

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 16, 2017, at 3:30 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. This meeting was adjourned from November 8, 2017.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph and Mr. Brad Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, Deputy County Attorney, John Blair, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 3:39 p.m., by the Chair, Ms. McKeel.

Ms. McKeel introduced staff present at the dais and the presiding security officer, Sgt. Tim Carrico.

(Note: Mr. Dill left the meeting at 3:42 p.m.)

Ms. McKeel recognized Mr. Randolph for his recent certification from the Virginia Association of Counties (VACO) and the Virginia Cooperative Extension Service through the County Supervisors program, which encompasses 5 courses over 18 months. She stated that the program is training to enhance the leadership and decision-making skills of county supervisors in Virginia.

Mr. Randolph thanked her for the acknowledgement.

Agenda Item No. 2. **Action:** Rescindment of Declaration of Water Emergency.

Ms. McKeel read a resolution rescinding the Board's October 11, 2017 resolution declaring a water supply emergency and authorizing the Albemarle County Service Authority and its Executive Director to impose restrictions and prohibitions on the use of the water supply.

Ms. Palmer **moved** to adopt the resolution as presented. Mr. Sheffield **seconded** the motion.

Ms. Mallek commented that when the Board passed the resolution in October, they were told that they were going to let the emergency sit for a lengthy period of time to give the groundwater a little chance to get ahead. She said this new action seems very abrupt, and she wonders what they are dropping back to, the original wasteful use of water, or conservation measures without the emergency declarations that say you cannot do certain things. Ms. Mallek pointed out that when they enacted the emergency to begin with, they discussed the fact that the entire culture was based upon use as much as you can and throw it away, which she felt was an appalling way to look at water use. She added that she would like to have a future discussion on what they are basing their water culture, as it may help avoid issues in the future.

(Note: Mr. Dill returned at 3:47 p.m.)

Ms. Palmer stated that this is a wonderful topic of discussion, but typically water usage decreases at this time of the year anyway because plants are not drawing as much water as their leaves drop, and people are not watering like they were before. She noted that the usage declines to a level that is not much more than what they are achieving with the conservation, but Rivanna feels that because of how well people responded to the restrictions, as well as making corrections to the water flow through recalibration of the Mechums River gauge, that it is acceptable to rescind the restrictions.

Ms. Mallek asked if the gauge would be placed in a place that actually measures the real volume, instead of in a different watershed altogether. Ms. Palmer responded that she agrees and would be advocating for that, but mechanically the actual gauge may have a problem that would need to be fixed. She said that with the leaky gate, they had a gauge that was probably not performing properly, and they have fixed those things or are in the process of doing so. Ms. Palmer stated that the one thing she is worried about is the idea of renegotiating instream flows, although she does not know what that means at this point and Rivanna has to work with DEQ.

Ms. Mallek commented that is to reduce the release into the Rivanna.

Ms. Palmer agreed, stating that they are looking at the total reservoir volume in order to determine the release into the South Fork Rivanna River. She emphasized that there are things Rivanna is doing to try to correct the problem and things they need to watch very carefully.

Ms. McKeel suggested that because the Board's agendas in December are already full, perhaps they could have a discussion around some of the items addressed at PAC in terms of land acquisition and needed steps at Observatory Hill, as well as the pipeline.

Ms. Mallek agreed with that approach.

Ms. Palmer stated that this would provide an opportunity to say things that were not said today, adding that a lot of the plans to move forward had not been entirely worked out.

Ms. McKeel mentioned that they could have Mr. Gary O'Connell of the Albemarle County Service Authority and others present to answer questions.

Ms. Mallek said that her strong preference would be to do the restriction change after those things are worked out, but she has made her comments. Ms. Mallek commended the community for addressing the conservation faster than she had predicted.

Ms. McKeel agreed.

Mr. Randolph stated that when you look at the chronology of the water levels: August 3, 100%; September 15, 77%; and October 13, 45%. He emphasized that two of the gates have no meters on them, and all of the gates should be metered. It would be useful for them in their discussions for the Board to be aware of the reporting system within RWSA to their board, the Board of Supervisors, and City Council when levels drop off. He commented that going from 100% to 77% in a month-and-a-half time period is a fairly precipitous drop. He said that if that is an annualized, expected drop that is one thing, but if it is an aberration, there should be some way the Board is made aware of it earlier on so they could express concern and weigh in. Mr. Randolph commented that in looking at this objectively, there was an opportunity for reporting to be a bit earlier so they could work collectively to respond as quickly as possible.

Ms. Palmer responded that she feels the management issues would be addressed.

Ms. McKeel noted that there is a motion and second on the table to rescind the water supply emergency.

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

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. McKeel and Ms. Palmer.

NAYS: Ms. Mallek.

Ms. McKeel reiterated that they would revisit this issue in January.

RESOLUTION

WHEREAS, on October 5, 2017, the Board of Directors of the Rivanna Water and Sewer Authority declared a Drought Warning for the Charlottesville-Albemarle County area because of the rapid loss of water storage at the South Fork Rivanna Reservoir; and

WHEREAS, on October 9, 2017, the Board of Directors of the Albemarle County Service Authority (the "ACSA" and the "ACSA Board") determined that a lack of adequate rainfall was creating drought conditions causing the water levels of the water supply reservoirs in all of the ACSA's service areas, particularly the South Fork Rivanna Reservoir, to decrease even after the call for voluntary water conservation measures; and

WHEREAS, on October 9, 2017, the ACSA Board adopted a resolution pursuant to Section 16-02(B) of its Rules and Regulations requesting the Albemarle County Board of Supervisors (the "Board") to declare a water emergency which, in turn, enables the ACSA Board to declare a Drought Warning and impose restrictions on water use authorized by Section 16-02(B); and

WHEREAS, the ACSA Board's October 9, 2017 resolution found that a water emergency exists in all of the ACSA service areas of the County arising out of a shortage of water supply; and

WHEREAS, on October 11, 2017, the Board adopted a resolution declaring an emergency because a shortage of water supply existed in all service areas of the County and authorizing the ACSA and its Executive Director to order the restriction or prohibition of any or all uses of the water supply as set forth in Albemarle County Code Section 16-500; and

WHEREAS, on November 14, 2017, the Board of Directors of the Rivanna Water and Sewer Authority declared the conditions necessitating the Drought Warning no longer existed; and

WHEREAS, on November 16, 2017, the ACSA Board requested the Board ask the ACSA and its Executive Director to rescind the restrictions and prohibitions of any or all uses of the water supply set forth in Albemarle County Code Section 16-500.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby declares that a shortage of water supply emergency no longer exists in any service area of the County; and

BE IT FURTHER RESOLVED, that the Board hereby requests that the ACSA and its Executive Director rescind the restriction or prohibition of any or all uses of the water supply enacted by the ACSA pursuant to Albemarle County Code Section 16-500.

Agenda Item No. 3. **Work Session:** Government Operations/Courts Relocation Opportunities Analysis.

The Executive Summary forwarded to the Board states that Albemarle County has been engaged for some time in a thorough analysis and assessment of the County's future court needs and the best way to meet those needs. The Board of Supervisors discussed five potential options last October 24, 2016 and took public comment. The court expansion project reflects a major investment of County funds and is the most expensive project in the County's Capital Improvement Program budget; therefore, the Board is particularly interested in ensuring all options have been properly vetted and giving County taxpayers an opportunity to review the identified options and provide comment.

There are two Courts options primarily remaining in consideration:

- Option 1: Renovation of the existing downtown courts complex for the Circuit Court and expansion of the General District Court on the Levy Opera House parcel, which is co-owned by the County and City of Charlottesville.
- Option 5: Build a new General District Court, Circuit Court and associated functions on a parcel in Albemarle County's designated development area, presumptive location identified as the Rio Road/Route 29 area.

The Board established in its November 2, 2016 resolution that the Courts project, in any scenario, must ensure the fair and equitable administration of justice. The Board also directed staff to investigate the potential to which this project could promote its highest strategic priorities of urban development, redevelopment and revitalization. The Board additionally directed staff to further analyze the extent to which Option 5 would be sufficient to encourage a developer to enter a public/private partnership (P3) integrating the Courthouse and/or County Office Building as part of or adjacent to a larger mixed-use development.

At the December 14, 2016 Board meeting, staff presented a proposed process for moving forward with the exploration of a P3 to relocate the courts and/or County administration to a site in Albemarle County. At the conclusion of the presentation, the Board directed staff to proceed as proposed. Staff then developed a Request for Proposal (RFP) and proceeded with the solicitation process to contract with a Development Services Advisor during the spring; an RFP review committee selected and contracted with Stantec Consulting Services in June 2017. At the November 8, 2017 Board meeting, staff and Stantec presented an update on the analysis work in progress including a review of the Board's feedback on decision-making criteria that will help frame the ultimate decision-making process. Stantec presented Program Analysis information on the County Office Building and Courts options that will feed into the Fiscal Impact Model and laid out the procurement process for a P3.

The deliverables of the Developer Advisory work are:

- 1) Review data related to Option 1 with a specific focus on understanding the adjacencies of the Courts to the City Courts and impacts of separating them through an adjacency study.
- 2) Analyze the feasibility, cost, benefits and other impacts of Option 5, with the following sub-options:
 - Court House Complex Only
 - County Office Administrative Building Only
 - Combined facility

The purpose of today's work session is to finish a review of content provided to the Board in advance of the Nov 8th work session. Staff along with the National Centers for State Courts (NCSC) consultant, who lead the Courts aAdjacency study, will present a summary of findings from the Adjacency study and respond to Board questions. Staff and consultants from Stantec will also answer any follow up questions related to the Programming Analysis from the November 8th work session. The Board will then go to a closed meeting to discuss specific P3 potential scenarios related to site-specific locations in the Rio/29 area.

Staff will also update the Board on the next four weeks of the process, including the December schedule, the timing of deliverables of final documentation, work session, public hearing and proposed meeting for Board action/direction to staff on next steps.

There are no budget impacts at this time.

This material is being presented for informational purposes. Staff welcomes any Board feedback or questions.

Mr. Trevor Henry, Director of Facilities and Environmental Services, reported that he is before them to help manage the process of working with consultants through the fall. He stated that the goals for this presentation were to follow up on questions from a week earlier, present a summary of findings from the adjacency study, and respond to questions prior to the Board going into a closed meeting. Mr. Henry stated that this meeting is a continuation of the content review, and in early December staff will be bringing all deliverables to the Board, with a work session on December 13, a public hearing on the 18th, and a direction meeting on the 20th. He said what they saw last week and what they see today are just

parts of the overall picture of information the Board has requested, to hopefully make them confident in providing some direction later in the year.

Mr. Henry stated that last week they agreed to send out the Virginia Courthouse Facility Guidelines that the consultant, Moseley, had provided to staff to give to the Board, and they spent a significant amount of time talking about secure parking for the judges at the downtown Circuit Court location in a renovation/redesign model. He said he went back and looked at the work from the former architect at Dewberry for the downtown option and found that the secured parking was really silent for Circuit Court, and what was proposed related to Levy and the basement. Mr. Henry said that in working with Moseley, they did a concept diagram as to what might work, with the viewpoint from the Juvenile & Domestic Relations Court side of Market Street looking at the sally port and court complex downtown. He stated it is the current route in which the Sheriff takes prisoners into the facility.

Mr. Henry said the consultant and staff feel that it would be beneficial to build off of an access point instead of a tunnel, and there is a concept before the Board to add some secured parking inside of the gates inside of the perimeter of the building that would allow two to three parking spots for the judges. He emphasized that the concept is still evolving and the cost for this is estimated at \$300-500K, but they will firm this up and include it in the final report and costs for the December meeting.

Ms. Mallek noted that this does not address the going back and forth between the two buildings, which she thought was Mr. Randolph's question. Mr. Henry responded that in the downtown option, there would be secured parking under the Levy part of the new project, so the General District Court would have its own secured parking for judges, and what he showed would be judges for the Circuit Court. He stated that Mr. Randolph had asked him about bringing a summary of costs for the J&DR Court construction from 10 years ago, adding that he is still getting that in a final format. He explained that the City is fiscal agent, and the County pulled records from its archive so he wants to compare notes to ensure that what he provides accurately reflects those costs, with issues related to a wall there that he wants to accurately capture.

Ms. Palmer asked if the Sheriff's office and its security were all done at the same time, and whether it would be reflected in the numbers, as it is an impressive installation underground. Mr. Henry responded that it would be, and the total project would include all of that.

Ms. McKeel said she would like to know what the original was and what ended up happening, for both the timeline and the money. Mr. Henry replied that this is exactly what he is trying to accurately confirm.

Mr. Henry reported that the primary content for this meeting is to discuss the adjacency study work that was done by the National Center of State Courts and Moseley Architects, and he introduced Greg Langham, National Court Management Consultant from the Center. He stated that Mr. Langham was part of the team that came onsite and did the interviews with stakeholders, and the goal in the beginning had been for the County to truly understand the impacts of a potential relocation, documenting that, potentially considering additional resources to mitigate that should the Board choose to do a separation of the courts, and they felt it was important to bring in a national expert. Mr. Henry said the Center carries a strong reputation nationally and has supported Moseley and other architects in operating analysis in Virginia and other states. He stated they felt that teaming Moseley and the Center was a good combination to provide the objective analysis, with the support of Stantec.

Mr. Henry stated that the agenda is a quick update on the scope of the study and why it was done, approach and methodology, feedback from stakeholders and the public, and observations and conclusions from the Center. He said the big pieces of analysis were to understand how the courts interacted downtown; how the County, the City and the adjacent support services all work together. Mr. Henry noted that as part of that analysis, they would also ask the "what if" question of how the County might adjust its processes or resources to minimize impacts, and that is the main body of work that Mr. Langham and his team performed. He reported that they did community outreach in a public hearing in the fall of 2016, but they also felt it would be an opportunity to gather information from the public who was perhaps not as involved with the courts as the stakeholders. Mr. Henry noted that the Center, working with staff, developed a public survey designed to gather high-level public attitudes and information about this project or this decision. He said it was never meant to be scientific, and using the word "survey" possibly implies that and creates some concerns, but the intent was to provide an outreach and listening opportunity.

Mr. Greg Langham addressed the Board and thanked them for giving the project the time it deserves, recognizing his colleagues Laura Klasmar and Nancy Crandall in Denver, who also worked on the project. He stated that they liked the idea of working with Moseley Architects and also appreciate the collaboration with the Stantec consultants, and he also recognized Mr. Henry for his excellent work and support.

Mr. Langham stated that the approach and methodology included conducting interviews with stakeholder focus groups and combining that with a targeted survey of stakeholder professionals who are involved in court operations on a daily or weekly basis. He said they constructed 12 focus groups with the help of County staff, which involved 32 officials interviewed over a 4.5-day period, with input on the options of whether the courts should be separated or whether they should remain in the current court location. He noted that it was not only an expensive project, but is also a very community service-oriented project.

Mr. Langham said the objective was to get the perspective about the concerns, beliefs, and opinions from the professional stakeholders, judges, clerks of court, law enforcement officers, the Commonwealth Attorney, Public Defender, Legal Aid attorneys, and private attorneys from the local bar association. He stated the survey continued with the stakeholder public surveys that Mr. Henry had mentioned, which were developed in a good partnership with the consultants, and County officials. Mr. Langham said that they worked with the Center to try to ensure that the surveys and questionnaires solicited court user information, both from the public side and stakeholder side, in a neutral forum, so that people felt comfortable in coming in and expressing what their concerns might be. He pointed out that the questionnaire was not intended as a vote for or against any aspect of the Board's consideration, and he noted that Mr. Henry was emphatic in that regard, with that disclaimer included on the survey instruments themselves.

Mr. Langham reported that the surveys were designed to protect the identity of the respondents, to receive high-level information, concerning general information as it relates to how each agency could work best with the two options for consideration. He stated that they obtained general feedback and learned a lot when they did the interviews, which were supplemented with a survey from the stakeholders, with specific feedback provided on each operation that would occur in the optional locations. Mr. Langham said this was just one tool utilized in the analysis of the impacts on stakeholders and the public in terms of providing quality and efficient court services. He stated that the surveys were distributed to professionals directly involved in court functions, with 98 surveys received during the survey period and 1 disqualification. He noted that there was also a public survey posted on the County's website. Mr. Langham said that through the press release, it was advertised as available for all who wanted to participate and respond to the survey. He added that it was covered in the County's A-mail, as well as being covered on the Twitter and Facebook sites. Mr. Langham stated that there were 519 responses, with 15 of them disqualified, as the result of a three-step validation testing process.

Mr. Langham reported that they blended the stakeholder survey summary with the interview information received from stakeholders, and they only qualified the stakeholder survey by function as it relates to the court system, with inclusion of judges, law enforcement officers, private attorneys, probation officers, corrections, prosecutors, public defenders, and Legal Aid counsel. He noted that the bar association provided significant input as to how it would affect the overall practice of law in terms of going to the Rio site or staying at the current court site. He stated that another stakeholder group included real estate agents, title examiners, etc., those interested in court records who need the courthouse to obtain them. Mr. Langham noted that the stakeholder jurisdiction relates to the functions of the people who responded to the survey, and they wanted to be sure if a clerk of court responded that they understood their response was being measured as to how they provide services to both the City and the County. He stated that there were 69.8% of services provided to both the City and the County from the court operations and from the stakeholders involved in those operations as it affects the court.

Mr. Langham stated that they talked to Judge Higgins and Judge Moore, as well as Judge Downer and Judge Barkley, regarding how the court would be affected by keeping the courts in the current Court Square location. He said the continuances in court delays when judges and lawyers cover each other only occur within the centralized campus of where the courts are now, as people come in contact with one another and it is easy for the judge to walk down the hall and express a need for coverage, and the same dynamic occurs when attorneys interact on the campus.

Mr. Langham said that provision of convenient court services is very important to stakeholders, and in talking about communication between attorneys and court services, a person who has walked out of court with a court order for probation supervision can walk to a probation department on the same campus is more likely to comply sooner with the order. He stated they have addressed how to mitigate challenges based on local experience and that from other jurisdictions, but it is not taking a stance toward one option versus another. Mr. Langham noted that secure transport of criminal defendants is easier to achieve in one court location, and regardless of what they choose they will still have the historical site.

Mr. Langham stated that challenges to Option 1 were related to parking, which is high on everyone's list from both the stakeholder and the public survey. He said the convenience for juror parking was not available with this site, and law enforcement also had to find parking when they came to court to testify, and are actually charged for parking in some areas around Court Square, which is not appreciated by the Sheriff and police department. Mr. Langham stressed that most court environments strive to provide good, safe public parking, and it needs to be increased for them and for victims and witnesses. He said that Mr. Henry and Mr. Walker were aware of that, and the County is exploring how to work with the City to increase the overall parking advantage and benefits for the general public.

Mr. Langham reported that the new facility plans include enhanced technology, which is one of the benefits of Option 5. He said that in working with Elliot and with Moseley, their ability to design a modern court facility is evident and would result in a safe, secure, and functional facility. He stated that within that facility would be enhanced technology and a structure that meets ADA requirements, which would not currently be available with Option 1 but could be made available through innovation, as it had been done in numerous courts throughout the country in upgrading of courts to meet and surpass ADA and technology requirements. He noted that this is more challenging to do in an historic building.

Mr. Langham stated that there would be new facility plans for improved court security, and the separation of prisoner or in-custody transport throughout the building needs to be addressed in either location, addressed through design with a new facility, with the capability for law enforcement to move prisoners through the building while protecting the public and jurors. He said the challenges to Option 5 include limited public transportation, of which the County is aware, and that can be improved. Mr.

Langham noted that additional staff would be needed because there would be two court locations to operate, which was discussed with agencies in the stakeholder interviews, with the Sheriff's department needing five additional deputies and the Commonwealth's Attorney needing two deputy attorneys. He added that the court service unit director indicated that she would need either a half or full-time position to cover another court location.

Mr. Langham reported that court security costs would likely increase due to modernization of equipment, and what is normally designed into modern court facilities is one entry screening and one entry exit, which Moseley has done before in their courthouse designs. He stated that attorneys may face more schedule conflicts and cases could be delayed, but that could be addressed through scheduling of case management by the judges and clerks, who would assign specific dates and times to attorneys. He noted that this could be accomplished through technology, the sharing of IT and e-filing records where there is not a need for paper, which would increase the efficiency of how information is shared and utilized.

Mr. Langham stated that with the public survey, people who responded live primarily in the County, not the City, 87% were from the County, with 13% living in the City. He said that it was important to ascertain whether respondents work within or closely with the legal community or court system, and 154 or 30.6% said that they did, with 350 or 69.4% indicating that they did not. Mr. Langham reported that 35.4% said the downtown court location is "very convenient," with 27.1% saying that it is "inconvenient." He stated that "maximize court operations efficiencies" as a goal is not uncommon for the public to prioritize, but quite often this depends on how the courts are internally managed, not on their location. Mr. Langham stated that the public survey's second highest priority was parking, and the third was project cost.

Mr. Langham stated that the general observations and conclusions from the Center are that how Option 5 could work would be to provide additional satellite space for court services and court offices, which may not mean additional personnel, but could mean additional square footage so a central office can send court service representatives, such as probation officers, drug treatment personnel, or Offender Aid & Restoration, out to a Rio location. He said that coordination of schedules and calendars between locations is a judge or clerk function, as is development of case flow management procedures to avoid court delay. Mr. Langham noted that other considerations for Option 5 were the addition of resources required to minimize impacts, including the additional personnel and IT investment in an electronic records system as previously mentioned. He stated that there are courts in the nation now that are going to website solutions for determinations, such as payment of tickets online and online mediation.

Ms. Palmer asked if there were any other impediments besides costs to the IT transformation. Mr. Langham responded that it was primarily cost, the buying and installation of the infrastructure, as well as the training to use it effectively, but was also a matter of culture and acceptance in the courts by both attorneys and the courts themselves.

Ms. Palmer asked if that is typically state funded in Virginia. Mr. Langham responded that he does not know how it is funded in Virginia.

Ms. McKeel mentioned that the cultural change had begun with hospitals, but it is very difficult.

Mr. Langham stated that wayfinding signage is important regardless of which location is selected and whether there is high-level technology in place.

Mr. Langham stated that the Center was hopeful to improve the findings from the stakeholder and public feedback that would be shared in the report, and they are evaluating the impact on court operations throughout that report. He reiterated that one conclusion was that it did not matter where the courts were located, it was how information was managed and services were provided, in an unbiased, impartial means that dictated whether a court was successful. He stated that many concerns reported could be mitigated, primarily through the availability of electronic filing and 24/7 internet access to the court system for information and records. Mr. Langham noted that he had worked as the clerk of court for the U.S. District Court for the State of Colorado, and they implemented electronic case filing very successfully. He said that locally, these positive results are likely realized with the medical field as well.

Ms. McKeel commented that locally it is called "MyChart," with UVA patients having 24/7 access to their medical chart and the ability to correspond with nurses. Mr. Langham responded that clients and attorneys would have 24/7 access to their court files. He said that much of the concerns have to do with what people get used to, and people are very comfortable in this jurisdiction and have been navigating the system the same way for many years, but the same access could be provided through electronic means instead of a face-to-face basis.

Ms. Palmer noted that this would dramatically reduce the need for parking and the interaction with people coming into the courts. Mr. Langham responded that it could be fairly dramatic over time, but there would still be a segment of society that wants to come to the court to "have their day in court" and believe it is necessary to see a physical piece of paper with a judge's order, and they must be served. He stated that focusing on best practices is a court responsibility, but in the long run it is the County's responsibility to provide a courthouse from which those best practices can be determined and applied.

Ms. Palmer commented that she had read a recent email that said 96% or 98% of cases now are settled before they make it to court, and she asked what the trend might be in the future. Mr. Langham responded that 2-5% of cases are actually resolved by jury trial, 15-25% go to court trial, and the rest are

negotiated out, which will continue to be how courts operate regardless of whether they get their records through paper or electronic means. He added that it does not matter where cases are resolved, and mediation is doing a lot of case resolution.

Mr. Randolph asked for an example of a client who decided to move the courts from a downtown location. Mr. Langham responded that he had worked in Arapahoe County, a suburb of Denver County, as court administrator for the 18th Judicial District. He said they had an historic courthouse downtown, but the court had outgrown it and was looking for sites in the county, and moved out of the city to a site near the county airport, where land was cheap. Mr. Langham pointed out that they did not go cheaply on construction or design, and the building is still up and functional and has actually increased in size. He stated that the city took over the old county courthouse and has provided a very serviceable municipal court in an historic building.

Mr. Randolph asked if there had been a loss of collegial effect as a result of the courts moving out of the City. Mr. Langham replied that initially there was because the District Attorney's office or Commonwealth's Attorney's office was next to the courthouse. He stated that the DA's office had to operate two offices, one downtown in Littleton, Colorado, where the historic courthouse was located, and one outside of Arapahoe County. He noted that eventually the Commonwealth's Attorney moved to the primary office space out of the city because it made more sense at the time, and after the city bought the building there was no need for the DA or Commonwealth's Attorney to have an office inside the city, as long as they were in the judicial district or circuit. Mr. Langham said that three years later, the Denver Broncos built their training and exercise facility right next to the new court location. He emphasized that it can help communities, but there needs to be a partnership with the city also, and there had been that discussion with Charlottesville.

Mr. Randolph asked if the experienced attorneys were willing to take court-appointed cases in the new courthouse. Mr. Langham responded that they were.

Mr. Randolph stated that in his presentation, Mr. Langham had pointed out that the surveys were not intended to be scientific data-gathering instruments, and asked if they were reliable. Mr. Langham responded that they were reliable per their intent, which was general information, and they also talked with the County and Mr. Henry regarding the need for a scientific, vetted survey that took more resources and time, and concluded that the Center would be capable and willing to do it, as would Stantec. He stated that there was a variety of ways to make the survey more scientific, but he feels the survey that was used measured the pulse of the community as to the concerns and benefits with the proposed options.

Mr. Randolph asked for comment on the fact that approximately 86 of the respondents did not live in Albemarle County, yet the consultants were hired by the County to advise the Board in making a decision about courts to be funded and improved. Mr. Langham replied that they did not look at it from the standpoint of being a liability, but rather considered the County's goal for an open process, and people who live in the City would come to the courthouse for services regardless of where they lived. He emphasized that it was not their intent to skew it by determining that people who lived in the City were not going to take advantage of the services regardless of where they wound up, Rio or Court Square.

Mr. Randolph said that in looking at the clerk survey groups, the information indicates that both jurisdictions were surveyed, and he asked if that was problematic in terms of the validity of the survey results if clerks from the City of Charlottesville were asked to respond to a survey that included an option to move the courts out of the City. He added that it seems to be a foregone conclusion that those respondents would naturally respond that they were opposed to the move. Mr. Langham responded that they looked at it from the standpoint of regardless of location, you would still be going to a County courthouse for a certain level of jurisdictional service and would not be limited to coming to a City courthouse in Court Square.

Mr. Henry asked Mr. Randolph if he is referring to the stakeholder survey. Mr. Randolph responded that he was.

Mr. Henry explained that the stakeholder survey incorporated a specific process that was targeted to get the information the Board wanted in terms of determining the impacts of separating the courts. He stated that the impacts were not looked at as just County impacts, and in order to understand that the part of the National Center's scope was to interview and assess the City side, so they did not differentiate between the court clerks of County versus City.

Mr. Randolph said that under the survey for circuit and district court judges, the advantages of Option 5 are cited, and he was struck by the fact that many of those remarks were conditional, such as "additional parking needs could be addressed" in Option 5, "modern technology and facility infrastructure could be accommodated," and "court security could possibly improve but at an additional manpower cost." He stated that this survey included a lot of conditionality, and the disadvantages include the statement that "the availability of sufficient public transportation is questionable." Mr. Randolph stated the fact is that the Board has talked actively about establishing a regional transit partnership (RTP), and one of the goals is commitment to providing transportation under Option 5. He noted that there was also a statement that "Albemarle County would have to continue to maintain County-owned buildings on the current Court Square site," but he pointed out that the County could sell them to the City or another party.

Mr. Randolph stated that he was also struck by the finding in the survey that public transportation was rated as "difficult" or "very difficult" in going to either one of the locations, but the public seems to be

unaware of what the Board is talking about with the RTP and the delivery of enhanced public transportation capabilities if they decide to exercise Option 5. He said that he was also struck on the stakeholder survey that parking was rated as “very easy” or “easy” by only 49.5% of the survey respondents to Option 5, and they clearly did not understand that part of the motivation by the Board in looking at this option was expressly to assure that parking would be available.

Mr. Randolph commented that the survey results must be taken with a grain of salt, and he is concerned about some of the phrasing and conclusions drawn.

Ms. Mallek said that as they prepare the final draft of the report, there are some things that could be amplified to help clarify some questions. She stated that “public transportation” is mentioned, but if you are a County resident there is no public transit to downtown, so the riders being addressed are an important distinction, and they need to be very careful in characterizing things so they remain apples to apples. Ms. Mallek asked if all the court services described as being immediately available to people at Court Square were right there in the building, because the only one she is aware of is Legal Aid, which is 10 blocks away and thus not within walking distance. Mr. Langham responded that it was their understanding from the stakeholder respondents that the services are readily available either on the campus or within close proximity to it.

Mr. Henry offered to provide an overlay of the downtown services.

Ms. Mallek said that would be very helpful.

Ms. McKeel agreed.

Ms. Palmer stated that there may be cases where additional attorneys are needed if they are covering two sites.

Ms. Mallek responded that she was referring to the clients, who may not have a way to access services except for walking.

Ms. Mallek said she would also like to learn how often these modifications to process as described in the charts occurs, as that is an important distinction to her. She commented that she could not imagine that an attorney is sitting around waiting for people to drop in and go over court cases, as that is not reality and they have to make arrangements ahead of time. Ms. Mallek said those things would be helpful to her to get an understanding from the citizen’s point of view and the professional’s point of view in terms of the differences between the options.

Mr. Dill stated that the key factor here is the administration of justice and ensuring that people are being served in the best way possible. He pointed out that some of the conclusions do not really address the seriousness of the parking issue, and people use it as a generic “hassle factor” kind of thing, which could be the case with perception of traveling up Route 29 North. He said the City had just purchased a property on 7th Street, adjacent to the courts that would be the site for a 250-car lot, and the City just indicated days ago that they would be willing to lease 100 spaces to the County. Mr. Dill said that he would like to have a summary discussion regarding the public defender’s office, Commonwealth’s Attorney, the court-appointed special advocates (CASA), etc. He noted that CASA would have tremendous difficulty transporting children and volunteers up 29, and those are really the significant points, not whether people have to pay for parking meters.

Ms. McKeel stated that at some point there is subjective decision making on the part of the Board, who have to take all of the information and make a decision, and at some point the consultant cannot make the decision for them. She commented that the consultants could take a year getting more and more information for the Board, but at some point the Board would have to give direction on the next step based upon the best available information. Ms. McKeel said that in her opinion, either location would work and there are lots of variables to be considered. She noted that attorneys, judges, and County residents have to be considered, and some Board members may weigh one of those groups more than others.

Mr. Langham said he sees the Center’s scope as interviewing stakeholders, getting information from the public and passing that information onto the Board. He stated that the surveys represent a general information-collecting process, with opinions sought from those who are most involved in the court process without reviewing the overall court services. Mr. Langham stated that evaluating “fairness” in court procedures was not part of that scope.

Ms. Palmer suggested that providing the overlay map would be helpful, along with asking the court services to provide a summary of how they operate, inside the court, in their offices, etc. Mr. Langham responded that CASA, for example, is an outside service that provides a community benefit and works with the attorneys and courts, and to find out exactly what they do, it would be best to go directly to them. He noted that the General District Court is working as a combined County/City court in hearing all types of cases, and how that is impacted by the services within the Court Square perimeter is very important. Mr. Langham said it was good to ask that type of question, but the Center did not feel it was the type of question they were asked to address.

Ms. Palmer said it would be cheaper just to have the agencies do it.

Ms. McKeel commented that Board members have been having numerous conversations with these groups since this process started.

Ms. Palmer stated that one of the issues with the court options is cost, and it could work in both locations but the Sheriff's department said five more personnel, the Commonwealth's Attorney said two more, and the clerks said one more. She said there is also the unclearly identified public transportation issue, which has a cost, and she is trying to ascertain the additional cost of moving the court. Ms. Palmer stated that she also does not have an idea as to whether bus service would serve just the urban ring, and how often those buses would have to run. She commented that her understanding was that there were numerous situations in which citizens have multiple charges, both City and County, and there is a lot of overlap between the two jurisdictions.

Mr. Henry explained that in terms of operating costs, what was identified in the interview and survey process has been accounted for, and the modeling Stantec would show on Option 5 would include those costs. He added that he would have to follow up on the transit item.

Mr. Sheffield stated that he is trying to determine where the public transportation, as a focus, originated. Mr. Henry responded that there was a question of available public transportation to either location to try to understand the importance of it.

Mr. Sheffield said it is odd that it has taken such a front seat, and he wonders about the origin of bringing it along with this discussion. He stated that he would like to know how many people actually use transit to go to the court or to use court services, as it is a challenge to gather this information in general and he is confident that those numbers do not exist at this point. He also mentioned that it would require County resources to find out how many residents are using public transit to come to the court.

Ms. Palmer added that it would also be helpful to find that out for court workers.

Mr. Sheffield emphasized that it is more important to him to find out what level of County users are contributing to congestion in the courts area, and the Board should be clear to staff how far they should go in investigating transportation-related matters. He stated that with Option 5, having the right information about who is already using a vehicle to access Option 1 is vital to knowing where they are coming from and where they are going. Mr. Sheffield said that depending on where users are originating, it shifts the modeling behavior.

Mr. Sheffield stated that he has the biggest issue with the public survey, and his intent is not to criticize the consultants but to point out that this is not the best approach to this. He said he has been in the eye of the storm as to how this information is used, and people take percentages as statistically valid information, regardless of any clarifying text included. Mr. Sheffield said he understands that measuring attitudes and objectives is more subjective, but when they start putting percentages on paper, people start thinking that the information is statistically valid. He suggested that saying "a majority of respondents" or "there was a consensus," is a more appropriate approach than providing percentages. Mr. Sheffield emphasized that this is a huge project, and a lot of attention surrounds it, so if they do not steer the conversation in the right direction, they are setting a precedent for others to say it was not statistically valid. He added that he would love to see the County make the investment in comprehensively studying transportation and usage in this regard through a statistically valid survey, but in the meantime they should just pull out the general language from the survey responses.

Mr. Sheffield asked Mr. Dill for more information about the parking offer. Mr. Dill responded that it was just reported in the media that Cole Hendricks was asked if the offer still stands.

Mr. Sheffield indicated that to his knowledge, there was only one actual written offer made regarding parking, almost two years ago, when the County offered to buy out the City's portion of 7th and Market Street, at which time they were told "no." He emphasized that the only written offer was in February 2016.

Ms. McKeel noted that Option 2 would have allowed a parking garage to go up closer to the County Office Building, but that compromise was rejected. She agreed with Mr. Sheffield that the parking discussion is a rabbit hole, and she emphasized that there were a lot of things that the consultants did not know in terms of details. She mentioned that the TJPDC has a study out which indicated that within the lifetime of these courts, every entrance into the City would be gridlocked, and the consultants would not have a way to know that. Ms. McKeel said they were also not aware of the \$230 million spent in transportation improvements at Route 29 and Rio Road, and she mentioned that there are more than 3,000 parking spots on 29 North that are currently sitting empty. She stated that this gets into the subjective aspects of the consideration, which the consultant cannot be responsible for.

Ms. Palmer commented that the Board is not asking the consultant to make this decision for them, nor are they asking them for some of the information being discussed. She agreed that Mr. Sheffield is correct about the written offer, so the only new thing written was something that City Council mentioned to the media, and if that would make a difference in the decision then the Board should ask them to put it in writing.

Ms. McKeel stated that the consultants have not been following the parking issues that have been playing out in this regard.

Mr. Randolph said that the non-written offer is still on the table because the County has said they did not want to explore it further until they looked at all of the options in terms of the best location for residents and for the administration of justice.

Ms. McKeel noted that the pause happened because the City rejected the County's compromise.

Mr. Dill stated that his point is that the City is building a big garage and this could be discussed in more detail, because if parking is the issue, it is a totally different issue.

Mr. Henry indicated that he would provide the overlay of court support services within the campus region, and he also agreed that having them provide a one-pager of services would be beneficial.

Mr. Sheffield suggested just a paragraph, given the voluminous information already involved.

Mr. Henry stated that he would also pull out the more general information from the public survey, pulling out the percentages.

Mr. Randolph agreed that this was a good idea, as percentages could easily be misleading and misunderstood, and the comments regarding perceived advantages and disadvantages were most informative in the report.

Mr. Henry commented that he had noted Ms. Palmer's question about operating costs, and the bus service issue is still being discussed.

Ms. Palmer emphasized that up to now, the Board has not looked at the kind of frequency that would be required to provide service to the courts, and she is thinking more about service for the people who work in the courts.

Mr. Henry said he could ask the consultants who work with courts about this, as some are in an urban setting and some are not.

Mr. Sheffield stated that he would first like to determine the origin of exploring this relationship, and if it comes from the court system they have a better idea of who uses public transportation.

Ms. Palmer said the judges were the group who mentioned this.

Mr. Sheffield acknowledged that it would be an investment to determine the traffic impacts, which is something the Board would have to consider.

Mr. Henry suggested that the Board consult with staff regarding a more comprehensive scientific survey, and they could bring this concept back at the December work session.

Ms. Mallek agreed that it is something they could discuss, and she did not want to rush into it.

Ms. McKeel expressed her gratitude to staff and the consultants.

Ms. Mallek commented that there had been a change in the last year with the spaces that were formerly reserved for County officers, as they had been given to someone else, and it is not right to have those people parking at Water Street and walking up to Court Square. She also said there is no handicapped parking reliably available for jurors and others to use, which is something that could be addressed right now. Ms. Mallek also expressed concern that there may be aggressive individuals walking amongst unsecured pedestrians. She asked that the County Executive look into these items.

Agenda Item No. 4. Closed Meeting.

At 5:26 p.m., Mr. Randolph **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (3), to discuss and consider the acquisition of real property located in the Route 29 corridor, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; under Subsection (6), to discuss and consider the investment of public funds in the Route 29 corridor and where competition or bargaining is involved where, if made public initially, the financial interest of the County would be adversely affected. The motion was **seconded** by Ms. Mallek.

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

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

(Note: Ms. Palmer left the meeting at 6:21 p.m.)

Agenda Item No. 5. Certify Closed Meeting.

At 6:53 p.m., the Board reconvened in open meeting and Mr. Randolph **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each Supervisor's knowledge, only public

business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion authorizing the closed meeting were heard, discussed or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, and Ms. McKeel.
NAYS: None.
ABSENT: Ms. Palmer.

Ms. McKeel said she wants to be sure Board members have seen the letter she is going to send to the CACVB the following day. Board members agreed that it is acceptable to send it. Ms. McKeel noted that the City would be sending it on the following Monday.

Agenda Item No. 6. Adjourn to November 29, 2017, 12:00 p.m., Room 241.

At 6:54, Ms. McKeel adjourned the Board meeting to November 29, 2017 at 12:00 p.m. in Room 241, which is their legislative luncheon and discussions with legislators.

Chairman

Approved by Board
Date 02/07/2018
Initials CKB