

ACTIONS		
Board of Supervisors Meeting of April 6, 2022		
		April 7, 2022
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"><li>Meeting was called to order at 12:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Cynthia Hudson, Claudette Borgersen and Travis Morris.</li></ul>		
2. <b>Work Session:</b> FY 2022-2023 Operating and Capital Budget. <ul style="list-style-type: none"><li><b>HELD.</b></li></ul>		
3. Adjourn. <ul style="list-style-type: none"><li>The work session was adjourned at 12:40 p.m.</li></ul>		
REGULAR DAY MEETING		
1. Call to Order. <ul style="list-style-type: none"><li>Meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Cynthia Hudson, Claudette Borgersen and Travis Morris.</li></ul>		<a href="#">Link to Video</a>
4. Adoption of Final Agenda. <ul style="list-style-type: none"><li><b>ADDED</b> discussion on Magisterial District mapping.</li><li>By a vote of 6:0, <b>ADOPTED</b> final agenda as amended.</li></ul>		
5. Brief Announcements by Board Members. <u>Ann Mallek:</u> <ul style="list-style-type: none"><li>Announced that Riverfest would begin on April 22 with activities sponsored by the Rivanna Conservation Alliance, and end with the Flow Art Festival on May 1.</li><li>Announced that the Rivanna River Arts Festival would be held from 11am to 3pm on May 1, and it would be home-based at the Louis and Clark Exploratory Center.</li></ul> <u>Jim Andrews:</u> <ul style="list-style-type: none"><li>Announced that the Batesville Concert for Ukraine would be held on April 10, from 1 p.m. to 7 p.m. at Page's Field in Batesville.</li></ul> <u>Diantha McKeel:</u> <ul style="list-style-type: none"><li>Mentioned that April was child abuse prevention month, and that the pinwheels around the County and at the County office buildings is what the pinwheels represented.</li></ul> <u>Donna Price:</u> <ul style="list-style-type: none"><li>Noted that she was at the Ivy Creek Natural Area and commented that the farm was a story was an example of an American success story that started because a formerly enslaved person purchased for \$58 for 100 or more acres of land. She noted that Greer School was named after a descendant of the family.</li><li>Commented that she had the opportunity to observe an exhibit at the Jefferson School on picturing climate justice.</li></ul>		

	<ul style="list-style-type: none"> <li>Mentioned that she participated as a moderator on a panel that dealt with the way social media used algorithms to send people down the dark hole of divisiveness.</li> <li>Mentioned that Albemarle County continued to have the highest vaccination rate and the lowest infection rate in the Commonwealth and encouraged everyone to consult with their primary physician to see whether they were eligible and should receive the vaccination.</li> </ul>	
6.	Proclamations and Recognitions. a. Proclamation Recognizing April as Fair Housing Month. <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> proclamation and presented to Robin Goldstein.</li> </ul>	(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. The following individuals spoke towards improvements to the County's Athletic Fields: <ul style="list-style-type: none"> <li><u>John Cruickshank</u>,</li> <li><u>Barbara Cruickshank</u></li> </ul>	
8.1	Fiscal Year 2022 Appropriations. <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution to approve appropriations #2022040, and #2022041 for local government projects and programs.</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Finance and Budget, and County Attorney's Office. (Attachment 2)
8.2	Amend Section 8 of the Board's Rules of Procedure. <ul style="list-style-type: none"> <li>Pulled from consent agenda discussed as a part of the regular agenda.</li> </ul>	
8.3	Commonwealth of Virginia 457 Deferred Compensation Plan. <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution to Adopt the Commonwealth of Virginia 457 Deferred Compensation Plan.</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Human Resources, Finance and Budget, and County Attorney's Office. (Attachment 3)
8.4	Fiscal Year 2022 Virginia Department of Health (VDH) Local Government Agreement. <ul style="list-style-type: none"> <li><b>ADOPTED</b> Resolution to approve the FY 22 Virginia Department of Health (VDH) Local Government Agreement and to authorize the County Executive to execute that Agreement after it is approved as to form by the County Attorney.</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Finance and Budget, and County Attorney's Office. (Attachment 4)  <u>County Attorney</u> : Provide Clerk with fully executed copy of agreement. (Attachment 5)
8.5	Donation of Surplus Gym Equipment to the Albemarle County Sheriff's Office. <ul style="list-style-type: none"> <li><b>AUTHORIZED</b> the donation of surplus gym equipment to the Albemarle County Sheriff's Office.</li> </ul>	<u>Finance and Budget</u> : Proceed as authorized.
8.6	Resolution to accept road(s) at CATEC into the State Secondary System of Highways and to Abandon/Delete a Portion of the CATEC Drive. ( <i>Rio Magisterial District</i> ) <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution.</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Community Development. (Attachment 6)
8.2	Amend Section 8 of the Board's Rules of Procedure. <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> Section 8 of the Board's Rules of Procedure as amended.</li> </ul>	(Attachment 7)

	<ul style="list-style-type: none"> <li><b>DIRECTED</b> staff to add Section 6.D. of the Board's Rules of Procedure to future consent agenda.</li> </ul>	<u>Clerk:</u> Schedule on the April 20 <sup>th</sup> consent agenda.	
9.	Commonwealth Drive / Dominion Drive Sidewalk Project Update. <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>DIRECTED</b> staff to proceed with the proposed scope of work.</li> </ul>	<u>Facilities and Environmental Services:</u> Proceed as directed.	
10.	The Rebuilding American Infrastructure with Sustainability and Equity Grant Application - Three Notched Trail Shared Use Path. <ul style="list-style-type: none"> <li>By a vote 6:0, <b>ENDORSED</b> Albemarle County's RAISE grant application for planning funds to reach 60% design for a shared use path from the Blue Ridge Tunnel through Crozet to the City of Charlottesville.</li> </ul>	<u>Kevin McDermott:</u> Proceed as discussed.	
	<b>Recess.</b> At 2:41 p.m., the Board recessed and reconvened at 2:51 p.m.		
11.	<b>Presentation:</b> Earlysville Road/Reas Ford Road Intersection Study. <ul style="list-style-type: none"> <li>Motion to direct staff to move forward with one of the evaluated build alternatives <b>failed</b> by a vote of 2:4 (LaPisto-Kirtley/McKeel/Andrews/Price).</li> <li>By a vote of 6:0, <b>DIRECTED</b> staff to continue monitoring the intersection for safety and operational issues and return to the Board for follow up around June 2023.</li> </ul>	<u>Clerk:</u> Schedule on agenda in June 2023.  <u>Community Development:</u> Proceed as directed.	
12.	Closed Meeting. <ul style="list-style-type: none"> <li>At 4:38 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:</li> <li>Under Subsection (1): <ol style="list-style-type: none"> <li>To discuss and consider the appointment of members to the Board of Equalization, the Jefferson Area Board for Aging Advisory Council, the Region Ten Community Services Board, the Social Services Advisory Board, and three County advisory committees; and</li> <li>To discuss and consider the performance of one member of a multi-jurisdictional public body who was appointed by the Board of Supervisors; and</li> </ol> </li> <li>Under Subsection (6), to discuss and consider the investment of public funds for the development of Downtown Crozet where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County.</li> </ul>		
13.	Certify Closed Meeting. <ul style="list-style-type: none"> <li>At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
14.	Boards and Commissions: <ol style="list-style-type: none"> <li>Vacancies and Appointments.</li> <li><b>APPOINTED</b>, Mr. Evan Mayo to the Equalization Board as the Scottsville District Representative with said term to expire December 31, 2022.</li> </ol>		

<ul style="list-style-type: none"> <li>• <b>REAPPOINTED</b>, Mr. Waki Wynn to the Equalization Board as the Rio District Representative with said term to December 31, 2022.</li> <li>• <b>APPOINTED</b>, Col. Sean Reeves to the James River Alcohol Safety Program with said term to expire January 1, 2025.</li> <li>• <b>APPOINTED</b>, Ms. Pamela Macintyre to the Jefferson Area Board for Aging (JABA) Advisory Council with said term to expire May 31, 2023.</li> <li>• <b>APPOINTED</b>, Ms. Jody Saunders to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire August 5, 2023.</li> <li>• <b>APPOINTED</b>, Mr. Shareef Tahboub to the Places 29 (North) Community Advisory Committee to fill an unexpired term ending August 5, 2022.</li> <li>• <b>APPOINTED</b>, Ms. Tanishka Cruz to the Police Department Citizens Advisory Committee with said term to expire March 5, 2024.</li> <li>• <b>REAPPOINTED</b>, Mr. John Springett, Mr. Brian Williams, and Mr. Richard Hewitt to the Police Department Citizens Advisory Committee with said terms to expire March 5, 2024.</li> <li>• <b>APPOINTED</b>, Mr. Joseph Mason to the Region Ten Community Services Board to fill an unexpired term ending June 30, 2022.</li> <li>• <b>APPOINTED</b>, Mr. Joshua Cherrix to the Region Ten Community Services Board to fill an unexpired term ending June 30, 2024.</li> <li>• <b>APPOINTED</b>, Ms. Sarah Harris to the Social Services Advisory Board as the White Hall District Representative to fill an unexpired term ending December 31, 2023.</li> </ul>		
15. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u> <ul style="list-style-type: none"> <li>• There were none.</li> </ul>		
16. 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"> <li>• <u>Kent Schlusell</u>, resident of the Rio district addressed the Board regarding the AC44 group.</li> </ul>		
17. <b><u>Pb. Hrg.: SP202100015 Midway-Martin's Store 115kV Transmission Line.</u></b> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> Resolution to approve SP202100015, subject to the condition contained therein.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8)	
18. <b><u>Pb. Hrg.: SP202100016 CVEC Cash's Corner Substation.</u></b> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> Resolution to approve SP202100016, subject to the condition contained therein.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 9)	
19. <b><u>Pb. Hrg.: SP202100013 Living Earth School.</u></b>	<u>Clerk:</u> Schedule on agenda when	

	<ul style="list-style-type: none"> <li>• Motion to adopt the resolution to deny SP202100013 <b>failed</b> by a vote of 3:3 (Mallek/Gallaway/LaPisto-Kirtley).</li> <li>• By a vote of 5:1(McKeel), <b>DEFERRED</b> SP202100013 Living Earth School.</li> </ul>	<p>ready.</p> <p><u>Community Development:</u> Notify Clerk when ready to schedule.</p>	
20.	<p><b><u>Pb. Hrg.: ZTA202100004 Public Hearing on Zoning Text Amendment to Homestay Zoning Regulations.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> ordinance approving ZTA 202100004 Homestay Updates.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 10)</p>	
21.	<p><b><u>Pb. Hrg.: Ordinance to Amend County Code Chapter 13, Solid Waste Disposal and Recycling, to Address Clutter.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> ordinance amending County Code Chapter 13, Solid Waste Disposal and Recycling, Articles I, II, and III.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 11)</p>	
22.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> <li>• Announced that the Charlottesville-Albemarle Metropolitan Planning Organization chose the preferred location for the Rivanna River bike-ped crossing that would move from the Pantops side over at the Woolen Mills side or East Market Street location.</li> </ul>		
24.	<p>Adjourn to April 20, 2022, 1:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 9:32 p.m.</li> </ul>		

ckb/tom

Attachment 1 – Proclamation Recognizing April as Fair Housing Month  
Attachment 2 – Resolution to Approve Additional FY 2022 Appropriations  
Attachment 3 – Resolution to Adopt the Commonwealth of Virginia 457 Deferred Compensation Plan  
Attachment 4 – Resolution to Approve the FY 22 Agreement Between the County and the VA Department of Health  
Attachment 5 – Draft FY 22 Agreement Between County and VA Department of Health  
Attachment 6 – VDOT Resolution  
Attachment 7 – Rule of Procedure for Virtual and Hybrid Meetings  
Attachment 8 – Resolution to Approve SP202100015 Midway-Martin's Store 115kv Transmission Line  
Attachment 9 – Resolution to Approve SP202100016 CVEC Cash's Corner Substation  
Attachment 10 – Ordinance No. 22-18(2)  
Attachment 11 – Ordinance No. 22-13(1)

**Proclamation Recognizing April as Fair Housing Month**

- WHEREAS,** April 2022 marks the 54<sup>th</sup> Anniversary of Title VIII of the Civil Rights Act of 1968, known as the Civil Rights Fair Housing Act; and
- WHEREAS,** this Act provides for equal housing opportunity for all Americans regardless of race, color, religion, sex, national origin, familial status, or disability as well as to ensure fair practice in the sale, rental, or financing of property; and
- WHEREAS,** the Fair Housing Amendments Act of 1988 added new rights, remedies, monetary penalties, and strengthened its enforcement procedures to affirmatively further housing choices, to eliminate legal barriers to equal housing and to emphasize equal housing as a fundamental human right for all; and
- WHEREAS,** individuals in Virginia have the right to choose where to live without discrimination based on race, color, religion, national origin, sex, elderliness, familial status, disability, source of funds, sexual orientation, gender identity, or military status; and
- WHEREAS,** Albemarle County supports the intent and purpose of the Federal Fair Housing Act, the Virginia Fair Housing Law, and follows policies and practices in order to achieve their goals.
- NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Albemarle County Board of Supervisors, do hereby support equal housing opportunity and seek to affirmatively further fair housing not only during Fair Housing Month in April, but throughout the year.

Signed this 6<sup>th</sup> day of April 2022.

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2022 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2022040 and #2022041 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2022.

**RESOLUTION TO ADOPT THE COMMONWEALTH OF VIRGINIA  
457 DEFERRED COMPENSATION PLAN**

**WHEREAS**, the County of Albemarle, Virginia (the “Employer”), acting by and through its Board of Supervisors, desires to adopt the Commonwealth of Virginia 457 Deferred Compensation Plan (the “Plan”) for its employees as defined in the adoption agreement between the Employer and the Virginia Retirement System (the “VRS”); and

**WHEREAS**, the Plan, which includes both Roth and Traditional options, is authorized by the *Code of Virginia* § 51.1-600 et seq. and Internal Revenue Code § 457(b), and political subdivisions are authorized to participate in such Plan by the *Code of Virginia* § 51.1-603.1.

**NOW, THEREFORE, BE IT RESOLVED**, that the Employer hereby approves the adoption of the Plan for its employees in accordance with applicable law and policy; and

**BE IT FURTHER RESOLVED**, that the Employer’s staff is hereby directed to implement the Plan effective the first day of June 2022 but no sooner than the date established and confirmed by VRS.

**NOW, THEREFORE**, the officers of the Employer are hereby authorized and directed in the name of the Employer to carry out the provisions of this resolution, enter an adoption agreement with VRS, and pay such sums as are due to be paid by the Employer for this purpose.



**RESOLUTION TO APPROVE THE FY 22 AGREEMENT  
BETWEEN THE COUNTY OF ALBEMARLE  
AND THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

**WHEREAS**, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia Department of Health for the operation of the local Blue Ridge Health District.

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to Virginia Code §32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 22 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Health and authorizes the County Executive to execute it on behalf of the County after it is approved as to form by the County Attorney.

## Electronic Signature Agreement Page

**STATEMENT OF AGREEMENT TO  
PROCESS NEEDED SIGNATURES OF  
THE VIRGINIA DEPARTMENT OF  
HEALTH (VDH) LOCAL  
GOVERNMENT AGREEMENT  
ELECTRONICALLY**

VDH and The Albemarle County Board of Supervisors agree to use electronic signatures, as authorized in Title 59.1, Chapter 42.1 Uniform Electronic Transactions Act of the Code of Virginia.

\_\_\_\_\_  
Authorizing officer printed name and title

\_\_\_\_\_  
Authorizing officer signature

Parham Jaber, MD, MPH  
Chief Deputy Commissioner for Community Health Services  
Virginia Department of Health

*Parham Jaber, MD*  
Authorizing signature

**AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND  
THE ALBEMARLE COUNTY BOARD OF SUPERVISORS FOR FUNDING AND  
SERVICES OF THE BLUE RIDGE HEALTH DEPARTMENT**

This agreement ("Agreement") for the services to be provided by the Blue Ridge Health Department and the funding therefore is by and between the Virginia Department of Health ("VDH") and Albemarle County Board of Supervisors (collectively "the Parties").

The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Blue Ridge Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$898,290.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Albemarle County will provide by appropriation and in equal quarterly payments a sum of \$734,965.00 local matching funds and \$87,034.00 one-hundred percent local funds for a total of \$821,999.00 local funds for this fiscal year.

In addition, the Board of Supervisors has approved the Blue Ridge Health Department to carry forward \$0.00 in local matching funds for a total of \$734,965.00 matching funds and an additional \$29,757.00 in one-hundred percent local funds from the prior fiscal year closing locality balance.

*Sa*  
01/27/2022

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Blue Ridge Health Department, which shall perform public health services in Albemarle County as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

§ 2. The term of the agreement begins July 1, 2021. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective.

§ 3. The Commonwealth of Virginia ("Commonwealth") and VDH shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

- A. The responsibility of the Commonwealth and VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Commonwealth of Virginia Public Liability Risk Management Plan.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia (1950), as amended, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Commonwealth of Virginia Public Liability Risk Management Plan, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan, the legal representation of said employee by the city or county attorney, and, the Board of Supervisors of Albemarle County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

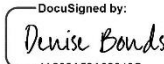
\_\_\_\_\_  
Parham Jaberi, MD, MPH  
Chief Deputy Commissioner  
Community Health Services  
Virginia Department of Health

\_\_\_\_\_  
Local authorizing officer signature

Jeffery B Richardson  
Authorizing officer printed name

County Executive  
Authorizing officer title

\_\_\_\_\_  
Date

DocuSigned by:  
  
4A998A59A83948G...  
Denise Bonds  
District Health Director  
Blue Ridge Health District

\_\_\_\_\_  
Date

1/31/2022 | 10:22:14 AM EST

\_\_\_\_\_  
Date

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)  
Local Government Agreement, Attachment A(2.)

LGA-Revised October 2021

LGA-Revised October 2021

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS  
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT ([32.1-11](#))

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link- <a href="#">32.1-122.03</a> ; State Health Plan Link <a href="#">Virginia Plan for Well-Being 2016-2020</a>			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link- <a href="#">32.1-46</a>			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link- <a href="#">32.1-57</a>			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links- <a href="#">32.1-35</a> , <a href="#">32.1-39</a> , <a href="#">32.1-43</a>			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links- <a href="#">32.1-36</a> , <a href="#">32.1-36.1</a> , <a href="#">32.1-39</a>			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links- <a href="#">32.1-49</a> , <a href="#">32.1-50</a> , <a href="#">32.1-50.1</a>			X
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link- <a href="#">32.1-77</a> , 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link- <a href="#">32.1-77</a> , 42 U.S.C. 300 et seq., and 42 CFR Part 59		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

Revised 07/2018

1

BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS  
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT ([32.1-11](#))

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links- <a href="#">32.1-77</a> , <a href="#">32.1-89</a> , <a href="#">32.1-90</a>			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links- <a href="#">32.1-65</a> , <a href="#">32.1-67</a> , <a href="#">32.1-68</a>			X
Well child care up to age 18 Board of Health Code Link- <a href="#">32.1-77</a>	X		
WIC : Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link-42 U.S.C. § 1786; 7 C.F.R. Part 26		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link- <a href="#">32.1-11</a>			X
Blood lead level testing Code Link- <a href="#">32.1-46.1</a> , <a href="#">32.1-46.2</a>			X
Outreach, Patient and Community Health Education Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-11.3</a>			X
Community Education Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-23</a>			X
Pre-school Physicals for school entry Code Link- <a href="#">22.1-270</a>	X		
Services for Children with Special health care needs Title V, Social Security Act Code Link- <a href="#">32.1-77</a>			X
Child restraints in motor vehicles Code Link- <a href="#">46.2-1095</a> , <a href="#">46.2-1097</a>			X
Babycare, Child: DMAS MOA			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link- <a href="#">32.1-77</a>		X	
Babycare, Maternal: DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES  
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.</p>	
<p><b>Investigation of communicable diseases:</b> Pursuant to §§ 32.1-35 and 32.1-39 of the Code of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links-<a href="#">32.1-35</a>, <a href="#">32.1-39</a></p>	X
<p><b>Marinas:</b> Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link-<a href="#">32.1-246</a></p>	X
<p><b>Migrant labor camps:</b> Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links-<a href="#">32.1 Chapter 6 Article 6</a></p>	X
<p><b>Milk:</b> Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links- <a href="#">3.2-5206</a>, <a href="#">3.2-5208</a></p>	X
<p><b>Alternative discharging sewage systems:</b> Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640-10 et seq.). Code Link-<a href="#">32.1-164</a></p>	X
<p><b>Onsite sewage systems:</b> Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link-<a href="#">32.1-163</a></p>	X
<p><b>Rabies:</b> Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- <a href="#">3.2-6500</a></p>	X



LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES  
BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS

<b>Restaurants/eating establishments:</b> Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- <a href="#">35.1-14</a>	X
<b>Hotels/Motels:</b> In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link- <a href="#">35.1-13</a>	X
<b>Wells:</b> Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link- <a href="#">32.1-176.4</a>	X
<b>Homes for adults:</b> The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
<b>Juvenile Justice Institutions:</b> Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link- <a href="#">35.1-23</a>	X
<b>Jail inspections:</b> Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link- <a href="#">53.1-68</a>	X
<b>Daycare centers:</b> At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
<b>Radon</b> Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link- <a href="#">32.1-229</a> .	X
<b>Summer camps/ Campgrounds:</b> Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links- <a href="#">35.1-16</a> , <a href="#">35.1-17</a>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES  
BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Pre-Admission Screenings (PAS) DMAS MOA Code Link- <a href="#">32.1-330</a>	X
Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- <a href="#">2.2-5201</a> , <a href="#">2.2-5211</a>	X
Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- <a href="#">2.2-5305</a> , <a href="#">2.2-5306</a>	X
Vital Records Code Link- <a href="#">32.1-254</a> , <a href="#">32.1-255</a> , <a href="#">32.1-272</a>	X
Immunizations for maternity and post-partum patients Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-325</a> , <a href="#">54.1-3408</a>	X
AIDS Drug Assistance Program (ADAP) Code Link- <a href="#">32.1-11</a>	X
Emergency Preparedness and Response Code Link- <a href="#">32.1-42</a> , <a href="#">32.1-43</a> et seq., <a href="#">32.1-229</a>	X
HIV Counseling, Testing and Referral Code Link- <a href="#">32.1-37.2</a>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

**OPTIONAL PUBLIC HEALTH SERVICES**

For Each Service Provided, Check Block for Highest Income Level Served			
<b>COMMUNICABLE DISEASE SERVICES</b>	Income A only	Defined by Federal Regulations	All
Foreign Travel Immunizations			
Other:			
<b>CHILD HEALTH SERVICES</b>			
Disabled disability Waiver Screenings DMAS MOA Code Link- <a href="#">32.1-330</a> Other:			
Other			
<b>MATERNAL HEALTH SERVICES</b>	Income A only	Defined by Federal Regulations	All
Other:			
<b>FAMILY PLANNING SERVICES</b>	Income A only	Defined by Federal Regulations	All
Nutrition Education			
Preventive Health Services			
Pre-Conception Health Care			
Other:			
<b>MEDICAL SERVICES - Please identify services</b>	Income A only	Defined by Federal Regulations	All
Community Education			
Other			

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

**OPTIONAL PUBLIC HEALTH SERVICES**

For Each Service Provided, Check Block for Highest Income Level Served			
<b>SPECIALTY CLINIC SERVICES - Please identify services</b>	Income A only	Defined by Federal Regulations	All
<b>DENTAL HEALTH SERVICES - Please identify services</b>	Income A only	Defined by Federal Regulations	All

**PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED  
UNDER LOCAL ORDINANCE OR CONTRACT**

[illegible]

Revised 07/2018

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH SERVICES PROVIDED UNDER  
LOCAL ORDINANCES OR CONTRACT WITH LOCAL GOVERNMENTS

**OPTIONAL PUBLIC HEALTH MEDICAL SERVICES**

For Each Service Provided, Check Block for Highest Income Level Served			
Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department.  (identify services below)	Income A only	Local ordinance code cite, or contract number	All

## RESOLUTION

WHEREAS, portions of Route 9567 have been realigned and new segments constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation has inspected these new street segments and found them to be acceptable for maintenance; and

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors, this the 6<sup>th</sup> day of April, 2022, that the old segments of Route 9567, identified in the "Abandonment" section of the attached Form AM-4.3, are no longer needed as part of the Secondary System of State Highways, as new road segments serve the same citizens as the old segments and are hereby requested to be deleted and/or abandoned by the Virginia Department of Transportation pursuant to § 33.2-912, *Code of Virginia*, 1950 amended.

BE IT FURTHER RESOLVED, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the new segments identified in the "Addition" section of the attached Form AM-4.3 as part of the Secondary System of State Highways, pursuant to § 33.2-705, *Code of Virginia*, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED, that the County Board of Supervisors does hereby guarantee unencumbered rights-of-way plus the necessary easements for cuts, fills, and drainage for these added segments;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Virginia Department of Transportation.

\* \* \* \* \*



## Report of Changes in the Secondary System of State Highways

Project/Subdivision: 0631-002-128, C502

### Abandonment - Project by VDOT §33.2-912

Rte Numb er	Street Name	From Termini	To Termini	Length	Num ber Of Lan es	Recordation Reference	Row Widt h
9567	Catec	Rt 631	Rt 9567	0.06			
9567	Catec	Rt 9567	Rt 9567	0.08			

### Addition - VDOT Project §33.2-705

Rte Numb er	Street Name	From Termini	To Termini	Length	Num ber Of Lan es	Recordation Reference	Row Widt h
9567	Catec	Rt 9567	Rt 9567	0.03			0
9567	Catec	Rt 9567	Rt 9567	0.05	2		0

# **Albemarle County Board of Supervisors**

## **Rules of Procedure for Virtual and Hybrid Meetings**

**Adopted April 6, 2022**

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

**1. Introduction**

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

**2. Supervisors**

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

**3. Officers and Their Terms of Office**

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

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

#### 4. **Meetings**

- A. **Annual Meeting.** The *Annual Meeting* is the first meeting in January held after the newly elected Supervisors qualify for the office by taking the oath and meeting any other requirements of State law, and the first meeting held in January of each succeeding year. At the Annual Meeting, the Board:

1. **Elect Officers.** Elects a Chair and a Vice-Chair.
2. **Designate Clerks.** Designates a Clerk of the Board ("Clerk") and one or more Deputy Clerks who serve at the pleasure of the Board, and who have the duties stated in Virginia Code § 15.2-1539 and any additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)
3. **Establish Schedule for Regular Meetings.** Establishes the days, time, and place of regular meetings when the Board is physically assembled, and how the public may attend a hybrid or virtual meeting by electronic communication means. (Virginia Code § 15.2-1416).
4. **Adopt Rules and Policies.** Adopts Rules of Procedure and Policies that will apply in the calendar year, subject to amendment under Rule 12.

- B. **Regular Meetings.** *Regular Meetings* are those meetings established at the *Annual Meeting* to occur on specified days and at specified times and places, with instructions for how the public may connect to the meeting by electronic communication means.

1. **Regular Meeting Falling on a Holiday.** If any day established as a Regular Meeting day falls on a legal holiday, the meeting scheduled for that day will be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)
2. **Adjourning a Regular Meeting.** Without further public notice, the Board may adjourn a Regular Meeting from day to day, from time to time, or from place to place, but not beyond the time fixed for the next Regular Meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).
3. **Continuing a Regular Meeting When Weather or Other Conditions Create a Hazard.** If the Chair finds and declares that weather or other conditions are hazardous for Supervisors to physically attend a Regular Meeting, prevent one or more Supervisors from being present at a meeting, or prevent a reasonably significant portion of the public from being present at a meeting considering, among other things, the items on the agenda, the meeting must be continued to the next Regular Meeting date. The Chair's finding, and the continuation of the meeting, must be communicated by the Chair or the Clerk to the other Supervisors and to the general news media as promptly as possible. All hearings and other matters previously advertised will be conducted at the continued meeting and no further advertisement is required. (Virginia Code § 15.2-1416)
4. **Establishing a Different Day, Time, Place, and Instructions.** After the Annual Meeting, the Board may establish for Regular Meetings different days, times, places, and instructions for how the public may connect to the meeting by electronic communication means by adopting a resolution to that effect. (Virginia Code § 15.2-1416)

- C. **Special Meetings.** A *Special Meeting* is a meeting that is not a Regular Meeting. The Board may hold Special Meetings as it deems necessary at times and places that it deems convenient. (Virginia Code § 15.2-1417) The then-current continuity of government ordinance adopted by the Board pursuant to Virginia Code § 15.2-1413 governs how the public may connect to the meeting by electronic communication means.

1. **Calling and Requesting a Special Meeting.** A Special Meeting may be called by the Chair or requested by two or more Supervisors. The call or request must be made to the Clerk and shall specify the matters to be considered at the meeting. (Virginia Code § 15.2-1418)

2. **Duty of Clerk to Provide Notice; When Notice May Be Waived.** Upon receipt of a call or request, the Clerk, after consultation with the Chair, must immediately notify each Supervisor, the County Executive, and the County Attorney about the Special Meeting. The notice must be in writing and be delivered to each Supervisor, the County Executive, and the County Attorney at their place of residence or business. Notice will be provided by email to each Supervisor's County email address. The notice may be waived if all Supervisors are present at the Special Meeting or if all Supervisors sign a waiver for the notice. (Virginia Code § 15.2-1418) An email from the Supervisor to the Clerk waiving notice satisfies this requirement. The Clerk must also notify the general news media about the Special Meeting.
3. **Contents of the Notice Provided by the Clerk.** The notice provided by the Clerk must state the date, time, place (if applicable) of the meeting, provide instructions for how the public may connect to the meeting by electronic communication means, and specify the matters to be considered.
4. **Matters That May Be Considered.** Only those matters specified in the notice may be considered at a Special Meeting unless all Supervisors are present. (Virginia Code § 15.2-1418)
5. **Adjourning a Special Meeting.** A Special Meeting may be adjourned from time to time as the Board finds necessary and convenient to complete the business of those matters identified in the notice of the Special Meeting. (Virginia Code § 15.2-1417) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).

## 5. **Order of Business for Regular Meetings**

- A. **Establishing the Agenda.** The Clerk must establish the agenda for all Regular Meetings in consultation with the County Executive and the Chair. The County Executive and the Clerk will then review the agenda with the Chair and the Vice Chair before the meeting. The Clerk sets the order of business as provided in Rule 5(B), provided that the Clerk may modify the order of business to facilitate the business of the Board. The draft agenda must be provided to the Board at least six days before the Regular Meeting date.
1. **Resolutions Proposed by Supervisors.** Resolutions may be proposed by a Supervisor requesting the Board to take a position on an issue of importance to the Board, to make a proclamation, or to recognize a person.
  - a. **Initial Notice by Supervisor.** A Supervisor requesting the Board to adopt a resolution should give notice of the intent to request action on the resolution on a specified meeting date and submit a draft of the proposed resolution.
  - b. **When Request Must be Made.** The request must be made at least seven days before the meeting at which the resolution may be considered.
  - c. **Distributing the Draft Resolution to Supervisors for Comments.** The Clerk will distribute the draft resolution with background information, if available, to all Supervisors. Any Supervisor may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk must forward all comments received from any Supervisor to the Board.
  - d. **Preparing the Resolution.** The Supervisor requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board.
  - e. **Adding the Resolution to the Agenda.** The Clerk then polls the Supervisors to determine if a majority of the Supervisors supports adding the resolution to the agenda for consideration. If a majority of the Supervisors indicates support for considering the resolution, the resolution will be added to the proposed final agenda. If all Supervisors indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any Supervisor requests otherwise.

**2. Items Other Than Resolutions Proposed To Be Added to the Clerk's Draft Agenda.**

- a. **By Supervisors.** Any Supervisor may propose to add items, other than resolutions subject to Rule 5(A)(1), to the Clerk's draft agenda for action if notice of that item has been given in writing or by email to all Supervisors, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting or upon the unanimous consent of all Supervisors present at the meeting. Any item that has been timely proposed and properly noticed will be added to the end of the agenda for discussion or action unless a majority of the Supervisors present agrees to consider the item earlier on the agenda.
- b. **By the County Executive.** The County Executive may add items to the Clerk's draft agenda for action by 5:00 p.m. two days before the date of the meeting if the item requires consideration and action by the Board at its next meeting. In an emergency, the County Executive may add an item at any time with the consent of the Chair and the Vice Chair. In order to add an item to the agenda, the County Executive must provide information about the item to all Supervisors as soon as practicable and prior to the meeting.

**3. Proclamations and Recognitions Proposed by Residents.** A request by a resident to place a proclamation or recognition on the agenda must be made as follows:

- a. **When Request Must be Made.** The request must be made at least four weeks in advance of the Board meeting date.
- b. **Request Made to the Clerk.** The resident must submit the request to advance a proclamation or recognition to the Clerk. If the request is made to a Supervisor, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements.
- c. **Review of the Request for Completeness and Distribution.** Upon submittal of the request, the Clerk will review the submittal for completeness and forward it to the Supervisors for review.
- d. **Adding the Proclamation or Recognition to the Agenda; Informing the Requester.** The Clerk shall poll Supervisors to determine whether a majority of the Supervisors supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.

**4. Public Hearings for Zoning Map Amendments; Prerequisites.** Public hearings for zoning map amendments are subject to the following rules in order for the item to be placed on the agenda and heard by the Board:

- a. **Public Hearing Should Not Be Advertised Until Final Documents Are Received.** The Board's preference is that a public hearing for a zoning map amendment should not be advertised until all of the final documents for a zoning application have been received by the County and are available for public review. To satisfy this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County so that they are received no later than two business days before the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks' advance notice of the deadline.
- b. **Effect of Failure to Timely Receive Final Documents.** If the County does not timely receive the required final documents, the public hearing must not be advertised and the matter shall not be placed on the agenda. If the matter is not advertised, a new public hearing date will be scheduled.
- c. **Receipt of Final Signed Proffers.** Final signed proffers must be received by the County no later than nine calendar days before the date of the advertised public hearing. This Rule is

not intended to prevent changes from being made to proffers resulting from comments received from the public or from Supervisors at the public hearing.

5. **Public Hearings; Zoning Map Amendments; Deferral at Applicant's Request.** Zoning map amendments advertised for public hearing must be on the agenda for public hearing on the advertised date, provided that an applicant may request a deferral as provided in County Code § 18-33.52 *et seq.*

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

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of the Final Agenda.
5. Brief Announcements by Supervisors.
6. Proclamations and Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board.
8. Consent Agenda.
9. General Business.
10. Closed Meeting.
11. Certify Closed Meeting.
12. Actions Resulting from Closed Meeting.
13. From the County Executive: Report on Matters Not Listed on the Agenda.
14. From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board.
15. General Business, Including Public Hearings.
16. From the Board: Committee Reports and Matters Not Listed on the Agenda.
17. Adjourn.

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

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

- A. **Adoption of the Final Agenda.** *Adoption of the Final Agenda* is the first order of business for a Regular Meeting of the Board. The Board may modify the order of business as part of its adoption of the Final Agenda. Any changes to the Consent Agenda, including removing an item from the Consent Agenda for discussion and separate action, should be made when the Final Agenda is adopted. The Final Agenda must be adopted by a majority vote of the Supervisors present and voting. No item for action not included on the Final Agenda may be considered at that meeting.
- B. **Brief Announcements by Supervisors.** *Brief Announcements by Supervisors* are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.
- C. **Proclamations and Recognitions.** *Proclamations* are ceremonial documents or recognitions adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. *Recognitions* are ceremonial acknowledgements by the Board of a person for service or achievement.

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

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

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

1. **Questions to Staff.** Supervisors should ask the County Executive or the staff member identified in the executive summary any questions regarding a Consent Agenda item before the Board meeting.
2. **Discussion and Comment.** There should be either no discussion or comment or only a brief discussion or comment on Consent Agenda items at the meeting except as provided in Rule 6(E)(3).
3. **Removing an Item from the Consent Agenda.** Any Supervisor may remove an item from the Consent Agenda at the time the Final Agenda is being considered for adoption. Any item removed from the Consent Agenda should be moved to a specific time or to the end of the meeting agenda for further discussion or action. However, an item removed from the Consent Agenda requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
4. **Effect of Approval of the Consent Agenda.** A successful motion to approve the Consent Agenda approves those Consent Agenda items identified for action and accepts Consent Agenda items identified for information.

F. **General Business.** *General Business* includes public hearings, work sessions, appointments, and other actions, discussions, and presentations.

1. **Public Hearings.** The Board may not decide any item before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the public hearing or consideration of the item. The procedures for receiving a presentation from the applicant and comments from members of the public are at the discretion of the Board provided that they satisfy all minimum legal requirements. However, unless otherwise decided by a majority of the Supervisors present during a particular public hearing, the following rules apply:
  - a. **Time.** The applicant is permitted up to 10 minutes to present its application. Following the applicant's presentation, any member of the public is permitted to speak once for up to three



minutes on the item. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal presentation.

- b. **Place.** The applicant and each member of the public presenting and speaking may speak using electronic communication means and, if the speaker physically attends the meeting, must speak from the podium or other location provided for the meeting.
- c. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker must address only the Board, speak to issues that are relevant to the item for which the public hearing is being held, and not engage in speech or other behavior that actually disrupts the meeting. The applicant and its representatives may include a visual or audio presentation. Any other speaker may also include a visual or audio presentation, provided that the presentation is received by the Clerk at least 48 hours before the time scheduled for the public hearing.

- 2. **Public Hearings; Zoning Map Amendments; Applicant's Documents Not Available During Advertisement Period.** If the public hearing is held without the applicant's final documents being available for review throughout the advertisement period due to the late submittal of documents, or because substantial revisions or amendments are made to the submitted documents after the public hearing has been advertised, it is the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application. In deciding whether to defer action or to deny the application, the Board must consider whether deferral or denial would be in the public interest or would forward the purposes of this policy.

- 3. **Action Items on Deferred Matters Not Listed on the Agenda for Public Hearing When Public Hearing Previously Held.** On any matter before the Board for action that is not listed on the agenda for public hearing and was previously deferred after the close of a public hearing, the following rules apply:

- a. **Time.** The applicant is permitted up to seven minutes to present its application and any member of the public is permitted to speak once for up to two minutes on the item. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal presentation.
- b. **Place and Manner.** The place and manner rules in Rule 6(F)(1)(b) and (c) apply.

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

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

## 7. **Quorum**

- A. **Establishing a Quorum.** A quorum for any meeting of the Board is a majority of the members of the Board present, except as provided in Rule 7(B)(2). (Virginia Code § 15.2-1415; Continuity of Government Ordinance)
- B. **Quorum Required to Act; Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415; Continuity of Government Ordinance) There are two exceptions:
  - 1. **Quorum Not Established; Adjournment.** If a quorum is not established, the only action the Supervisors present may take is to adjourn the meeting.
  - 2. **Quorum Not Established or Lost Because of a Conflict of Interests; Special Rule.** If a

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

- C. **Loss of Quorum During Meeting.** If a quorum was established but during a meeting the quorum is lost, the only action the Supervisors present may take is to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415; Continuity of Government Ordinance)
- D. **Quorum Required to Adjourn Meeting to Future Day and Time.** A majority of the Supervisors present at the time and place established for any regular or special meeting is a quorum for the purpose of adjourning the meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

## **8. Remote Electronic Participation**

- A. **Because of a Disability, Medical Condition, to Care for Family Member with a Medical Condition, or Personal Matter.** The Board may permit a Supervisor to participate in a Board meeting through electronic communication means from a remote location, subject to the following:

- 1. **Notification to Chair of Inability to Attend Because of a Disability, Medical Condition, or to Care for Family Member with a Medical Condition, or a Personal Matter.** On or before the day of the meeting, the Supervisor shall notify the Chair and should notify the Clerk that the Supervisor is unable to attend the meeting because of:
  - a. **Disability, Medical Condition, Care for Family Member.** A temporary or permanent disability or other medical condition that prevents the Supervisor's physical attendance; or a family member's medical condition that requires the Supervisor to provide care for the family member; or
  - b. **Personal Matter.** A personal matter, provided the Supervisor identifies with specificity the nature of the personal matter. Participation by a Supervisor by electronic communication means because of a personal matter is limited each calendar year to two meetings or 25 percent of the Board of Supervisors' meetings held per calendar year rounded up to the next whole number, whichever is greater.
- 2. **When Chair Requests to Participate Electronically.** In the event the Chair seeks to participate electronically, the Chair must notify the Vice-Chair or other presiding officer and should notify the Clerk on or before the day of the meeting.
- 3. **Quorum Physically Assembled; Approval of Remote Electronic Participation.** A quorum of the Board must be physically assembled at the primary or central meeting location. The Supervisors physically assembled must approve the participation by a majority vote of those Supervisors present and voting. The decision shall be based solely on the reasons participation by electronic communication means is allowed by Rule 8(A)(1), without regard to the identity of the Supervisor or items that will be considered or voted on during the meeting.
- 4. **Duty of Clerk to Record Action.** The Clerk shall record in the Board's minutes the specific nature of the reason participation by electronic communication means is allowed by Rule 8(A)(1), and the remote location from which the absent Supervisor participated. The remote location need not be open to the public. If the absent Supervisor's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the Board's minutes with specificity.
- 5. **Audibility of Absent Supervisor.** The Clerk shall arrange for the voice of the absent Supervisor to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent Supervisor cannot reasonably be heard, the meeting may continue without the participation of the absent Supervisor.

**B. During a Declared Emergency or When a Continuity of Government Ordinance is in Effect.**

The Board may meet by electronic communication means without a quorum of the Board physically assembled at one location when a state of emergency is declared pursuant to Virginia Code § 44-146.17 or a local emergency is declared pursuant to Virginia Code § 44-246.21, subject to the provisos and requirements of Virginia Code § 2.2-3708.2(A)(3). The Board also may meet by electronic communication means when an ordinance adopted pursuant to Virginia Code § 15.2-1413 to ensure the continuity of County government is in effect.

(Virginia Code § 2.2-3708.2)

**9. Conducting the Business of the Board**

**A. Enable Efficient and Effective Conduct of Business.** Meetings will be conducted in a manner that allows the Board to efficiently and effectively conduct its business, without actual disruptions.

**B. Minimizing Disruptions.** To minimize actual disruptions at meetings:

1. **Speakers.** Members of the public who are speaking to the Board must comply with Rules 6(D) and 6(F)(1), as applicable. Members of the public invited to speak to the Board during any agenda item other than Matters from the Public or during a public hearing must comply with Rule 6(D).

2. **Persons Physically Attending the Meeting.** Any person physically attending a meeting must comply with the following:

a. **Sounds.** Persons may not clap or make sounds in support of or in opposition to any matter during the meeting, except to applaud during the Proclamations and Recognitions portion of the meeting. Instead of making sounds, persons who are not speaking at the podium or other location provided for the meeting are encouraged to raise their hands to indicate their support or opposition to any item during the meeting. Cell phones and other electronic devices shall be muted.

b. **Other Behavior.** Persons may not act, make sounds, or both, that actually disrupt the Board meeting.

c. **Signs.** Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons physically attending the meeting.

**C. Guidelines Stated on the Final Agenda.** The Guidelines stated on the Final Agenda apply during each Board meeting. The Board may amend the Guidelines from time to time without amending these Rules provided that the Guidelines are consistent with these Rules.

**D. Chair May Maintain Order.** The Chair is to maintain order of the meeting, including the following:

1. **Controlling Disruptive Behavior of Persons Physically Attending the Meeting.** The Chair may ask any person physically attending a meeting whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may order the removal of that person from the meeting.

2. **Controlling Disruptive Behavior of Persons Participating Through Electronic Communication Means.** The Chair may ask any person participating in a meeting through electronic communication means whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may ask the Clerk to silence the audio and video of that person.

**10. Motion and Voting Procedures**

**A. Action by Motion Followed by a Vote.** Except as provided in Rules 10(B)(2) and 11(D), any action by the Board must be initiated by a motion properly made by a Supervisor and followed by a vote, as provided below:

1. **Motion Must Be Seconded; Exception.** Each action by the Board must be initiated by a motion that is seconded; provided that a second is not required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate may not be further considered.
2. **Voting and Recording the Vote.** The vote on any motion must be by a voice vote. The Clerk must record the name of each Supervisor voting and how each Supervisor voted on the motion.
3. **Required Vote, Generally Required Vote for Specific Items.** Each action by the Board must be made by the affirmative vote of *a majority of the Supervisors present and voting* on the motion; provided that an affirmative vote of *a majority of all elected Supervisors* of the Board shall be required to approve an ordinance or resolution:
  - a. **Appropriations.** Appropriating money exceeding the sum of \$500.
  - b. **Taxes.** Imposing taxes.
  - c. **Borrowing.** Authorizing money to be borrowed. (Article VII, § 7, Virginia Constitution; Virginia Code §§ 15.2-1420, 15.2-1427, 15.2-1428)
4. **Tie Vote.** A tie vote defeats the motion voted upon. A tie vote on a motion to approve is deemed a denial of the item being proposed for approval. A tie vote on a motion to deny is not deemed an approval of the item being proposed for denial, and another motion may be made.
5. **Abstention.** Any Supervisor who will abstain from voting on any motion must declare the abstention before the vote is taken and state the grounds for abstaining. The abstention must be recorded by the Clerk.

**B. Motion and Vote Required to Act; Exception.** The Board acts on matters as follows:

1. **Motion and Vote Required.** Any action by the Board to adopt an ordinance or a resolution, and any other action when a motion is required by law or by these Rules, must be made by a motion followed by a vote.
2. **Motion and Vote Not Required; Unanimous Consent.** On any item in which the Board is not adopting an ordinance or a resolution, or for which a motion and a recorded vote is not otherwise required by law, the Board may make a decision by unanimous consent. This procedure is appropriate, for example, to provide direction to County staff on an item.

**C. Other Motions.**

1. **Motion to Amend.** A *motion to amend* a motion properly pending before the Board may be made by any Supervisor. Upon a proper second, the motion to amend must be discussed and voted on by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both Supervisors making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
2. **Motion to Call the Question.** The discussion of any motion may be terminated by any Supervisor making a *motion to call the question*. Upon a proper second, the Chair must call for a vote on the motion to call the question without debate on the motion itself, and the motion takes precedence over any other item. If the motion is approved, the Chair must immediately call for a vote on the original motion under consideration.
3. **Motion to Reconsider.** Any decision made by the Board may be reconsidered if a *motion to reconsider* is made at the same meeting or an adjourned meeting held on the same day at which the item was decided. The motion to reconsider may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, is to place the item for discussion in the exact position it occupied before it was voted upon.

4. **Motion to Rescind.** Any decision made by the Board, except for decisions on zoning map amendments, special use permits, special exceptions, and ordinances, may be rescinded by a majority vote of all elected Supervisors. The *motion to rescind* may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Decisions on zoning map amendments, special use permits, special exceptions, and ordinances may be rescinded or repealed only upon meeting all of the legal requirements necessary for taking action on the items as if it was a new item before the Board for consideration; otherwise, decisions on zoning map amendments, special use permits, special exceptions, and ordinances are eligible for reconsideration as provided in Rule 10(C)(3).

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

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

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

## 12. **Amending the Rules of Procedure**

These Rules may be amended only as follows:

- A. **Rules Eligible for Amendment.** Any Rule may be amended.
- B. **Procedure to Amend.** The Board may amend any Rule by any of the following procedures:
  1. **Notice Followed by Action at Next Regular Meeting.** A Supervisor provides notice of an intention to amend the Rules to the other Supervisors present at a Regular Meeting, followed by a majority vote of the Supervisors present and voting to amend the Rules at the next Regular Meeting.
  2. **Notice Followed by Action at Later Regular Meeting.** A Supervisor provides notice of an intention to amend the Rules to the other Supervisors present at a Regular Meeting and requests that the proposed amendment be considered at a meeting other than the next Regular Meeting; at the same meeting, a majority of the Supervisors present and voting establish the later Regular Meeting date at which the proposed amendment will be considered; followed by a majority vote of the Supervisors present and voting to amend the Rules at the Regular Meeting.
  3. **By Supermajority Vote.** A proposed motion to amend is added to the Final Agenda at any Regular Meeting; at the same meeting, five or more Supervisors vote to amend the Rules. This procedure should be used only to make minor technical amendments deemed to be necessary to allow the Board to efficiently and effectively conduct its business.
- C. **Motion.** The motion to amend a Rule may be made by any Supervisor. Upon a proper second, the motion must be discussed and voted on. In deciding whether and how to amend a Rule, the Board shall consider that Rules 3, 4, 6(D), 6(F)(1)(a) through (c), 7, 8, 9(B), 10(A)(3), and 10(B)(1) address

statutory or constitutional requirements.

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

### 13. **Suspending the Rules of Procedure**

These Rules may be suspended only as follows:

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

\* \* \* \* \*

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

**RESOLUTION TO APPROVE  
SP202100015 MIDWAY-MARTIN'S STORE 115kV TRANSMISSION LINE**

**WHEREAS**, upon consideration of the staff report prepared for SP 202100015 Midway-Martin's Store 115kV Transmission Line and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(6) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas zoning district, with the applicable provisions of *County Code* § 18-5.1.12, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP 202100015 Midway-Martin's Store 115kV Transmission Line, subject to the condition attached hereto.

\* \* \* \* \*

**SP202100015 Midway-Martin's Store 115kV Transmission Line Special Use Permit Condition**

1. Supporting structures for the electrical transmission lines shall remain within the existing right-of-way easement.

**RESOLUTION TO APPROVE  
SP202100016 CVEC CASH'S CORNER SUBSTATION**

**WHEREAS**, upon consideration of the staff report prepared for SP 202100016 CVEC Cash's Corner Substation and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(6) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas zoning district, with the applicable provisions of *County Code* § 18-5.1.12, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP 202100016 CVEC Cash's Corner Substation, subject to the condition attached hereto.

\* \* \* \* \*

**SP202100016 CVEC Cash's Corner Substation Special Use Permit Condition**

1. Development of the use must be in general accord (as determined by the Director of Community Development, or the Director's designee) with the conceptual plan entitled "115kV Substation – Cash's Corner LS Rebuild," prepared by Booth & Associates, and last revised 10/15/2021. To be in general accord with the plan, development must reflect the location of developed substation pad shown in the plan. Minor modifications to the plan that do not conflict with that essential element may be made to ensure compliance with the Zoning Ordinance.



**ORDINANCE NO. 22-18(2)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE II, BASIC REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, and Article III, District Regulations, are hereby amended and reordained as follows:

**By Amending:**

Sec. 3.1           Definitions.  
Sec 5.1.48       Homestays.

**Chapter 18. Zoning****Article I. General Provisions**

...

**Sec 3.1 Definitions.**

...

*Hosted stay.* "Hosted stay" means a homestay use in which at least one individual owner of the subject parcel or an approved resident manager is present overnight at the subject parcel during the entirety of a homestay rental period.

...

*Responsible agent.* "Responsible agent" means for a homestay use, an owner, manager, management company, rental agent, or individual identified in the zoning clearance, whose role is to promptly address complaints regarding the homestay use.

...

*Unhosted stay.* "Unhosted stay" means a homestay use in which at least one individual owner of the subject parcel or an approved resident manager is not present overnight at the subject parcel during part or all of a homestay rental period.

...

[(§ 3.1: 20-3.1, 12-10-80, 7-1-81, 12-16-81, 2-10-82, 6-2-82, 1-1-83, 7-6-83, 11-7-84, 7-17-85, 3-5-86, 1-1-87, 6-10-87, 12-2-87, 7-20-88, 12-7-88, 11-1-89, 6-10-92, 7-8-92, 9-15-93, 8-10-94, 10-11-95, 11-15-95, 10-9-96, 12-10-97; § 18-3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01; Ord. 01-18(9), 10-17-01; Ord. 02-18(2), 2-6-02; Ord. 02-18(5), 7-3-02; Ord. 02-18(7), 10-9-02; Ord. 03-18(1), 2-5-03; Ord. 03-18(2), 3-19-03; Ord. 04-18(2), 10-13-04; Ord. 05-18(2), 2-2-05; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 07-18(1), 7-11-07; Ord. 07-18(2), 10-3-07; Ord. 08-18(3), 6-11-08; Ord. 08-18(4), 6-11-08; Ord. 08-18(6), 11-12-08; Ord. 08-18(7), 11-12-08; Ord. 09-18(3), 7-1-09; Ord. 09-18(5), 7-1-09; Ord. 09-18(8), 8-5-09; Ord. 09-18(9), 10-14-09; Ord. 09-18(10), 12-2-09; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 11-18(5), 6-1-11; Ord. 11-18(6), 6-1-11; Ord. 12-18(3), 6-6-12; Ord. 12-18(4), 7-11-12; Ord. 12-10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(1), 4-3-13; Ord. 13-18(2), 4-3-13; Ord. 13-18(3), 5-8-13; Ord. 13-18(5), 9-11-13; Ord. 13-18(6), 11-13-13, effective 1-1-14; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(2), 3-5-14; Ord. 14-18(4), 11-12-14; Ord. 15-18(1), 2-11-15; Ord. 15-18(2), 4-8-15; Ord. 15-18(4), 6-3-15; Ord. 15-18(5), 7-8-15; Ord. 15-18(10), 12-9-15; Ord. 16-18(1), 3-2-16; Ord. 16-18(7), 12-14-16; Ord. 17-18(1), 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 17-18(5), 10-11-17; Ord. 18-18(1), 1-10-18; Ord. 18-18(4), 10-3-18; Ord. 19-18(3), 6-5-19) (§ 4.15.03: 12-10-80; 7-8-92, § 4.15.03, Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 10-18(1), 1-13-10; Ord. 10-18(3), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord.

12-18(2), 3-14-12; Ord. 14-18(3), 6-4-14; Ord. 15-18(3), 5-6-15; § 4.15.3; Ord. 15-18(11), 12-9-15; Ord. 17-18(4), 8-9-17) (§ 4.17.3: Ord. 98-18(1), 8-12-98; Ord. 01-18(8), 10-17-01; Ord. 17-18(5), 10-11-17) (§ 4.18.2: Ord. 00-18(3), 6-14-00; Ord. 13-18(4), 9-4-13) (§ 10.3.3.1: § 20-10.3.3.1, 11-8-89; § 18-10.3.3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01) (§ 30.2.4: § 30.2.4, 12-10-80) (§ 30.3.5: § 30.3.02.1 (part), 12-10-80; 6-10-87; Ord. 05-18(1), 1-5-05, effective 2-5-05; § 30.3.5; Ord. 14-18(1), 3-5-14; Ord. 17-18(4), 8-9-17); § 3.1, Ord. 19-18(3), 6-5-19; Ord. 19-18(6), 8-7-19; Ord. 20-18(2), 9-2-20; Ord. 20-18(3), 9-16-20; Ord. 21-18(3), 6-2-21; Ord. 22-18(2), 4-6-22]

...

## Article II. Basic Regulations

...

### Section 5 – Supplementary Regulations

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#### Sec. 5.1.48 Homestays.

Each homestay is subject to the following regulations:

- a. *Zoning clearance.* A parcel owner must obtain a zoning clearance under section 31.5 prior to conducting a homestay.
  1. *Information and sketch plan to be submitted with request for zoning clearance.* The following items must be submitted with each application for a homestay zoning clearance under section 31.5:
    - i. *Information.* The following information:
      1. the proposed use;
      2. the maximum number of guest rooms;
      3. the provision of authorized on-site parking; and
      4. the location, height, and lumens of outdoor lighting.
    - ii. *Schematic plan.* A schematic drawing of the premises with notes in a form and of a scale approved by the Zoning Administrator, depicting:
      1. all structures to be used for the homestay;
      2. the locations of all guest rooms; and
      3. how access, on-site parking, outdoor lighting, signage and minimum yards would comply with this chapter.
  2. *Signatures.* An application must be signed by the responsible agent and an owner of the subject parcel(s).
  3. *Residency verification.* The owner must provide two forms of verification of permanent residency, such as a driver's license, voter registration card, or other document(s) that the Zoning Administrator determines provide equivalent proof of permanent residence at the subject parcel(s). These documents must be provided in person for review during the review process.
  4. *Building code, fire and health approvals.* Before the Zoning Administrator approves a zoning clearance under section 31.5, the owner of the parcel must obtain approval of the use from the building official, the fire official, and the Virginia Department of Health.
  5. *Annual notice.* The owner(s) of a homestay parcel must provide notice to the owner(s) of all abutting parcels, containing the name and contact information, including a working telephone number, of the homestay parcel's owner(s) and any other designated responsible agent. The homestay parcel's owner(s) must provide both a copy of the notice to the Zoning Administrator prior to approval of a zoning clearance and updated contact information annually thereafter.
- b. *Use provisions.* Each homestay use is subject to the following regulations:

1. *Accessory use.* Each homestay use must be accessory to a primary residential use. A homestay use may not be accessory to an accessory apartment.
2. *Residency.* At least one individual owner of the homestay parcel must reside on the subject parcel for a minimum of 180 days in a calendar year of the homestay use, provided that by special exception, the Board of Supervisors may authorize the residency of a property-managing agent to meet this requirement.
3. *Minimum yards.* The minimum applicable front, side, and rear yard requirements for primary structures apply to all structures used for homestays, provided that by special exception, the Board of Supervisors may authorize the reduction or modification of the minimum yards.
4. *Parking.* In addition to the parking required for a single-family dwelling, the number of off-street parking spaces required by section 4.12.6 must be provided on-site. No alternative parking under section 4.12.8 is permitted.
5. *Responsible agent.* The homestay parcel owner(s) must designate a responsible agent to promptly address complaints regarding the homestay use. The responsible agent must be available within 30 miles of the homestay at all times during a homestay use. The responsible agent must respond and attempt in good faith to resolve any complaint(s) within 60 minutes of being contacted. The responsible agent may initially respond to a complaint by requesting homestay guest(s) to take such action as is required to resolve the complaint. The responsible agent also may be required to visit the homestay if necessary to resolve any complaints.

c. *Parcel-based regulations.*

1. Each homestay located on (a) a parcel of less than five acres in the Rural Areas zoning district or (b) a parcel of any size that allows residential use in the Residential zoning districts or Planned Development zoning districts is subject to the following regulations:
  - i. *Number of homestay uses.* Any parcel may have only one homestay use.
  - ii. *Structure types.* Homestay uses may be conducted only in a detached single-family dwelling or within its accessory apartment, provided that by special exception, the Board of Supervisors may authorize the homestay use of accessory structure(s).
  - iii. *Number of guest rooms.* A maximum of two guest rooms used for sleeping may be permitted with each homestay use, provided that by special exception, the Board of Supervisors may authorize the homestay use of up to five guest rooms.
  - iv. *Hosted stays.* At least one individual owner of the homestay parcel or an approved resident manager must reside on and be present overnight on the subject parcel during the homestay use.
2. Each homestay located on a parcel of five acres or more in the Rural Areas zoning district is subject to the following regulations:
  - i. *Number of homestay uses.* Any parcel may have up to two homestay uses, provided it has at least two single-family residences, and all other applicable requirements are met.
  - ii. *Structure types.* Homestay uses may be conducted in a detached single-family dwelling, within its accessory apartment, or within an accessory structure built on or before August 7, 2019, provided that by special exception, the Board of Supervisors may authorize the homestay use of accessory structures built after August 7, 2019.
  - iii. *Number of guest rooms.* A maximum of five guest rooms used for sleeping may be permitted with each homestay use.
  - iv. *Required development rights, density and limitation.* Each single-family dwelling to which a homestay use is accessory must comply with the following regulations:
    1. On any parcel less than 21 acres in size, the single-family dwelling must have and use a development right as provided in section 10.3;
    2. On any parcel, regardless of size, the single-family dwelling must comply with the permitted density; and

3. No single-family dwelling may have more than one accessory homestay use.
  - v. *Screening*. Structures and parking used for homestays located less than 125 feet from any abutting lot not under the same ownership as the homestay must have screening that meets the minimum requirements of section 32.7.9.7(b)-(e).
  - vi. *Hosted stays*. At least one individual owner of the homestay parcel or an approved resident manager must reside on and be present overnight at the subject parcel during the homestay use except during approved unhosted stays.
  - vii. *Unhosted stays*. The owner(s) of a homestay parcel that is approved for unhosted stays may be absent during up to seven homestay rental days in any calendar month and up to 45 homestay rental days in any calendar year. The owner(s) must maintain a log of all homestay uses, including the date of each rental for which the owner(s) is/are absent. This log must be provided within five business days to the Zoning Administrator upon request.
- d. *Special exceptions*.
  1. Waiver(s) or modification(s) of this section may be authorized only by the special exception(s) specifically provided in this section.
  2. The Board of Supervisors may grant special exception(s) only after notice to abutting parcel owners.
  3. Among other relevant factors, in granting homestay special exception(s), the Board of Supervisors may consider whether:
    - i. There would be any adverse impact(s) to the surrounding neighborhood;
    - ii. There would be any adverse impact(s) to the public health, safety, or welfare;
    - iii. The proposed special exception would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
    - iv. The proposed special exception would be consistent in size and scale with the surrounding neighborhood.
- e. *Uses prohibited*. The following uses are not permitted as uses accessory to a homestay use: (i) restaurants; and (ii) special events serving attendees other than homestay guests.
- f. *Lawfully pre-existing uses*. Any bed and breakfast or tourist lodging use approved prior to August 7, 2019 may continue, subject to conditions of the prior approval(s).

(Ord. 12-18(3), 6-6-12; Ord. 19-18(6), 8-7-19; Ord. 22-18(2), 4-6-22)

**ORDINANCE NO. 22-13(1)**

AN ORDINANCE TO AMEND CHAPTER 13, SOLID WASTE DISPOSAL AND RECYCLING, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 13, Solid Waste Disposal and Recycling, is hereby reordained and amended as follows:

**By Amending:**

Sec. 13-100  
 Sec. 13-300  
 Sec. 13-301  
 Sec. 13-302

**CHAPTER 13****SOLID WASTE DISPOSAL AND RECYCLING****ARTICLE I. IN GENERAL****Sec. 13-100 Definitions.**

The following definitions shall apply to this chapter:

- (1) *Clutter*. The term "clutter" means mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when such items are left in public view for an extended period or are allowed to accumulate, unless such items are on land zoned for agriculture or in a lawfully active agricultural operation.
- (2) *Commingled recyclables*. The term "commingled recyclables" means a mixture of several recyclable materials in one container.
- (3) *Food waste*. The term "food waste" means all animal and vegetable solid wastes generated by food facilities, or from residences, that result from the storage, preparation, cooking, or handling of food.
- (4) *Garbage*. The term "garbage" means solid waste consisting of decomposable animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other food products.
- (5) *Industrial solid waste*. The term "industrial solid waste" means solid waste originating from mechanized manufacturing facilities, factories, refineries, construction and demolition projects, and publicly operated treatment works, and/or solid wastes placed in debris boxes.
- (6) *Litter*. The term "litter" means solid waste discarded outside the established collection disposal system.
- (7) *Multi-family dwelling*. The term "multi-family dwelling" means a building or portion thereof containing more than two dwelling units and not classified as a one family or two family dwelling nor as a townhouse, with not more than one family occupying each dwelling unit.
- (8) *Nonresidential units*. The term "nonresidential units" means commercial buildings or structures, both retail and wholesale, including apartments with more than two dwelling units.
- (9) *Person*. The term "person" means any natural person, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, or representative or group of individuals or entities of any kind.
- (10) *Processing*. The term "processing" means the separation and marketing of recyclable materials.

- (11) *Recyclable materials.* The term "recyclable materials" means materials which have been source separated by any person or materials separated from solid waste for the subsequent utilization in both cases as raw material to be manufactured into a new product other than fuel or energy.
- (12) *Recycling.* The term "recycling" means the process of separating a given waste material from the waste stream and processing it so that it is used again as a raw material for a product, which may or may not be similar to the original product.
- (13) *Refuse.* The term "refuse" means all solid and semiliquid wastes that are composed wholly or partially of materials such as garbage, trash, litter, clutter, rubbish, ashes, street cleanings, industrial solid waste, residues from clean up of spills or contamination, and other discarded materials, but not human or agricultural animal body wastes.
- (14) *Residential unit.* The term "residential unit" means any housing unit within the county including single-family dwellings, two-family dwellings, townhouses and mobile homes. It does not include multi-family dwellings. Occupants of such residential units are referred to as residents.
- (15) *Rubbish.* The term "rubbish" means nondecomposable solid waste consisting of both combustible and noncombustible waste materials.
- (16) *Sanitary landfill.* The term "sanitary landfill" means a disposal facility for solid waste so located, designed and operated that it does not pose a substantial present or potential hazard to human health or the environment.
- (17) *Solid waste.* The term "solid waste" means garbage, refuse, sludges, and other discarded solid materials, including those from industrial, commercial, and agricultural operations, and from community activities.
- (18) *Source separation.* The term "source separation" means the segregation of various specific materials from the waste stream at the point of generation.
- (19) *Transfer station.* The term "transfer station" means a place or facility where waste materials are taken from small collection vehicles and placed in larger transportation units for transport to disposal areas, usually landfills, and where compaction or separation may be an incidental activity.
- (20) *Trash.* The term "trash" means dry waste and usually does not include food waste and ashes but may include other organic materials, such as plant trimmings, or material considered worthless, unnecessary, or offensive that is usually thrown away.
- (21) *Waste.* The term "waste" means garbage, trash or other refuse that is discarded, useless, or unwanted.
- (22) *Waste collector.* The term "waste collector" means all persons engaging in the business of picking up garbage, trash or refuse of any description by truck or other vehicle for the delivery to a sanitary landfill area or other place, for disposal of the same as may be permitted by law.
- (23) *Waste stream.* The term "waste stream" means the total flow of solid waste from residences, businesses, institutions, and manufacturing plants that must be recycled, burned, or disposed of in landfills; or any segment thereof, such as the "residential waste stream" or the "recyclable waste stream." The term "waste stream" also means the total waste produced by a community or society, as it moves from origin to disposal.

(Code 1967, § 15-1; 9-15-93; Code 1988, § 16-1; Ord. 98-A(1), 7-15-98; Ord. 22-13(1); 4-6-22)

**State law reference(s)-** Va. Code § 15.2-901(A) and 9VAC20-81-10.

### **Sec. 13-101 Permit required.**

No person engaged in a business as a refuse remover shall conduct any portion of such operation within the county unless he has a current permit to do so issued by the county pursuant to this article.

(9-15-93; Code 1988, § 16-18; Ord. 98-A(1), 7-15-98)

**State law reference(s)**—Va. Code § 15.2-930.

**Sec. 13-102 Waste collection and recycling permit application.**

- A. Each person is required to obtain a permit pursuant to section 13-301, or to renew an existing permit shall submit a permit application to the department of engineering and public works. The application shall be made on a form provided by the department of engineering and public works, and shall require the applicant to provide its name, address and telephone number, and to state generally the areas within the county the applicant proposes to serve.
- B. An application for a new permit shall be submitted, and a permit issued, before the person engages in business as a waste collector as provided in section 13-301.
- C. An application to renew an existing permit shall be submitted between June 1 and June 15 of each year.

(§§ 16-19, 16-21; 9-15-93; Code 1988, §§ 16-19, 16-21; Ord. 98-A(1), 7-15-98)

**State law reference(s)**—Va. Code § 15.2-930.

**Sec. 13-103 Waste collection and recycling permit expiration.**

Each permit issued pursuant to this chapter shall expire on June 30 following the date of issue.

(9-15-93; Code 1988, § 16-21; Ord. 98-A(1), 7-15-98)

**State law reference(s)**—Va. Code § 15.2-930.

**Sec. 13-104 Waste collection and recycling permit issuance or denial.**

- A. A permit for which an application has been submitted pursuant to section 13-102 shall be issued or denied by the department of engineering and public works within 15 days of the receipt of such application.
- B. A permit shall be issued if the department of engineering and public works determines that the application is complete and valid and that the applicant has reasonably and substantially complied with all applicable sections of this chapter.
- C. The department of engineering and public works shall provide an applicant whose permit is denied with a written statement of the reasons for denial.

(9-15-93; Code 1988, § 16-20; Ord. 98-A(1), 7-15-98)

**State law reference(s)**—Va. Code § 15.2-930.

**Sec. 13-105 Violation and penalty.**

Any person who fails to comply with any requirements of article I or article II of this chapter shall be subject to the following:

- A. Any alleged violation will be brought before a committee composed of one representative of the waste collectors, one citizen representative appointed by the county executive, and a third representative chosen jointly by the waste collectors and citizen representatives. The committee shall review the violation from a report of the department of engineering and public works. The alleged violator shall be provided the opportunity to respond to the alleged violation. The committee shall determine whether a violation has occurred, and recommend an appropriate enforcement action including, but not limited to, a recommendation as to whether civil penalties should be pursued.
- B. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this

section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$100.00 for the first violation, \$250.00 for the second violation, \$500.00 for the third violation, \$750.00 for the fourth violation, and \$1,000.00 for each violation thereafter.

- C. With the consent of any person who has violated or failed, neglected or refused to comply with any requirement of these articles, the county may provide in an order issued against such person, for the payment of civil charges for violations in specific sums, not to exceed the applicable limitation specified in paragraph B. These civil charges shall be in lieu of any appropriate civil penalty which could be imposed pursuant to paragraph B.

(9-15-93; Code 1988, § 16-22; Ord. 98-A(1), 7-15-98)

**State law reference(s)**—Va. Code § 15.2-930.

## **ARTICLE II RECYCLING**

### **Sec. 13-200 Purpose.**

The purpose of this article is to encourage and promote recycling throughout the county in order to protect limited natural resources for the benefit of its citizens.

(9-15-93; Code 1988, § 16-13; Ord. 98-A(1), 7-15-98)

**State law reference(s)**—Va. Code § 15.2-928.

### **Sec. 13-201 Residential and nonresidential source separation of solid waste for purposes of recycling.**

The following regulations shall apply to the source separation of solid waste for purposes of recycling:

- A. Each waste collector shall collect recyclable materials identified in paragraph B from county residents choosing to participate, and such collection shall be consistent with the recycling program for which the waste collector provides service.
- B. Each waste collector shall recycle source separated newspaper, magazine, container glass, metal cans, and plastic soda, milk and water containers from residential units. The county will provide for the processing of newspaper and commingled recyclables collected by a waste collector from residential units.
- C. Each waste collector shall offer recycling services to the owner or manager of each multi-family dwelling and apartment complex in the county to which it provides service.
- D. Each waste collector shall make a reasonable effort to promote residential and nonresidential participation in a recycling program.
- E. This article shall not affect the right of any person or entity to sell or otherwise dispose of waste material as provided in Virginia Code § 15.2-933 or permitted under any other law of the commonwealth, nor shall it impose any liability upon any waste collector for failure of its customers to comply with this article.

(9-15-93; Code 1988, § 16-15; Ord. 98-A(1), 7-15-98)

**State law reference(s)**—Va. Code § 15.2-937.

### **Sec. 13-202 Frequency of removal.**

Each waste collector serving residential units shall collect recyclable materials in accordance with paragraph 13-201(A) either weekly or biweekly.

(9-15-93; Code 1988, § 16-16; Ord. 98-A(1), 7-15-98)



**State law reference(s)**—Va. Code §§ 15.2-928, 15.2-930.

**ARTICLE III DUMPING, ACCUMULATION, STORAGE, REMOVAL  
AND DISPOSAL OF WASTE**

**Sec. 13-300 Dumping waste on public property, a public highway, right-of-way, or on private property.**

- A. It shall be unlawful for any person to dump or otherwise dispose of refuse or other unsightly matter on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.
- B. When any person is arrested for a violation of this section, and the refuse or other unsightly matter alleged to have been dumped or disposed of has been ejected from a motor vehicle, the arresting officer may comply with the provisions of Virginia Code § 46.2-936 in making such arrest.
- C. When a violation of the provisions of this section has been observed by any person, and the refuse or other unsightly matter dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or removing of such matter. This presumption shall be rebuttable by competent evidence.
- D. Any person convicted of violating this section shall be guilty of a misdemeanor punishable as provided in section 1-301 of the Code, at the court's discretion, in lieu of a criminal conviction it may permit the person to volunteer his services for a reasonable period of time to remove litter from the highway.

(Code 1988, § 16-2; Ord. 98-A(1), 7-15-98; Ord. 22-13(1); 4-6-22)

**State law reference(s)**—Va. Code §§ 33.1-346, 33.1-346.1.

**Sec. 13-301 Transporting refuse in vehicles.**

It shall be unlawful for any person to transport any refuse upon the streets, roads, or highways in the county in a motor vehicle unless the vehicle is constructed or loaded to prevent any of the load, consisting of the refuse and refuse containers, from dropping, sifting, leaking or otherwise escaping therefrom. A vehicle may be deemed to be constructed or loaded to prevent the load from dropping, sifting, leaking or otherwise escaping if the refuse is transported in one or more secured covered containers within the vehicle which do not allow sifting, leakage or the escape of refuse therefrom, and each container is loaded in the vehicle in a manner that prevents it from dropping or otherwise escaping from the vehicle. Any person convicted of violating this section shall be guilty of a misdemeanor punishable as provided in section 1-301 of the Code.

(Code 1967, § 15-4; 4-17-75; Code 1988, § 16-3; Ord. 98-A(1), 7-15-98; Ord. 01-13(1) , 12-5-01; Ord. 22-13(1); 4-6-22)

**State law reference(s)**—Va. Code § 10.1-1424.

**Sec. 13-302 Accumulation, storage and removal of refuse on private property.**

The following regulations shall apply to the accumulation, storage and removal of refuse and other dangerous substances on private property:

- A. No owner or occupant of any property in the county shall store, accumulate, or dump refuse or other substances that might endanger the health or safety of other residents of the County except as otherwise provided by law. The storage, accumulation, or dumping of refuse or other substances that might endanger the health or safety of others is declared a nuisance.
- B. All refuse must be placed in personally owned or privately owned watertight containers and be kept covered until transported to a public sanitary landfill or until taken from the property by trash or garbage collectors or otherwise disposed of as provided by law.
- C. Each owner or occupant of property in the county shall, at such time or times as the board of supervisors or its agent may prescribe in a writing personally delivered to the owner or occupant or sent

to the owner or occupant by certified mail to the property or sent to the owner by certified mail at the last known address as shown on the current real estate tax assessment records, remove from the property any and all refuse and other substances which might endanger the health or safety of other residents of the county as directed in such writing. For purposes of this Article, the board of supervisors designates the county executive and the county executive's designee as its agents.

- D. If the board of supervisors or its agent deems it necessary, after written notice personally delivered or sent by certified mail to the owner or occupant of property in the county according to subsection C above, the board of supervisors or its agent may have such refuse and other substances that might endanger the health of other residents of the county removed by the county's own employees or independent contractors within a reasonable period of time, in which event the cost or expense thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes are collected. If the condition poses an emergency, the county may correct or abate the condition immediately with or without notice. Every such charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on parity with liens of unpaid local taxes and enforceable in the same manner as provided in section 15-100 of the Code and Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia. The county executive may waive such liens in order to facilitate the sale of the property but may only do so as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property from when the liens were imposed.
- E. Violations of this section are subject to a civil penalty of \$50.00 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months after the first violation is \$200.00. Each business day during which the same violation is found to have existed constitutes a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a 12-month period. A violation shall constitute a Class 3 misdemeanor and preclude the imposition of civil penalties if three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative faces, within a 24-month period.
- F. The remedies identified in this section are not exclusive and do not preclude the county from seeking all other available legal remedies, including injunctive relief to abate, correct, prevent, and preclude violations of this Article's provisions.

(Code 1967, § 15-6; 11-15-89; Code 1988, § 16-5; Ord. 98-A(1), 7-15-98; Ord. 22-13(1); 4-6-22)

**State law reference(s)**—Va. Code § 15.2-901.

#### **Sec. 13-303 Waste collectors to dispose of same at authorized locations.**

It shall be unlawful for any waste collector to dispose of garbage, trash, or refuse at any location in the county other than at a public sanitary landfill, transfer stations, recycling drop-off centers and other locations designated by the county. Any person convicted of violating this section shall be guilty of a class 1 misdemeanor.

(Code 1967, § 15-5; Code 1988, § 16-4; Ord. 98-A(1), 7-15-98)

**State law reference(s)**—Va. Code § 15.2-931.

#### **Sec. 13-304 Scavenging.**

It shall be unlawful for any person other than a permitted waste collector to salvage or otherwise remove any recyclable materials set out for collection by a permitted waste collector.

(9-15-93; Code 1988, § 16-17; Ord. 98-A(1), 7-15-98)