

ACTIONS
Board of Supervisors Meeting of January 3, 2018

January 4, 2018

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:01 p.m. by the County Executive, Mr. Richardson. All BOS members were present. Also present were Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to video
4. Election of Chairman. <ul style="list-style-type: none"> By a vote of 6:0, ELECTED Ann Mallek as Chair for Calendar Year 2018. 		
5. Election of Vice-Chairman. <ul style="list-style-type: none"> By a vote of 6:0, ELECTED Norman Dill as Vice-Chair for Calendar Year 2018. 		
6. Appointment of Clerk and Senior Deputy Clerk. <ul style="list-style-type: none"> By a vote of 6:0, REAPPOINTED Claudette Borgersen as Clerk and Travis Morris as Senior Deputy Clerk for Calendar Year 2018. 		
7. Board 2016 Calendar. <p>a. Set Meeting Times, Dates and Places for Calendar Year 2018.</p> <ul style="list-style-type: none"> By a vote of 6:0, SET the meeting times, dates and places for Calendar Year 2018 as follows: first Wednesday of the month - 1:00 p.m., and the second Wednesday of the month - 6:00 p.m., with said meetings to be held in the County Office Building on McIntire Road; and SET the meeting dates for January 2019 as January 9 – 1:00 p.m., and January 16 – 6:00 p.m. The Board set July 5, 2018 as its regular night meeting. 	<u>Clerk:</u> Advertise in The Daily Progress and post notice on door of Lane Auditorium.	
8. Adoption of Rules of Procedures/Policies. <p>a. Rules of Procedure.</p> <ul style="list-style-type: none"> By a vote of 6:0 ADOPTED the Rules of Procedures/Policies. 	<u>Clerk:</u> Forward copy to Board members, County Attorney and Community Development. (Attachment 1)	
9. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
10. Brief Announcements by Board Members. <p><u>Norman Dill:</u></p> <ul style="list-style-type: none"> Announced that the Christmas tree recycling program is in progress. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Commented on responsible gun hunting safety. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Commented that hunting season is closing and reminded citizens of the procedure for retrieving hunting dogs. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Reminded citizen that they should not leave animals outside during cold weather and to be aware of their neighbors who may need assistance. 		
11. Recognitions:		

	<p>a. Government Finance Officers Association (GFOA) Budget Award.</p> <ul style="list-style-type: none"> • Recognized. 		
12.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		
13.2	<p>FY 18 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve appropriations #2018057, #2018058, #2018059, and #2018061 for local government and school division projects and programs. 	<p><u>Clerk:</u> Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 2)</p>	
13.3	<p>Fire Services Agreement between the City of Charlottesville and Albemarle County.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve the First Amendment to the Fire Services Agreement. 	<p><u>Clerk:</u> Forward copy of signed resolution to Fire/Recuse and County Attorney's office. (Attachment 3)</p> <p><u>County Attorney:</u> Provide Clerk with fully executed copy of agreement.</p>	
14.	<p>Zoning Text Amendment and Comprehensive Plan Amendment Process.</p> <ul style="list-style-type: none"> • DIRECTED a change to Section 33 of the Zoning Ordinance to remove allowances for citizen-initiated zoning text amendments. 	<p><u>Elaine Echols:</u> Proceed as directed.</p>	
15.	<p>Albemarle Broadband Authority Strategy.</p> <ul style="list-style-type: none"> • RECEIVED. 		
	<p>Recess. The Board recessed at 2:05 p.m., and reconvened at 2:18 p.m.</p>		
19.	<p>County Transportation Planner Quarterly Update, January 2018.</p> <ul style="list-style-type: none"> • Moved up earlier on agenda. • RECEIVED. 		
16.	<p>Albemarle County Service Authority (ACSA) Quarterly Update.</p> <ul style="list-style-type: none"> • RECEIVED. 		
17.	<p>Rivanna Water and Sewer Authority (RWSA) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 		
18.	<p>VDOT Culpeper District, Albemarle County Monthly Report, January, 2018.</p> <ul style="list-style-type: none"> • RECEIVED. 		
20.	<p>Miller School Rd and Owensville Rd. Through Truck Restriction Study.</p> <ul style="list-style-type: none"> • By a vote of 6:0, DIRECTED staff to proceed with the detailed assessment and to present an appropriation request to fund the traffic engineering study to the Board for approval at a future Board meeting. 	<p><u>Kevin McDermott:</u> Proceed as directed.</p>	
21.	<p>Closed Session. Personnel and Legal Matters.</p> <ul style="list-style-type: none"> • At 4:38 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to discuss and consider: <ol style="list-style-type: none"> 1. Appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointment; and 		

<p>2. The performance of the deputy county executive while he served as interim county executive and a proposed ordinance related thereto.</p> <ul style="list-style-type: none"> • Under Subsection (3), to discuss and consider the acquisition of real property in the southern part of the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County. • Under Subsection (5), to discuss the expansion of an existing business where no previous announcement has been made of the business' interest in expanding its facilities in the community. • Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation between the County and the City regarding the Ragged Mountain Reservoir, where the consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board. • Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: <ul style="list-style-type: none"> 1. The negotiation of an agreement for, and the possible relocation of, court facilities; and 2. Commercial uses on private water supplies. 		
<p>22. Certified Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:07 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>23. Boards and Commissions.</p> <p>b. Vacancies and Appointments:</p> <ul style="list-style-type: none"> • REAPPOINTED Mr. Charles Tolbert as the Jack Jouett District representative, Ms. Jennifer Sulzberger as the Samuel Miller District representative and Ms. Kimberly Swanson as the Rio District representative to the Albemarle County Service Authority with said terms to expire December 31, 2021. • APPOINTED Mr. Landon Birkhead as the Scottsville District representative to the Equalization Board with said term to expire December 31, 2018. • REAPPOINTED Mr. Steven Janes as the Rivanna District representative and Ms. Tammie Moses as the Jack Jouett District representative to the Equalization Board with said terms to expire December 31, 2018. • APPOINTED Ms. Mary K. Tillman to the Natural Heritage Committee with said to expire September 30, 2021. • APPOINTED Mr. Robert Bremer and Ms. Christi Sheffield to the YMCA Board of 		

	Directors with said terms to expire January 31, 2020.	
24.	From the Public: Matters not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> • There were none. 	
25.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <ul style="list-style-type: none"> • There were none. 	
26.	From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> • There were none. 	
27.	Closed Meeting. <ul style="list-style-type: none"> • At 6:10 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia under subsection (1), to discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointment. 	
	Certified Closed Meeting. <ul style="list-style-type: none"> • At 6:51 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
	Boards and Commissions. a. Board Member Committee Appointments: <u>Norman Dill:</u> <ul style="list-style-type: none"> • Audit Committee with said term to expire December 31, 2018. • Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2018. • CIP Oversight Committee with said term to expire December 31, 2018. • Darden Towe Park Memorial Committee with said term to expire December 31, 2018. • High Growth Coalition with said term to expire December 31, 2018. • Pantops Community Advisory Committee, Board liaison, with said term to expire December 31, 2018. • Places 29 (North) Community Advisory Committee, Board liaison, with said term to expire December 31, 2018. • Rivanna River Basin Commission with said term to expire December 31, 2019. <u>Ann Mallek:</u> <ul style="list-style-type: none"> • Acquisition of Conservation Easement (ACE) Committee, Board liaison, with said term to expire December 31, 2018. • Agricultural and Forestal Advisory Committee, Board liaison, with said term to expire December 31, 2018. • Crozet Community Advisory Committee, Board liaison, with said term to expire December 31, 2018. • Historic Preservation Committee, Board liaison, with said term to expire December 31, 2018. • High Growth Coalition with said term to expire 	

<p>December 31, 2018.</p> <ul style="list-style-type: none"> • Metropolitan Planning Organization (MPO) with said term to expire December 31, 2019. • Piedmont Workforce Network Council with said term to expire December 31, 2018. • Regional Transit Partnership with said term to expire December 31, 2018. • Rivanna River Basin Commission with said term to expire December 31, 2019. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2018. • Economic Development Authority, Board Liaison, with said term to expire December 31, 2018. • Jail Authority with said term to expire December 31, 2020. • Piedmont Workforce Network Council (designee in absence of Chair) with said term to expire December 31, 2018. • Places 29 (Hydraulic) Community Advisory Committee, Board liaison, with said term to expire December 31, 2018. • Police Department Citizens Advisory Committee, Board liaison, with said term to expire December 31, 2018. • Regional Transit Partnership with said term to expire December 31, 2018. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> • 5th and Avon Community Advisory Committee with said term to expire December 31, 2018. • Albemarle Broadband Authority with said term to expire December 31, 2021. • Rivanna Solid Waste Authority with said term to expire December 31, 2021. • Rivanna Water and Sewer Authority with said term to expire December 31, 2021. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> • 5th and Avon Community Advisory Committee with said term to expire December 31, 2018. • CIP Oversight Committee with said term to expire December 31, 2018. • Hazardous Materials Local Emergency Planning Committee with said term to expire December 31, 2018. • Property Committee with said term to expire December 31, 2018. • Residential Development Impact Work Group, Board liaison, with said term to expire December 31, 2018. • TJPDC Rural Transportation Advisory Council with said term to expire December 31, 2019. • Village of Rivanna Community Advisory Committee, Board liaison, with said term to expire December 31, 2018. <p><u>Ned Galloway:</u></p>		
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<ul style="list-style-type: none"> • Audit Committee with said term to expire December 31, 2018. • Darden Towe Park Memorial Committee with said term to expire December 31, 2018. • Metropolitan Planning Organization (MPO) with said term to expire December 31, 2019. • Places 29 (Rio) Community Advisory Committee, Board liaison, with said term to expire December 31, 2018. • Property Committee with said term to expire December 31, 2018. 		
<p>28. Adjourn to January 4, 2018, 4:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 6:55 p.m. 		

ckb/tom

Attachment 1 – Rules of Procedures/Policies

Attachment 2 – Resolution – FY 18 Appropriations

Attachment 3 – Resolution Approving the First Amendment to the Fire Services Agreement between the City of Charlottesville and Albemarle County

Albemarle County Board of Supervisors

Rules of Procedure

Adopted January 3, 2018

**Rules of Procedure
of the
Albemarle County Board of Supervisors**

1. Purpose

- A. General.** 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 the procedural rules shall 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.

2. Board Members

- A. Equal Status.** Except for the additional responsibilities of the Chair provided in Rule 3(A), all Board members have equal rights, responsibilities, and authority.
- B. Decorum.** Members 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 shall preside at all Board meetings during the year for which elected. The Chair shall have a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423) The Chair shall also be 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, shall preside at the meeting. The Vice-Chair shall also discharge 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 Board member shall 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 Board member when the Vice-Chair or the other member is acting as the Chair.

4. Meetings

- A. Annual Meeting.** The *Annual Meeting* is the first meeting in January held after the newly elected members of the Board 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 shall:
 - 1. Elect Officers.** Elect a Chair and a Vice-Chair.

2. **Designate Clerks.** Designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board, who shall 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.** Establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code § 15.2-1416)
 4. **Establish Dates for Hearings on Zoning Text Amendments.** Establish the days on which public hearings may be held on citizen-initiated zoning text amendments.
 5. **Adopt Rules and Policies.** Adopt Rules of Procedure and Board Policies that will apply in the calendar year, subject to amendment under Rule 12.
- B. Regular Meetings.** *Regular Meetings* are those established at the Annual Meeting to occur at specified days, times, and places.
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 shall 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.** A regular meeting, without further public notice, may be adjourned from day to day or from time to time or from place to place, 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 Board members present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).
 3. **Continuing a Regular Meeting When Weather and Other Conditions Create Hazard.** If the Chair finds and declares that weather or other conditions are hazardous for Board members to attend a regular meeting, the meeting shall be continued to the next regular meeting date. The Chair's finding shall be communicated to the other Board members and to the general news media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)
 4. **Establishing Different Day, Time, and Place of Regular Meeting.** After the Annual Meeting, the Board may establish different days, times, or places for Regular Meetings by passing a resolution to that effect in accord with Virginia Code § 15.2-1416.
- C. Special Meetings.** The Board may hold special meetings as it deems necessary at times and places that it deems convenient.
1. **Calling and Requesting a Special Meeting.** A special meeting shall be held when called by the Chair or requested by two or more Board members. The call or request shall be made to the Clerk and shall specify the matters to be considered at the meeting.
 2. **Duty of Clerk to Provide Notice.** Upon receipt of a call or request, the Clerk, after consultation with the Chair, shall immediately notify each Board member, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business, or if requested by a Board member, by email or facsimile. The notice shall state the time and place of the meeting and shall specify the matters to be considered. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code § 15.2-1418) The Clerk shall also notify the general news media of the time and place of the special meeting and the matters to be considered.

3. **Matters That May Be Considered.** Only those matters specified in the notice shall be considered at a special meeting unless all Board members are present.
4. **Adjourning a Special Meeting.** A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code § 15.2-1417) If a quorum was not established or was lost during the meeting, the Board members 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 of the Board shall establish the agenda for all meetings in consultation with the County Executive and the Chair. The County Executive and Clerk shall review the agenda with the Chair and Vice Chair prior to the meeting. The Clerk shall set the order of business as provided in Rule 6(B), provided that the Clerk may modify the order of business to facilitate the business of the Board. The draft agenda shall be provided to the Board 6 days prior to the regular meeting date.
1. **Resolutions Proposed by Board Members.** Resolutions may be proposed by a Board member requesting the Board to take a position on an issue of importance to the Board. A Board member 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. The Clerk will distribute the draft resolution with background information, if available, to all Board members. Board members may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk shall forward all comments received from Board members to the Board. The Board member requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board. The Clerk shall poll the Board members to determine if a majority of the Board members support adding the resolution to the agenda for consideration. If a majority of the Board members indicate support for considering the resolution, the resolution will be added to the proposed final agenda. If all Board members indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any member requests otherwise.
 2. **Other Items Proposed To Be Added to the Clerk's Draft Agenda by Board Members.** Any Board member 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 Board members, the Clerk, and the County Executive by 5:00 p.m. 2 days before the date of the meeting or upon the unanimous consent of all Board members present. Any item that has been timely proposed and properly noticed shall be added to the end of the agenda for discussion or action unless a majority of the Board members present agree to consider the item earlier on the agenda.
 3. **Proclamations and Recognitions Proposed by Citizens.** A request by a citizen to place a proclamation or recognition on the agenda must be made at least 4 weeks in advance of the meeting date. The request to advance a proclamation or recognition shall be submitted to the Clerk. If the request is made to a Board member, 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. Upon submittal of the request, the Clerk will review the submittal for completeness and forward it to Board members for review. The Clerk shall poll Board members to determine if a majority of the Board 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 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 no later than 2 business days prior to 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 shall not be advertised and the matter shall not be placed on the agenda unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If the matter is not advertised, a new public hearing date will be scheduled.
 - c. **Receipt of Final Signed Proffers.** Final signed proffers shall be submitted to the County no later than 9 calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Board members at the public hearing.
5. **Public Hearings; Zoning Map Amendments; Deferral at Applicant's Request.** Zoning map amendments advertised for public hearing shall be on the agenda for public hearing on the advertised date, provided that an applicant may request a deferral as follows:
 - a. **First Request Received Prior to Noon on the Wednesday of the Week Before the Public Hearing; Approval by Clerk; Matter Removed from Agenda.** If an applicant submits its first signed written deferral request and it is received by the Clerk no later than noon on the Wednesday of the week prior to the scheduled public hearing, the Clerk will administratively grant the request and remove the matter from the Agenda. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. The staff also will make every effort to alert the public when a deferral is granted.
 - b. **Subsequent Request or Request Received Later Than Noon on the Wednesday of the Week Before the Public Hearing; Matter Remains on Agenda.** Any subsequent request for deferral for the same application previously deferred, or any request received by the Clerk later than noon on the Wednesday of the week prior to the scheduled public hearing, will be granted only at the discretion of the Board by a majority vote of those Board members present and voting. In considering whether to grant the deferral, the Board shall consider whether the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff also will make every effort to alert the public when a deferral is granted.

- B. **Order of Business at Regular Meetings.** At regular meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of the Final Agenda.
5. Brief Announcements by Board Members.
6. Proclamations and Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business.
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. From the County Executive: Report on Matters Not Listed on the Agenda.
12. Adjourn.

C. Closed Meetings. 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.

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. The final agenda shall be adopted by a majority vote of the Board members present and voting. No matter for action not included on the final agenda shall be considered at that meeting.
- B. Brief Announcements by Board Members.** *Brief Announcements by Board Members* 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.** *From the Public: Matters Not Listed for Public Hearing on the Agenda* allows any member of the public to speak on any topic of public interest that is not on the agenda for a public hearing at that meeting. The following rules apply:
1. **Time.** Each speaker may speak for up to 3 minutes, provided that if the anticipated number of speakers may exceed 10, or for other reasons related to the Board efficiently conducting its business, the Chair may reduce the amount of time allowed for each speaker to speak to 2 minutes.
 2. **Place.** Each speaker shall speak from the podium.
 3. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker shall comply with Rules 6(D)(1) and 6(D)(2), shall address the Board and not the audience, and shall not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation.
- E. Consent Agenda.** The *Consent Agenda* shall be used for matters that do not require discussion or comment and are anticipated to have the unanimous approval of the Board.
1. **Questions to Staff.** Board members should ask the County Executive or the staff member identified in the executive summary any questions regarding a Consent Agenda item prior to the Board meeting.

2. **Discussion and Comment.** There shall be no discussion or comment on Consent Agenda items at the Board meeting.
 3. **Removing Item from Consent Agenda.** Any Board member may remove an item from the Consent Agenda. Any item removed from the Consent Agenda shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. An item requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
 4. **Effect of Approval of Consent Agenda.** A motion to approve the Consent Agenda shall approve Consent Agenda items identified for action and accept 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 shall not decide any matter 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 holding of a public hearing or consideration of the matter. The procedures for receiving a presentation from the applicant and comments from members of the public shall be at the discretion of the Board. However, unless otherwise decided, the following rules apply:
 - a. **Time.** The applicant shall be permitted up to 10 minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted to make 1 appearance for that public hearing and speak for up to 3 minutes on the matter, provided that if the anticipated number of speakers may exceed 10, the Chair may reduce the amount of time allowed for each speaker to speak to 2 minutes. Following comments by members of the public, the applicant shall be permitted up to 5 minutes for a rebuttal presentation.
 - b. **Place.** The applicant and each member of the public presenting and speaking shall do so from the podium.
 - c. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker shall comply with Rules 6(F)(1)(a) and 6(F)(1)(b), shall address the Board, speak to issues that are relevant to the matter for which the public hearing is being held, and shall not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation.
 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 shall consider whether deferral or denial would be in the public interest or would forward the purposes of this policy.
- G. From the Board: Committee Reports and Matters Not Listed on the Agenda.** *From the Board: Committee Reports and Matters Not Listed on the Agenda* shall be 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 Board members. Any *matters* discussed are not matters to be acted upon by the Board at that meeting.

- H. **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.

7. Quorum

- A. **Establishing a Quorum.** A majority of all of the members of the Board that is physically assembled shall constitute a quorum for any meeting of the Board, except as provided in Rule 8(B)(2). (Virginia Code § 15.2-1415)
- B. **Quorum Required to Act; Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415) There are 2 exceptions:
 - 1. **Quorum Not Established; Adjournment.** If a quorum is not established, the only action the Board members present may take is to adjourn the meeting.
 - 2. **Quorum Not Established or Lost Because of Conflict of Interest.** If a quorum cannot be established or is lost because one or more Board members are disqualified because of a conflict of interest under the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3700 *et seq.*), the remaining members constitute a quorum for the conduct of business and have the authority to act for 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 Board members present may take is to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)
- D. **Quorum Required to Adjourn Meeting to Future Day and Time.** A majority of the Board members present at the time and place established for any regular or special meeting shall constitute 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

The Board will permit a Board member to participate in a Board meeting electronically from a remote location, provided that:

- A. **Notification to Clerk of Inability to Attend Because of Emergency, Personal Matter, Disability, or Medical Condition.** On or before the day of the meeting, the Board member shall notify the Chair that the member is unable to attend the meeting due to an emergency or a personal matter or that the member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance. The member must identify with specificity the nature of the emergency or personal matter.
- B. **Quorum Physically Assembled; Approval of Remote Electronic Participation.** A quorum of the Board must be physically assembled at the primary or central meeting location. The Board members present must approve the participation; however, the decision shall be based solely on the criteria in Rule 8(A), without regard to the identity of the member or matters that will be considered or voted on during the meeting.
- C. **Duty of Clerk to Record Action.** The Clerk shall record in the Board's minutes the specific nature of the emergency, personal matter, disability, or medical condition, and the remote location from which the absent Board member participated. If the absent member's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the Board's minutes.

- D. **Audibility of Absent Member.** The Clerk shall make arrangements for the voice of the absent Board member to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent member cannot reasonably be heard, the meeting may continue without the participation of the absent member.
- E. **Limitation on Remote Electronic Participation in Calendar Year.** Electronic participation by the absent member as provided in this Rule shall not exceed 2 Board meetings in each calendar year.

(Virginia Code § 2.2-3708.1)

9. Conducting the Business of the Board

- A. **Enable Efficient and Effective Conduct of Business.** Meetings shall 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 shall 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 From the Public: Matters Not Listed for Public Hearing on the Agenda or during a public hearing shall comply with Rule 6(D).
 - 2. **Persons Attending the Meeting.** Any person attending a Board meeting shall 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 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 attending the meeting.

Comment: The subject matter of this rule is addressed in Section I(1) of the current Rules.
- C. **Chair May Maintain Order.** The Chair may ask any person 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.

10. Voting Procedures

- A. **Action by Motion.** Unless otherwise provided (See Rule 12(D)), any action by the Board shall be initiated by a motion properly made by a Board member and followed by a vote, as provided below:
 - 1. **Motion Must Be Seconded; Exception.** Each action by the Board shall be initiated by a motion that is seconded; provided that a second shall not be required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate shall not be further considered.

2. **Voting and Recording the Vote.** The vote on any motion shall be by a voice vote. The Clerk shall record the name of each Board member voting and how he voted on the motion.
3. **Required Vote, Generally Required Vote for Specific Matters.** Each action by the Board shall be made by the affirmative vote of *a majority of the members present and voting* on the motion; provided that an affirmative vote of *a majority of all elected members* of the Board shall be required to approve an ordinance or resolution: (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Article VII, § 7, Virginia Constitution; Virginia Code §§ 15.2-1420, 15.2-1427, 15.2-1428)
4. **Tie Vote.** A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. A tie vote on a motion to deny shall not be deemed an approval of the matter being proposed for denial.
5. **Abstention.** If any Board member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chair and recorded by the Clerk.

- B. **Motion to Amend.** A *motion to amend* a motion properly pending before the Board may be made by any Board member. Upon a proper second, the motion to amend shall 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 Board members 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.
- C. **Motion to Call the Question.** The discussion of any motion may be terminated by any Board member making a *motion to call the question*. Upon a proper second, the Chair shall call for a vote on the motion to call the question without debate on the motion itself, and the motion shall take precedence over any other matter. If the motion is approved, the Chair shall immediately call for a vote on the original motion under consideration.
- D. **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 member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the item for discussion in the exact position it occupied before it was voted upon.
- E. **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 members of the Board. The motion to rescind may be made by any Board member. 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 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 shall only be eligible for reconsideration as provided in Rule 10(D).

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

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

- A. **Not Required to Obtain the Floor.** Board members are not required to obtain the floor before making motions or speaking, which they can do while seated.
- B. **No Limitation on Number of Times a Member May Speak.** There is no limitation on the number of times a Board member 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. **When Vote Without Motion Not Required.** Sometimes, when a matter is perfectly clear to all present and if agreed to by unanimous consent of all Board members present and voting, a vote can be taken without a motion having been introduced. Unless agreed to by unanimous consent, however, all proposed actions of the Board must be approved by vote under the same rules as in other assemblies, except that a vote can be taken initially by a show of hands, which is often a better method.
- E. **Chair; Putting Question to Vote.** The Chair need not rise while putting questions to vote.
- F. **Chair; Speaking During Discussion.** The Chair can speak in discussion without rising or leaving the chair, and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), the Chair usually can make motions and usually votes on all questions.

12. Amendment of Rules of Procedure

These Rules of Procedure may be amended only as follows:

- A. **Rules Eligible for Amendment.** Any Rule may be amended.
- B. **Procedure to Amend.** Any Rule eligible for amendment may be amended only by a majority vote of the Board members present and voting at the next regular meeting following a regular meeting at which notice of the motion to amend is given. Notice of the motion to amend a rule may be made by any Board member. The motion to amend a rule may be made by any Board member. Upon a proper second, the motion shall 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), and 10(A)(3) address statutory or constitutional requirements.
- C. **Limitation on Effect of Amendment.** The Board's approval of a motion to amend 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.

13. Suspension of Rules of Procedure

These Rules of Procedure may be suspended only as follows:

- A. **Rules Eligible for Suspension.** Rules 1, 2, 5, 6, 9(A), 10 (except for Rule 10(A)(3)), 11, and 12 may be suspended.
- B. **Procedure to Suspend, Generally.** Any Rule eligible for suspension may be suspended by a majority plus 1 vote of the Board members present and voting. The motion to suspend a rule may be made by any Board member. 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 matter before the Board.
- C. **Suspension of Rules Pertaining to Motions When Uncertainty as to Status or Effect.** If one or more motions have been made on a matter, 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 Board members present and voting, suspend the rules in Rule 6 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 Board member. Upon a proper second, the motion may be discussed and voted on.

- D. Limitation on Effect of Suspension.** The Board's approval of a motion to suspend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

* * * * *

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

Albemarle County Board of Supervisors

Policies

Adopted January 3, 2018

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

1. Travel Reimbursement

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

- A. Routine Travel Expenses.** Board members 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 for 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 Board member is appointed, from home or work, if a work day, which is not part of routine personal travel.
 - 2. Mileage to Prepare for Matters to be Considered by the Board.** Mileage for travel by personal vehicle or other travel costs to events reasonably necessary to prepare for matters scheduled for consideration on the Board's agenda which is not part of routine personal travel (*i.e.*, site visits, informational meetings).
 - 3. Parades and Other Community Gatherings.** Parades and other community gatherings not advertised as Supervisor's town hall meetings to discuss County business. Travel to use the COB office between other personal travel or meetings, shall not be covered.
- B. Educational Conference Travel Expenses.** Board members may be reimbursed for the following educational conference travel expenses, provided there are available funds:
- 1. Regional, Statewide, 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 Board member represents the County, as approved by the Board; and
 - 2. Legislative or Congressional Hearings.** All necessary, actual and reasonable meal, and travel (including gratuity and excluding alcohol) of attending legislative or congressional hearings relating to official County business.
- C. Matters for Which Board Members will not be Reimbursed.** Board members 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; or
 - 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 and shall itemize the date, number of miles of travel expenses 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 his/her 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 Unexpended 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. Board Members 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 entities. It is important that the Board have confidence that its policies and positions are being reflected in that representation.

- A. Voting Representatives.** The Board members who are appointed to boards, committees, and commissions are required to vote on matters that come before those entities 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.** The Board members who are appointed to boards, committees, and commissions as liaisons are to act as a resource for the board, committee, and/or commission and are to report to the Board on the activities of the board, committee, and/or commission.

3. Boards and Commissions

A. Review and Creation of Boards and Commissions Shall be as Follows:

- 1. Annual Report.** By October 1 of each year, all boards and commissions shall submit a report to the Board to include key activities that support their mission and a summary of their activities and attendance.
- 2. Annual Evaluation.** On an annual basis, the list of active boards and commissions 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 twelve-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 time period may be comprised of magisterial or at-large members at the discretion of the Board. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

B. Appointments to Boards and Commissions Shall be as Follows:

- 1. Appointments, Generally.** All appointments to boards and commissions 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 each day Board meeting, 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.** In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available may be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements, and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.
- 4. 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 postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.

5. **Distribution of Applications.** Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.
6. **Interviews; Appointments Without Interviews.** From the pool of qualified candidates, the Board, at 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 during the next day meeting.
7. **Appointments Within 90 Days.** All efforts will be made to interview selected applicants and make appointments within 90 days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board.
8. **Vacancies Filled as They Occur; Exception.** All vacancies will be filled as they occur, except that vacancies occurring in Community Advisory Councils will be filled on an annual basis at the time regular terms expire unless there are more than three vacancies on any Council at the same time with more than three months remaining from the annual appointment date.
9. **Appointees Required to File Real Estate Disclosure Form.** As a condition of assuming office, all citizen members of boards and commissions shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act and thereafter shall file the form annually on or before January 15.
10. **Termination of Appointment for Excessive Absences.** If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the Chair of the body may request the Board terminate the appointment, if permitted by applicable law, and refill it during the next scheduled advertising period.

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2018057, #2018058, #2018059, and #2018061 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE
FIRE SERVICES AGREEMENT BETWEEN
THE CITY OF CHARLOTTESVILLE
AND ALBEMARLE COUNTY**

WHEREAS, on June 6, 2014, the City of Charlottesville (the “City”) and the County of Albemarle (the “County”) entered into an agreement governing the provision of fire services for both localities (the “Fire Services Agreement”), which remains in full force and effect; and

WHEREAS, Section 3 of the Fire Services Agreement provides that the Agreement shall expire on June 30, 2018, but that the parties may, by mutual written agreement executed at least one (1) year prior to the Termination date, extend the Agreement for one additional five-year term, through June 30, 2023; and

WHEREAS, the Fire Services Agreement has been mutually beneficial to both the City and the County, and the parties desire to extend the Agreement for one additional five-year term, beginning July 1, 2018 and ending June 30, 2023; and

WHEREAS, the City is agreeable to an extension of the Agreement, notwithstanding the extension deadline provided in Section 3.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia that it hereby approves the First Amendment to Fire Services Agreement Between the City of Charlottesville and Albemarle County to authorize the extended Term of the Agreement, and to allow for the Agreement to be extended for one additional five-year term beginning July 1, 2018 and ending June 30, 2023, and authorizes the County Executive to execute the Amendment upon approval as to form and substance by the County Attorney.

* * * * *

**FIRST AMENDMENT TO FIRE SERVICES AGREEMENT
BETWEEN THE CITY OF CHARLOTTESVILLE AND ALBEMARLE COUNTY**

THIS FIRST AMENDMENT to the Fire Services Agreement (“First Amendment”) is made and entered into this 1 day of November, 2017, and executed in duplicate originals by the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation of the Commonwealth of Virginia, and the COUNTY OF ALBEMARLE, a political subdivision of the Commonwealth of Virginia.

WHEREAS, the City and the County entered into a Fire Services Agreement (“Agreement”) between the City of Charlottesville and Albemarle County, dated June 6, 2014, governing the provision of fire services for both localities; and

WHEREAS, Section 7.2 of the 2014 Agreement provides that the parties may amend or supplement the Agreement at any time by mutual written agreement; and

WHEREAS, Section 3 of the Agreement provides for an option to extend the Agreement for an additional term of five years.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. Execution to Extend Agreement

Section 3 (“Term”) of the Agreement is hereby amended to delete the requirement that an agreement to extend the Agreement past the original Termination Date of June 30, 2018, must be executed one year prior to expiration. Any agreement to extend the provision of fire services for one additional five-year term—for which this First Amendment provides herein and satisfies by its execution—is valid if made in writing any time before the Termination Date.

2. Option to Extend Agreement

Section 3 (“Term”) of the Agreement allows that, unless terminated as otherwise provided in the Agreement, “the parties may extend the Agreement for one (1) additional five (5) year term, through June 30, 2023, at which time the Agreement shall terminate.” The parties hereby agree to extend the Agreement for an additional term of five years, expiring June 30, 2023. Any additional agreement for a provision of fire services between the parties after that date must be executed in a separate written agreement.

3. Survival of Terms

Except as expressly amended in this First Amendment, the terms and conditions in the Agreement shall remain in full force and effect. The parties agree and acknowledge that Section 3.2 of the Agreement applies to the extended term created by this First Amendment.

WITNESS the following signatures:

CITY OF CHARLOTTESVILLE

City Manager

Date

Approved as to form:

City Attorney

ALBEMARLE COUNTY, VIRGINIA

County Executive

Date

Approved as to form:

County Attorney
