

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of November 4, 2020</p>		
		November 5, 2020
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:01 p.m., by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, and Travis Morris. 		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda as amended. 		
5. Brief Announcements by Board Members. <u>Liz Palmer:</u> <ul style="list-style-type: none"> Announced that the Cove Garden Ruritans will be having their annual apple butter and Brunswick stew fundraiser on November 7 and 8. <u>Diantha McKeel:</u> <ul style="list-style-type: none"> Reported that Charlottesville and Albemarle County have been named Top Adventure Towns in Blue Ridge Magazine for 2020. <u>Donna Price:</u> <ul style="list-style-type: none"> Thanked the Electoral Board and Election Officials for their handling of the election. 		
6. Proclamations and Recognitions. <ol style="list-style-type: none"> Digital Counties Survey Award. <ul style="list-style-type: none"> Mike Culp received recognition. Veterans Day Resolution. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the resolution. 	(Attachment 1)	
7. 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. <ul style="list-style-type: none"> <u>The following individuals addressed the Board concerning agenda item #9.</u> <ul style="list-style-type: none"> <u>Darrick Harris</u> <u>Terry Bentley</u> <u>Maynard Sipe</u> <u>Waki Wynn</u> <u>Gary Grant</u>, resident of the Rio district, asked Supervisors a series of questions on various issues. <u>Neil Williamson</u>, President of the Free Enterprise Forum spoke on agenda item #10 Rio 29 Form Based Code. 		
8.2 FY 2020 Appropriations. <ul style="list-style-type: none"> ADOPTED Resolution to approve the appropriation #2020078, for local government and school projects and programs. 	Clerk: Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 2)	Link to Video
8.3 Schedule a Public Hearing to Consider Realignment of Galaxie Farm Lane. <ul style="list-style-type: none"> SCHEDULED a future public hearing to consider the approval of the proposed realignment of Galaxie Farm Lane. 	Clerk: Schedule on agenda when and advertise in the Daily Progress.	
8.4 Southwood Community Development Block Grant (CDBG) Certifications. <ul style="list-style-type: none"> Removed from the consent agenda and discussed as part of the regular agenda. 		
8.5 Resolution for Free State Road Abandonment (vacated portion only) from the State Secondary		

	System for Maintenance. (<i>Rio Magisterial District</i>)	
	<ul style="list-style-type: none"> Removed from the agenda. 	
8.6	SE202000005 Avon Park II Development – Special Exception. <ul style="list-style-type: none"> ADOPTED Resolution to approve the special exception request with conditions. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)
8.4	Southwood Community Development Block Grant (CDBG) Certifications. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED and AUTHORIZED the County Executive to execute: <ol style="list-style-type: none"> the Non-Discrimination Policy; the Local Business and Employment Plan; the Fair Housing Certification; the Residential Anti-Displacement and Relocation Assistance Certification; and APPROVED the Section 504 Complaint Procedure. 	<u>County Executive:</u> Proceed as approved. (Attachment 4-8)
9.	HS201900026 Northfield Manor. <ul style="list-style-type: none"> By a vote of 4:2 (Gallaway/Mallek), ADOPTED Resolution to deny the special exception application. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 9)
	Recess. The Board recessed at 2:51 p.m., and reconvened at 3:06 p.m.	
10.	Work Session: Rio29 Form Based Code and Public Spaces. <ul style="list-style-type: none"> HELD. 	
11.	Closed Meeting. <ul style="list-style-type: none"> At 4:04 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (1): <ol style="list-style-type: none"> To discuss and consider the annual performance of the County Executive; and To discuss and consider appointments to the Monticello Area Community Action Agency Board and five County advisory committees. 	
12.	Certify Closed Meeting. <ul style="list-style-type: none"> At 6:01 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
13.	Vacancies and Appointments. <ul style="list-style-type: none"> APPOINTED, Ms. Juliana Arsali to the Monticello Area Community Action Agency (MACAA) Board with said term to expire October 31, 2023. REAPPOINTED, Mr. Lonnie Murray to the Natural Heritage Committee with said term to expire September 30, 2024. APPOINTED, Ms. Leah Jung to the Natural Heritage Committee with said term to expire September 30, 2024. APPOINTED, Mr. Anthony Pagnucco to the Places 29 (North) Community Advisory Committee with said term to expire August 5, 2022. REAPPOINTED, Mr. Audrey Kocher to the Places 29 (Rio) Community Advisory Committee with said term to expire September 30, 2022. APPOINTED, Ms. Margaret Eldridge to the 	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.

	Solid Waste Alternatives Advisory Committee (SWAAC) with said term to expire May 31, 2023.	
14.	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. <ul style="list-style-type: none"> There were none. 	
15.	Action Item: Draft 2021 Thomas Jefferson Planning District (TJPD) Legislative Program. <ul style="list-style-type: none"> By vote of 6:0, APPROVED the 2021 Thomas Jefferson Planning District (TJPD) Legislative Program. 	(Attachment 10)
16.	<u>Pb. Hrg.: FY 2021 Budget Amendment and Appropriations.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution to Approve Additional FY 2021 Appropriations #2021032, #2021033, #2021034, #2021035, #2021036, #2021037, #2021038, and #2021039 for local government and school projects and programs; and Resolution to Appropriate FY 21 On-going Funding of Multi-Year Capital Projects. 	Clerk: Forward copy of signed resolutions to Finance and County Attorney's office. (Attachment 11 and 12)
17.	<u>Pb. Hrg.: Appalachian Power's Request for Easement (Former Keene Landfill).</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution approving the easement and authorizing the County Executive to sign the easement agreement. 	Clerk: Forward copy of signed resolution to FES and County Attorney's office. (Attachment 13) County Attorney: Provide Clerk with fully executed copy of easement. (Attachment 14)
18.	<u>Pb. Hrg.: Ordinance to Amend Section 7, Deadlines, of Ordinance No. 20-A(14), An Ordinance to Ensure Continuity of Government During the COVID-19 Disaster.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Ordinance. 	Clerk: Forward copy of signed ordinance to County Attorney's office. (Attachment 15)
19.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Asked everyone to think cautiously about changes to County operations. 	
20.	From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> There were none 	
21.	Adjourn to November 18, 2020, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A (14). <ul style="list-style-type: none"> The meeting was adjourned at 6:40 p.m. 	

ckb/tom

Attachment 1 – Resolution of Appreciation

Attachment 2 – Resolution to Approve Additional FY 2020 Appropriation

Attachment 3 – Resolution to Approve SE202000005 Avon Park II Development

Attachment 4 – Non-Discrimination Policy

Attachment 5 – Section 3 Business and Employment Plan

Attachment 6 – Fair Housing Certification

Attachment 7 – Residential Anti-Displacement and Relocation Assistance Plan Certification

Attachment 8 – Section 504 Complaint Procedure for Federally Funded Housing and Community Development Programs

Attachment 9 – Resolution to Deny Special Exception Application for HS2019-00026 The Manors LLC

Attachment 10 – Thomas Jefferson Planning (TJPD) 2021 Legislative Program

Attachment 11 – Resolution to Approve Additional FY 2021 Appropriations

Attachment 12 – Resolution to Appropriate FY 21 On-going Funding of Multi-Year Capital Projects

Attachment 13 – Resolution to Approve Granting an Easement to the Appalachian Power Company on Tax Parcel
12900-00-00-002A0
Attachment 14 – Easement Agreement
Attachment 15 – Ordinance No. 20-A(16)

RESOLUTION OF APPRECIATION

WHEREAS, the United States of America, founded on the principles of liberty and justice for all, has called on her men and women in uniform to protect our national security and

WHEREAS, the preservation of our national interests, our rights and our freedom, has been ensured by the service of these individuals; and

WHEREAS, on Veterans Day we remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and defended our values both at home and abroad; and

WHEREAS, over one hundred veterans continue to serve their country in public schools and government as teachers and other professionals providing services to the students and citizens of Albemarle County; and

WHEREAS, these veterans employed by Albemarle County Public Schools and Local Government deserve recognition for their continued service;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby recognizes all veterans and the men and women that are currently serving in our armed forces around the world; and

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors hereby appreciates and honors the continued contributions and sacrifices of the Armed Forces veterans employed by local government and public schools; and

FURTHER RESOLVED, that this Resolution celebrating Veterans Day, be adopted this 4th day of November 2020.

Signed this 4th day of November 2020.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2020 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2020078 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2020.

**RESOLUTION TO APPROVE
SE202000005 AVON PARK II DEVELOPMENT**

NOW BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.5.3 and 18-33.49, the Albemarle County Board of Supervisors hereby approves SE202000005 Avon Park II Development to vary the Application Plan approved in conjunction with ZMA201400006 Avon Park II for the mix of unit types, setbacks, road alignment, and stormwater management, subject to the conditions attached hereto.

* * *

SE202000005 Avon Park II Development Conditions

1. All variations shall be as depicted on the Initial Site Plan and Subdivision Plat for the Avon Park II Development prepared by Collins Engineering and last revised on October 5, 2020.
2. The applicant shall provide landscape screening in accordance with County Code § 18-32.7.9.7, or landscaping as approved by the agent, in the open space/landscaping easement areas as shown on the depiction entitled "Intensified landscaping area for screening created by the Community Development Department on 10-13-20."

NON-DISCRIMINATION POLICY

The **County of Albemarle** or any employee thereof will not discriminate in employment, housing or accommodations because of race, color, religion, national origin, sex or gender, age, familial status, source of income, veteran status, disability, sexual orientation, or gender identity. Administrative and personnel officials will take affirmative action to ensure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

Duly adopted at the regular meeting of the **Albemarle County Board of Supervisors** on November 4, 2020.

SECTION 3 BUSINESS AND EMPLOYMENT PLAN

1. The County of Albemarle designates as its Section 3 Business and Employment Project Area the County of Albemarle.
2. The County of Albemarle, its contractors, and designated third parties shall in utilizing Community Development Block Grant (CDBG) funds utilize businesses and lower income residents of the County in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for construction, non-construction, materials, and supplies the County of Albemarle, its contractors, and designated third parties shall take the following steps to utilize businesses that are located in or owned in substantial part by persons residing in the County:
 - a. The County of Albemarle shall identify the contracts required to conduct the CDBG activities.
 - b. The County of Albemarle shall identify through various and appropriate sources including:

The Daily Progress

the business concerns within the County which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG program.

- c. The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes or proposals for work, or procurement contracts that utilize CDBG funds.
 - d. To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities that are funded with CDBG funds.
4. The County of Albemarle, its contractors, and its subcontractors shall take the following steps to encourage the hiring of lower income persons residing in the County:
 - a. The County of Albemarle in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees that are likely to be used to conduct CDBG activities.
 - b. The County of Albemarle shall advertise through the following sources:

The Daily Progress

the availability of such positions with the information on how to apply.

- c. The County of Albemarle, its contractors, and its subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements and shall maintain a record of the status of such inquiries and applications.
 - d. To the greatest extent feasible, the County of Albemarle, its contractors, and its subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by the Community Development Block Grant (CDBG).
5. In order to document compliance with the above affirmative actions and Section 3 of the *Housing and Community Development Act of 1974*, as amended, the County of Albemarle shall keep, and obtain from its contractors and subcontractors, *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

Duly adopted at the regular meeting of the Albemarle County Board of Supervisors on November 4, 2020.

FAIR HOUSING CERTIFICATION

Compliance with Title VIII of the Civil Rights Act of 1968

WHEREAS, the **County of Albemarle** has been offered and intends to accept federal funds authorized under the *Housing and Community Development Act of 1974*, as amended, and;

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing;

THEREFORE, the **County of Albemarle** agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its projected funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN CERTIFICATION

The **County of Albemarle** will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling units as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the **County of Albemarle** will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

The **County of Albemarle** will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104(d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

The **County of Albemarle's** FY21 project includes the following activities:

The construction of 20 affordable homes and associated infrastructure (road, water and sewer lines). The homes will be available for purchase by low/ moderate-income households.

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. The **County of Albemarle** will work with the grant management staff, engineers, project area residents, and the Department of Housing and Urban Development to ensure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

SECTION 504 COMPLAINT PROCEDURE FOR FEDERALLY FUNDED HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS

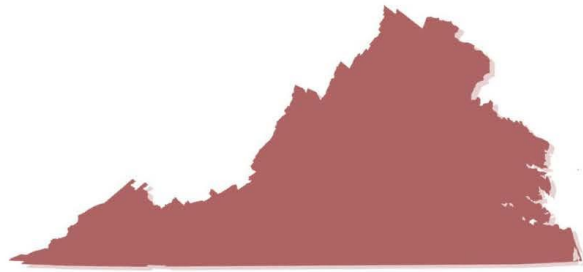
The County of Albemarle has adopted the following complaint procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) 24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints regarding alleged discrimination in the implementation of Community Development Block Grant funded programs should be addressed to: Director of Community Development, 401 McIntire Road, Charlottesville, VA 22902, who shall assist the designated Section 504 Coordinator with Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally containing the name and address of the person filing it and briefly describing the alleged violation of the regulations.
2. A complaint should be filed within **fifteen (15) days** after the complainant becomes aware of the alleged violation. Alleged violations occurring prior to the adoption of this complaint procedure will be handled on a case-by-case basis.
3. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation will be conducted by the Section 504 Coordinator or his/her designee in a manner that is informal but thorough allowing opportunities for all parties to submit evidence relative to the complaint.
4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the Section 504 Coordinator and/or the Director of Community Development and a copy forwarded to the complainant no later than **forty-five (45) days** after its filing.
5. The Section 504 Coordinator shall maintain the files and records of the County of Albemarle related to the complaints filed.
6. The complainant can request reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within **ten (10) days** and addressed to County Executive, 401 McIntire Road, Charlottesville, VA 22902.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of a Section 504 complaint with HUD. Utilization of this complaint procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the County of Albemarle complies with Section 504 and HUD regulations.

**RESOLUTION TO DENY SPECIAL EXCEPTION APPLICATION
FOR HS2019-00026 THE MANORS LLC**

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.49, the Albemarle County Board of Supervisors hereby denies the special exception application to modify the number of guest rooms permitted in a homestay from two to five for HS2019-00026 The Manors LLC.



Thomas Jefferson Planning District
2021 LEGISLATIVE PROGRAM

Albemarle County | City of Charlottesville
Fluvanna County | Greene County
Louisa County | Nelson County

DRAFT
October 2020

Dale Herring, Chair
Chip Boyles, Executive Director
David Blount, Director of Legislative Services

TOP LEGISLATIVE PRIORITIES

Support for Recovering Communities

PRIORITY: The Planning District's member localities support action at the federal, state and local levels to protect local communities and to ensure their viability in the face of the COVID-19 health emergency.

The ongoing public health emergency has Virginia communities facing new challenges to their post-COVID local economies and the ability to restore and strengthen them. Coupled with worries about stalling national and state economies, localities are bracing for revenue collections that may fall millions of dollars short of expectations. Small businesses face a long and difficult recovery. Action, investment and creative solutions are needed, at the federal, state and local levels, to protect these local communities and to ensure their viability.

We believe retention of current businesses is crucial. Small businesses, which have accounted for two-thirds of net new jobs since the Great Recession, need support systems that link them to resources to aid them in the next 18 to 24 months. Local governments also need flexibility to work with local businesses to develop and implement strategies necessary to implement public health standards and combat the coronavirus. Making expenditures now to support local economic development would also deliver a healthier and more stable tax base in the months ahead.

While needs are many and varied, support in the following additional areas should be realized as we continue to navigate the pandemic: 1) Funding for public health emergency needs and functions; 2) tools and supplies necessary to maintain safe and effective education services – in person or virtually; 3) additional dollars for local and regional governments to keep public buildings and facilities both safe and cleanly; and 4) federal legislation that provides financial assistance to local governments and that allows local governing bodies to replace lost local revenues with the additional federal money until the economic recovery takes hold.

Budgets and Funding

PRIORITY: The Planning District's member localities urge the governor and legislature to enhance state aid to localities and public schools, to not impose mandates on or shift costs to localities, and to enhance local revenue options.

As the State develops revenue and spending priorities during the ongoing pandemic, we encourage support for K-12 education, health and safety, economic development and other public goals. Localities continue to be the state's "go-to" service provider and we believe state investment in local service delivery must be enhanced. Especially in these critical times, the State should not expect local governments to pay for new funding requirements or to expand existing ones on locally-delivered services, without a commensurate increase in state financial assistance.

The State should fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities. We believe localities need an adequately-defined SOQ so that state funding better aligns with what school divisions are actually providing in their schools. This could include recognizing additional instructional positions and increasing state-funded staffing ratios.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver required services or those demanded by residents.

We believe a changed business landscape will necessitate a review of revenue sources to localities, along with new ideas and actions to broaden and diversify local revenue streams. Any tax reform efforts also should examine the financing and delivering of state services at the local level. Accordingly, we support the legislature 1) making additional revenue options available to localities in order to diversify the local revenue stream; and 2) further strengthening for counties, those revenue authorities that were enhanced during the 2020 legislative session. The State also should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sales and Use Tax Trust Fund dollars and the local share of recordation taxes.

Broadband

PRIORITY: The Planning District localities urge and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas.

Access to broadband, or high-speed internet, is essential in the 21st century for economic growth, equity in access to public education and health services, community growth, and remote work. Localities understand the importance of robust broadband for economic viability; the COVID-19 pandemic has further stressed the need for broadband for homes and businesses, and to address K-12 education and telemedicine access without delay. Approaches that utilize both fiber and wireless technologies, public/private partnerships and regulated markets that provide a choice of service providers and competitive prices should be utilized. Accordingly, we support the ability of localities to establish, operate and maintain sustainable broadband authorities to provide essential broadband to communities.

We believe state and federal support for broadband expansion should include the following:

- Additional state general fund dollars for localities/private sector providers to help extend service to areas presently unserved by any broadband provider. We appreciate state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI) in recent years, but believe additional, significant increases in investment are critical.
- A statewide comprehensive plan for broadband and state support for local governments that are developing or implementing local or regional broadband plans.
- Provisions and incentives that would provide a sales tax exemption for materials used to construct broadband infrastructure.
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
- Maintaining local land use, permitting, fee and other local authorities.
- Consideration of proposals that would subject broadband to stricter and more developed regulation as a public utility.

LEGISLATIVE POSITIONS

Children's Services Act

The Planning District's member localities urge the State to be partners in containing Children's Services Act (CSA) costs and to better balance CSA responsibilities between the State and local governments. Accordingly, we take the following positions:

- We support local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; additionally, we support rate setting by the state for private day placements.
- We support the state maintaining cost shares on a sum sufficient basis by both the State and local governments; changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.
- We support enhanced state funding for local CSA administrative costs.
- We support a cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children.
- We support the State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.
- We oppose state efforts to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. Policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources is crucial. Accordingly, we support the following:

- Enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands.
- Continuing emphasis on regional cooperation in economic, workforce and tourism development.
- Continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region.
- State job investment and small business grants being targeted to businesses that pay higher wages.
- Increased state funding for regional planning district commissions.

Education

The Planning District's member localities believe that, in addition to funding the Standards of Quality (as previously noted), the State should be a reliable funding partner with

localities by recognizing other resources necessary for a high-quality public education system. Accordingly, we take the following positions:

- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.
- Concerning school facilities, we urge state financial assistance with school construction and renovation needs, and that the State discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.

Environmental Quality

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts. Accordingly, we take the following positions:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to provide legal, financial and technical support to localities that wish to improve water quality and use other strategies that address point and non-point source pollution.
- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality.
- We support legislative and regulatory action to ensure effective operation and maintenance of alternative on-site sewage systems and to increase options for localities to secure owner abatement or correction of system deficiencies.
- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.
- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include investing in regional projects.
- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.
- As the move to non-carbon sources of energy continues, we support the creation of stronger markets for distributed solar and authority for local governments to install small solar facilities on government-owned property and use the electricity for schools or other government-owned buildings located nearby.

General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to carry out their responsibilities. Accordingly, we take the following positions:

- We oppose legislation that would single out internet-based businesses and services for special treatment or exceptions. Rather, the State should support local authority concerning collection and auditing of taxes, licensing and regulation.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; procedures for adopting ordinances; and procedures for conducting public meetings.
- The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers.
- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State.
- We urge state funding to address shortfalls in elections administration dollars, as elections administration has become more complex and federal and state financial support for elections has been decreasing. Specifically, we request that the State adequately fund costs associated with early voting requirements.
- We request that any changes to FOIA preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning creation of customized records.
- Local and regional public bodies should be allowed to conduct electronic meetings as now permitted for state public bodies, and to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We support expanding local authority to regulate smoking in public places.
- We support enhanced state funding for local and regional libraries.

Health and Human Services

The Planning District's member localities recognize that special attention must be given to helping the disabled, the poor, the young and the elderly achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. Accordingly, we take the following positions:

- We support full state funding for the local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care.
- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Housing

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State, regions and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate-income households. Accordingly, we take the following positions:

- We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; 3) the provision of other funding to encourage affordable housing initiatives; and 4) measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

Land Use and Growth Management

The Planning District's member localities encourage the State to resist preempting or circumventing existing land use authorities, and to support local authority to plan and regulate land use. Accordingly, we take the following positions:

- We support the State providing additional tools to plan and manage growth, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life.
- We support broader impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.
- We support changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.
- We oppose legislation that would 1) restrict local oversight of the placement of various telecommunications infrastructure, and 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations.
- We request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space and support greater flexibility for localities in the preservation and management of trees.

Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally. Accordingly, we take the following positions:

- The Compensation Board should fully fund local positions that fall under its purview. It should not increase the local share of funding for Constitutional offices or divert money away from them, but increase dollars needed for their operation.

- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- We support Virginia's transition to Next Generation 911 (NG 911) in a way that does not unfairly burden localities.
- We support funding for mental health and substance abuse services at juvenile and adult detention facilities.
- We encourage consideration of programs that supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment, and state funding for alternative transportation options for such individuals.
- Jail per diem funding should be increased to levels that better represent the costs of housing inmates, and be regularly adjusted for inflation. The State should not shift costs to localities by altering the definition of state-responsible prisoner.
- We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities. The State should provide financial support for localities using such camera systems.

Transportation

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges and for keeping pace with growing public needs and expectations. In the face of revenues failing to meet projections, we encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

- As the State continues to implement the "Smart Scale" prioritization and the funds distribution process, there should be state adequate funding, and local authority to generate transportation dollars for important local and regional projects across modes.
- We support additional authority to establish mechanisms for funding transit in our region.
- We support the Virginia Department of Transportation utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.
- We oppose attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.
- We support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

Water Quality

The Planning District's member localities support the goal of improved water quality, but as we face ongoing costs for remedies, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies are to be effective. Accordingly, we support the following:

- Aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- Dollars being targeted for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas and to aid farmers with best management practices through the cost share program.

- Increased and ongoing investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements.
- We also request that any stormwater requirements be balanced, flexible and not require waiver of stormwater charges, and that adequate funding and training be available for the State and local governments to meet ongoing costs associated with local stormwater programs.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2021 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 21 Budget is amended to decrease it by (\$789,709.79);
- 2) That Appropriations #2021032; #2021033; #2021034; #2021035; #2021036; #2021037; #2021038; and #2021039 are approved; and
- 3) That the appropriations referenced in Paragraph #2, 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, 2021.

Resolution to Appropriate FY 21 On-going Funding of Multi-Year Capital Projects

For the Fiscal Year Ending June 30, 2021
Appropriation # 2021035

Whereas, capital and special revenue projects that are not completed within one fiscal year necessitate the budgeting and appropriation of the remaining balance of project funds from one fiscal year to the succeeding fiscal year; and

Whereas, on July 1, 2020, the total amount of estimated June 30, 2020 end-of-year capital project balances and special revenue project balances was \$78,597,722.30; and

Whereas, this amount is reconciled after the year end close out, and the net reconciled amount totals \$70,944,231.40.

Therefore, this appropriation request is to reduce the carry forward amount by \$7,653,490.90, set forth as follows:

Total School Division Capital Improvement Fund:School Division Capital Improvement Fund Appropriations

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Charlottesville-Albemarle Technical Education Center (CATEC) Contingency	\$144,700.00	\$0.00	\$144,700.00
Crozet Elementary Addition Design	\$1,091,966.58	(\$182,208.40)	\$909,758.18
High School Capacity & Improvement Modernization	\$75,693.07	\$0.00	\$75,693.07
High School Capacity Improvements - Center #2	\$1,953,767.00	\$0.00	\$1,953,767.00
Learning Space Modernization	\$482,154.37	(\$19,508.37)	\$462,646.00
Red Hill Elementary Phase 2: Additions & Improvements	\$5,868,144.51	(\$12,809.88)	\$5,855,334.63
School Bus Replacement Program	\$1,565,555.54	(\$433,526.00)	\$1,132,029.54
School Maintenance/Replacement Program	\$8,183,736.11	(\$2,578,306.36)	\$5,605,429.75
School Security Improvements Program	\$4,395.00	(\$4,395.00)	\$0.00
School Technology Program	\$2,089,539.37	(\$684,936.13)	\$1,404,603.24
Scottsville Elementary School Addition & Improvements	\$10,613,575.52	(\$897,522.87)	\$9,716,052.65
State Technology Grant	\$686,902.56	(\$686,902.56)	\$0.00
Western Albemarle High School Environmental Studies Academy Phase 2	\$897,863.63	(\$172,421.73)	\$725,441.90
Total	\$33,657,993.26	(\$5,672,537.30)	\$27,985,455.96

School Division Capital Improvement Fund Sources

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Use of Fund Balance	(\$41,088,552.74)	\$20,185,847.70	(\$20,902,705.04)
Transfer from General Government Capital Fund	\$74,746,546.00	(\$25,858,385.00)	\$48,888,161.00
Total	\$33,657,993.26	(\$5,672,537.30)	\$27,985,455.96

Resolution to Appropriate FY 21 On-going Funding of Multi-Year Capital Projects

Total General Government Capital Improvement Fund:

General Government Capital Improvement Fund Appropriations

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Acquisition of Conservation Easements (ACE) Program	\$313,950.00	\$0.00	\$313,950.00
Advancing Strategic Priorities	\$3,566,299.00	(\$10,000.00)	\$3,556,299.00
Berkmar Bike/Pedestrian Improvements	\$2,890,026.00	\$0.00	\$2,890,026.00
Biscuit Run Park	\$340,778.50	\$0.00	\$340,778.50
City-County Owned Facilities Maintenance/Replacement	\$689,302.12	(\$59,018.38)	\$630,283.74
City-County Owned Parks Maintenance/Replacement	\$138,393.51	\$0.00	\$138,393.51
County Office Building McIntire Windows Replacement	\$2,887.30	(\$2,887.30)	\$0.00
Cost of Issuance	\$1,993,800.80	(\$837,982.03)	\$1,155,818.77
County Owned Parks Maintenance/Replacement	\$879,615.64	\$0.00	\$879,615.64
County Server Infrastructure Upgrade	\$296,783.47	(\$161,842.59)	\$134,940.88
County-Owned Facilities Maintenance/Replacement	\$1,173,745.00	\$0.00	\$1,173,745.00
Court Facilities Addition/Renovation	\$5,330,405.99	\$0.00	\$5,330,405.99
Eastern Avenue Bridge Preliminary Study	\$272,736.88	(\$56,328.79)	\$216,408.09
Emergency Communications Center (ECC) Integrated Public Safety Technology Project CAD	\$411,844.95	(\$180,763.36)	\$231,081.59
ECC Regional 800 MHz Communication System	\$6,809,520.99	(\$25,720.08)	\$6,783,800.91
Fire Rescue Apparatus Replacement Program	\$3,902,329.02	(\$1,339.73)	\$3,900,989.29
Fire Rescue Burn Building Training Center	\$6,771.00	(\$0.49)	\$6,770.51
Fire Rescue Mobile Data Computers Replacement	\$119,626.16	(\$1,536.93)	\$118,089.23
Fire Rescue Station Alerting System Replacement	\$610,733.64	(\$399,217.97)	\$211,515.67
Geographic Information Systems (GIS) Project	\$118,081.69	\$0.00	\$118,081.69
Ivy Recycling Convenience Center	\$350,000.00	(\$52,947.72)	\$297,052.28
Keene Landfill	\$10,000.00	\$0.00	\$10,000.00
Neighborhood Improvements Funding Initiative (NIFI) - Albemarle-Jouett-Greer	\$577,927.24	\$0.00	\$577,927.24
NIFI - Mountain View Elementary School	\$451,808.47	(\$2,499.00)	\$449,309.47
NIFI – Greenbrier	\$161,395.83	(\$430.00)	\$160,965.83
NIFI - Rivanna Greenway Stabilization	\$26,587.42	(\$183.09)	\$26,404.33
NIFI - The Square	\$1,431,184.67	(\$26,217.28)	\$1,404,967.39
NIFI Contingency Fund	\$159,507.71	(\$685.88)	\$158,821.83
Office of Voter Registration Relocation	\$19,275.00	(\$19,275.00)	\$0.00
Pantops Public Safety Station	\$202,159.02	(\$2,745.02)	\$199,414.00
Parks Restroom Renovation/Modernization	\$17,169.89	\$5,800.11	\$22,970.00
Pilot Fundraising Parks Project	\$11,311.03	\$0.00	\$11,311.03
Police County 800Mhz Radio Replacements	\$23,351.48	\$0.00	\$23,351.48

Police Evidence Processing and Specialty Vehicle Storage	\$41,236.00	(\$626.00)	\$40,610.00
Police Mobile Data Computers Replacement	\$82,089.25	\$0.00	\$82,089.25
Police Patrol Video Cameras Replacement	\$78,595.00	\$0.00	\$78,595.00
Sidewalk Program Contingency	\$126,083.89	(\$16.20)	\$126,067.69
Sidewalk, Commonwealth & Dominion Drive	\$3,221,777.62	(\$1,199.20)	\$3,220,578.42
Sidewalk, Ivy Road (US Route 250 West)	\$1,722,998.63	\$0.00	\$1,722,998.63
Sidewalk, Rio Rd. Avon St. Rt 250	\$3,002,704.82	(\$111,405.25)	\$2,891,299.57

Resolution to Appropriate FY 21 On-going Funding of Multi-Year Capital Projects

General Government Capital Improvement Fund Appropriations (continued)

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Time and Attendance System	\$180,485.77	(\$8,210.00)	\$172,275.77
Transfer to School Capital Improvements Program (CIP) - Borrowed Proceeds	\$74,746,546.00	(\$25,858,385.00)	\$48,888,161.00
Transfer to Water Resources CIP-Borrowed Proceeds	\$425,296.00	(\$425,296.00)	\$0.00
Transportation Revenue Leveraging Program	\$2,600,132.00	\$0.00	\$2,600,132.00
Volunteer Facilities Maintenance Program Pilot	\$253,336.00	\$0.00	\$253,336.00
Total	\$119,790,590.40	(\$28,240,958.18)	\$91,549,632.22

General Government Capital Improvement Fund Sources

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Use of Fund Balance	\$119,790,590.40	(\$96,499,261.25)	\$23,291,329.15
Revenue from Other Local Sources	\$0.00	\$801,566.49	\$801,566.49
Borrowed Proceeds	\$0.00	\$58,946,757.00	\$58,946,757.00
Revenue from the Commonwealth	\$0.00	\$7,409,882.43	\$7,409,882.43
Revenue from the Federal Government	\$0.00	\$613,087.82	\$613,087.82
Transfer from Tourism Fund	\$0.00	\$250,000.00	\$250,000.00
Transfer from Proffer Funds	\$0.00	\$237,009.33	\$237,009.33
Total	\$119,790,590.40	(\$28,240,958.18)	\$91,549,632.22

Total Water Resources Capital Improvement Fund:

Water Resources Capital Improvement Fund Appropriations

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Drainage Infrastructure Maintenance/Repair Program	\$43,439.19	(\$10,615.00)	\$32,824.19
Water Quality NON-Mandated TMDL Program	\$53,182.56	(\$13,061.42)	\$40,121.14
Total	\$96,621.75	(\$23,676.42)	\$72,945.33

Water Resources Capital Improvement Fund Sources

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Use of Fund Balance	(\$328,674.25)	\$30,006.58	(\$298,667.67)
Revenue from the Commonwealth	\$0.00	\$371,613.00	\$371,613.00
Transfer from General Government Capital Fund	\$425,296.00	(\$425,296.00)	\$0.00
Total	\$96,621.75	(\$23,676.42)	\$72,945.33

Resolution to Appropriate FY 21 On-going Funding of Multi-Year Capital Projects

Total Special Revenue Funds:

Proffer Fund Appropriations

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Avinity Proffer Fund	\$0.00	\$122,413.00	\$122,413.00
Avon Park Proffer Fund	\$0.00	\$64,596.33	\$64,596.33
Willow Glen Proffer Fund	\$0.00	\$50,000.00	\$50,000.00
Total	\$0.00	\$237,009.33	\$237,009.33

Proffer Fund Sources

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Use of Fund Balance	\$0.00	\$237,009.33	\$237,009.33

Tourism Fund Appropriations

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Tourism Fund Transfer to General Government Capital Improvement fund	\$0.00	\$250,000.00	\$250,000.00

Tourism Fund Sources

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Use of Fund Balance	\$0.00	\$250,000.00	\$250,000.00

Total Belvedere Bond Default Project Fund:

Belvedere Bond Default Project Fund Appropriations

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Belvedere Bond Default Project	\$221,248.00	\$0.00	\$221,248.00

Belvedere Bond Default Project Fund Sources

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Use of Fund Balance	\$221,248.00	\$0.00	\$221,248.00

Resolution to Appropriate FY 21 On-going Funding of Multi-Year Capital Projects

Total Stillhouse Bond Default Project Fund:

Stillhouse Bond Default Project Fund Appropriations

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Stillhouse Ridge Default Bond Project	\$3,110.89	\$0.00	\$3,110.89

Stillhouse Bond Default Project Fund Sources

	Budget Carried Forward on 7/1/20	Proposed 11/4/2020 Budget Adjustment	Proposed Net FY 21 Carry forward Budget
Use of Fund Balance	\$3,110.89	\$0.00	\$3,110.89

TOTAL PROPOSED 11/4/20 ADJUSTMENT, LESS INTER-FUND TRANSFERS (\$7,653,490.90)

Whereas, approval of an estimated remaining balance amount at the beginning of the fiscal year facilitates the payment of outstanding bills and ensures continuity of ongoing projects; and

Whereas, a properly advertised public hearing was held on November 4, 2020 on the proposed amendment to the FY 21 Budget and all citizens who asked to speak were heard.

Now, therefore, be it resolved that the Albemarle County Board of Supervisors:

1. Does hereby budget and appropriate the balance of \$70,944,231.40 for capital and special revenue project balances, as set forth above; and
2. Does hereby authorize the County Executive to adjust this amount, if necessary, to accurately reflect the actual encumbered amounts and actual unencumbered capital and special revenue project amounts at the end of FY 20; and
3. Does hereby authorize the County Executive to allocate funding from the below identified classifications to appropriate capital projects line-items for expenditures:
 - A. Sidewalk Program Contingency
 - B. NIFI (Neighborhood Improvements Funding Initiative) Contingency
 - C. Transportation Leveraging Program; and
4. Does hereby authorize the County Executive to close out a Capital project and transfer any unencumbered residual funds to the Capital Improvement Fund fund balance.

This resolution shall become effective on November 4, 2020.

**RESOLUTION TO APPROVE GRANTING AN EASEMENT TO THE
APPALACHIAN POWER COMPANY ON TAX PARCEL 12900-00-00-002A0**

WHEREAS, the Board of Supervisors finds it is in the best interest of the County to approve granting an easement to the Appalachian Power Company on a portion of Tax Parcel 12900-00-00-002A0, the former Keene Landfill property, for the purpose of providing electrical service to an adjoining property, Tax Parcel 12100-00-00-05800.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle, Virginia, hereby approves granting an easement to the Appalachian Power Company on a portion of Tax Parcel 12900-00-00-002A0 for the purpose of providing electrical service to Tax Parcel 12100-00-00-05800, and authorizes the County Executive to execute a plat and any related documents on behalf of the County after such documents are approved as to substance and form by the County Attorney.

TAX ID or PARCEL NO. 12900-00-00-02A0
COUNTY of ALBEMARLE Eas. No. _____ R/W Map No. 3879767B
Charlottesville VA W.O. No. W003278001 Job No. 20310123 Prop No. 1
 Line JOHN WATKINS EXTENSION

THIS AGREEMENT, made this 10th day of AUGUST, 2020,
 by and between COUNTY OF ALBEMARLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia
 herein called "Grantor", and APPALACHIAN POWER COMPANY, a Virginia corporation, herein called
 "Appalachian",

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), or other good and valuable consideration from Appalachian, the receipt and sufficiency of which hereby acknowledged, Grantors hereby grant, convey, and warrant to Appalachian, its successors, assigns, lessees and tenants, a right of way and easement for an electric power line or lines, and Appalachian's communication lines, in, on, along, through, over, and across the following described lands of the Grantor situated in Scottsville District, County of Albemarle, State of Virginia.

Being a right of way and easement on the property of the Grantors identified as Albemarle County, Tax Parcel No. 12900-00-00-02A0 herein after referred to as "premises."

This right of way and easement to be 15 feet in width, lying 7.5 feet on each side of centerline as installed and shown shaded on that certain APPALACHIAN POWER COMPANY drawing dated 8/10/2020 attached hereto and made apart herefo as EXHIBIT "A".

TOGETHER with the right, privilege and authority to Appalachian, its successors, assigns, lessees and tenants, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the number of, and relocate, underground conduits, ducts, vaults, cables, wires, transformers, pedestals, risers, pads, fixtures, and appurtenances (hereinafter called "Appalachian's Facilities"), in, on, along, across, though, or under the above referred to premises. The right to disturb the surface of said premises and to excavate thereon, and to cut, trim, remove and/or otherwise control, at Grantee's option (without any liability to Grantor), any trees, limbs or branches, brush, shrubs, undergrowth, of whatever size, or other obstructions that in Grantee's reasonable judgment endanger or interfere with the safety or use of its facilities, both within and adjoining the right of way and easement; the right of ingress and egress to and over said above referred to premises, and any of the adjoining lands of the Grantors at any and all times, for the purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith. Within the Easement, Grantor shall not: place any buildings, structures, piles of debris, change the level of the ground by excavation or mounding.

It is understood and agreed between the parties hereto, that the Grantor reserves the right to use said lands in any way not inconsistent with the rights herein granted.

TO HAVE AND TO HOLD the same unto Appalachian Power Company, its successors, assigns lessees and tenants.

It is agreed that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions.

THIS INSTRUMENT PREPARED BY AND UPON RECORDATION RETURN TO
 APPALACHIAN POWER COMPANY, PO BOX 2021, ROANOKE, VIRGINIA 24022

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereto affixed the day and year first above written.

COUNTY OF ALBEMARLE ,VIRGINIA

By: _____
Jeffery B. Richardson, County Executive,

STATE OF VIRGINIA)
COUNTY OF _____) To-wit:

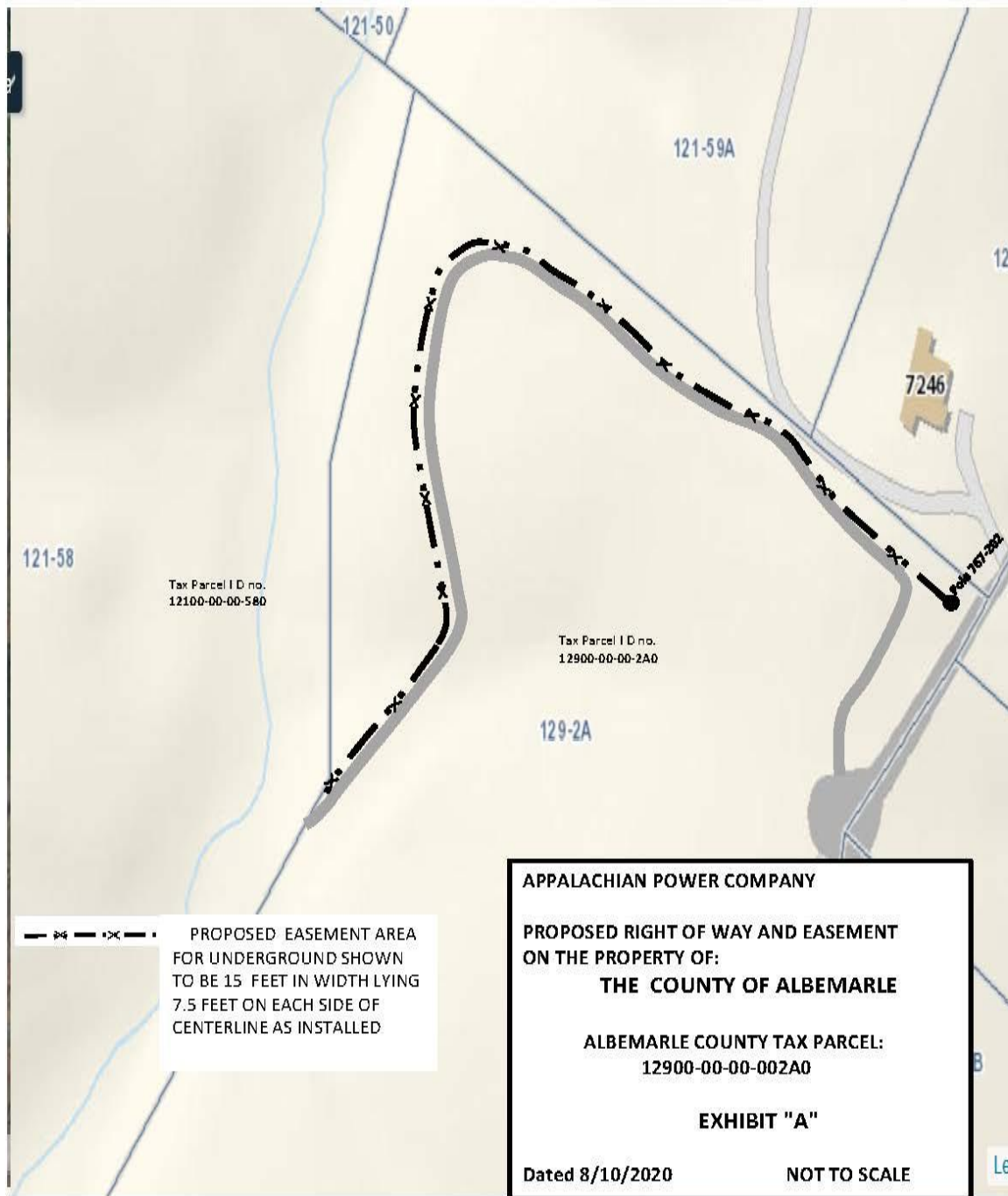
The foregoing instrument was acknowledged before me this _____ day of _____, 20 _____, by Jeffery B. Richardson, County Executive on behalf of the COUNTY of ALBEMARLE,VIRGINIA, a political subdivision of the Commonwealth of Virginia

.

Notary Public/Commissioner

My Commission expires:

_____ Notary Registration # - _____
(For Va. Only)



ORDINANCE NO. 20-A(16)

AN ORDINANCE TO AMEND SECTION 7, DEADLINES, OF ORDINANCE NO. 20-A(14), AN ORDINANCE TO ENSURE THE CONTINUITY OF GOVERNMENT DURING THE COVID-19 DISASTER

WHEREAS, on March 11, 2020, the World Health Organization declared the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, a pandemic (for reference in this ordinance, this virus and the disease that it causes are referred to as “COVID-19”); and

WHEREAS, on March 12, 2020, the County Executive, acting as the Director of Emergency Management, declared a local emergency because of the COVID-19 pandemic pursuant to his authority under Virginia Code § 44-146.21, and this declaration was confirmed by the Board of Supervisors on March 17, 2020; and

WHEREAS, also on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One (“EO” and “51”) declaring a state of emergency for the Commonwealth of Virginia because of the COVID-19 pandemic; and

WHEREAS, EO 51 acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a “disaster” as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, EO 51 ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to the spread of COVID-19; and

WHEREAS, on March 17, 2020, Governor Ralph S. Northam and the Virginia State Health Commissioner issued an Order of the Governor and State Health Commissioner Declaration of Public Health Emergency (amended on March 20, 2020) limiting the number of patrons in restaurants, fitness centers, and theaters to no more than 10 per establishment; and

WHEREAS, on March 18, 2020, the Board of Supervisors consented to the County Executive, acting as the Director of Emergency Management, issuing an amended declaration of local emergency to refer to the COVID-19 pandemic as not only an emergency, but also as a “disaster,” as the Governor had included in Executive Order Fifty-One, and the County Executive issued the amended declaration on March 20, 2020; and

WHEREAS, on March 20, 2020, the Attorney General for the Commonwealth of Virginia issued an opinion in which he concluded that the COVID-19 pandemic, which the Governor declared is a “disaster” as defined in Virginia Code § 44-146.16, is also a “disaster” as that term is used in Virginia Code § 15.2-1413; and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to “assure continuity in its government” in the event of a disaster for a period not to exceed six months after the disaster; and

WHEREAS, COVID-19 spreads person to person and, at this time, it appears that COVID-19 is spread primarily through respiratory droplets, which can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs; spread is more likely when people are in close contact with one another (within about six feet); and

WHEREAS, COVID-19 is extremely easy to transmit, can be transmitted by infected people who show no symptoms, and the population has not developed herd immunity; and

WHEREAS, the COVID-19 disaster continues; and

WHEREAS, the Board of Supervisors finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code § 44-146.16 and within the meaning of Virginia Code § 15.2-1413; and

WHEREAS, the General Assembly recognizes the extreme public danger created by contagious diseases such as COVID-19 by enabling counties, through the exercise of their police powers expressly granted in Virginia Code § 15.2-1200, to “adopt necessary regulations to prevent the spread of contagious diseases among persons” and to adopt “quarantine regulations” affecting persons; and

WHEREAS, Virginia § 15.2-1413 authorizes the County, by ordinance adopted by the Board of Supervisors, to “provide a method to assure continuity in its government” in the event of a disaster such as the COVID-19 disaster, and that this authority is granted “[n]otwithstanding any contrary provision of law, general or special”; and

WHEREAS, the Board has tailored this ordinance to “assure continuity in [the County’s] government” during the COVID-19 disaster by attempting to vary from existing State law and County Code procedures and requirements to the minimum extent necessary, recognizing the danger to public health and safety posed by public bodies physically assembling to conduct public meetings, and the difficulty in adhering to all of the procedures and deadlines imposed on the County and its public bodies by State law and the County Code, which are routine during normal governmental operations but some of which may be impossible to completely and timely satisfy during the disaster because most County staff are working remotely and, at various stages of the COVID-19 disaster, significant staff resources were and continue to be dedicated to redesigning County government to address the unique issues arising daily during the disaster while continuing County operations and fulfilling its purposes, duties, and responsibilities; and

WHEREAS, the Board has identified in Section 4 of this ordinance the functions of County government that it deems to be essential in order for it to continue during the COVID-19 disaster and, in doing so, observes that State and local government is complex, and the powers, duties, and obligations imposed on localities by the State to promote the public health, safety and welfare of their residents are numerous and varied and must continue without interruption, and that they extend well beyond merely those functions related to survival during a disaster; and

WHEREAS, this ordinance is solely in response to the disaster caused by the COVID-19 pandemic, promotes and protects the public health, safety, and welfare of the residents of the County, the City of Charlottesville, and the Commonwealth of Virginia, and is consistent with the laws of the Commonwealth of Virginia, the Constitution of Virginia, and the Constitution of the United States of America.

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

Sec. 1. Purpose

The purpose of this ordinance is to ensure the continuity of the government of the County of Albemarle, Virginia, during the COVID-19 disaster, which is currently a pandemic, by identifying the many essential governmental functions that must continue and establishing regulations to ensure these functions continue by providing for: (1) the succession of elected officials and appointed officers; (2) meeting procedures that allow the County’s public bodies, whose members are elected or appointed, to meet and conduct business in a manner that is safe for the members of the public bodies, staff, and the public, and allow the public to participate in these meetings to the fullest extent practicable given the current circumstances; (3) provide alternative deadlines for certain matters that are different than those provided by State law or the County Code when it is impractical or dangerous to safely meet those deadlines because of the COVID-19 disaster; (4) establish the method for resuming normal governmental operations; and (5) other matters related to the foregoing.

The requirements, procedures, deadlines, and other provisions of this ordinance vary from those that apply to County government under normal governmental operations. However, for the reasons explained in the recitals, these alternative regulations are deemed to be essential in order to ensure the continuity of County government during the COVID-19 disaster without further risking the health and lives of the public and County officers, appointees, and employees resulting from exposure to the COVID-19 virus and its further spread. The regulations that apply during normal governmental operations will be followed to the extent they can be in a manner that is consistent with State and Federal orders and declarations and without risking the health and lives of the public and County officers and employees.

Sec. 2. Authority

This ordinance ensures the continuity of government during the COVID-19 disaster and is authorized by Virginia Code § 15.2-1413, which enables the Board of Supervisors to provide by ordinance “a method to assure continuity in its government.”

Sec. 3. Scope

This ordinance applies not only to the government of the County of Albemarle, Virginia, but also to the Albemarle County Public Schools, the County’s authorities identified in this ordinance, public bodies established pursuant to a joint exercise of powers agreement or other agreements, and other public bodies and offices described in Section 4.

Sec. 4. Essential Governmental Functions

Under the county executive form of government, Virginia Code § 15.2-502 provides that the “powers of the county as a body politic and corporate” are vested in the Board of Supervisors. Any actions of the Board in which it exercises its powers are essential governmental functions that must be performed to ensure the continuity of County government. By providing vital support for the Board, the activities of the Clerk of the Board and her office are also essential governmental functions that must be performed to ensure the continuity of County government.

The Board of Supervisors also finds that the essential governmental functions that must be performed in order to ensure the continuity of government during the COVID-19 disaster are those activities or functions of the County established by Virginia Code § 15.2-518 (departments of finance, social services, law enforcement, education, records, and health), those that the Board has previously deemed to be “necessary to the proper conduct of the business” of the County pursuant to Virginia Code § 15.2-518, the authorities that provide essential public services, the County public bodies that oversee the proper administration and enforcement of State laws and the County Code, and the other public bodies and offices that facilitate the proper administration and implementation of State laws and the County Code to the extent necessary and practicable during the COVID-19 disaster.

A. Essential governmental functions provided by County offices and departments. The following offices and departments provide essential governmental functions that must be performed to ensure the continuity of County government as described below:

1. County Executive’s Office. The County Executive is the administrative head of the County, whose duties include executing and enforcing all Board resolutions and orders, that all laws of the Commonwealth required to be enforced through the Board, or some other County officer subject to the control of the Board, are faithfully executed, and performing other duties as may be required by the Board and as may be otherwise required by law. *Virginia Code § 15.2-516.* The functions of the Office of Equity and Inclusion and the Communications and Public Engagement Office, which exist within the County Executive’s Office, are included in this designation. The Project Management Office is also within the County Executive’s Office, but its functions are identified separately below.
2. County Attorney’s Office. The County Attorney is the legal advisor to County government whose duties are to advise the Board and “all boards, departments, agencies, officials and employees” of the County on civil matters, draft or prepare ordinances, and defend or bring actions in which the County or any of its boards, departments, agencies, officials, or employees are a party; and in any other manner advising or representing the County, its boards, departments, agencies, officials and employees. *Virginia Code § 15.2-1542(A).*
3. Department of Finance and Budget. The Director of Finance’s duties include administering the financial affairs of the County, including the budget; assessing property for taxation; collecting taxes, license fees, and other revenues; being the custodian of all public funds belonging to or handled by the County; supervising the expenditures of the County and its subdivisions; disbursing County funds; keeping and supervising all accounts; and performing other duties as the Board of Supervisors requires. *Virginia Code § 15.2-519.* The Budget Division is also within the Department of Finance and Budget, but its functions are identified separately below.
4. Economic Development Office. This office is responsible for promoting the economic development of the County and the region, consistent with the County’s Economic Development Strategic Plan, and providing staffing assistance to the Economic Development Authority. During the COVID-19 disaster, this office also is providing economic assistance to

County businesses, and its services will also include any additional State or Federal assistance or services programs, either on its own or in its work with the Economic Development Authority.

5. Department of Community Development. This department oversees a wide range of functions related to the physical development of the County, including developing proposed plans for the physical development of the County, reviewing all types of land use-related applications, ensuring that its zoning, subdivision, and water protection regulations are current and continue to be reasonable, and enforcing the Albemarle County Zoning, Subdivision, and Water Protection Ordinances, and administering and enforcing the Virginia Uniform Statewide Building Code and other related codes are essential functions.
6. Department of Facilities and Environmental Services. This department maintains and operates the County's buildings, manages the lands owned by the County, manages County capital projects and administers related construction contracts, and oversees environmental-related County responsibilities including, but not limited to, ensuring the County's compliance with the County's Clean Water Act permit, and its obligations as a municipal separate storm sewer system (**MS4**) program.
7. Department of Fire Rescue. This department provides fire protection and emergency medical services and, through the Fire Marshal, administers and enforces the Virginia Fire Prevention Code.
8. Department of Human Resources. This department provides human resources support for the County and Albemarle County Public Schools. The department provides services in seven key human resources functional areas: (1) recruitment/staffing support; (2) classification and compensation; (3) benefits and leave administration; (4) training and development; (5) employee relations; (6) workplace safety; and (7) teacher licensure and certification.
9. Department of Parks and Recreation. This department protects, maintains, and operates the County's parks and provides numerous recreational programs, which during normal governmental operations, are essential to the public health and welfare.
10. Department of Social Services. This department provides a range of: (1) child welfare services including child protective services, family support, family preservation services, a foster care program, and adoption services; (2) economic assistance for those in need, including administering the supplemental nutritional assistance program (SNAP), the temporary assistance to needy families (TANF) program, energy assistance, and auxiliary grants; (3) self-sufficiency services, including services related to employment training, career services, and child care services; (4) health care services, including administering the Medicaid program; (5) adult and elder care services, including adult protective services; (6) housing assistance; and (7) language assistance. During the COVID-19 disaster, these services also include any additional State or Federal assistance or services programs.
11. Budget Division. This division, which is part of the Department of Finance and Budget, has the following responsibilities: (1) developing and implementing the County's operating and capital budgets; establishing budget policies, and monitoring departmental and agency budgetary and program performance; (2) preparing the five-year Financial Plan, five-year Capital Improvement Plan, and the long range Capital Needs Assessment; (3) developing and managing the performance management system; and (4) managing the local government grants application and awards process.
12. Police Department. This department provides law enforcement and community safety services.
13. Project Management Office. This office, which is part of the County Executive's Office, provides planning, organizational, and management responsibilities for the County's project portfolio, including organizational projects, strategic plan objectives, and technology solutions. This office also plays a critical role in planning, organizing, and managing a range of projects related to the County's response to the COVID-19 disaster.
14. Department of Information Technology. This department provides, manages, and supports the use of critical technology that allows the County to operate and communicate internally and with the public.

- B. Albemarle County Public Schools. Under the County Executive form of government, the County is required to have a “department of education.” *Virginia Code § 15.2-518*. The “department of education” is composed of the Albemarle County School Board, the Superintendent of the “school division,” and the “officers and employees thereof.” *Virginia Code § 15.2-531*. Article VIII, Section 1 of the Constitution of Virginia states: “The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth, and shall seek to ensure that an educational program of high quality is established and continually maintained.” Albemarle County Public Schools provide essential governmental functions that must be performed to ensure the continuity of County government.
- C. Authorities. The following authorities and their boards provide essential governmental functions:
1. Albemarle Conservation Easement Authority. The Albemarle Conservation Easement Authority (“ACEA”) was created as a parks and recreational facilities authority by resolution adopted by the Board of Supervisors on November 20, 1989 pursuant to the Public Recreational Facilities Authority Act (*Virginia Code § 15.2-5600 et seq.*). The ACEA was called the Public Recreational Facilities Authority until its name was changed by resolution adopted by the Board of Supervisors on July 11, 2018. The ACEA’s articles of incorporation state that its purpose is to accept, hold, and administer open-space land and interests therein under the Open-Space Land Act (*Virginia Code § 10.1-1700 et seq.*). *Amended Articles of Incorporation adopted July 11, 2018*. The types of interests held include open-space easements that are donated by landowners, easements acquired by the County under its Acquisition of Conservation Easements (“ACE”) program, and easements created pursuant to Rural Preservation Developments allowed under the County’s zoning regulations. The functions of the ACEA include monitoring and enforcing these easements.
 2. Albemarle County Broadband Authority. The Albemarle Broadband Authority (“ABBA”) was created as a wireless service authority “to provide qualifying communications services as authorized by Article 5.1 (*Virginia Code § 56-484.7:1 et seq.*) of Chapter 15 of Title 56 of the Virginia Code.” One of the primary functions of ABBA is to facilitate the ongoing deployment of broadband infrastructure and services in the underserved areas of the County.
 3. Albemarle-Charlottesville Regional Jail Authority. The Albemarle-Charlottesville Regional Jail Authority (“Jail Authority”) was created as an authority under the Jail Authorities Law (*Virginia Code § 53.1-95.2 et seq.*) by agreement among the County, the County of Nelson, and the City of Charlottesville on November 15, 1995. The Jail Authority replaced the Regional Jail Board as the operator of the Albemarle-Charlottesville Joint Security Complex.
 4. Albemarle County Service Authority. The Albemarle County Service Authority (“ACSA”) was created as an authority under the Virginia Water and Waste Authorities Act (*Virginia Code § 15.2-5100 et seq.*). The ACSA’s articles of incorporation state that its purpose is to undertake projects for distributing and selling potable water to retail customers, collecting wastewater from retail customers, and delivering the wastewater to the Rivanna Water and Sewer Authority. *Amendment to the ACSA Articles of Incorporation, dated December 16, 1985; County Code § 2-701*.
 5. Economic Development Authority of Albemarle County, Virginia. The Economic Development Authority (“EDA”), officially identified as the “Economic Development Authority of Albemarle County, Virginia,” was created as an industrial development authority (now, an economic development authority) by ordinance adopted by the Board of Supervisors on May 12, 1976 pursuant to the Industrial Development and Revenue Bond Act (*Virginia Code § 15.2-4900 et seq.*). *County Code § 2-600*. The EDA has all of the powers of such an authority under the Act. The EDA operates in cooperation with the County pursuant to a Memorandum of Understanding and the Albemarle County Economic Development Strategic Plan, also known as Project ENABLE (Enabling a Better Life Economically). The functions of the EDA include promoting the economic development of the County as it is enabled to do pursuant to *Virginia Code § 15.2-4900 et seq.*, providing economic assistance to County businesses within the scope of its enabling authority, and providing any services related to any additional State or Federal assistance or services program either on its own or in its work with the Economic Development Office.
 6. Rivanna Solid Waste Authority. The Rivanna Solid Waste Authority (“RSWA”) was created on November 5, 1990 by the Solid Waste Organizational Agreement entered into between the County and the City of Charlottesville, together with a concurrent resolution of the Charlottesville City Council and the Albemarle County Board of Supervisors and the RSWA’s

articles of incorporation, all pursuant to what is now the Virginia Water and Waste Authorities Act (Virginia Code § 15.2-5100 *et seq.*). The RSWA's articles of incorporation state that its purposes are to "develop a regional refuse collection and disposal system, as such terms are defined in Virginia Code Section 15.2-5101 of the Virginia Water and Waste Authorities Act, including development of systems and facilities for recycling, waste reduction and disposal alternatives with the ultimate goal of acquiring, financing, constructing, and/or operating and maintaining regional solid waste disposal areas, systems and facilities, all pursuant to the Virginia Water and Waste Authorities Act." *Concurrent Resolution of the City Council of the City of Charlottesville, Virginia and the Board of Supervisors of the County of Albemarle, Virginia to Amend and Restate the Articles of Incorporation of the Rivanna Solid Waste Authority, dated November 6, 2009.*

7. Rivanna Water and Sewer Authority. The Rivanna Water and Sewer Authority ("RWSA") was created on June 7, 1972 by the City of Charlottesville and the County pursuant to what is now the Virginia Water and Waste Authorities Act (Virginia Code § 15.2-5100 *et seq.*). The RWSA's articles of incorporation state that its purpose "is to acquire, finance, construct, operate and maintain facilities for developing a supply of potable water for the City of Charlottesville and Albemarle County and for the abatement of pollution resulting from sewage in the Rivanna River Basin, by the impoundment, treatment and transmission of potable water and the interception, treatment and discharge of wastewater, together with all appurtenant equipment and appliances necessary or suitable therefore and all properties, rights, easements or franchises relating thereto and deemed necessary or convenient for their operations." *Concurrent Resolution of the City Council of the City of Charlottesville, Virginia and the Board of Supervisors of the County of Albemarle, Virginia to Amend and Restate the Articles of Incorporation of the Rivanna Solid Waste Authority, dated May 5, 2017.* The RWSA operates five reservoirs at Ragged Mountain, Sugar Hollow, South Fork Rivanna, Totier Creek, Beaver Creek, along with five water treatment plants, and wastewater treatment plants.
- D. Public bodies existing under joint exercise of powers agreements. The following public bodies exist under joint exercise of powers agreements, and they and their boards exercise essential governmental functions:
1. Charlottesville-Albemarle Convention and Visitors' Bureau. The Charlottesville-Albemarle Convention and Visitors' Bureau ("CACVB") has existed in various forms for more than 20 years. Its current iteration was established by the County and the City on June 28, 2018, and it became effective July 1, 2018. Individually, both the County and the City are enabled by Virginia Code § 15.2-940 to "expend funds from the locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality." The purpose of the CACVB is to jointly promote the resources and advantages of the County and the City, including marketing of tourism and initiatives that attract travelers to the City and County, increase lodging at properties located within the City and County, and generate tourism revenues within the City and County. *Second Amended Agreement to Operate a Joint Convention and Visitors' Bureau, dated October 2, 2019.* The County and the City contribute funds to support the CACVB's facilities and operations from their respective transient occupancy tax revenues. During the COVID-19 disaster, the CACVB also supports the County's hospitality business sector.
 2. Emergency Communications Center. The Emergency Communications Center ("ECC") was established by the County, the City of Charlottesville, and the University of Virginia on January 20, 1984. The ECC was established to provide a centralized dispatching facility for the respective parties' law enforcement and emergency service providers operating in the County and the City, and to provide a 911 emergency system. *Agreement By and Among the County of Albemarle, Virginia, the City of Charlottesville, Virginia, and the Rector and Visitors of the University of Virginia, dated January 20, 1984.* The ECC also provides coordination and assistance in emergency management for the Emergency Operations Plan adopted by its participating agencies.
- E. Jefferson Madison Regional Library. The Jefferson Madison Regional Library ("JMRL") system was established by an agreement entered into on August 11, 1972 (the current agreement is dated January 1, 2013) among the County, the City of Charlottesville, and the counties of Greene, Louisa, and Nelson pursuant to the enabling authority in Virginia Code § 42.1-37 *et seq.* JMRL provides essential governmental functions by maintaining a regional free library system pursuant to the terms of the agreement.

- F. Other public bodies and offices. Other public bodies and offices of the County also exercise essential governmental functions. They include, but are not limited to, the Planning Commission, the Architectural Review Board, the Board of Equalization, the Board of Appeals, the Board of Zoning Appeals, the Electoral Board, any advisory bodies established by the Board of Supervisors, and the office of the General Registrar.

Sec. 5. Succession

This section establishes the procedures to fill vacancies in elected and appointed offices arising during the COVID-19 disaster in order to ensure the continuity of County government. This section also applies to Albemarle County Public Schools and may be applied by the authorities and the other public bodies identified in Section 4 to the extent practicable. The Albemarle County School Board, in its discretion, may establish by resolution its own procedures to fill vacancies in elected offices arising during the COVID-19 disaster.

- A. Elected officials. When a vacancy occurs either on the Board of Supervisors or the Albemarle County School Board, the vacancy shall be filled according to the procedure generally established by Virginia Code § 24.2-228, as modified below:
1. Appointment by remaining members. When a vacancy occurs, the remaining members of the Board, within 45 days of the office becoming vacant, may appoint a qualified voter of the magisterial district in which the vacancy occurred to fill the vacancy. If a majority of the remaining members of the Board cannot agree, or do not act, the vacancy must be filled by judicial appointment as provided in Virginia Code § 24.2-227.
 2. If a qualified voter from the magisterial district cannot be found. If the Board is unable to find and appoint a qualified voter from the magisterial district in which the vacancy exists after a reasonable effort, it may appoint a qualified voter from any other magisterial district.
 3. Duration of appointment. The person so appointed shall hold office only until the qualified voters fill the vacancy by special election pursuant to Virginia Code § 24.2-682 and the person so elected has qualified.
 4. Effect of being appointed. Any person appointed to fill a vacancy holds office the same way as an elected person, is authorized to exercise all powers of the elected office, and this includes having that person's vote be considered the vote of an elected member.
 5. Majority of seats are vacant. If four or more seats on the Board are vacant, the vacancies must be filled by judicial appointments as provided in Virginia Code § 24.2-227.
 6. Holding over. If, during the COVID-19 disaster, a general election cannot be held, any member whose term expires may continue to hold over in office until a successor is appointed.
 7. Temporary vacancies. If a member is unable to participate in any meeting of the Board for more than 30 days and the number of members available to meet and act falls below that required for a quorum as provided in Section 6, and action by the Board is determined to be essential to continue the functions of the County or the Albemarle County Public Schools, as applicable, the remaining members may, in their discretion, appoint a qualified voter to temporarily exercise the powers and duties of the office until the permanent member is able to participate.
- B. Appointed officers. This subsection applies to the County government and not to Albemarle County Public Schools, which is recommended to establish its own succession plan for appointed officers.
1. If the County Executive and the Deputy County Executive are incapacitated. If the County Executive and the Deputy County Executive are both incapacitated such that they cannot perform the duties of the County Executive, the Board of Supervisors may appoint any person it deems qualified to serve as Acting County Executive.
 2. If the County Attorney and the Deputy County Attorney are incapacitated. If the County Attorney and the Deputy County Attorney are incapacitated such that they cannot perform the duties of the County Attorney, the Board of Supervisors may appoint any person it deems qualified to serve as Acting County Attorney.

3. If the Clerk and the Senior Deputy Clerk are incapacitated. If the County Clerk and the Senior Deputy County Clerk are incapacitated such that they cannot perform the duties of the County Clerk, the Board of Supervisors may appoint any person it deems qualified to serve as Acting County Clerk of the Board of Supervisors.
4. If any department head and deputy department head or equivalent position are incapacitated. If any department head and any deputy department head, or any equivalent position are incapacitated, the County Executive may appoint any person he deems qualified to serve as the acting department head.

Sec. 6. Public Meetings

This section establishes the procedures for public meetings of the Board of Supervisors, the Planning Commission, the Architectural Review Board, the Board of Equalization, the Board of Appeals, the Board of Zoning Appeals, the Electoral Board, and any advisory bodies established by the Board of Supervisors to transact any business statutorily required or necessary to continue operations of the public body, and the public bodies' discharge of their lawful purposes, duties, and responsibilities. These procedures may also be applied by the Albemarle County Public Schools, the authorities, and the other public bodies identified in Section 4 to the extent this section is practicable for those public bodies. References to the "Board" and the "Supervisors" in this section should be modified as appropriate when applied by public bodies other than the Board of Supervisors.

- A. The need to change how meetings are conducted during COVID-19. The Board fully endorses the statements in Virginia Code § 2.2-3700, which is the introductory section of the Virginia Freedom of Information Act, that the "affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government," and that unless an exception to open meetings is invoked "every meeting shall be open to the public." The regulations in this section for conducting public meetings are necessary because the COVID-19 disaster makes it impracticable or unsafe for public bodies, as well as their staff and the public, to physically assemble in one location or to conduct meetings in accordance with normal practices and procedures. Although the regulations in this section establish rules for conducting public meetings that are different from normal practices and procedures, the regulations are intended and designed to achieve the policies expressed in Virginia Code § 2.2-3700.
- B. Applicability. This section applies when some or all of the persons participating in the meeting are connected to the meeting by electronic communication means (defined as "hybrid" and "virtual" meetings in the Board of Supervisors' Rules of Procedure for Virtual and Hybrid Meetings (adopted September 2, 2020), provided that if a quorum of the Board is physically assembled in one location, participation by any other Supervisor by electronic communication means is permitted only as provided in Virginia Code § 2.2-3708.2 and Rule 8 of the Board of Supervisors' Rules of Procedure (adopted January 8, 2020).
- C. Meeting format. Any meeting to discuss or transact business may be held through real time electronic communication means (including audio, telephonic, video, or any other practical electronic medium) without a quorum physically assembled in one location.
- D. Agenda. The agenda for a meeting conducted pursuant to this section (an "electronic meeting") should: (1) state that the meeting is being held pursuant to this ordinance; and (2) identify the opportunities for the public to access and participate in the electronic meeting. The failure to state these items on the agenda neither makes the electronic meeting illegal nor invalidates any action taken at the meeting.
- E. Notice. Before holding a regular electronic meeting, the Clerk must provide notice at least three days in advance of the meeting, and this notice must be provided to the public contemporaneously with the notice provided to the Supervisors. The notice must: (1) state that the meeting is being held pursuant to this ordinance; and (2) identify the opportunities for the public to access and participate in the electronic meeting, including the opportunity to comment on those matters for which comments from the public will be received. Any notice provided before the effective date of this ordinance, for a public meeting or public hearing after its effective date, that complied with the law when it was given but which is inconsistent with this ordinance, including with respect to the location of the meeting or the public hearing, is deemed to satisfy any notice requirements and no action taken at that meeting or regarding any public hearing is invalid for that reason.

- F. Statement by the Chair. At the beginning of the meeting, the Chair should: (1) state that the meeting is being held pursuant to and in compliance with this ordinance; (2) identify the Supervisors physically and electronically present; and (3) identify the opportunities for the public to access and participate in the electronic meeting. The failure to state these items neither makes the electronic meeting illegal nor invalidates any action taken at the meeting.
- G. Public participation. Any electronic meeting must be open to electronic participation by the public. In addition, for any matters requiring a public hearing, public comment may be solicited by electronic communication means in advance and must also be solicited through telephonic or other electronic communication means during the electronic meeting. The public comments received before the electronic meeting will be provided to the Supervisors at or before the electronic meeting and made part of the record for the meeting.
- H. Postponing certain matters. Any non-emergency public hearing and action item on the Board's agenda may be postponed to a later date provided that public notice is given so that members of the public are aware of how and when to present their views.
- I. Quorum. If three Supervisors are unable to participate in a public meeting because each of those three Supervisors is sick from the COVID-19 virus, and at least one temporary vacancy has not been filled pursuant to Section 5, a quorum of the Board of Supervisors to conduct business is reduced from four to three for any matter that a vote is required by the Board at that meeting in order to ensure the continuity of County government. If four or more Supervisors are unable to participate in a public meeting for the reasons stated above, the only action that the participating Supervisors may take is to adjourn the meeting until the temporary vacancies can be filled.
- J. Voting. State laws, as may be implemented in the County Code, may impose different voting requirements.
1. Vote required to act. Although most actions require the majority vote of those Supervisors present and voting, there are some actions that require a supermajority vote, the majority vote of the elected members, or impose some other requirement. These different voting requirements continue to apply unless: (1) one or more Supervisors is sick from the COVID-19 virus; (2) the sick Supervisors are unable to participate in the public meeting; (3) the temporary vacancy has not been filled pursuant to Section 5 and the voting requirement imposed by State law or the County Code cannot be complied with; and (4) a vote is required by the Board at that meeting in order to ensure the continuity of government. If all four of those prerequisites are satisfied, the Board may approve the matter on the affirmative vote of those Supervisors present and voting. Following are examples of different voting requirements for certain matters, and how they are addressed if the four prerequisites are satisfied:
 - a. When the affirmative vote of the elected members is required. Article VII, Section 7 of the Constitution of Virginia and its statutory companion in Virginia Code § 15.2-1428 require, among other things, the affirmative vote of a majority of all members elected to the governing body on certain matters. As provided in Section 5(A)(4), and based on language in Virginia Code § 24.2-228, any appointed Supervisor's vote is considered to be the vote of an elected Supervisor.
 - b. When a supermajority vote is required. Virginia Code § 15.2-2405 requires a two-thirds vote of the elected Supervisors to impose taxes in a service district. The Board is unique because it is a six-member Board and, for it, a majority vote is also a supermajority when a two-thirds vote is required. There are no service districts in the County. If another matter requires a supermajority under Virginia law, the Board may approve a matter by a majority of the Supervisors participating and voting.
 - c. When the vote by those present and voting is required. The requirement that a matter be approved by a majority vote of those present and voting is common, one example being found in Virginia Code § 15.2-1427(A). For the purposes of this voting requirement, any Supervisor who is participating in the matter is "present."
 2. Roll call vote. A roll call vote should be taken on all matters requiring a vote and must be taken on any action on an ordinance and any other matter requiring a roll call vote pursuant to State or Federal law.

- K. Closed meetings. The Board may have a closed meeting for any purpose authorized by Virginia Code § 2.2-3711(A).
- L. Minutes. Minutes of a meeting must be in writing and include: (1) the date, time, and location of the meeting; (2) the Supervisors recorded as present or absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; (4) a record of any votes taken; (5) the fact that the meeting was held by electronic communication means because of the emergency created by the COVID-19 disaster; and (6) the type(s) of electronic communication means by which the meeting was held.
- M. Recordings. An audio recording, video recording, or verbatim transcript of any electronic meeting must be made and retained as provided by law. The recording must be posted on the County's website.
- N. Other requirements not modified. Any requirements for conducting a public meeting in Virginia Code §§ 2.2-3700 *et seq.* and 15.2-1400 *et seq.* that are not modified by this section, including those pertaining to special and emergency meetings, apply to conducting a public meeting.
- O. Alternative authority. If Section 6 is determined to be unconstitutional or invalid by a valid judgment or decree of a court of competent jurisdiction, the authority for public bodies to meet by electronic communication means conferred by the budget amendments in HB 29 and HB 30 of the Commonwealth of Virginia's 2020-2022 biennium budget is deemed to apply, as applicable, on and after May 21, 2020.

Sec. 7. Deadlines

This section applies to the County government. State law and the County Code impose many deadlines by which the County, Board of Supervisors, and other public bodies must act. The following deadlines may be extended to the earliest date thereafter practicable when it is impractical or dangerous to safely meet those deadlines because of the COVID-19 disaster, with the proviso that the Board of Supervisors and the County will endeavor to the extent practicable to meet the deadlines established by State law and the County Code. Subsections (D) and (E) may be applied by the Albemarle County Public Schools, the authorities, and the other public bodies identified in Section 4.

- A. The tax rates. It is the intention of the Board to meet all of the deadlines established by State law to fix the tax rates. However, the May 15 deadline established by Virginia Code § 58.1-3321(E) for fixing the real estate tax rate, and the June 30 deadline to fix other tax rates established by Virginia Code § 58.1-3001, may be extended by the Board to the earliest dates thereafter practicable in order to allow the tax rates to be fixed.
- B. The budget. It is the intention of the Board to meet all of the deadlines established by State law to approve the County's annual budget. However, the May 15 deadline established by Virginia Code § 22.1-93 requiring the Board to "prepare and approve an annual budget for educational purposes by May 15 or within 30 days of the receipt by the county . . . of the estimates of state funds, whichever shall later occur," and the July 1 deadline to approve the budget established by Virginia Code § 15.2-2503 ("the date on which the fiscal year begins"), may be extended by the Board to the earliest date thereafter practicable in order to approve the County's annual budget.
- C. Land use applications. Any deadline established by State law or the County Code for action by the County, the Board of Supervisors, or any County public body within the scope of Chapter 14, Subdivision of Land, Chapter 17, Water Protection, or Chapter 18, Zoning, may be extended by the County, the Board, or other County public body to the earliest date thereafter practicable to allow any public body or County staff to act. Any provision in State law or the County Code to deem the failure of any County action to be timely taken to be approval of the pending matter is of no force or effect.
- D. Factors to be considered in determining whether the COVID-19 disaster prevents a deadline from being met. In determining whether the COVID-19 disaster prevents a deadline from being met, the following factors should be considered: (1) whether a federal or State lockdown is in place prohibiting necessary travel to conduct business; (2) whether COVID-19 illnesses prevent the Board, any County public body, or County staff from meeting or conducting business; (3) whether County buildings where applications, documents, and other public records are kept are closed because of COVID-19 contamination; and (4) other similar reasons that prevent the

Board, any County public body, or County staff to meet or conduct its business without endangering their health or the health of others.

- E. Hold harmless. The failure to meet any deadline imposed by State law, including the Prompt Payment Act, or the County Code does not constitute a default, violation, approval, recommendation or otherwise.
- F. Other deadlines may be extended. Any other deadlines not extended by this section may be extended by a separate ordinance.

Sec. 8. Procurement

This section pertains to procuring goods and services by the County. This section also may be applied by the Albemarle County Public Schools, the authorities, and the other public entities identified in Section 4 that do their own procurements, to the extent this section is practicable for their public entities. References to the "County Executive" and other County-specific references in subsections (A) and (C) should be modified as appropriate when this section is applied by public entities other than the County.

- A. Authority to modify requirements or procedures for procurements not directly related to the COVID-19 disaster. The County Executive is authorized to modify any requirement or procedure imposed pursuant to the Virginia Public Procurement Act (Virginia Code § 2.2-4300 *et seq.*), the Albemarle County Purchasing Manual, or by custom, that requires or allows any procurement-related documents to be hand-delivered or delivered by a carrier to the County Office Building, or that requires or allows bidders and vendors to physically assemble for bid openings and other steps in the procurement process. Requirements or procedures may be modified as follows:
 - 1. Documents. Any modification pertaining to documents should require electronic documents to be submitted by any person submitting an inquiry, or responding to a request for information, request for proposals, an invitation for bids, or any other solicitation.
 - 2. Physical assemblies. Any modification pertaining to physical assemblies should require any steps in the procurement process by which people would otherwise physically assemble to participate through electronic communication means or to be conducted in a location that complies with any County, State, and Federal orders or declarations regarding gatherings.
- B. Authority of the County Executive for COVID-19 disaster related procurements is unaffected. Subsection (A) does not affect the County Executive, acting as the Director of Emergency Management pursuant to Virginia Code § 44-146.21(C), to "enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster, and proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds, provided such funds in excess of appropriations in the current approved budget, unobligated, are available."
- C. Notice. Modifications to requirements or procedures made under this section do not need to be published in the Albemarle County Purchasing Manual to be effective. Notice reasonably calculated to make the public aware of these changes, including on the Albemarle County Purchasing Department's website, is sufficient.

Sec 9. Duration

This ordinance is effective immediately and expires not later than six months after the COVID-19 disaster ends. The COVID-19 disaster will be deemed to be ended when the Board of Supervisors adopts a resolution ending the declared local emergency.

Sec. 10. Method for Resuming Normal Governmental Authority and Operations

- A. When normal governmental authority and operations will resume. Normal governmental authority and operations will resume after the County Executive, acting as the Director of Emergency Management, reports to the Board of Supervisors that all emergency actions that can be taken by the County have been taken, the Board ends the local emergency, the Governor ends the state of emergency, and the State Health Commissioner advises that it is safe for people to once

again gather in public so that normal governmental authority and operations, including normal public meetings (or words to that effect), may be re-established.

B. Method to resume normal governmental authority. When the events in subsection (A) have occurred, normal government authority will resume as follows, subject to further amendment to this section as may be necessary:

1. Succession. The appointment of any person to the Board pursuant to Section 5(A)(2) or 5(A)(7) terminates and any resulting vacancy will be filled as provided by law.
2. Public meetings. Section 6 will no longer apply.
3. Deadlines. Section 7 will no longer apply, subject to the County Executive establishing revised guidelines to allow for a reasonable transition period back to full normal County operation.
4. Procurement. Section 8 will no longer apply to any steps in the procurement process that have not already been completed or been substantially completed.

Sec. 11. Effect of this Ordinance on the Powers of the Director of Emergency Management

This ordinance does not affect the powers of the County Executive, acting as the Director of Emergency Management, pursuant to Virginia Code § 44-146.21 during the COVID-19 disaster. The intention of the Board of Supervisors is that this ordinance and any powers exercised by the Director complement one another.

Sec. 12. Effect of this Ordinance on Albemarle County Courts and Constitutional Officers

This ordinance does not apply to the Albemarle County Circuit Court, General District Court, or Juvenile and Domestic Relations District Court. This ordinance also does not apply to the offices of the Albemarle County Clerk of the Circuit Court, Commonwealth's Attorney, or Sheriff.

Sec. 13. This Ordinance Supersedes Prior Continuity of Government Ordinances; Exception

This ordinance supersedes any previous continuity of government ordinance adopted by the Board of Supervisors.

Sec. 14. Severability

It is the intention of the Board of Supervisors that any part of this ordinance is severable. If any part is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity does not affect any other part of this ordinance.

Sec. 15. Liberal Construction

Because its purpose is to ensure the continuity of government, this ordinance should be liberally construed to accomplish this purpose and to facilitate the performance of the governmental functions and related services determined by the Board of Supervisors, either expressed or implied, to be essential.

State law reference – Va. Code § 15.2-1413.