7. Board 2022 Calendar – Set the Days, Time and Places for Regular Meetings for Calendar Year 2022 and January 2023.

The Executive Summary 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.”; and “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 2021 schedule for its regular meetings as adopted on January 6, 2021, and to add a third meeting in January 2022 and January 2023 to allow the first meeting in those months to be organizational meetings, staff recommends setting the meeting times, dates, and places of the Board of Supervisors regular meetings for Calendar Year 2022 and January 2023 as set forth in the attached Resolution, and as follows: the first and third Wednesdays of each month from February 2022 through December 2022 beginning at 1:00 p.m. and the second and third Wednesdays of January 2022 and January 2023 beginning at 1:00 p.m., with an organizational meeting to be scheduled on the first Wednesday of January 2022 and January 2023, with all meetings to be held in either the County Office Building on McIntire Road, or using electronic communication means as provided in an ordinance adopted by the Board to ensure the continuity of government during a declared disaster or when otherwise authorized by law.

Staff suggests that the above-recommended schedule be amended so that no meeting is scheduled on the first Wednesday in July 2022.

There is no budget impact anticipated.

Staff recommends that the Board adopt the Resolution Establishing the Days, Time, and Place for Its Regular Meetings for Calendar Year 2022 and January 2023 (Attachment A).

Ms. Price said it was time to address and set their calendar for the next year. She said they previously had submitted a calendar that would set meetings for the first, second, and third Wednesday of January 2023, the first and third Wednesday of every other month excluding the first Wednesday in July, which would be July 6th. She said she would also ask for consideration of eliminating the second meeting in December 2022 and would bring that up for discussion. She asked if any supervisors desired to comment on the calendar.

Mr. Gallaway said he had no problem with the July meeting, and he thought it was a good idea. He commented that the second meeting in December was there if needed, because some things could stack up that needed to be done by the end of the year, and perhaps by October or November, through the pre-agenda work, it would be figured out if that meeting would be needed or not. He recommended that the meeting remain on the calendar, but if for some reason and they did not need it, things could happen at the first meeting and then tidied up in January.

Ms. McKeel said it would be good to help the community understand the thought of why this meeting was shorter and moved the meeting to the next week as well, because she was unsure if that discussion had been had. She said she was happy to say her understanding was that they were trying to simplify the meeting so that staff as well as supervisors had time to prepare for the meeting.

Ms. Price said that was correct and addressed the community to share that decision was based on a combination of several factors. She said the last several years with the pandemic had been especially difficult, and the demands that had been placed on workers of all levels and industries had been very difficult. She said when they looked at the calendar this year and saw the first Wednesday was so close after the Christmas and new year's holiday, the decision was made to make the first meeting, which was today, an organizational meeting and push all the normal work that would otherwise take place to the second Wednesday of the month. She said that would allow staff an opportunity to have a vacation, come back and simply move the regular work to the second meeting in January, and the regular meeting would be on the third Wednesday in January, as they would normally have.

Ms. Price said that similarly, for 2023, the calendar showed the first Wednesday as being very early in the year, and as she looked forward through several years, they may face the same opportunity to try to be more efficient and give staff an opportunity to actually enjoy a Christmas holiday.

Ms. McKeel said that people in the community indicated they were unsure why they were doing this, and she wanted to make sure the rationale behind it was understood. She said she agreed with the decision and liked the idea of reducing the meetings in July by one so that everyone had a chance to get a vacation. She also agreed with Mr. Gallaway to leave the meeting as a placeholder, because in times past, the Board had addressed backlogs by either keeping that meeting in December or adding one in January, which sort of defeated the whole purpose.

Ms. Mallek said that she agreed keeping something on the calendar was important in case it was needed, so that people could predict. She said her other idea she would offer was for that December, if they were interested in compressing things away from the end of the year, perhaps it could be proposed that if needed, that second meeting would be on the second Wednesday, which was the same thing they were doing this month.

Ms. LaPisto-Kirtley said that was an interesting thought from Supervisor Mallek. She said one worth discussing was having the meeting in December as needed, but make it the second Wednesday, and then it would still be a win-win. She said she agreed with the July meeting; they were fortunate this year because the July meeting fits into five Wednesdays in June, so that gave everyone a long vacation. She said she wondered if in the future there would be another July that had five Wednesdays that needed to be adjusted, but that was for future discussion. She said she liked the idea of the first Wednesday either being very short or eliminated altogether and holding it the second and third. She said either way, she was open to a shortened version of the first meeting in January, but she did like the idea of the second Wednesday in December, if needed, to switch it to that spot.

Ms. Price asked if the County Executive had a comment about moving the second meeting to December to the second Wednesday, again with the underlying idea that it would be an as-needed meeting.

Mr. Richardson said he did not have any negative reaction to that recommendation. He said this Board was always sensitive to the staff turnaround, and he knew the staff probably saw that as a trade-off, which was that they would get through the majority of the work quicker in December, it would make for very quick turnarounds in that time frame from Thanksgiving to the first week of December, but then there would be extra time that they erred, as well as the Board, moving into the Christmas and new year holidays. He said Ms. Borgersen was also on the call, and she and Mr. Morris did a great job to move the work through to build these agendas, as did the County Attorney's office, and they may know something he did not. He said he thought this compression in December would achieve getting them more time off during those holidays, and he appreciated the Board thinking about that. He said Mr. Kamptner, Ms. Borgersen, or Mr. Morris might be able to provide more information.

Ms. Price asked if Ms. Borgersen had any comments she would like to make. She said while waiting for her to log in, for the community, she wanted to express to the community that why they were looking at dropping the first meeting in July was, again, going back to some very difficult times, by doing

that it opened up a larger vacation window for County staff so that some staff could take off the first half of that extended window, and some staff the second half. She said that by scheduling that now, it gave staff an opportunity to make vacation plans. She asked if Ms. Borgersen or Mr. Morris had any comments they would like the Board to consider in regard to possibly setting their second meeting in December for the second Wednesday of the month.

Mr. Morris said the Clerk's Office had no comment nor any issues with that.

Ms. Price said it appeared they had consensus on removing the meeting of the 6th of July, and consensus on setting the first, second, and third Wednesdays of January 2023 like they did for the current year. She asked if there was a motion that any supervisor would like to make with regard to the calendar that would include consideration of the second meeting in December.

Ms. Mallek **moved** they adopt the resolution for the 2022 calendar as proposed, and if the second meeting in December was needed, that it be scheduled for the second Wednesday in December.

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 Ms. Price.
NAYS: None.

**RESOLUTION
ESTABLISHING THE DAYS, TIME, AND PLACE FOR REGULAR MEETINGS
FOR CALENDAR YEAR 2022 AND JANUARY 2023**

WHEREAS, Virginia Code § 15.2-1416 requires boards of county supervisors to establish the days, time, and place 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: Regular meetings will be held on the first and third Wednesdays of each month from February 2022 through November 2022, on the first and second Wednesdays in December 2022, and on the first, second, and third Wednesdays in January 2022 and January 2023, provided that there will be no regular meeting on the first Wednesday in July 2022; and
2. Time: Regular meetings will start at 1:00 p.m.; and
3. Place: Regular meetings will be held either in the County Office Building at 401 McIntire Road, Charlottesville, or using electronic communication means as provided in an ordinance adopted by the Board to ensure the continuity of government during a declared disaster or when otherwise authorized by law.

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

Item No. 8.a. Adoption of Board Rules and Procedures.

Ms. Price asked if there was any discussion on the content of the Board Rules of Procedure.

Mr. Kamptner said he had slides that provided the language for the proposed additions by Chair Price. He said it came out after the draft rules and policies were distributed.

Ms. Price said she did not believe there was anything on 8a., the rules of procedure, but was b. and c. that she had identified, and she would ask him to share those when she addressed them.

Mr. Andrews said he was looking forward to having meetings in person sometime during the year.

Ms. McKeel said one of the changes of the rules of procedure was the addition of a hybrid meeting. She said it would be helpful for Mr. Kamptner to review that definition for the public.

Mr. Kamptner said the hybrid meeting had been in place for some time now. He said what was done in the definition to further clarify the meaning of what a hybrid meeting was, and it was when the Board was physically assembling, but the Board had expressed its desire to continue to allow the public to have the option to participate virtually and in-person. He said that was the "hybrid" nature of the meeting.

Ms. McKeel **moved** that the Board adopt the Board Rules and Procedures as presented.

Mr. Andrews **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 Ms. Price.
NAYS: None.

Mr. Kamptner said there was one recommendation Chair Price made in the last sentence on the bottom of page 4 on Rules and Procedures that had not been incorporated yet. He said it was “when the County Executive adds an item to the agenda, he must provide information about the item to all.” He said Ms. Price proposed a language change.

Ms. Price said that was correct, and the language change was to make the sentence gender neutral.

Mr. Kamptner said the language change was indicated by the highlighted text in yellow on the slide, and it was consistent with the policies of the Board to have text that was gender neutral.

Ms. Price asked if they had to amend the previous motion on the matter or if they would rescind it.

Mr. Kamptner said it would be cleanest to move to have the Board to reconsider.

Ms. McKeel **moved** that the Board reconsider the Board Rules and Procedures.

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 Ms. Price.
NAYS: None.

Ms. Price apologized for forgetting about that language change. She said she had proposed this gender-neutral language be added to replace the masculine pronoun “he” in that sentence.

Ms. Price **moved** that the Board adopt the amended Board Rules and Procedures.

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 Ms. Price.
NAYS: None.

Rules of Procedure of the Albemarle County Board of Supervisors for Virtual and Hybrid Meetings

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 virtual and hybrid 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. **Hybrid Meeting.** A “hybrid meeting” is a meeting where the Board is physically assembled and other persons may either physically attend the meeting or attend the meeting by electronic communication means.
 - 2. **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.
 - 3. **Virtual Meeting.** A “virtual meeting” is a meeting, when authorized by law, where Supervisors and all other persons attend the meeting by electronic communication means.

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. (Virginia Code §§ 15.2-1422 and 15.2-1423) The Chair also is the head official for all of the Board's official functions and for ceremonial purposes.
- 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 be elected for one-year terms, but either or both may be re-elected for one or more additional terms. (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 the other Supervisors 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 when the Board is physically assembled, and how the public may attend a hybrid or virtual meeting by electronic communication means. (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 Regular Meeting date. 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) The then-current continuity of government ordinance adopted by the

Board pursuant to Virginia Code § 15.2-1413 governs how the public may connect to the meeting by electronic communication means.

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 for 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.
 - 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 will then coordinate with the Clerk to prepare a resolution 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 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.
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.
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 § 18-33.52 *et seq.*
- 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 Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters 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 Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters 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.
- 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 Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board.** *From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters 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 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.
 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. Following the applicant's presentation, any member of the public is permitted to speak once for up to three minutes on the item. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal presentation.
- b. **Place.** The applicant and each member of the public presenting and speaking may speak using electronic communication means and, 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 and any member of the public is permitted to speak once for up to two minutes on the item. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal presentation.
- 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; Continuity of Government Ordinance)

B. **Quorum Required to Act; Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415; Continuity of Government Ordinance) 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; Continuity of Government Ordinance)
- 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 Electronic Participation**

A Supervisor may participate in a meeting through electronic communication means when authorized by Virginia Code § 2.2-3708.2, while a continuity of government ordinance adopted by the Board pursuant to Virginia Code § 15.2-1413 is in effect and the ordinance, or State law, or a combination thereof, allow Supervisors to participate in a meeting through electronic communication means, or when otherwise authorized by law.

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 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 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:
 - 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. 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.

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(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; 9-2-2020; 12-2-2020; 1-6-21; 1-5-22).

Item No. 8.b. Adoption of Board Policies.

The Executive Summary 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.

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

Because of the ongoing COVID-19 pandemic, the need for meetings to be conducted using electronic communication means ("virtual meetings") remains. However, it is expected that when the Board returns to meeting by physically assembling, the public desiring to participate will be allowed to either physically attend or attend by electronic communication means ("hybrid meetings").

The draft Rules in Attachment A are those adopted by the Board on January 6, 2021, with the following proposed revisions: (1) acknowledging ongoing virtual meetings and the authority for those meetings (Secs.

1.D, 4.A.3); (2) clarifying the definitions of "hybrid meetings" and "virtual meetings" (Sec. 1.E); (3) eliminating a gap in the Rules to provide a procedure for Supervisors to add resolutions that are proclamations or recognitions (Sec. 5.A.1); (4) re-ordering the County Executive's report and matters from the public in the agenda to allow additional time for the Clerk prepare for matters from the public after coming out of closed meeting, and to re-order the County Executive's report in Sec. 6 as well (Secs. 5.B, 6.G and H); and (5) updating cross-references pertaining to remote electronic participation (Sec. 8).

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

Staff recommends that the Board adopt the Rules of Procedure (Attachment A).

Ms. Price said she had a proposal and asked Mr. Kamptner if he had that available.

Mr. Kamptner said this was in the Board's policies and was an amendment to section 4b. on page 4 of the policies.

Ms. Price said she had proposed this revision to expand upon the language, because "board of trustees" could be considered a very specific and distinct governing body and believed it would be more appropriate to use that more as an example alongside "board of directors, or a comparable governing body."

Mr. Kamptner said there was one more change proposed to be considered. He said all of this text shown on the slide was new and was also proposed by Chair Price.

Ms. Price said she proposed this addition for what she considered to be outside activities. She said as a member of the Board of Supervisors, she believed that their principle responsibility should be to the County as a whole, and she was proposing that if supervisors were serving on a non-governmental entity's governing body, other than appointments that the Board of Supervisors itself makes of supervisors, that they would limit to not more than one supervisor may be assigned to sit on such a board of trustees, board of directors, or comparable governing body for any non-governmental entity located or conducting business in Albemarle County. She said that was the basis of her proposal, that there would not even the appearance of a conflict between a supervisor's responsibilities to the public as a supervisor, as opposed to their duties as a member of a board of directors, board of trustees, or comparable body of a non-governmental entity.

Mr. Gallaway said he was fine with that change and did not see any issue with it.

Mr. Andrews said he wished he knew whether there were known examples that this applied to.

Ms. Price said there was one right now. She said the Lewis and Clark Exploration Center had two supervisors that had been appointed by their board, not by the Board of Supervisors. She said if this were to be approved, one of those supervisors would need to resign from that body.

Ms. McKeel said she agreed with this and appreciated it being brought forward.

Ms. Mallek said she thought this was fine, and when LEAP was founded in 2010, there were two members from each governing body from each jurisdiction who were the founders, but they had not had more than one City Councilor or Supervisor on it for the last several years, and in each jurisdiction had taken that second spot, which was admirable. She said she could step off the Lewis and Clark Board, which she had been on for a decade, because it was in Ms. LaPisto-Kirtley's district, and she would be glad for her to step in there.

Ms. Price said she would let the supervisors work it out amongst themselves.

Ms. LaPisto-Kirtley said she had no problem with this, and she thanked Supervisor Mallek very much, and even though it was in her district, Ms. Mallek had been on it for a while and knew the history, so she would be more than happy to defer to her.

Ms. Mallek asked if in a situation where there was a second Board member that would like to come as a guest to the meeting, would that be acceptable.

Mr. Kamptner said that was fine.

Ms. Price said she did not think that would be a problem if it was a public meeting. She said it would be different to be an attendee versus being a member.

Ms. McKeel **moved** that the Board adopt the amended 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 Ms. Price.
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.** Parades and other community gatherings, that are not campaign events, to discuss County business.
- B. **Educational Conference Travel Expenses.** Supervisors may be reimbursed for the following educational conference 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 Director of Finance 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.
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.

Item No. 8.c. Adoption of Board of Supervisors Operating Guidelines.

The Executive Summary forwarded to the Board states that at the Board's July 9, 2018 meeting, the County Executive presented the Board's Operating Guidelines for High Quality Governance as developed during the May 2018 Board Retreat for the Board's review. At the August 8, 2018 Board meeting, there was consensus to make the final revisions outlined and incorporated in Attachment A. 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 6, 2021, continue to provide an effective framework to ensure high quality governance.

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.

Ms. Price said she had a proposed revision. She asked Mr. Kamptner to share his screen.

Mr. Kamptner said he did not have the original document. He said that was something that came out of the County Executive's office or the Clerk's office.

Ms. Price said she would point out in their operating guidelines for high-quality governance, she said that in paragraph three, where there were two bullets, and the second bullet currently read "no single member of the Board could provide direction on policy implementation to the County Executive." She was proposing the addition of "comma, or County staff, period" so that it was clear that no individual supervisor provided that type of direction on policy implementation to either the County Executive or members of County staff.

Ms. Mallek said she thought copying the senior staff when they asked questions about implementation would be helpful.

Ms. LaPisto-Kirtley asked if there were other items to consider before the motion was made.

Ms. Price said she was not going forward with the other ones until consultation with supervisors and staff, so this would be the only one.

Ms. LaPisto-Kirtley asked if that was true for number five.

Ms. Price said yes.

Ms. McKeel **moved** that the Board adopt the amended Board Operating Guidelines, as presented.

Mr. Andrews **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 Ms. Price.
NAYS: None.

**Albemarle County Board of Supervisors
Operating Guidelines for High Quality Governance
January 5, 2022**

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, or County Staff.
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.

Ms. Price asked if the supervisors had any comments on the final agenda or would like to make a motion to adopt it.

Mr. Gallaway **moved** that the Board adopt the Final Agenda as presented.

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 Ms. Price.
NAYS: None.

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

Mr. Gallaway said his only announcement was of his appreciation for the work being done on the East Rio sidewalk project that had been happening over the last several weeks. He said it was almost complete down to Dunlora Drive.

Ms. McKeel said she wanted to take the opportunity to thank the staff and the County Office folks who kept the building clear of snow and ice so they could access it safely. She also shared her appreciation for all of the administrative staff who worked through the snowstorm.

Ms. Mallek said she was grateful to see the Pike and Dominion repair trucks at the reservoir bridge on Earlysville Road, which meant they were heading northwest for that last 25 miles of trees. She said this weather had been almost worse than the derecho, because the derecho was a straight line in

one geographic area, whereas the snow affected everyone everywhere, and the misery was spread all throughout the counties here. She said she appreciated all the staff who shared updates and for everyone who was eager for information.

Ms. Price said she wanted to make the public aware that their January 12th Board of Supervisors meeting involving CenturyLink representatives was scheduled around 1:30 or 1:45 in the afternoon. She said she hoped they would listen in. She said that because this was not a public hearing, opportunities for the public to comment would be through matters from the public not on the agenda for public hearing. She said she encouraged as many people as possible to sign up for that 1 p.m. speaking opportunity so the CenturyLink people could hear. She also would ask for them to pay attention at the 6 p.m. session so they could hear from them again, and for the public to send in communications, and they would make sure they reached CenturyLink. She said Michael Culp and the Broadband Affordability and Accessibility Office was working diligently with CenturyLink to try and get some improvement to services on their DSL lines, and this would be a good opportunity to have their voices heard.

Ms. Price said she would like to encourage people driving to remove all the snow off of their vehicle, not only off of the windshield. She said when it was left on the roof, it could slide forward and block the driver's vision, or could fly off of the back and crash into the car behind, which could cause damage or injury. She asked for people to please remove all the snow and ice off of their vehicles. She continued that there was a forecast for two to four more inches tomorrow night.

Ms. Price said she was also pleased to announce the opening of Luetybell's in Scottsville. She said it was a booming place and encouraged people to visit.

Ms. Price she was very much in line with what Supervisor Mallek said about needing to prepare as much as possible for storms like this. She said to understand that the best preparedness might not get one through everything, but to have emergency resources in a vehicle. She said she knew people in the rural parts and urban parts of the County were without electricity. She said she and her son-in-law took about seven hours to chop up about 75 or 80 trees to get off their property, which she knew was similar to many other residents. She said several of the Supervisors had mentioned to check in with your neighbors. She continued that she had heard that Dominion was reporting this as perhaps the largest outage in the history of the company, and they knew there were other electrical providers in the community that were also struggling. She said the County Executive would provide an in-depth report with information from their electric providers with an update and additional resources that the County would make available to community members. She said that would be happening later today after he collects information from other held meetings. She said she would ask that the news media and community members pay attention, so they had a chance to catch up on that.

Agenda Item No. 11. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Judy Schlusel said she is a Rio District resident and member of the Rio-29 CAC (Community Advisory Committee). She said they had all heard the cliché of "location, location, location" and "timing is everything." She said that since she had been a frequent speaker before this governing body, she had noticed there seemed to be a pattern of one person who was always the last speaker when addressing any housing issues. She asked if they as a Board only heard and considered what the last person brought to their attention, or if they actually took into consideration what was said by the speakers at the beginning of the public comment. She said on December 15th, the rezoning issue for Rio Point came before the Board, and the person who was the last to speak gave the scenario that this newly proposed apartment complex was a 33-minute walk to the nearest grocery store. She said this data indicated that a resident would choose to walk for groceries rather than driving, thus reducing the number of vehicles driving on Rio Road. She said they, the Board, had already approved the rezoning, but wanted to have a reality check. She said that 33-minutes to walk the nearly 1.7 miles to the grocery store was good exercise pumping arms carrying reusable bags. She asked them to think if they had any little children with them, which would make the walk longer. She said that once the resident finally made it to the grocery store, the challenge remained for them to walk the 1.7 miles back home carrying groceries in their reusable bags along with small children who at that point were tired. She said the 66-minute walk, 3.4-mile journey, was probably only calculated from the entrance of the complex of Rio Road, not one of the eight apartment buildings, or considering needing to walk up the stairs if the apartment was on the third floor.

Ms. Schlusel said that when she was growing up, her parents only had one car until she graduated from high school. She said she vividly remembered walking with her mother and siblings to the grocery store that was several miles from their home. She continued that after doing the grocery shopping, they would patiently wait for her father to get off work, pick them up, and drive them home because the groceries were too heavy to carry. She said more and more apartment complex proposals came before them and were ultimately approved. She said to think outside of the box with all types of scenarios. She said she had listened to those who came before them to speak. She said their data was skewed to reflect their particular point, many times not bringing forward both sides of an issue for them to consider. She said that they, as their governing body, should not be swayed by the latest buzzwords like affordable housing. She said she suspected if individually, they were asked to describe affordable housing, there would be six different answers. She asked if they were all aware of the 1400-unit proposal slated for the UVA Discovery Park and a request to amend a proffer for the Glenbrook subdivision. She said as they moved forward with making zoning decisions that would more than likely include relatively large apartment complexes, adding to the poor stream health in the County, plus clearcutting the

greenery that helped the environment, to please remember the Albemarle housing policy they recently approved, which in reality, was a plan for short-term affordability and to adhere to the documented guidelines. She said thank you and happy new year.

Agenda Item No. 12. Closed Meeting.

At 2:06 p.m., Mr. Andrews **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1):
 1. To discuss and consider appointments of Supervisors as members or liaisons to various County authorities, boards, and other public bodies, including the Rivanna Solid Waste Authority, the Rivanna Water and Sewer Authority, the Economic Development Authority, the Jefferson Area Board for Aging, the Metropolitan Planning Organization, and the Charlottesville-Albemarle Convention and Visitors' Bureau; and
 2. To discuss and consider appointments of community members to various County authorities, boards, and other public bodies, including the Planning Commission, the Economic Development Authority, the Board of Equalization, the Albemarle-Charlottesville Regional Jail Authority Board, the Joint Airport Commission, and multiple committees and advisory committees; and
 3. To discuss and consider the appointment of the County Attorney's successor upon his pending retirement.

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 Ms. Price.
NAYS: None.

Agenda Item No. 13. Certify Closed Meeting.

At 4:38 p.m., Mr. Andrews **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. 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 Ms. Price.
NAYS: None.

Agenda Item No. 14. Boards and Commissions.
Item No. 14.b. Vacancies and Appointments.

Ms. LaPisto-Kirtley moved to appoint the following individuals to boards, committees and commissions:

- **APPOINT** Ms. Emma C. Andrews to the 5th & Avon Community Advisory Committee with said term to expire September 30, 2023.
- **REAPPOINT** Mr. Charles Tolbert as the Jack Jouett District representative and Mr. Nathan Moore as the Rio District representative, to the Albemarle County Service Authority respectively, with said terms to expire December 31, 2025.
- **APPOINT** Ms. Lizbeth Palmer as the Samuel Miller District representative to the Albemarle County Service Authority with said term to expire December 31, 2025.
- **REAPPOINT** Mr. George Ray as the Rio District representative and Mr. Stephen McNaughton as the Rivanna District representative to the Economic Development Authority respectively, with said terms to expire January 19, 2026.
- **REAPPOINT** Ms. Karen Pape as the Jack Jouett District representative, Mr. Anthony Arsali as the Rivanna District representative, and Mr. David Farrell as the White Hall District representative to the Equalization Board respectively, with said terms to expire December 31, 2022.
- **REAPPOINT** Chief Ron Lantz to the James River Alcohol Safety Action Program with said term to expire January 1, 2025.
- **REAPPOINT** Mr. Donald Long to the Joint Airport Commission as the joint City/County representative with said term to expire December 1, 2024.
- **REAPPOINT** Mr. Robert E. Bremer to the Piedmont Family YMCA with said term to expire December 31, 2024.
- **APPOINT** Mr. Luis Carrazana as the Representative At-large and Mr. Frederick Missel as the Scottsville District representative to the Planning Commission respectively, with said terms to

- expire December 31, 2023.
- **REAPPOINT** Mr. Julian Bivins as the Jack Jouett District representative, Mr. Daniel Bailey, as the Rio District representative, and Ms. Karen Firehock as the Samuel Miller District representative to the Planning Commission respectively, with said terms to expire December 31, 2025.
- **APPOINT** Ms. Maureen S. Deane to the Police Department Citizens Advisory Committee with said term to expire March 5, 2024.
- **REAPPOINT** Ms. Karen Horridge as the Jack Jouett District representative and Ms. Mary McIntyre as the Rio District representative to the Social Services Board respectively, with said terms to expire December 31, 2025.
- **REAPPOINT** Mr. Meade Whitaker to the Thomas Jefferson Emergency Medical Services Council with said term to expire January 1, 2025.
- **APPOINT** Mr. Jacob Sumner to the JAUNT Board, to fill an unexpired term ending September 30, 2023.

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 Ms. Price.
NAYS: None.

Item No. 14.a. Board Member Committee Appointments.

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

Jim Andrews:

- 5th & Avon Community Advisory Committee with said term to expire December 31, 2022.
- Albemarle Broadband Authority with said term to expire December 31, 2025.
- Audit Committee with said term to expire December 31, 2022.
- Rivanna Solid Waste Authority with said term to expire December 31, 2025.
- Solid Waste Alternatives Advisory Committee with said term to expire December 31, 2022.
- Thomas Jefferson Planning District Commission with said term to expire December 31, 2022.
- Agricultural and Forestal District Advisory Committee with said term to expire December 31, 2022.

Ned Gallaway:

- Darden Towe Memorial Park Committee with said term to expire December 31, 2022.
- Places 29 Rio Community Advisory Committee with said term to expire December 31, 2022.
- Audit Committee with said term to expire December 31, 2022.
- Regional Housing Partnership with said term to expire December 31, 2022.
- Capital Improvement Plan (CIP) Advisory Committee with said term to expire December 31, 2022.

Bea LaPisto-Kirtley:

- Darden Towe Memorial Park Committee with said term to expire December 31, 2022.
- Pantops Community Advisory Committee with said term to expire December 31, 2022.
- Places 29 (North) Community Advisory Committee with said term to expire December 31, 2022.
- Police Department Citizens Advisory Committee with said term to expire December 31, 2022.
- Acquisition of Conservation Easement (ACE) Committee with said term to expire December 31, 2022.
- Historic Preservation Committee with said term to expire December 31, 2022.
- Regional Transit Partnership with said term to expire December 31, 2022.

Ann Mallek:

- Crozet Community Advisory Committee with said term to expire December 31, 2022.
- High Growth Coalition with said term to expire December 31, 2022.
- Piedmont Workforce Network Designee in absence with said term to expire December 31, 2022.
- Blue Ridge Committee for Shenandoah National Park Relations with said term to expire December 31, 2022.
- Workforce Investment Board with said term to expire December 31, 2022.
- Rivanna Water and Sewer Authority with said term to expire December 31, 2023.

Diantha McKeel:

- Places 29 (Hydraulic) Community Advisory Committee with said term to expire December 31, 2022.
- Regional Transit Partnership with said term to expire December 31, 2022.
- Regional Housing Partnership Designee in absence with said term to expire December 31, 2022.
- Economic Development Authority with said term expire December 31, 2022.

Donna Price:

- 5th & Avon Community Advisory Committee with said term to expire December 31, 2022.
- Village of Rivanna Community Advisory Committee with said term to expire December 31, 2022.
- Solid Waste Alternatives Advisory Committee (SWAAC) with said term to expire December 31, 2022.
- High Growth Coalition with said term to expire December 31, 2022.
- Capital Improvement Plan (CIP) Advisory Committee with said term to expire December 31, 2022.
- Hazardous Materials Local Emergency Planning Committee with said term to expire December 31, 2022.

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 Ms. Price.
NAYS: None.

Agenda Item No. 15. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson said joining him with the County Executive's report, Chief Dan Eggleston from the Albemarle County Fire and Rescue Department, Major Sean Reaves from the Albemarle County Police Department, and Mr. Doug Walker and Mr. Trevor Henry from the County Executive's Office. He said it had been mentioned they were going to give a more in-depth report this afternoon on the snowstorm that occurred this past Monday across the Commonwealth of Virginia. He said Albemarle County was one of the most severely hit areas in the state. He said it had been a challenging storm to recover from for several reasons, the first being the rate of snowfall, from Monday morning around 6 a.m. to around noon, around 9-9.5 inches of snow were measured across Albemarle County. He said it was a wide-ranging storm and the fast snowfall was very wet and heavy. He said a number of trees and limbs down or bowed was significant across the County.

Mr. Richardson continued that because of these factors, power restoration was a difficult process because many trees could not be moved until it had been confirmed by the power company or companies that the lines were dead. He said it was time intensive and power companies had been working very collaboratively with the Virginia Department of Transportation to perform methodical work around the clock, but it had been a slow process of unblocking the roadways and then plowing the roadways. He stated that the melting and refreeze made the effort even more difficult. He said that the County government was open for business at 8 a.m. on Monday the 3rd, and they opened at 10 a.m. on Tuesday because temperatures dropped on Monday night into the teens and caused refreezing, so they required a 2-hour delay for operations on Tuesday. He said today they opened at 8 a.m. that day and were watching for a storm that was predicted to hit the area tomorrow evening, but they expected to be open at 8 a.m. in the morning and make decisions Thursday night if they were impacted in a measurable way for Friday.

Mr. Richardson said the storm itself was very large, so the power companies were working over a very broad geographic area. He said the most impacted areas also covered a broad area from Farmville to Stafford County. He said Dominion had activated mutual aid and there were mutual aid bucket trucks present from eight states that were working through the storm. He said as services were restored in other areas of Virginia, Dominion Energy would be rerouting their resources to Albemarle's area to speed up power restoration as much as possible. He said they had hoped to get more mutual aid workers early yesterday, but some of them arrived later than was expected due to interstate blockages.

Mr. Richardson said currently there were approximately 16,000 people that were out of power from Dominion Energy, and 3,059 people out of power from Appalachian Power, and 738 people out of power who were served by Rappahannock Electric Co-op, and 2,388 people that were currently out of power from Central Virginia Electric Co-op (CVEC). He said they were interfacing with CVEC, Appalachian Power, Rappahannock Electric, and Dominion on their restoration efforts. He said their goal was to get their community back with power as soon as possible. He said Dominion Energy, who was the largest power provider in their County, had the goal of reducing the number of 16,000 without power by two thirds by 11 p.m. that evening, so by tomorrow they hoped to have just over 6,000 people left without service.

Mr. Richardson said the County was opening three warming stations today from 4 p.m. until 7 p.m. He said they were located at the Greenwood Community Center, Scottsville Community Center, and at Baker-Butler Elementary School. He said these stations were available to the community for warming, charging electronic devices, and provide Wi-Fi access. He said a shower was available at Baker-Butler for community members. He continued that covid protocols would be in place, which meant visitors would be masking and practicing social distancing. He said after tonight, they would evaluate the need for additional warming stations as they continued their engagements with the power companies. He said the Dominion Energy website was being updated every fifteen minutes with adjustments to their outage schedule with neighborhood-specific information.

Mr. Richardson said they had indicated there may be outages that continued into Friday, so citizens needed to be prepared. He said they would continue to offer emergency services to citizens on an as-needed basis and they would continue to evaluate the need for the warming stations into tomorrow and publicize it as necessary if they reached the conclusion that the service needed to continue. He said the Facilities and Parks and Recreation crews were at the County Office building early Monday morning

pre-treating. He said they had cleaned up all of the County locations to be able to open their doors. He said their regional Emergency Operations Center was in the process of setting up an information line where people could call to get daily updated information on the warming stations and access key phone numbers for reporting energy outage and for road blockages. He said they would share those numbers as soon as it went live.

Mr. Richardson said they were in the discussion stage with Rivanna Solid Waste Authority about debris options. He said they already knew there was going to be a significantly high amount of debris through this cleanup process once they got into recovery. He said they were talking with Rivanna about the opportunity to identify sites and for citizens to come and bring debris. He said he had invited Chief Eggleston and Major Reaves to join them and share in depth what was going on in the Fire Department and Police Department and would be available for questions from the Board.

Mr. Eggleston introduced himself as Dan Eggleston, the Chief of Fire and Rescue. He said during the response phase of the snowstorm, fire rescue units responded to well over a thousand calls for service, including many critical and medical emergencies, rescues, structure fires, and vehicle accidents. He said he did not recall experiencing such a high level of sustained activity in recent history. He said this snowstorm put many of their residents at risk, and as Mr. Richardson said, many of which were still without power. He said as they transitioned from their response phase to recovery, their emergency management division was working with their roads and utility agencies to restore critical infrastructure so they could get out and about. He said they were also assisting other County departments by standing up their warming shelters and in coordination with the Department of Social Services, they were reaching out to those residents to provide assistance to those who did not have access to basic resources. He said things were slow and steady at this point, and they were very optimistic as things came back online but were still keeping a very close eye on this approaching storm and anything else that may crop up.

Mr. Reaves introduced himself as Major Sean Reaves, the Deputy Chief of Police for the Albemarle Police Department, and his responsibility was to oversee police operations. He said in the past several days since Monday, he had shared with them some of the information they had about what their officers had been doing and the services they were providing to the community. He said they responded to 39 reported motor vehicle crashes and responded to over 100 traffic related incidents and hazards, such as downed trees and powerlines. He said they had 273 additional non-weather-related calls for service that came in, which was an 102% call increase from this point in time last year. He said they also had 186 officer-generated calls for service, which included extra patrols, citizen checks and welfare checks.

Mr. Reaves said on top of the normal calls for service, their staff was able to provide transportation to safety for those who were stranded and were also able to provide escorts for County staff that were critical to central operational functions of the County to COB-McIntire to get them safely to their destination. He said those officers that were certified on chainsaw deployment were deployed out in the field to clear roads that were impassible that VDOT had not had the opportunity to get to yet and where there were stranded motorists. He said they were able to clear roadways and help open up critical arteries in Albemarle County. He said the last thing he would touch on as well was when the roadway conditions started to deteriorate on Monday, the police department transitioned over to a modified response meeting where they prioritized calls for service in order to give attention and resources to the calls as needed. He said within 24 hours, on Tuesday morning, the police department was back to normal operations.

Mr. Richardson said that concluded the report on the current status of the storm efforts from the County government operations.

Mr. Gallaway said he had to drive through some of the weather to get to his own work on Monday morning and could not imagine what the work county-wide they had to do entailed and was appreciative of their staff.

Mr. Andrews said he was profoundly grateful, and their work truly made a difference. He said he lived in a more rural area, and people were not only without power but without cell service, landlines, internet, and in some cases did not yet have passable roads. He said his worry was whether 911 was working, which had been brought up by one of his constituents. He said it would be a good reminder to let people know that if they did not have ordinary cell service, they may still be able to use 911. He asked for confirmation on that, and for people to be aware how to reach out to people who may be stranded and not realize what opportunities for help they may have.

Mr. Eggleston said 911 was operational. He said there were some pockets within the County that had deteriorating cell service, so it made it more difficult to place a call on 911 with a cell phone, but they had a text to 911 feature that they had processed some calls through as well. He said they had reminded people of that but would push for additional reminders from the Communications and Public Engagement Office as well.

Ms. McKeel said Mr. Andrews made a good point about communication, and that even in the urban ring some people did not have power. She asked, when looking back at this storm, for the County and their first responders to reflect on what they did right and what they could do better in the way of communication. She said by today she was hearing from a lot of constituents who said they did not know anything that was going on. She said she knew they had tried their best, but an improvement would be figuring out how to get to people who did not have internet or cell phone numbers. She said she struggled with how constituents in both the rural and urban areas of the County who felt alone and did not know

what to do. She said most people were able to call her, but she received a few texts as well.

Mr. Richardson said because they were still in the middle of trying to move through the recovery efforts, they had discussions about putting things on the board that they had to improve or expand on in order to be able to increase communication. He said they would complete a formal after-action review once this storm was officially ended, which was usually conducted with the leadership of the Fire and Rescue Department. He said it covered a lot of departments, not only communication, but many other things across the County government. He said that would be done and shared back with the Board, so they knew these storm events were being examined in a way to improve the future for the community.

Ms. McKeel said she did not think it was a question that needed to be answered right now, but she believed they would start seeing more violent storms and extreme weather events, so she was thinking about how to improve their processes for those events. She said the community members had the most relevant experiences, so their suggestions for improvements were welcome to be shared with their Supervisor. She asked if it was correct if the warming centers would be open from 4 p.m. to 7 p.m.

Mr. Richardson confirmed that was correct.

Ms. McKeel reiterated that people could use the stations to charge their electronics. She said in the future, they should possibly consider offering charging stations for electric cars, because some of these weather events cause long lasting power outages.

Ms. Mallek said that the information provided on Dominion's phone line about outages was completely different than the information they had on their website. She said it was terrifying to people because they were unsure if Dominion had registered that someone had contacted them. She said communication was a huge issue to avoid anxiety. She said she recalled the after-action meetings that happened after the derecho, which was small compared to this, as far as the season and danger involved, one of their take-aways was that no one had the ability to get any information online, no matter where they lived. She said they put posters anywhere they could find an empty spot on a telephone pole to say that the Earlysville firehouse had water for livestock and other resources available to people. She said she had received two phone calls earlier in the day and wished she had learned of the warming stations earlier, because she just now found out and they would already be closing soon. She said she did not know what the answer was to that, but hopefully all the planning done for this would be ready to click and send the next time, which could be as soon as that Saturday. She said it reminded her of 1993 and 2010 when there were many storms and there were 4.5 feet of frozen sludge that the pick-up truck plows could not even move because it was so frozen.

Ms. Mallek commended fire and rescue and the police department at the Meadows. She said there was a gap in information, because there was no contact person from Piedmont Housing for these residents and they were left with no power or resources for two days. She said the combination of Crozet Fire people and others provided generators and performed door-to-door checks for people, some of whom were freezing and could not use their oxygen concentrators. She said this was a major failure on the part of an agency who received a lot of public tax dollars and was not paying attention. She said she was sure that was not the only location in town but was the only one she had heard of where that had happened.

Ms. Mallek said it was hard to do that work, but she hoped that there was a way that Albemarle County could expect a different level of performance as far as contact information and having staff on the ground to help senior citizens and frail residents no matter during this situation, no matter where they were. She said this situation was just the first of many to come. She said driving down Earlysville Road and seeing how many huge trees were cut off at the right of way line to make way for cars made it clear the work was difficult, but she hoped they would not forget the things they talked about in 2010. She said she knew it was a parking lot, but she was afraid for Saturday.

Ms. LaPisto-Kirtley said the county had 112,000 residents. She said there was no way they could respond to everybody. She said there also had to be an accountability for residents, because sometimes they did not know the impact a future storm would have, so they had to be prepared. She said that perhaps they could prepare them by having public service announcements to warn citizens, because there was no way they could respond to everybody. She said some of the nursing homes were responsible for getting generators, because if there were people who relied on oxygen tanks, they needed electricity and generators. She said that was a private business that should provide resources whether there was extreme heat or extreme cold. She said some people called to say they did not have internet service, but there were some people out there that had much bigger problems. She said once it hits, they could not communicate with people through phone, internet, or television, and people had to be prepared beforehand.

Ms. LaPisto-Kirtley said they could not be the answer to everyone's concerns but could do everything they could to prepare them. She said the warming centers were fantastic, but I'm sure that took a day or two to make sure that worked. She said they thought they would have power restored yesterday between 11 a.m. and 6 p.m., but now today it was estimated to be between 11 a.m. and 6 p.m., so the bottom line was that they did not know. She said when she talked to Dominion, they said on Monday evening that they could not even make an evaluation until Tuesday morning, because they could not get around to make that evaluation. She said it was a huge storm, and people were stuck in their cars for over 24 hours on I-95, including their Senator Mr. Tim Kaine. She said they had to make sure they were prepared, and perhaps make public service announcements beforehand to make sure others were prepared too. She commended the Fire Department, the Police Department, and all of the other services

that the County had been able to provide.

Ms. Price also commended the Fire & Rescue and Police Departments. She said much like the electric company crews that were out there in the worst of the weather to try and get power restored, the Fire & Rescue and Police Department crews were helping out there to save lives. She said what they did was essential, and they deserved an incredible amount of appreciation for it. She said whenever something like this came up, they had three phases they had to go through, which were emergency, recovery, and sustainability. She said the extensive nature of the damage from this storm far exceeded anything they had experienced locally for as long as anyone knew. She said that was the first hurdle they had to overcome, and not only was that extensive damage to the network, but people were stuck for hours on the highway. She said it took her son-in-law 6 hours to get home from Richmond after the storm. She said this had impacted the ability of these cooperating agencies to arrive, which furthermore delayed things.

Ms. Price said she understood why they held off on some of the emergency response, because they had been given, as best as they could expect, that power would be restored to a substantial number of people however they were able to, again, given the extensive damage and difficulty of cooperating agencies getting their equipment here. She recognized that it was not until Mr. Richardson was able to get the information that he did receive that he made the decision that it was imperative that they open the heating stations. She asked for it to be examined to see whether they could be kept open later in the night and be open in the mornings, because that was when people really would need assistance.

Ms. Price said one of the biggest difficulties they dealt with was that traditional forms of communication were no longer reaching the vast majority of residents. She said that local newspaper, radio, and TV did not get the reception they used to, and more and more people turned to social media platforms to get their information. She said an observation she had made was that people would communicate amongst themselves, but not necessarily communicating to people who actually could provide assistance to them. She asked that the Community Public Engagement Office review and expand whatever methods of communication they were using (including Twitter, Nextdoor, and other social media).

Ms. Price said a few months ago, CenturyLink representatives came to the Town Council meeting in Scottsville, and days later they heard from people that no one knew about it, so clearly part of what their message had to be was getting the message out to their community members. She said she appreciated the fact that they had identified three warming stations, but she asked if they could expand the hours. She said with this additional storm coming in, it must be anticipated that there would be even more trees down, more damage, and more delays. She thanked all County staff again. She asked if there was any further discussion or information from the County Executive's Office.

Mr. Richardson said there was nothing further.

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

Ms. Price said at the last 5th and Avon CAC (Community Advisory Committee) meeting at the end of December, with regard to Albemarle Business Campus, a revised proposal had been brought forward in terms of the technical capabilities of the major business facility that was to be proposed there. She encouraged other supervisors to follow that as it worked its way through the Planning Commission and then back before the Board.

Agenda Item No. 17. Adjourn to January 11, 2022, 8:00 a.m., County Attorney search, electronic meeting pursuant to Ordinance No. 20-A(16).

At 5:24 p.m., Ms. Price adjourned the Board meeting to January 11, 2022 at 8:00 a.m., which would be an electronic meeting held pursuant to Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." Information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors homepage.

Chair

Approved by Board
Date 08/16/2023
Initials CKB