

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 11, 2020, at 4:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency. This meeting was adjourned from May 6, 2020.

PRESENT: Mr. Ned Gallaway, Ms. Beatrice (Bea) J. S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, and Ms. Donna P. Price.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson, Deputy County Executive, Doug Walker, County Attorney, Greg Kamptner, Clerk, Claudette K. Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order.

Mr. Ned Gallaway, the Chair, called the meeting to order at 4:00 p.m. He said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Gallaway said the persons responsible for receiving public comment are the Board of Supervisors of Albemarle County.

Mr. Gallaway said the opportunities for the public to access and participate in the electronic meeting are posted on the Albemarle County website, on the Board of Supervisors homepage and on the Albemarle County calendar.

Introductions.

Mr. Gallaway announced the Supervisors and Staff in attendance.

Agenda Item No. 2. Work Session: Outstanding Issues Before Adoption of the FY 21 Budget.

- Overview.

Ms. Lori Allshouse, Director of the Office of Management and Budget, presented.

Ms. Allshouse said this was one in a series of meetings the Board has been having on the revised recommended FY 21 budget. She said on Thursday, May 14, staff will ask the Board to approve the FY 21 budget, with a June 3 appropriation.

Ms. Allshouse said staff is working closely with the School Division, who will also be adopting their budget on the same day, on May 14.

Ms. Allshouse said this work session will be two hours, and that the Board will discuss outstanding items and make adjustments, if desired, to the proposed revised FY 21 budget prior to the adoption of the budget on May 14.

Ms. Allshouse said in this new structure the County is in of "3-6-6," they will use the FY 21 budget as a starting point, budgeting as a plan. She said it will be the starting point as they enter FY 21, and that staff will continue to carefully monitor revenues and expenditures along the way, with adjustments continuing throughout the next year.

Ms. Allshouse said after an overview, the first item on the agenda is a consideration of a request by the Sheriff. She said they would then move into a conversation on transit, where staff will provide the Board with updates and some items to consider.

Ms. Allshouse said staff's plan is to also share some information about an upcoming Smart Scale application and its association with the timing of the Capital Improvement Plan update.

Ms. Allshouse said there will be a summary of the recommended uses of General Fund fund balance in this recommended budget so that the Board can see it all on one page. She said this would be followed by a wrap-up.

Ms. Allshouse said staff is building this budget based on principles. She said they are adhering to the Albemarle County's financial policies, first and foremost. She said they are continuing to respond to the essential service needs of the community. She said they want to position the organization to lead the recovery efforts. She said this budget is based on the opportunity to remain flexible and adaptable along the way, which staff believes is the most important thing they need to do with this budget and particular situation. She said they are starting this budget off while they maintain the strategic reserves.

Ms. Allshouse said the Board and staff have talked about the "3-6-6" model. She said staff is carefully monitoring how this current fiscal year ends. She said this fiscal year will end on June 30, so staff is carefully watching expenditures and revenues. She said the goal is to maintain essential services

and monitor discretionary spending. She said they are freezing positions through attrition, with 15 positions frozen as of the beginning of this budget. She said they are reviewing capital projects and coordinating very closely with the School Division.

Ms. Allshouse said as they enter into the first six months, they are thinking about the next fiscal year in two parts. She said the first half will be a focus on responding, recovering, and recalibrating. She said though they will be revisiting the budget all along the way, during the second six months, they will take a look at how the year is going, respond accordingly, and implement any longer-term structural changes that they all believe are necessary based on how the economy is working out.

Ms. Allshouse presented a slide noting the impacts as the budget was revised and as they moved into the new revision to present to the Board for their consideration. She said from the FY 21 budget that they had created earlier, there were many items that were removed. She said they removed the plan to go to the \$15/hour minimum wage; salary increase; a portion of the salary reserve; a portion of the training and professional development budget; equipment, furniture, and fleet replacement delays; and funding from the Business Process Optimization Fund. She said while there were currently 15 frozen positions, the goal was to get to 35 frozen positions through attrition.

-
- Consider Sheriff's Request.

Ms. Allshouse said she would move into one of the first issues for the work session. She said this was the Office of the Sheriff's request. She said Sheriff Bryant would be joining the group for questions during this part of the presentation.

Ms. Allshouse said she would provide some background information. She said the Office of Sheriff has many responsibilities. She said they do courtroom security, process and serve civil and criminal court-authorized documents, transport prisoners, do select enforcement activities, and search and rescue. She said they also provide transportation for those who have been issued a mental health related, temporary detention order. She said she would refer to this as "TDO."

Ms. Allshouse presented a slide with information about what is included in the proposed budget for the Sheriff's Office. She said it totals \$2.9 million, which is a decrease of \$189,000, or 6.1%, from FY 20. She said the salary savings in this recommended budget are due to retirements, turnover, and replacements. She said positions have started at a lower base pay. She said the standard process in OMB is to look at all departments and divisions in this standardized way. She said it also removes one-time costs that were in the prior year and decreases a contribution to the Vehicle Replacement Fund. She said this is similar to what OMB is doing in all other departments.

Ms. Allshouse said that by law, when the Sheriff's budget was reduced by 6.1%, OMB is required to provide a written notice to the Sheriff. She said staff notified the Sheriff that their proposed budget reduces their office's budget by 6.1%, which is a higher reduction than the average rate of total agency funding reductions. She said the Sheriff has a right to respond to that notice within a certain number of days, and the Sheriff did provide a Notice of Objection to the County.

Ms. Allshouse said the Sheriff has indicated in the Notice of Objection letter that she disagrees with the removal of the \$189,511 in salary savings, and requests to utilize those funds to hire a Deputy, and to promote a Deputy to Sergeant.

Ms. Allshouse said the Sheriff is also required to state her reason in her Notice of Objection, and the reason is to keep pace with increases in courts, prisoner, and the temporary detention orders (TDOs).

Ms. Allshouse provided more information about the Notice of Objection. She said the Sheriff states that two new judges have taken office on July 1, 2019. She said each judge requires 2-4 deputies to provide security. She said the General District Court judge has requested a change that civil dockets have bailiffs, and that there are metal detectors.

Ms. Allshouse said there has also been an increase in mental health TDOs during normal business hours, which impacts the Sheriff's ability to provide courtroom coverage.

Ms. Allshouse provided more information about the Sheriff's Office. She said the Office of the Sheriff has 26 approved FTEs, and the State provides partial funding for 12 FTEs. She said the County has provided funding for 3 additional FTEs since 2018, and the cost for an additional Deputy position is \$74,223.

Ms. Allshouse said in conversations they have had over the last week or so, the cost to promote a Deputy to Sergeant is available in the Office of the Sheriff's salary line item in the revised recommended FY 21 budget. She said there is funding for stipends and promotions built into the salary line that could be utilized if the Sheriff determines that she would like to promote a Deputy to Sergeant.

Ms. Allshouse said she would provide more detail about the temporary detention orders. She said she researched and talked with representatives from the State and from Region Ten, as well as Sheriff Bryant and others. She said her understanding is that the Magistrate is required to specify a law enforcement agency to provide transportation of a person to a location for evaluation or temporary detention. She said the Magistrate may consider an alternative transport service, if that alternative

transport service is not law enforcement, is identified by the Community Services Board (CSB) evaluator. She said in their local area, Region Ten serves as the local CSB.

Ms. Allshouse said in May 2019, the Department of Behavioral Health and Development Services awarded an alternative transportation service contract to an organization called G4S. She said there is an opportunity for transport to occur without using law enforcement in situations, when approved by Region Ten. She said this was rolled out slowly throughout the State, and the region's ability to begin utilizing this alternative transport began at the end of January 2020. She said it was just recently that the region was able to change in how they transport those that need TDOs.

Ms. Allshouse said Region Ten, the Department of Behavioral Health and Development Services, and the Sheriff's Office all shared with her the desire to utilize this alternative transportation option as much as possible. She said there have been challenges with getting this off the ground. She said also, the pandemic hit recently, as this had just begun to work in the region. She said there is also a change in Virginia law, effective July 1, that staff thinks will increase the region's ability to utilize G4S. She said there were some details in the law before that made it somewhat difficult, but they all collectively feel like those changes will loosen the ability to utilize the alternative transportation.

Ms. Allshouse said the Board has the option to not provide the additional funding at this time. She said she and Sheriff Bryant spoke on the phone, and she is no longer saying that she requests the full \$89,000. She said the Sheriff has needs, and it is a matter of how to fund the needs. She said the option is to provide \$74,223 to the Office of the Sheriff for the position.

Ms. Allshouse said an alternative option that staff is putting out to the Board for consideration is to provide \$35,146 for a part-time temporary Deputy position to support the Sheriff's workload. She said that in alignment with the framework she mentioned a few moments ago, staff would monitor the impact of the usages of this alternative TDO transportation system in the first half of the fiscal year, making modifications along the way.

Ms. Palmer asked if they were talking about a new Deputy, and that this would not occur until July, when they are expecting the transport service to come into full service. She said this is when the Sheriff's Office is also expected to have new Deputies for the General District Court. She asked if this was correct as far as the timing.

Ms. Palmer said no one knows what will happen, and they all want to hold onto every dollar until they have a better understanding of what is going on. She said she is trying to figure out the timing of when they need extra people for the General District Court, and for the civil court.

Ms. Palmer asked what Sheriff Bryant expects, as if this new transport service takes over half of the TDOs, for instance, this will free up Deputies. She said she assumed that at this point, they were not sure how many Deputies will be shored up.

Sheriff Chan Bryant said when the judge was in the City, the City provided him a bailiff for civil court, and he has requested the County to do the same thing. She said he started hearing cases at the beginning of May, before the previous judge retired. She said when staffing allows, he is provided a bailiff in General District Court, and they take a Deputy off of the road from serving civil process to the court, when the judge believes there will be an issue in court. She said the judge has requested a bailiff every time he sits on the bench, no matter whether it is a criminal docket or civil docket, for his safety.

Ms. Palmer asked if this has been happening since last May 2019.

Sheriff Bryant replied that it started in April. She said the judge was actually hearing cases in the County in April and assumed his judgeship in May.

Ms. Palmer asked if this was May of last year.

Sheriff Bryant replied no. She said it was May of this year. She said the former Judge Barkley retired on May 9. She said Judge Barkley was using up his leave and actually sitting the bench in February and April.

Ms. Palmer asked Sheriff Bryant if she had a feel for whether she feels he will still need an additional Deputy if the TDOs are getting taken care of.

Sheriff Bryant said when G4S altered the process when the State awarded the contract to G4S, this was to help with the transports. She said it was never a process to take over TDOs from primary law enforcement. She said for those Board members who don't know, Virginia says that primary law enforcement transports TDOs, which is in the Police Department. She said in the MOU with the County Police Department, the Sheriff's Office will provide transport for those TDOs to keep the officers in the County as opposed to sending them across the Commonwealth on a mental health transport.

Sheriff Bryant said G4S will never take over full responsibility of TDOs. She said upon speaking with other Sheriffs throughout other regions where this has gone into effect, it cuts it at about one-third. She said some said 40%, but most are doing one-third. She said it depends on the patient being transported, whether they fit a certain criteria, whether it's alternative, or whether law enforcement has to take them.

Ms. Palmer said she supposed there was no real way, at this point, to predict what this would do or how many it would take off the Sheriff's responsibilities.

Sheriff Bryant said they did not know how many TDOs they would have a year or when they would happen, but the majority of their transports now are happening during daylight hours or when courts are in operation, so this is the way it is affecting staff now. She said they are also going farther. She said before, they were going to Western State or Richmond and now, they are going to Russell County, Dickerson County, Galax, or Newport News. She said this seems to be their travels for the last three months.

Ms. Palmer asked Sheriff Bryant if she expected the ones that are nonviolent to go with the transport company, which was the majority of people. She asked if this was correct.

Sheriff Bryant replied that they did not know. She said she has not seen the criteria or what meets the criteria for G4S, but what she understands from Region Ten is that they do not know what the impact will be for the area, since it is on a case-by-case basis.

Ms. Price said looking at the slide on the screen, she would ask, from Sheriff Bryant's professional standpoint, if the option of funding for a part-time temporary Deputy position while the County figures out what the impact will be that would be sufficient to meet her needs, based upon the information that she has at this point, with the understanding that with the changes both in the potential transport of about 30% of these TDOs as well as the impact of the pandemic and not knowing the impact of the additional Deputy for the civil cases. She asked if Sheriff Bryant would be comfortable with this option at the present time in meeting her needs, or if she felt that they needed to go with the full-time position.

Sheriff Bryant replied that taking anything she could was more than what she has now. She said her only concern with the option of hiring a part-time Deputy is the pool of candidates from which to hire that Deputy. She said it will be extremely difficult to fill a part-time Deputy position for a short period of time. She said this was her only concern and that if she had to do it, she would.

Sheriff Bryant said she was not sure how many currently Certified Deputies there are. She said if they do not hire a Certified Deputy, they would have to send them to the academy to become law enforcement certified. She said for that period of time, they are losing that person for 4-6 months just to get them certified. She said in order to hire a temporary part-time position, that might not be feasible to even reap the rewards if she has to send them to the academy to become certified. She said until they are certified, they are limited on their scope in what they are able to do.

Ms. LaPisto-Kirtley said her understanding is that Sheriff Bryant would want to have someone, even if part-time, as certified. She asked if it would be possible, for a short period of time, to have someone that is retired or recently retired to be able to have someone in that position until they figure out, budget-wise, what is going on in the County. She said she thinks the Board members all want to support the Sheriff, but they do not know what will happen in the future, which is why they are all being cautious.

Ms. LaPisto-Kirtley said when she spoke with Region Ten, they said that less than half of the TDOs actually have to be transported, and much of that has to do with whether or not UVA has beds, which is also unknown as they do not know how COVID-19 will continue. She said in March, the numbers were down, but in April, they went back up because people with mental health problems are delaying going to the doctor or hospital.

Ms. LaPisto-Kirtley said she wondered if the Sheriff could work with someone recently retired who could come back for a short time until they work everything out.

Sheriff Bryant said she was willing to check into it.

Ms. LaPisto-Kirtley asked if Sheriff Bryant could explain the note about two new judges are requiring 2-4 deputies.

Sheriff Bryant explained that there are two deputies per judge.

Ms. LaPisto-Kirtley asked if all civil and criminal judges each have two deputies.

Sheriff Bryant said this was correct. She said in Juvenile Court and in Circuit Court, there are two deputies, plus an additional deputy at the metal detector to screen people coming into the courtroom. She said there are deputies used to move prisoners between the courtroom and the holding cells in the jail.

Ms. LaPisto-Kirtley said being a CASA volunteer, she has been through the metal detectors where there is someone standing there and letting people in. She asked if this were something that the Sheriff would ever consider in the future of perhaps hiring a private company to do the metal screening as opposed to using an actual officer, who would then be used in the courts. She said this was not to reduce overall officers, and that she was all in favor of having officers out in the field.

Sheriff Bryant said they use a reserve volunteer deputy to man the metal detector, so it is not costing the taxpayers any money at all.

Ms. LaPisto-Kirtley asked if the volunteers are certified.

Sheriff Bryant replied they are not, but that they are put through a four-month training program that is done in-house to get the volunteers up to speed on the policies and procedures so they are abiding by those as well as their accreditation.

Ms. LaPisto-Kirtley said it is basically, then, a reserve deputy.

Sheriff Bryant replied yes, the majority of the time. She said they used to have 60, but because of life changes, they are down to 37.

Ms. Mallek said her overall concern is about turnover, and the time it takes to get someone on, trained, and into service, and how quickly that extra person becomes a full staff because of other people's injuries or life getting in the way. She said she would personally support the full-time hire because she knows that over many years, the Sheriff's Department has been crawling along trying to get to a better staff level.

Ms. Mallek said when there is someone who takes all-hands-on-deck, sometimes things do not go well. She said it was actually a Louisa deputy who lost a transport when the transport jumped out of the car. She said they did not catch the transport until Chief Lance caught him in Crozet. She said these are high-risk interventions, and she would feel very badly about sending the Sheriffs out without proper backup and without a proper team.

Ms. Mallek said they do not really know how G4S is going to perform. She said she would much rather the County be taking care of themselves and if it turns out that if they have a little extra time during the work week when someone can be put toward serving warrants instead of doing TDOs, this is terrific, as it takes a long time for the few people they have to be able to take the workload that they have to carry that out.

Mr. Gallaway left the meeting at 4:32 p.m.

Ms. Mallek said something she has heard a lot is that people expect the mental health consequences of the virus to be large. She said things are tamped down now because of all the restrictions, but this is also increasing the stresses on families and individuals. She said she personally did not think that this would be going into a smaller demand, but that it will be a much greater demand moving forward.

Ms. McKeel said she was trying to understand a couple things she saw somewhere in the documents about this concern. She said she recalled seeing that the Sheriff was indicating that she would like to keep her lapse factor. She asked if this would play into this discussion.

Ms. Allshouse replied that perhaps some of the confusion might be that there is \$89,000 in funding available. She said OMB does a routine process where they make adjustments in the budget based on any changes, such as someone retiring. She said this adjustment was made, and the adjustment removed \$89,000 from the budget. She said the Sheriff's request in the letter to OMB was to retain that as a general amount.

Ms. McKeel said she understands Sheriff Bryant's need and the new judge's requirements. She said she was just concerned that if all the departments are not able to keep or hold onto their funds from their lapse factor, she was trying to separate out the issues because she would not want one department to be able to do something that the other departments, e.g., the police, cannot. She asked if there is a way they could separate this out. She said she was worried about getting into changing the policy, or the precedent of one group or entity being able to keep lapse factors when no one else can.

Ms. Allshouse said she would ask Mr. Kamptner to weigh in, but she believed what might be different here is that the Sheriff has a right to write a letter of objection to OMB, and the other departments do not, which is why it is before the Board. She said the Board is required to consider the Sheriff's information she shared in the letter.

Ms. Allshouse said Ms. McKeel is right that the policy for all departments is the same, so OMB does not allow any department to keep additional funding when a change is happening in personnel. She said they always fund the personnel into the next year as the situation is at that time with retirements and changes in their budget.

Ms. McKeel said she wondered if there was a way they could address this perhaps in a different way, as her concern is about starting another precedent, for lack of a better word, that all of a sudden, the Sheriff's Department's salary lapse factor is handled very differently than everyone else's. She said perhaps the Board will decide that this is acceptable, but they have not had this discussion.

Ms. Allshouse said she understood the concern.

Mr. Kamptner said the reason why the Sheriff's and Clerk's Offices received this letter was because State law requires the County to do so. He said when any constitutional office's reduction exceeds the average that is being reduced to all of the agencies, it gives the constitutional offices the opportunity to make an objection. He said the Board is obligated to consider the objection that is made.

Ms. McKeel said she understood all of this. She asked if constitutional officers include the Commonwealth's Attorney.

Mr. Kamptner replied that constitutional officers include the Commonwealth's Attorney, the Clerk (of Court), and the Sheriff's Office in Albemarle County.

Ms. McKeel said she was trying to figure out how the process works. She said all of those constitutional officers could, or would, be able to send the Board a letter if, in fact, their reduction is based on a certain amount. She said she is concerned that all of a sudden, they will have multiple departments coming to the Board to say that want to be able to maintain their fund balance. She said if, in fact, this is the decision the Board is making that day, they need to recognize it's a decision they are making that has larger implications. She asked if she was off base on this.

Ms. Palmer asked if she could ask Ms. Allshouse a clarifying question. She said in giving one deputy a raise and promoting them to a supervisor position, Ms. Allshouse said the money for that is actually in another pocket of money that isn't the salary lapse money. She asked if this was correct.

Ms. Allshouse said this is correct. She said this is funding that is included in the Sheriff's budget for stipends, adjustments, and promotions. She said it is a sub-line item in the salary category.

Ms. Palmer asked if Sheriff Bryant's original request was to use the salary lapse for both this position and the increase to the supervisor position.

Ms. Allshouse said this was correct.

Ms. Palmer said currently, the raise for the deputy to the supervisor is off and in a different pocket. She said right now, if they consider this new position, it doesn't necessarily have to come out of the salary lapse, but can be a position that they need, and the Board says yea or nay, whether it is out of the salary lapse or not.

Ms. Allshouse said this was correct. She said this is a good way to approach it.

Ms. Palmer said they could take the salary lapse away and still grant this particular position so that they are not being inconsistent from department to department.

Ms. Allshouse said this was correct.

Ms. Palmer said she wanted to make a quick point. She said with the discussion of the \$35,000 for the Office of the Sheriff for a part-time person, it was explained to the Board last year that if they put an individual through the training, even with the changes made to their salaries in recent times, the Police Department automatically goes through the same training. She said a good portion of the time, they realize they can make more as a police officer and end up going to the police. She said the Sheriff explained to the Board a year ago that this is sometimes an issue, and that she wanted to point this out regarding the part-time position.

Ms. McKeel said she was confused and was never able to finish her comments. She thanked Ms. Palmer for the clarification. She said what she was hearing was that if they did this, it would not be confusing the lapse factor funding that all the other departments are expected to return.

Ms. Allshouse said this was correct.

Ms. McKeel said she had another question. She asked if there was ever established a ratio of some sort. She said they have a ratio for how many police officers they feel they should have per population. She asked if this has ever been looked at for the Sheriffs, and if it was possible to do that.

Ms. Allshouse replied that she was not aware that they have done that as a ratio. She said it could be something to consider.

Ms. McKeel said this was not for the present, but when making decisions based on data, it is so much better and takes out the guesswork from police officer hires. She said she was not saying that in this case, she expected it to happen, but that she thinks it is something they may want to think about, going forward, as a Board.

Ms. Mallek said she had assumed that the constitutional officers were in a different category. She said she was fine with wherever the money comes from, be it reserves instead of the lapse factor. She said it looked like the Sheriff was trying to be frugal with the budget and found a location where there were some funds to be able to accomplish this extra task for the new judges.

Ms. McKeel said they did not know how this would play out and that it seemed to her that, as they are doing with many of their other budget decisions, the "3-6-6" allows them to come back and see what actually has happened with the workload. She said she does understand the concern with part-time.

Ms. Palmer asked Sheriff Bryant how much overtime they are using to make sure they are covering the courts now for the new judges.

Sheriff Bryant replied they maxed out their overtime that was in the budget at the beginning of April. She said they are using overtime every day for not only TDO transports, but for courts running late.

Ms. Palmer said she was leaning towards granting the Deputy position, and that Ms. Mallek gave good reasons for that. She said she did not know what the availability of retired Sheriff staff are. She said she knows there are volunteers now. She asked Sheriff Bryant if she is aware of what availability there is out there of retired people in the Sheriff's Department.

Sheriff Bryant replied no. She said of the three that retired in 2019, two left for medical reasons. She said she was not sure if the other one is willing to come back to work.

Ms. LaPisto-Kirtley asked Sheriff Bryant what effect the additional Deputy position would have on the overtime.

Sheriff Bryant said she was not sure if it would cut down on the overall overtime budget in itself because the overtime budget is used for late courtrooms or "holdover." She said they use two bailiffs in the court, and then one to transport the prisoners back to the jail. She said if the courts are running late, they still incur overtime based on the courts running late. She said they used to only have the Circuit Court running late, but now, there are a couple of J&D court judges that go past 4:30 p.m. She said they will always have overtime, but to what degree if they can get the judges to court at a reasonable hour, this is the only way they are going to cut down on overtime.

Ms. LaPisto-Kirtley asked Sheriff Bryant if they require two deputies to transport the prisoners back to jail, or one.

Sheriff Bryant replied that if there are more than three prisoners, there are two deputies for safety reasons. She said one deputy can move two prisoners, but by her policy if there are more than two prisoners, there have to be additional deputies for safety reasons.

Ms. LaPisto-Kirtley asked Sheriff Bryant if she would ever consider a staggered schedule for the deputies so perhaps one starts an hour later than the other to eliminate some of the overtime.

Sheriff Bryant replied no. She said courts have increased and now, they are starting court at 8:30 a.m. in some of the courtrooms. She said it comes down to safety of the deputies and judges, so they cannot have one deputy in the courtroom and then, two hours later, another deputy coming in. She said this was not something she would do, for the safety of everyone involved.

Ms. LaPisto-Kirtley said in actuality, an additional person would not change the overtime amount.

Sheriff Bryant said as long as judges are running late courts, no. She said it just cuts down on what individuals are in the overtime. She said they try to utilize reserve deputies as much as possible for even TDO transports as well as courts. She said they utilize them as much as they can if they are available.

Mr. Gallaway returned to the meeting at 4:48 p.m.

As Mr. Gallaway had just returned to the meeting, Ms. Price said that as far as consensus, she believed Ms. Mallek and Ms. Palmer had stated their opinions. She asked Mr. Gallaway if he had any questions, and gave the floor to him.

Mr. Gallaway asked if there were any remaining questions or comments. Hearing none, he said his question was that based on how they are using "3-6-6," if they approved the full-time position and the transportation piece played out, would it work more to their advantage and not cost as much as when they realize how much the actual costs are, and then that money would move over to help support the \$74,000.

Ms. Allshouse replied that when going to the transit conversation, the funding they may be able to not have to expend due to the CARES Act is one-time in nature. She said the general policy is that if one hires a position, they consider this an ongoing cost for the budget. She said for example, if the Board chose to provide funding for either a part-time or full-time Deputy, the funding staff would recommend comes from reserve for contingencies. She said a certain portion of that is what they call "ongoing funding," and so they would suggest an ongoing source for an ongoing cost.

Ms. Allshouse said alternatively, if it were a part-time temporary position, that could be considered more temporary and be more appropriate for one-time costs.

Mr. Gallaway said he understood, but that he could see where the court order here is complicating this. He said it is putting the Board into a position where they need to do it. He said he heard Ms. Mallek's point about going forward, and he sees the advantages, although it's an extra expense, of just hiring the full-time position upfront. He said it gets complicated down the road, otherwise.

Ms. McKeel said she wanted to hear from Mr. Richardson, as he is the County Executive and she always feels more comfortable if she has heard from him when the Board is making decisions. She said sometimes Mr. Richardson can provide some insight into things that she has not thought about. She recognized that this was the Board's decision but that she would like to hear from him.

Mr. Richardson said he appreciated OMB working closely over the last several weeks with the Sheriff's Office. He said from his vantage point, the backdrop is that they are in a cut budget. He said they are cutting approximately \$6.4 million across the board. He said initially, OMB worked closely with every department in the County, including the Sheriff's Office, and the way they handled the cuts in the Sheriff's Office was consistent with the things they are doing across the County.

Mr. Richardson said the Sheriff has duly noted what her challenges are with day-to-day operations, with providing for courtroom security, and has articulated that to the Board. He said in addition, the State is moving through a new process for how the Region Ten transports are handled. He said with staff in the County Executive's Office and in OMB, there are unanswered questions there, and they do not know how this will play out. He said the Sheriff has articulated what her needs are, and all he can tell the Board is that this is a tough budget. He said there are cuts across the board. He said there are needs in other departments that did not make it this far because they knew they could not afford it.

Mr. Richardson said he was not trying to suggest that the Sheriff has done anything other than tell the Board her challenges and needs. He said it is a tough budget, and it is tough to administer \$6.4 million in cuts in a 30-day timeframe.

Mr. Richardson said he liked the third option in the sense that it does not bind the Board, and it does not bind the staff as they go into the fall. He said it allows them to see how Region Ten contracting is going to work. He said as the Sheriff indicated earlier, if she received that, she would make it work. He said if they went that route, there is nothing to prohibit the Board later in the year to consider new information. He said they can also look at data from across the State to see how things are going there. He said the third option aligns with "3-6-6."

Mr. Richardson said some of the Board members suggested that they would like to take a more permanent step now with the Sheriff's Office and certainly, as Board members have indicated, it is the Board's prerogative to do that, and if this is the case, the County can take that money out of contingency ongoing to align that accordingly. He again said it has been a tough budget process with the level of cuts.

Ms. Mallek said she agreed with all that has been said about this being a terrible year, but the one place where they have, for very good reason, chosen to expand the workforce has been in public safety, with the 12 Fire and Rescue personnel. She said starting that off, to begin to train, takes a long time to get things going, which is why she supports getting this going sooner because she knows it will be months until the person is ready.

Ms. Palmer said one of her concerns is that she knows how people are worried about shootings and disruptions in public spaces. She said she also feels for the new judge, even though it is a civil court and the previous judge didn't do this, that they would feel more comfortable if there is a bailiff there, or two bailiffs to help if there is a problem. She said if that judge and those in the courtroom are concerned, which she was sure they are, she has a hard time not answering that need so that they can do their jobs and feel comfortable about it.

Ms. Palmer said she is worried about the ability to hire a temporary part-time position unless someone who is retired could come back for a few months.

Ms. Palmer said she would like to understand, if the Board majority wants to go with the third option, when they would be able to come back if that person is not able to be found. She said as Ms. Mallek said, if someone has to be put through an onboarding process, it takes a long time. She said she also didn't know if there are people about to retire in the Sheriff's Office. She said she was curious about what the timing would be if Sheriff Bryant is not able to find anyone for a temporary position and needed to get started on the full-time Deputy position.

Ms. Allshouse said when they think about the "3-6-6" approach to the decisions, they will be thinking in chunks of time, i.e., what will be going on in the first six months of the year, and then monitoring it along the way to see if there are adjustments needed for the second six months.

Ms. Allshouse said she understood Ms. Palmer's question and the concern of bringing someone up to speed, then making adjustments, but given the times they are in, staff feels that it is a nimble approach to not make permanent decisions until they learn more about how the economy is going. She said this is what staff is thinking about with the incremental approach, but that she did understand the other concerns that were raised today.

Ms. Palmer asked if the Board would potentially be revisiting this in three months.

Ms. Allshouse replied that they could.

Ms. Palmer said she could go with the third option if they could revisit it if Sheriff Bryant found that she could not find someone. She said she knew Sheriff Bryant will work as hard as she can to try to find a retired person to come back, but she was also very concerned about the safety issue and making sure there is adequate staff in those courtrooms.

Ms. McKeel said she is very comfortable with Option 3, at this point. She said she understands Sheriff Bryant's concerns, the judge's request, and how it all works together. She said she has a comfort level with Option 3 that the Board will be able to come back and that Sheriff Bryant will be able to make a case quickly in three months if she needs some help. She said they really did not know, at this point, how

this is going to play out. She said she thinks that to give it some time, though they are trying to support the Sheriff and her Deputies, will allow the Board to base its decision on how things actually will play out.

Ms. LaPisto-Kirtley said she supports Sheriff Bryant in everything she is trying to do. She said she likes the "3-6-6" approach, and it was always her intent in supporting that and Option 3, to come back and revisit this. She said she did not want to wait a long time, which is why she likes the "3-6-6" approach, but wants to come back and revisit this as they see what is happening in the County and the needs. She said they are in uncharted waters and do not know if the economy will bounce back, or further decline, which is why she is taking a more cautious approach.

Ms. Mallek asked when the search for the part-time Deputy could begin. She asked if it could begin immediately to see what the market looks like before they get to July 1, or if everything has to wait until after July 1, in which case it will be October before they know whether or not they have a candidate.

Ms. Allshouse replied that when the Board approves and adopts the budget on Thursday, it has been the situation in the past that they can start advertising, knowing that the funding is coming. She said this is how they have done this in other departments in the past, as an option.

Sheriff Bryant said she would start as soon as she could.

Ms. Price said she is a firm believer in the "3-6-6" framework, but in this instance, she does not think it is workable. She said she thinks it places an unreasonable burden on Sheriff Bryant to meet the need. She said as a former prosecutor, defense counsel, and trial judge, she thinks it is imperative that there is sufficient manning in the courts system. She said she thinks Sheriff Bryant has clearly articulated the need for that. She said to try to go with the part-time position, based upon the certification requirements and eligibility of someone who can actually fill that role, she does not think it is reasonable.

Ms. Price said she agreed with Ms. Mallek's earlier comments, that given the economic situation, she thinks that the courts are likely to be used more. She said they know that financial issues are one of the biggest problems in domestic relations, and that this also often leads to violence. She said if anything, they must ensure that their first responders and law enforcement, including the Sheriff's Office, are supported, and that she fully supports the full \$74,223 so that the Sheriff can actually get a full-time permanent Deputy in that position. She said if anything, she thinks they will need more manpower and not less, and simply does not think that "3-6-6" will work in this particular situation, which is different than most of the jobs that the County has.

Mr. Gallaway said he would be supportive of the full amount, though this may complicate things today in terms of this. He said if the part-time position becomes problematic and cannot be done, the Board will be back looking at Option 2 and Option 2 alone. He said they would learn much more in the next 30-60 days. He said he thinks Option 3 is reasonable, and that they can come back and revisit where they are at. He said if Option 3 is not an option based on what is out there, they will be faced with Option 2, or nothing, and that he thinks they can deal with that.

Mr. Gallaway said he knew this was not exactly what Sheriff Bryant wanted, but it gives her some certainty of how to move forward, knowing that there will be further conversation, and that the conversation won't be put off for six months.

Mr. Gallaway said in the interest of moving the conversation along, he would be supportive of Option 2 at this time, and then they would see where they are with the part-time option.

Ms. Palmer said she was confused, and asked Mr. Gallaway if he would vote right now for Option 2.

Mr. Gallaway said if the judge has asked for it, it is something the courts need and will be a continued needed request, so they may as well find out how to make it work, but mentioned the circumstances of knowing where they are with this.

Ms. Palmer said she was okay with making a motion for Option 2.

Ms. McKeel said when COVID-19 hit, they have automatically doubled what they are doing with video conferencing in courts. She said she sees this as something that will change the dynamic, to some degree, though she could be wrong. She said this is another reason why she would like to give the Board some time to see how some of this plays out. She said she was not sure, going forward, how long it would take, but that she thinks they will see less court appearances and more video as one of the outcomes of this pandemic, and they have already increased and even doubled their capacity.

Ms. Palmer said she was okay with either Option 2 or 3 and can make a motion for 2 if they have four votes for that. She said she was also willing to go along with Option 3. She said she agreed with both Ms. Mallek and Mr. Gallaway and that she is very concerned about court safety.

Ms. Palmer said in talking with some of the judges, while some of the video hearings will increase, people have the right to face their accusers in the courtroom, and so she did not think this would change anytime soon.

Ms. Palmer said she could make a motion.

Mr. Gallaway said the way he was reading this was that obviously, no one was objecting to Option 3, and if they were, it was because they felt strongly about Option 2. He said the worst case is that everyone is supportive of Option 3. He said he was happy to take a motion and vote for Option 2 to see if the votes are there. He said it was an option of needing to do one or the other, and that Option 3 could turn into Option 2 down the road, which is why he said that taking the 30-60 days is a good idea to know where they are at on two fronts, both resources, and on potentiality of the part-time position as a viable option.

Mr. Gallaway said he was happy to entertain any motions and votes.

Ms. LaPisto-Kirtley said she wanted to make a motion for Option 3 and if they did not have the votes there, she thinks they would all support Option 2.

Ms. Palmer said she had a clarifying question. She said Mr. Gallaway just suggested revisiting this in 1-2 months, 30-60 days, which is different than what they had talked about before. She said she has no problem with giving Sheriff Bryant the opportunity to try to see if she can find someone to fill the part-time position in the next month or two, but her issue was that she did not want to take too long. She said 30-60 days was different than what they had talked about a few minutes ago, which was three months.

Mr. Gallaway said it was that when they started talking about "3-6-6," it was a month ago. He said the three months was the last quarter of the current year, and the six months is the first half of the next year, unless he misunderstood that. He said the first three months has been ticking away. He said if they are going to take motions, it is probably a good idea to see if there is support for Option 2, knowing full well they do not have objections to Option 3, if Option 2 fails.

Ms. LaPisto-Kirtley **moved** to approve Option 3, to come back and revisit the matter at the June Board meeting to see if Sheriff Bryant has been able to find someone.

Ms. McKeel **seconded** the motion. She said if everyone wanted to go with 60 days, that was fine, and that she thinks 30 days is much too soon.

In further discussion, Ms. LaPisto-Kirtley said they could revisit the matter during the first or second Board meeting of July.

Ms. Price said procedurally, she agreed with the comment that Mr. Gallaway was making a moment ago to ask the Board to vote for something that they all agree, at least as a secondary option, if not the primary option, before discussing Option 2, the full position, puts the Board in a difficult position. She said she will vote against this motion not because she is opposed to supporting the Sheriff, but because by voting for this motion, she does not have a chance to vote on the full-time position, which is what she really supports.

Ms. Price said she believes it would make more sense to vote on Option 2 first and see if they have enough to carry that. She said if not, as Mr. Gallaway and other Supervisors mentioned, they all agree on providing support, and if Option 2 does not pass then they would, by consensus, agree with Option 3. She said she would vote against this because she believes that Option 2 is the preferable option, and she will not get a chance to vote for that if she votes "yes" for Option 3. She said she wanted to make it clear that she supports the Sheriff's Office.

Ms. LaPisto-Kirtley said she thinks they could all agree that they all support the Sheriff.

Ms. McKeel agreed.

Ms. Price said she agrees, but it is not giving the Board the opportunity to discuss Option 2 if they all end up voting "yes" on Option 3, so she is voting against it simply because of the process and she wanted to have a vote on Option 2.

Ms. LaPisto-Kirtley said her reasoning for Option 3 is that she would have no problem supporting Option 2 if they were not in the crisis they are in. She said this was the sole reason.

Roll was called and the motion failed to carry by the following recorded vote:

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, and Ms. McKeel

NAYS: Ms. Mallek, Ms. Palmer, and Ms. Price

Mr. Gallaway said they could entertain another motion.

Ms. Price **moved** the Board support Option 2.

Ms. Price said this may end up being a 3:3 tie and then, they could go back to the other one. She said she believed this should have been the first one to vote on.

Ms. Palmer **seconded** the motion

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

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. McKeel, Ms. Mallek, Ms. Palmer, and Ms. Price.
NAYS: none.

-
- Transit Updates and Considerations.

Mr. Andy Bowman, Budget Manager, presented. He said Mr. Brad Sheffield, Director of JAUNT, Mr. Garland Williams, Director of CAT, and Mr. Chip Boyles, Director of the Thomas Jefferson Planning District Commission, were also available to answer questions.

Mr. Bowman said it was two months ago today, on March 11, that the Board had a work session dedicated to transit. He said there was some additional conversation on this at the April 29 work session, and that this would be another update from the information he shared on April 29. He said this will also not be the last update for the Board.

Mr. Bowman said there were three topics he planned to provide an update on that day. He said there will be an update provided on the TJPDC's Planning and Feasibility Grant. He said this was something Mr. Boyles had talked about at the March 11 work session, and something that the Board had asked about at the April 29 work session. He added that there will be options for the Board to consider at the end of each of his updates.

Mr. Bowman said the second, likely more time-consuming update due to its complexity, is an update on the FY 21 impact of the federal CARES funding that was discussed at the April 29 work session. He said County and City staff have been working together over the last 1.5 weeks, and at this point have identified a one-time FY 21 savings of \$619,000. He said he would go into much more detail in terms of why that is and how they got there, as well as what the future may look like.

Mr. Bowman said he would also touch on an update for JAUNT. He said they do not have a dollar amount at this time, and this continues to be under review. He said he could share a little more information.

Mr. Bowman said third, at the last work session, the Board had requested some additional information for consideration around JAUNT driver salaries.

Mr. Bowman said he would now give the update on the TJPDC's Planning and Feasibility Grant. He said as Mr. Boyles shared on March 11, earlier that year, the TJPDC's submitted a grant request to the Department of Rail and Public Transportation (DRPT) for a \$107,000 planning and feasibility grant. He said this would look at a study that is specific to defining expansion routes in Albemarle County. He said if the grant were approved, the work would begin around July. He said upon completion, it would provide information, assuming favorable results, that would then allow for a second grant application in February 2021 for a grant to begin to expand services in those areas.

Mr. Bowman said at the time this was submitted, there was no local match. He said there was hope that it would be able to be covered with a local match. He said based on a conversation he had with Mr. Boyles the week prior, DRPT has indicated they would be recommending funding for award, with a one-time match required of \$53,500.

Mr. Bowman said because there will be some one-time savings identified through the County's contribution to CAT for FY 21, if the Board desired to include the local match for that, one option would be to amend the revised recommended budget to incorporate that. He said the Board could also choose not to provide the local match.

Ms. McKeel said she wanted to be clear where everyone understands where the funding for this will come from if the Board agrees to the match.

Mr. Bowman said he could talk through the CARES funding update, and then the Board could consider that, if it were the Board's desire.

Ms. McKeel said it was important for everyone to understand where the money would come from. She said she will say that for those in Albemarle County, if they spend the next year figuring out what transit should look like in the County, that is what this will do for them, and they will be ahead of the game coming out of the pandemic. She said for her, this is critical, but they do have to figure out where the money will come from for everyone to have a comfort level. She said this is the grant that looks at transit in their own community in Albemarle County and that she believes is important.

Mr. Bowman said he would provide the update on CARES funding. He said on April 29, he shared with the Board the CARES Act, Coronavirus Aid, Relief, and Economic Security Act of 2020. He said there is a federal, small urban allocation that will be \$5.36 million for CAT, and \$1.79 million for JAUNT. He said this is the total funding that is available to be applied across FY 20 and FY 21, so this amount refers to the amount eligible from January through the end of the year, crossing two fiscal years. He said this is the amount for the total system and does not represent the County's share. He said this funding may be used for operating, capital, or planning expenses, or lost revenue retroactive to January.

Mr. Bowman said that since the April 29 work session, he has been in coordination with Mr. Williams and Mr. Sheffield to try and assess the true impact for FY 21 as best they know. He said in the

“3-6-6” framework they discussed in the previous item with the Sheriff and with the overall budget message, this same approach will need to be applied to transit as they get more information.

Mr. Bowman said there was a lot of Q&A with both agencies, back and forth, and that he felt they had a good collaborative discussion including himself, Mr. Trevor Henry, Assistant County Executive; Ms. Allshouse, Mr. Williams, Ms. Leticia Shelton, Deputy City Manager; and her counterparts in the City to talk through the assumptions that CAT was making, how they would be applying funding, and speak to the uncertainty that was coming ahead in the pandemic.

Mr. Bowman said he was sure both Mr. Williams and Mr. Sheffield would want him to say that right now, at least for CAT and for JAUNT, they are developing a plan, which will be based on what they know of today, and as they get to learn more about the impacts of the pandemic at the macrolevel, and as the State moves into phases of reopening with various requirements, they will also learn at a microlevel the impacts on transit as they enter the transition phases. He said as there was a mutual agreement at the meeting with City staff the week prior, they will continue to stay in touch during this, recognizing that this is a plan that will continue to be adjusted as they continue to learn more.

Mr. Bowman presented the plan, represented by a donut chart showing how the \$5.4 million for CAT is being allocated across FY 20 and FY 21. He said as this was a new slide not seen before, he would take some time to slowly talk through how this would work, and how this will impact the County in FY 21.

Mr. Bowman said he would start with the section of the chart referring to revenue loss. He said going around the donut chart, there are different colors of text. He said the first two pieces of the donut are in black text. He said they are referring to the black text as a category of funding that is benefitting the City and County proportionally based upon their shares. He said the benefit is not a reduced share in FY 21, but instead, it is offsetting funding increases that would otherwise be required that are not necessary, due to CARES funding.

Mr. Bowman said the first category is revenue loss. He said currently, during the pandemic as a part of social distancing and CAT's revised lifeline service, ridership is down. He said CAT is also experiencing a decline, due to the pandemic, in their advertising costs based on the budget that was reviewed with the Board at the March 11 work session. He said this will have an impact in both FY 20 and FY 21, and the piece of the chart speaks to the revenue loss that would otherwise be increasing the City and County shares.

Mr. Bowman said the next piece, in dark blue, was referring to additional operating costs that were not contemplated as part of the budget that was reviewed on March 11 with the Board. He said CAT is engaged with a professional cleaning company to provide services to clean their buses on a much deeper cleaning and thorough schedule than was being done before the pandemic. He said CAT has costs for their Personal Protection Equipment (PPE) for their employees, and that CAT has also engaged with Public Service Announcements to communicate the changes in procedures for riding the bus, since CAT has gone fare-free, and other changes in service that are in effect. He said this is in effect now and will continue through at least some portion of FY 21. He said this covers the first category, in black text.

Mr. Bowman said the next three pieces of the chart were in green text. He said together, they make up about 71% of the total plan of the \$5.36 million in funding. He said these numbers are highlighted in green and will all contribute to reducing the County's share in FY 21 for what was previously planned to be provided to CAT.

Mr. Bowman said the orange piece is a credit provided to the County and City, recognizing that they are in a different economic situation than they were in a few months ago, and that they are in a cut budget. He said the City's and County's agencies, for the most part, are seeing funding decreases, with some exceptions. He said CAT would apply that federal funding to remove any requested increase from the City and County proportionally, based on service hours.

Mr. Bowman said the largest piece of the chart, in yellow, refers to personnel costs. He said this, like many services in the County, makes up the largest portion of the budget. He said CAT will be applying 40% of this funding to reimburse personnel costs in CAT, and the County will share in that with the City, based on service hours. He said this will apply to both FY 20 and FY 21.

Mr. Bowman said there is a contingency to allocate for “to be determined” impacts, represented by the light blue color on the chart. He said this is recognizing that they continue to learn more now than they did a few weeks ago, and that will continue to change. He said the plan said that they will allocate this more as they continue to learn what those impacts will be. He said Mr. Williams assured him that they will be able to fully draw down that \$5.4 million, and that the contingency was not allocated to one of the other categories at this time. He said the County, in the updated FY 21 number, will receive a credit of the \$877,000, about 28%, which is the County's share of service hours based on the MOU.

Mr. Bowman said the final piece of the chart was capital, which refers to funding being applied to make up for lost State match as well as additional capital costs that CAT is incurring. He said as a Board, they may be aware from the March 11 work session that the County does not contribute to any of CAT's capital costs, since the County does not receive any impact of that funding being provided.

Mr. Bowman clarified that with the additional costs, people often think of capital as multiyear projects and long-term major equipment purchases. He said much of that capital funding is now being

applied to retrofitting buses, to provide barriers between drivers and riders to make them safer to ride than they would be otherwise. He said it is not only for larger equipment bus replacements, but for the retrofitting currently happening.

Mr. Bowman acknowledged that the information was complex and that there is uncertainty, but that he would present the conclusion with the result for FY 21 of the three areas of text highlighted in green.

Mr. Bowman said they see a revised recommended contribution to CAT of \$516,000, approximately. He said this creates a one-time savings of \$619,00, or 55%, compared to where they were at the revised recommended budget of \$1.1 million.

Mr. Bowman said his final comment before getting to Board consideration was that currently, what he is referring to is FY 21. He said there will certainly be a fiscal year impact to CARES as well, as some of those costs will be applied in FY 20. He said currently, there is a plan that will continue to be monitored.

Mr. Bowman said as the Board may be aware, there was a new MOU approved in July, and a process through the Regional Transit Partnership to provide a reconciliation or true-up of County and City shares based on whatever actual revenues and expenditures may actually happen. He said CARES would be one thing that they will consider. He said there will be additional funding from DRPT that will be provided to CAT that will be considered, as well as any other changes impacting CAT's budget through the course of the year. He said with the RTP and MOU work, they were not contemplating the pandemic, so the potential for adjustments of that will likely be more than was thought about in terms of the process when the MOU was created roughly a year ago.

Mr. Bowman said the MOU has spoken to that process very generally. He said he reached out to Mr. Boyles in the last week to say that as they begin to close the year in the coming months, they need to specifically lay out with the RTP and City what are the steps and timing of that process so they can have a clear path going forward.

Mr. Bowman said for Board consideration of the one-time savings, these savings do not have any strings attached other than the fact that it is one-time. He said the Board does have some flexibility based on their desires of how this funding would be allocated.

Mr. Bowman said for the Board's consideration, the \$53,500 that was referred to can be placed in reserves for the local match for the TJPDC Planning and Feasibility Grant.

Mr. Bowman said also for the Board's consideration is the possibility of a \$245,000 amount that would be placed in a transit reserve. He said this could be used under the "3-6-6" framework. He said should all the federal CARES funding be utilized by CAT, and should the impacts of COVID-19 worsen and be more than expected, as a contingency and due to the amount of uncertainty, this could provide a reserve for the Board, should things be worse, to address any mid-year adjustments as they continue to track this.

Mr. Bowman said the final consideration for the Board would be to take that remainder of \$320,000 and add it to the one-time reserve for contingencies and be considered as they work through the "3-6-6" framework.

Ms. Palmer asked if the \$320,000 were reserves for contingencies for anything affected by the COVID-19 pandemic and if it could be used elsewhere other than on transit-related matters.

Mr. Bowman said this was correct.

Ms. Palmer referred to the capital loss, State match and additional costs, portion of the chart, and asked Mr. Bowman to explain this again, as she did not hear what was said about it.

Mr. Bowman said for this piece of the capital pie, the County does not contribute anything to CAT's capital costs under the MOU, so it does not receive any impact of the change in capital funding. He said what this applies to is CAT projecting a lost State match for some of their capital expenses that they were otherwise anticipating. He said also, there are additional costs that CAT is incurring to retrofit buses to provide protective barriers in between drivers and riders.

Ms. Mallek said Mr. Bowman had mentioned that capital is something that the County has not been contributing to, but the City has been maintaining for a decade that they are using revenue sharing money for that. She said the County is buying buses, and she wanted to keep this point out there so people remember it.

Ms. Mallek referred to the pie charts, asking how much money was paid to CAT from the County in FY 20, and how many intervals of true-up have there been so far. She said six months ago, the County met with City Council and talked about how they were going to be getting much more frequent true-up statements about the numbers of bus runs that did not happen and what those amounts were. She said perhaps Mr. Bowman could send the Board that information at another time.

Ms. Mallek said she was glad Mr. Bowman mentioned the timetable for the study needing to be nailed down, but she is concerned that the County is still paying \$550,000 when CAT is getting \$5.5

million. She said her concern is that the County is paying through revenue sharing as well. She said she would like to have much more information about what the County is getting even to continue on at the 55% reduced amount that they should perhaps be doing other things with.

Ms. McKeel said to add to the CIP discussion, the City Capital Improvement Plan, for years, has clearly indicated in that document that the City is using the County's revenue-sharing dollars to buy capital, meaning buses. She said this is the source of what she and Ms. Mallek are referencing is the City's CIP, which clearly states that.

Ms. McKeel thanked Mr. Bowman, Ms. Allshouse, and Mr. Williams, as she believed that this was probably the first budget cycle where both County and City staff were in the same room talking about this. She said she applauded everyone for their willingness to do that, and that it is a great model going forward to have everyone hearing the same thing at the same time.

Ms. McKeel asked Mr. Bowman if this was the end of his slide presentation.

Mr. Bowman replied that it is in terms of the CARES update and how it applies to CAT, but that he had more slides on JAUNT.

Ms. McKeel asked if this was the end of his presentation around CAT.

Mr. Bowman said this was correct.

Ms. McKeel said while she likes what Mr. Bowman has presented, she still remains concerned, as Ms. Mallek was also. She asked if the Board were to agree to the \$245,000 in reserve, if there was a way they could look at this through the lens of "3-6-6." She said at this point, she did not think that they have completed their 2020 shore-up with CAT. She said going forward, she wondered if they could look at this payment to CAT as a quarterly payment, then come back quarterly to talk about where they are.

Ms. McKeel said she recognizes transit is in a precarious situation. She said they really did not know how transit will come out of this and what it will require. She said they did not know what the State and federal governments will do, and they haven't had their reconciliation with CAT over 2020 yet, much less moving into FY 21. She said she believes the "3-6-6" framework really holds, and that she would like to see them looking at making it clear that their payments to CAT for FY 21 would be quarterly, and they would be discussing where they are in the data at that time.

Mr. Bowman said OMB could take action. He said right now, they do currently process payments to CAT quarterly, but it is quarterly based on the budget. He said what he thought he hears is more regular follow up and so they could take as an action to get together with City staff, CAT, Finance, City Manager, and Mr. Boyles to determine what the process looks like in terms of the timelines and all the steps that happen through the course of Board meetings, RTP meetings, and the City's activity.

Ms. McKeel said this was exactly right, and that she was not trying to exclude the RTP. She said she believes the Board of Supervisors needs to hold more discussions about this as they go through a quarterly framework before automatically releasing those funds.

Ms. Mallek said the quarterly payment, as Mr. Bowman just said, should be based upon delivery of services as an invoice for the services provided to the County in the last quarter and the money it should cover so that there is the detail. She said it should come to the payer, who is the County OMB staff and the Board. She said she did not think they needed a middleman in this payment process.

Mr. Gallaway looked again at the slide with the breakdown of numbers, noting he appreciated it. He asked if he were to add up all the numbers on the slide, it would be \$5.36 million, give or take a couple thousand dollars.

Mr. Bowman replied yes. He said the numbers were rounded and should be very close.

Mr. Gallaway said when he heard the \$5.4 million amount, he wondered what it covered, so he was appreciative of the slide to understand where the money is going. He said he wanted to make sure his reaction to this and train of thought was correct. He asked if with the \$5.4 million in total, it was fair to say that for the current fiscal year, about \$600,000 or so of all the costs would be the County's share. He asked if this was why they were doing \$500,000 or so next year.

Mr. Bowman replied that the biggest impact to the County in FY 20 will be the yellow piece of the donut chart, personnel costs, where the County would see a benefit. He said the black text in the upper righthand corner of the chart is where the County benefits. He said it does not benefit from reduced costs but rather, through an offset increase that would otherwise be without the CARES funding.

Mr. Bowman said the orange and light blue pieces of the donut are specific to FY 21.

Mr. Gallaway said he understood this, but that he was struggling with drawing the line from \$5.4 million down to the County share of that per the MOU split.

Mr. Bowman said he would talk about this at a high level and then provide more details. He said of the \$5.3 million, roughly 28% of that would be about \$1.4 million or \$1.5 million. He said he could not recall the exact figure.

Mr. Gallaway asked if it was roughly \$1.5 million, if roughly \$600,000 of that is for FY 20.

Mr. Bowman replied that there would be an impact to the County, and the County is benefitting from a portion of the \$1.1 million that is offsetting what would otherwise be an increase. He said that is why they are not seeing a decrease for those. He said the remainder would be an amount in FY 20 in addition to the \$600,000 that they would anticipate the County will receive the credit for.

Mr. Bowman acknowledged that this was a lot of math to present on the fly, and that he could provide a chart that breaks down how this works if it would assist the Board.

Mr. Gallaway said he would want to put this on a spreadsheet and try to back into the number of what they are paying out the next fiscal year. He said he was having trouble doing that. He said they keep hearing the amount, but this was the first time he has had a chance to see the categories of what the \$5.4 million goes to, so he was appreciative of that. He said this was information that was not available before. He said he then wants to take the portion that is the County's and available to them, pays for the current fiscal year as well as some of next year, and then the amount they are being asked to put in and see all of this lined up to understand it.

Mr. Gallaway said he did not think this would necessarily be cleared up during this meeting, and perhaps he needed something in a different format that he may need to request afterwards so that he can understand.

Mr. Bowman said he could provide a spreadsheet that would summarize this in a different way. He said to talk through that spreadsheet without the numbers in front of everyone may be challenging at this meeting.

Mr. Gallaway said he appreciated the information and wouldn't have expected Mr. Bowman to put a spreadsheet up. He said the slide was a good one.

Ms. Mallek said approximately \$1.5 million is the County share of the CARES Act, and they are getting credit for \$600,000 for this current year. She said they should be getting access to \$900,000 for FY 21 in some fashion. She said when Mr. Bowman creates the spreadsheet, which would help her as well, she would like to have the details about those categories as well as what is happening with the current year, how much they have paid already for FY 20, what the overall budget was, and how that has been reduced with non-delivery of services.

Ms. Mallek said there is a lot of money offsetting that she hasn't seen allocated and the slide, while it looks nice, looks like the report for the revenue sharing. She encouraged County staff to ask all the detailed questions, as the questions are coming back, and she did not understand this enough to be comfortable that they are working out well for their taxpayers.

Mr. Gallaway said this was a lot of information to take in. He asked Mr. Bowman if they were ready to move onto the JAUNT piece and then absorb this.

Mr. Bowman said he realized he misspoke about the donut chart. He said of the \$5.4 million, he referred to some quick math of 28% of that, but the County would not do the 28% of the \$5.4 million because a portion of that is being of capital of that \$400,000.

Mr. Bowman said another clarification on something he may have misspoken about earlier was around the County's contribution to capital costs for the buses. He said when he was referring to that, he was referring to the County's approximate \$1.1 million contribution that was made through the operating budget to CAT.

Mr. Gallaway said he had had the numbers lined up in his head a certain way, and that these clarifications just jostled them. He said it will be very important for him to have a thorough understanding of drawing the line from the \$5.4 million to the County's portion to what is getting played out the way it is broken down for FY 20 and FY 21.

Mr. Bowman said he would move on in his presentation to JAUNT. He said JAUNT will receive just under \$1.8 million in small urban CARES funding. He said how this would be supplied was still under review. He said at that time, he did not have the same plan or level of detail.

Mr. Bowman said he has been in contact with Mr. Sheffield, and that revenue loss, just as it is for CAT, will be an important impact to JAUNT as well. He said as recently as last Friday, their preliminary estimated revenue loss in FY 20 is about \$450,000-550,000 to be utilized of the \$1.8 million. He said certainly, there would be a substantial portion in FY 21 that they would need to run the numbers on. He said many of the same things that impact CAT will impact JAUNT, and JAUNT may be different because they are structured differently, with more local governments who are participating in that and the different nature of their services in fixed route versus on-demand response model.

Mr. Bowman said he did not have any further update on JAUNT other than they would look to have details brought back to the Board to understand how this would impact the County in the "3-6-6" plan. He said this did not mean they were going to wait three months, and that as staff has better information, they will make this available.

Ms. Palmer said she recalled an email that Mr. Sheffield sent saying there was some indication that the CARES money will possibly take the place of the State contributions in the coming year. She asked if this was still an expectation, or if she interpreted this incorrectly.

Mr. Brad Sheffield said later in June, there will be a Transit Service Delivery Advisory Committee meeting. He said he suspected that part of the agenda will be to discuss how CARES Act funding and State operating assistance gets bundled together. He said by this time last year, the State released its six-year improvement plan which, from DRPT, the State Transit Office, outlines how much money JAUNT is getting, whether it is State funding, federal funding, or special grants. He said this has yet to be released, and it has been stated that it will probably be in the fall before that even gets released.

Mr. Sheffield said there is every indication that the State is struggling with their own revenues, and transit operating assistance is one of those areas of revenues that will be susceptible to productions. He said with the CARES Act funding coming in, it provides the State the ability to adjust where those revenues need to land. He said there was nothing definitive, and he didn't think it was the place of the State to say anything yet until much of this is formulized. He said everything indicates in that direction, however.

Mr. Sheffield said if they receive any State funding, for JAUNT, it will be to reflect the services it is already committing to put on the road. He said they are taking a leap of faith that they would get the State funding, as expected, but they could only speculate as to where things were headed.

Ms. Mallek said she had read that there was some concern that the State would be holding onto a bigger portion of federal transit money, and that the County should be ready to write to ask someone not to do that. She asked Mr. Sheffield if he could update the Board on that question, and if the money was all gone now.

Mr. Sheffield replied that the rural side of the equation is beyond the \$1.79 million. He said there is rural CARES Act funding that has been provided to the State to allocate out to the rural transit systems, which JAUNT will be receiving a piece of. He said there is a percentage of that that will be held back and, in talking with the State, it is largely because there are 41 transit systems in the State and not one of them are alike. He said to try to take the rural funding and try to evenly disperse it among all the systems was next to impossible, so they tried to use a fairly basic approach and then look at how impacted systems, such as JAUNT, backfilled the needs as they get closer to FY 21 implementation.

Mr. Sheffield said there is funding still there, and it is only intended to support transit systems on the rural side. He said he does intend on having conversations with the State to paint a more complete picture of their rural budget, which includes a large portion of the budget for Albemarle County.

Ms. McKeel said she wanted to make sure that they position Albemarle County, as related to JAUNT, to have some contingency funds for JAUNT. She said JAUNT is really carrying the County's people who are most at risk in the Rural Areas as well as the Development Area, and certainly those who have the highest risk related to COVID-19. She said JAUNT is providing the on-demand transportation model, which she believes people feel most comfortable with right now, as it is not a large bus with lots of people. She said she understands everyone is trying to work that as best they can.

Ms. McKeel said she wanted to make sure they have the ability with JAUNT to continue to work with the pilot they were looking at for on-demand and have some contingency funds in place that they may want to access in order to provide transportation for some of the County's most vulnerable citizens.

Mr. Gallaway said Ms. Mallek had alluded to a question on the rural side, as the presentation showed \$50,307, which was direct monies down, but the \$50,311 was not direct. He said it was not a small amount they held back but was 35% of the total. He said in reading the CTB's minutes, there was not much conversation about it, and there was not much process to find about how that \$35 million would be spent other than at the discretion of the Director of the DRPT (Department of Rail and Public Transportation), and that he or she would report back to the Board after the fact, after it was spent. He said of the \$35 million they spent, they put 50% out to the subrecipients, then 15% to another section, which was a system in Blacksburg, with remaining \$18 million, or 35% of the total.

Mr. Gallaway said if JAUNT had received the monies that would have been doled out to them at the same percentage level as how the 50% was broken down, this would have been another \$2-3 million. He said the fact that there was no real conversation as to process of how that reserve would be spent during this time, and with it being simply a discretionary fund, is somewhat disconcerting to him and worth further conversation, whether this is at the DRPT level, the MPO, or both, or if TJPDC has a conversation in this.

Mr. Gallaway said this is a large amount of money that impacts the rural system and, if moving forward, if the \$18 million is designed to be helping for the crisis, then they want to understand how it can be accessed, released, and what the defined process is. He said this is a conversation he will be interested in having, and probably continue it in different places. He said he was sure the RTP could have a further conversation, and the MPO potentially as well.

Mr. Sheffield said the service to Blacksburg Mr. Gallaway had mentioned is the Virginia Breeze, which is an inner-city bus service. He said that funding will also go to that service because the plan is to come up from Danville into Charlottesville and up to Washington, D.C. He said he was on a call that morning with the RTP, Mr. Williams, and Mr. Boyles about that type of service. He said to keep in mind

that some of the money Mr. Gallaway spoke about is in place to ensure that this particular new upcoming route will be put in place in a timely manner without having to wait.

Mr. Sheffield said JAUNT will be formulating its budget around what the expectations and needs are. He said they will share this with Albemarle as far as whatever advocacy they may need to help let the State know what additional rural funds they need. He said it is important for them to have that federal rural funding commitment as soon as possible so that they know what they are dealing with when it comes to revenues.

Ms. Mallek said for years, they had a discussion about JAUNT's being a subrecipient, and that she heard the term come from Mr. Gallaway. She said Mr. Sheffield could lead them on going forward because if they are continually getting shortchanged on percentages because of the category, she would love to learn more about that.

Mr. Sheffield said this is something that Ms. McKeel has worked on. He said she has met with DRPT a couple times about this, as well as with Mr. Boyles. He said it is something that is still ongoing, and that it is a separate conversation not as relevant to funding they are facing with COVID-19 and the CARES Act funding. He said it is more relevant to future opportunities. He said they had a fairly healthy conversation, and thanked Ms. McKeel and Mr. Boyles.

Ms. McKeel said Mr. Henry was involved in those discussions as well. She said they have made several treks to Richmond to talk to DRPT about this, and that it is an ongoing conversation.

Mr. Gallaway said nonetheless, he still thinks it is important for them in the venues where it makes the most sense, whether it is with their local person appointed to the CTB to thoroughly understand the discretionary money, and that localities should understand how it is going to be utilized, with more than just a report back to the CTB board. He said there must be some kind of process, in his opinion.

Mr. Bowman presented a recap slide, noting that the Board had seen most of this slide at the April 29 work session. He said the top line represented where they were at the March 11 transit work session, that the following lines made up how they got to the revised placeholder that was included in the revised recommended budget, and that the bottom numbers reflected the updated CARES impact with JAUNT, to be determined, and obviously CAT that they shared before.

Mr. Bowman said the third topic was JAUNT driver salaries, for which there had been a request at the Board's April 29 work session for more discussion. He said in the revised recommended budget for both CAT and JAUNT, consistent with County local government, schools, City, State, and many partner agencies, all salary increases were backed out. He said the total impact for JAUNT was around \$104,00 that was backed out of the budget. He said of that amount that was attributable to the driver salary increase, it was \$60,000 that was not included in the revised recommended budget.

Mr. Bowman said the Board has options for consideration of this, which is an ongoing cost to not provide funding, to provide funding, or to revisit this at a later date. He said this could be done in the context of the full CARES update.

Mr. Bowman credited Mr. Sheffield for pointing out in his response to the Board that any changes in drivers, whether this is in CAT or JAUNT, also have an impact to the County's school system. He said given the collaboration that has happened at the Board of Supervisors level with the School Board, school leadership, and County leadership, they would want to understand through HR departments' analysis of what, if any, impact there would be to the School Division as they try to be aligned in compensation.

Mr. Bowman said the two follow-up for him were to report back on the CAT update, to follow up on the more regular reconciliation under the "3-6-6" process, and provide a more detailed summary or spreadsheet walking from \$5.4 million down to the impact on the County share.

Mr. Gallaway asked Mr. Bowman what staff was looking for from the Board that day in terms of the driver salaries item.

Mr. Bowman said as the Board is scheduled to adopt the budget on Thursday, so no final decisions were needed today. He said if there were additional questions or follow-ups staff needed to be prepared for to put the Board in a position to take action to adopt the budget on Thursday, he would want to hear those.

Mr. Bowman said there are options for the Board's consideration for both the TJPDC funding grant, the CAT CARES update, and the JAUNT driver salaries. He said it was up to the Board to chime in to the extent they would like to today.

Ms. Allshouse said what would be helpful to staff is for any recommendations from the Board on all three of these issues, as they prepare for Thursday's meeting when they will be adopting the budget, and any guidance they would like to provide to staff on any of these transit issues as staff puts together the final paperwork for Thursday.

Ms. Palmer said with respect to the JAUNT salaries, she certainly fully supported it in the last budget. She said for consistency right now with the rest of the budget, she thinks they should revisit this at a later time in context of the full CARES Act update. She said she does appreciate Mr. Sheffield

making a point about the School Division and would want to know the impact there. She said she fully understands the situation with hiring drivers and would appreciate the update.

Ms. Palmer asked if they would talk about the study on another slide, or if she should give her comment about that now.

Ms. Allshouse said there are three issues, and it would be great for staff to receive guidance on the JAUNT driver salaries, then go back to the CAT slide, then back to the grant. She said it would be useful, if the Board were ready, to provide staff any guidance, but they could also delay that until Thursday.

Ms. Palmer said personally, she was fine with giving her comments now.

Mr. Gallaway asked to go to the JAUNT driver salary slide first to get everyone's input.

Mr. Gallaway asked, for clarification, if Ms. Palmer wanted to go with the third option.

Ms. Palmer replied yes.

Ms. Price concurred, as well as Ms. LaPisto-Kirtley.

Ms. Mallek said she will argue for the second option because the training for safety for JAUNT drivers is huge and having gone through it, it is very demanding. She said for them to invest all of that time in training to then lose their drivers to someone who is paying them 15% more is making it harder for them to be able to deliver the services the County needs them to bring.

Ms. McKeel said she would very much like to support the second option, but she wondered if it did relate to having some more information. She said she understands there is a differential for JAUNT in the CAT salaries of 12-15%, which is huge, as Ms. Mallek said. She said she needed staff to come back to her with a report of the actual differential that has been accumulating over the years. She said JAUNT is critical for those who are most at risk, and it is a service that people feel the most comfortable using, whether in the Rural Areas or Development Areas. She said it is critical to figure this out.

Ms. McKeel asked if there is a way the Board could get back a report. She said it was not as much about the CARES update, although she agreed with that, and that she would like more information about the JAUNT drivers and the differential between JAUNT's and CAT's drivers. She recognized that it affects the School Division. She said Mr. Jim Foley has been adamant about that during the RTP meetings. She asked Ms. Allshouse if the Board could get information in early June, and if this would be in the timeline staff could work with.

Ms. Allshouse replied yes. She said when Thursday comes and they have an adoption on the recommended FY 21 budget, the next step in the process is the appropriation of that budget. She said even at that appropriation, the Board has an opportunity to make a budget amendment. She said the Board could request amending the budget as part of the appropriation. She said this is done occasionally with the schools when State funding timing changes. She said sometimes from the adoption to the appropriation, they get more information.

Ms. Allshouse said another important thing to think about, going into FY 21, is amending the budget. She said the budget is a plan. She said if they can get the budget well-settled on Thursday and then hit June with more information, they can continue to make adjustments as they move through FY 21. She said there are those opportunities through the appropriation process.

Ms. McKeel said this was helpful, noting that what she did not want to do is discount completely the second option, as she feels like before the end of the year, she would like to have more information about the salary differential. She asked if the monies they have from CAT are one-time only.

Ms. Allshouse replied yes.

Ms. McKeel said this would not work for salaries. She said regardless, this is where she would like the Board to go, to come back and have a discussion about this in early June once staff has more information.

Ms. Mallek said she wondered if people needed an update on a percentage if Mr. Sheffield could supply that.

Mr. Sheffield said what Ms. Mallek may be referring to is that in his email, he mentioned that when talking about consistency, this is more than just a one-year matter. He said JAUNT was proposing 4% this year because last year, they proposed 2%, which is what was adopted, but CAT's budget adopted slightly more than a 4% increase. He said JAUNT proposed a 4% increase in response to that to try to close the two-year gap between FY 20 and FY 21. He said this year, with 0%, this means the ongoing relationship of wages has widened, even with a 0% allocation for either agency.

Ms. McKeel said this was why she was trying to get back to June and figure out if they can have a discussion about where that is. She said it seems to her that they could deal with that in the context of appropriations in June, based on perhaps some provided data from Mr. Sheffield and to staff.

Ms. Mallek said speaking back to 2009 and how the local businesses and Mr. Chris Lee faced the loss of contracts and that he was going to lose his skilled contractors and master craftsmen. She said he was desperate to keep them working. She said it is the same situation for these JAUNT drivers who have provided such a different level of care. She said she would support them, and hoped they would be able to get a more definitive answer on Thursday, even though it does not show up until an appropriation until June, so that there would then be a message conveyed to those drivers about what is coming. She said otherwise, she wouldn't blame them at all for jumping.

Ms. Mallek said this is going to be a very tight market for the most skilled people and will be hard for employers as well. She said they have been there before and need to understand how important the staff are who are in place at the various agencies.

Mr. Gallaway said he was in agreement with Ms. McKeel regarding a revisit to a later date. He said in this context, this would make sense.

Ms. McKeel said what she was trying to say was that she did not want to wait six months and was looking at June for a revisit. She asked if this was what everyone meant.

Mr. Gallaway and Ms. Mallek said yes.

Mr. Gallaway said that every 30 days will bring so much information to the Board, at this point.

Ms. Allshouse said she wanted to check in with Mr. Bowman to see if he concurred with doing the work on this.

Mr. Bowman said he expected so. He said he would want to talk with HR staff to confirm that, but he would expect that this would be possible.

Mr. Gallaway said he believed there was a consensus.

Ms. Allshouse said she would back up the slides to the previous issue. She asked if there was any direction on this as far as revising the recommendation in FY 21 to the \$516,560 and then placing the reserves of those one-time savings as indicated in the second bullet.

Ms. Palmer said she was okay with what staff was suggesting on this page.

Ms. Price concurred with the staff recommendation, as well as Ms. LaPisto-Kirtley.

Ms. Mallek said she looked forward to the greater detail about all the current and proposed expenses, and hoped there would be more savings in the \$619,000 figure. She said she hoped this would go up considerably.

Ms. McKeel said she concurred, but wanted to be clear that the Board would be coming back to look at the payments to CAT on a quarterly basis, and that the Board would be receiving an update and discussion around this. She asked if this was correct.

Ms. Mallek said yes.

Ms. McKeel said she was comfortable with it.

Mr. Gallaway said he was prepared, for staff's purposes to get ready for Thursday, to concur and allow this recommendation to move forward, but he would need some work before Thursday relative to what he commented about earlier to get there. He said if the Board has no objection, then he would be asking to revisit before they take the full vote.

Ms. Mallek said yes.

Ms. McKeel said this was fine. She said if staff finds out something, the Board will want to know.

Mr. Richardson said there was a discussion Mr. Gallaway had specifically with Mr. Bowman earlier about a spreadsheet format that would provide more detail on Thursday. He asked if this was what Mr. Gallaway was referring to in terms of more information on Thursday.

Mr. Gallaway said yes. He said although the chart that broke down the CARES Act money was great and helped him understand, he was still having trouble drawing the line to what the County is being asked to pay next year relative to that. He said he believed it was there in his mind, but that he needed to see it, and did not see it on the current slide. He said he would want this information before he votes on it.

Mr. Richardson said he thought he heard staff say earlier that they were comfortable walking the Board through that on Thursday.

Mr. Bowman said he could provide some information in advance, but they could certainly view it on Thursday as well, should there be additional questions.

Mr. Gallaway said for staff's purposes, they could go with this, as there is consensus to move forward with this for the planning. He said provided nothing changes, staff will be all set up.

Mr. Gallaway asked if there was another transit item to cover.

Ms. Allshouse said she wanted to check in on the match. She said she believed she heard this was a “yes” for the match for the Planning and Feasibility grant in the planning documents for Thursday, but wanted to make sure she understood that completely.

Mr. Gallaway asked if there were any objections to this item.

Ms. Palmer said she had one comment. She said she does not object to it, and thinks it is great, but she does wonder when it will begin. She said she wondered if, given everything that is happening now with the pandemic, the study would look any different before or after. She said this was just a comment as to timing of the study. She said perhaps Mr. Boyles could comment on her concern, adding that she does support it.

Mr. Gallaway asked Mr. Boyles if he wished to comment.

Mr. Boyles said he could comment. He said he believed Ms. Palmer was exactly right, and that COVID-19 will affect the study to some degree. He said there is a real urgency, however, to move this forward very quickly because the goal is to initiate it in July, once funding is approved, so that the study could be completed in time to put together an application by February 1. He said even in the best of circumstances, this is a quick turnaround, and if they do not pull this off, it will be the following February before applications are taken again for service grants. He said it will have to happen very quickly.

Ms. Mallek asked if this was being done in-house through DRPT or by a consultant and if so, who.

Mr. Boyles replied that it would be through a consultant, and what they would do to expedite it is use one of three consulting firms that DRPT has on retainer or on contract. He said they can choose any of those three.

Ms. Mallek asked where these presentations would be made at the DRPT, MPO, or Board level.

Mr. Boyles replied that it would be through the MPO.

Ms. Mallek said she wanted to make sure they were not going down the path with one of the failed consultants.

Mr. Boyles agreed. He said they would definitely want input from both DRPT and MPO on this. He said there have been a couple of very similar projects done nearby, so they have some good examples to utilize as well.

Ms. Mallek asked if Mr. Boyles would be able to get these reports and forward them to the Board electronically.

Mr. Boyles replied yes. He said the biggest one the Board is already a part of, and that he would be glad to forward to them, is the study from Staunton to Charlottesville, the Afton Express, which is a very similar project.

Ms. Mallek expressed that this was very general. She said she was looking for specifics and was tired of general information.

Ms. McKeel said they had talked at one point about two planning documents. She said one was a regional document with the City, which the City has determined that they do not want to participate in right now. She asked if this was correct. She said she knew the subject study was specifically for Albemarle and she was in favor of this one, but because they talked about the regional study, she thinks it would be good for people to know where the Board stands on that one.

Mr. Boyles replied that this was the much bigger Regional Visioning Plan. He said while the application is still submitted, this was one of the items that has been cut out of the City’s budget as far as their portion of the match over a two-fiscal-year period. He said currently, he assumes this would not be awarded because of the match.

Ms. McKeel said this was a shame, and that would have been wonderful. She said this was a two-year process for a regional plan. She said she wanted to clarify that it was gone.

Ms. Mallek said there are other players in the region, and perhaps they will read it and want to join.

Mr. Gallaway said there was consensus on this item. He asked Ms. Allshouse if her transit items were covered.

Ms. Allshouse replied yes.

Recess. The Board recessed its meeting at 6:35 p.m. and reconvened at 6:41 p.m.

Agenda Item No. 2. Work Session: Outstanding Issues Before Adoption of the FY 21 Budget.
(continued)

- Upcoming Smart Scale Applications and Timing of CIP Update.

Ms. Allshouse said this part of the presentation did not include any actions required by the Board but was intended to share information about some upcoming items related to Transportation Leveraging.

Ms. Allshouse presented a slide intended to have the Board think about the CIP. She said the CIP is not a budget but is a long-term plan. She said the initial CIP that was created before COVID-19 and the revision of the budget included some funding in the outyears, FY 23 and 25, to support some Smart Scale funding applications that will be coming to the Board soon. She said the Community Development Department will be putting these applications in soon and will be bringing some information to the Board.

Ms. Allshouse said the CIP will be revisited and reconsidered in the fall due to the current economic situation. She said the applications for the Smart Scale funding requests, however, are due in August. She said if awarded, the local funding would not be required until FY 23 or later. She said this is more of a planning approach.

Ms. Allshouse said staff will be coming to the Board, asking them to approve the Smart Scale applications, on June 17. She said to make the applications competitive, noting that the County has an intent to provide local match in the future years will prove competitiveness. She said she wanted to share this with the Board so they are aware of the timing of this and of the recommended approach from staff.

Ms. Allshouse said staff recommends that these applications that will be brought back to the Board for their approval should note that they intend to include local funding dollars in the future, and that the Smart Scale applications would also include the notation that the County CIP is not finalized at this time, and will be considered in the fall due to the COVID-19 pandemic. She said this is a way to manage their time in the new pandemic world while still doing the very best they can to be as competitive as possible on the Smart Scale grant applications.

Ms. Allshouse said she wanted to mention that the high priority project applications that may benefit from this notation about the future Capital Improvement Plan include the bulleted items on the slide: Route 250 East Corridor Improvements, Fontaine Avenue/Route 29 Bypass Diverging Diamond, Old Lynchburg Road/5th Street Extended Intersection Improvements, Route 20/Route 53 Intersection, and Rio Road/Belvedere Drive Intersection Improvements.

Ms. Allshouse said it was very important to note that the Eastern Avenue Bridge Preliminary Study, which would equate to 30% of the design, is currently underway, and the plan to apply for VDOT revenue-sharing funding will be after that study is complete, in the following calendar year.

Ms. Allshouse said the last few slides were to share with the Board staff's approach to the Smart Scale applications that will be coming in front of the Board next month.

Ms. Mallek suggested that going forward, while they have the comments about finding the funding to draw down the extra money for Smart Scale to make County matches, a similar phrase should be used in the revenue-sharing projects so they take the County seriously and know they are moving forward, which will help to avoid the big mistake made 10 years ago, when the County gave up on the whole project and threw away \$20 million in State inputs over 5-7 years. She said she hoped that staff and Mr. Kevin McDermott would think of a way to include these notations in the ongoing projects as well.

Ms. Mallek said the bridge was a Smart Scale project and she understood why it was diverted to get the price under control and not have it be vulnerable to misrepresentation. She said she appreciated that and could not wait for the final details to come forward so they could get the project moving. She said it has been since the early 90s since this was on the list, and literally thousands of people drive 10 miles around to achieve what the bridge would accomplish.

Mr. Gallaway said he understood they are going to make the notation that the CIP is not final due to COVID-19. He asked if this is a similar practice that other localities are using.

Ms. Allshouse replied that Mr. McDermott may be able to answer that question. She said they just thought it would be a good way to do it for the County, as they will be revisiting the CIP in the fall.

Mr. Gallaway said he understood, expressing that although the match is there, the notation would convey that it has to go through some sort of political process as the State is looking at projects. He said he wanted to make sure this did not hurt the County's competitiveness.

Mr. Kevin McDermott, Transportation Planner, responded that he did not believe this notation would hurt them. He said if they are reevaluating the CIP in the fall, the applications will still be in consideration at that time, so the County may be able to provide additional information before the State starts making any of the decisions. He said if they clearly state it is the County's intent to put the money to the projects and then have it as a small note inside that they do have to reevaluate this, it will not hurt their chances.

-
- Summary of Recommended Uses of General Fund Fund Balance.

Ms. Allshouse said the last item in her presentation was an item she wanted to bring forward for transparency, which was also shared in the prior recommended budget. She said it is information the Board often receives as the year ends when they look at the year-end funding and how they apply that as part of next year's budgeting process.

Ms. Allshouse recalled that at the end of the fiscal year, they had an unobligated General Fund fund balance, which is one-time money that is applied to different categories. She said staff felt it would be useful to the Board to see this summary because if they approve the budget on May 14 and they move forward, there are certain items for which staff will come to the Board with an appropriation in the current year, based on the decision.

Ms. Allshouse said the top of the slide said, "FY 20," and for some of these appropriations, staff will bring appropriation requests to the Board prior to July 1. She said the ones below in the FY 21 category will be appropriations that will come to the Board as part of what they call the "Resolution of Appropriations" that the Board sees in June. She said it is another timing issue and information that staff wanted the Board to be able to see as a summary.

Ms. Palmer asked if the Climate Action Plan AHIP weatherization amount of \$250,000, which was in the 2020 budget, had any additional money recommended in 2021, or if this was not there.

Ms. Allshouse replied that anything on the top of the list on the slide was not in the FY 20 budget yet. She said staff will bring it to the Board to ask them to apply it in FY 20 to get it started. She said they will actually bring the first four items on the list back to the Board prior to the end of the fiscal year for FY 21 and ask to apply them now to get the items going before July. She said this is the process and is a matter of seeing these as appropriation requests. She said staff would not have brought these to the Board without first having the Board approve these activities as part of the budget process.

Ms. Mallek said for the first item, "CIP Advisory Committee Recommendations," she wanted to know if, in June, the Board would have a full discussion about those and therefore, prioritize them in light of today, which have changed a lot since last October.

Ms. Allshouse asked if Ms. Mallek was asking about prioritizing the CIP Advisory Committee Recommendations for the CIP.

Ms. Mallek said at the top of the page, Ms. Allshouse noted these were things that would perhaps move forward before July 1. She said she would like a chance to have the Board understand which ones those are and how that is being done.

Ms. Allshouse said staff could bring more information to the Board as part of this appropriation, but that this was literally putting the money in place into the CIP. She said Ms. Tia Mitchell was on the line if she wanted to add to that.

Ms. Mallek said someone could also send the Board the list of the things they expect to move forward via email, which was perfectly fine. She said she was not prepared to approve \$1.5 million without revisiting exactly what it is getting.

Mr. Gallaway asked Ms. Allshouse if she would follow up on that via email.

Ms. Allshouse replied yes.

-
- Wrap Up.

Ms. Allshouse moved on to the last slide. She said she appreciated the Board staying longer that afternoon to work through the outstanding issues. She said staff received good guidance from the Board that day, and they now know what other tasks to work on.

Ms. Allshouse said the next step would be staff bringing the Board the Resolution of Approval to adopt the FY 21 on May 14. She said they will have information for the Board, as requested, before that, including the requested spreadsheet and other follow-ups.

Ms. Allshouse said after that, they would go to the June 3 appropriations. She noted that the schools will be adopting their budget on May 14 as well.

Agenda Item No. 3. Discussion: From the Public: Matters Not Listed for Public Hearing at meetings held by electronic communications means.

Mr. Greg Kamptner, County Attorney, said he would make some remarks to provide some context for this discussion.

Mr. Kamptner said this is a revisiting of the Board's suspension of "Matters from the Public." He said the current rules the Board has adopted allow members of the public to speak to the Board on any topic of public interest, which is a very broad topic. He said because of some concerns from the Board about transitioning to virtual meetings, the Board suspended that rule. He said since then, there have been requests from some members of the public for the Board to consider reinstituting that particular agenda item.

Mr. Gallaway said this came up last Wednesday, so there may be additional questions or information that have come up since then that the Supervisors may want to put out for other Supervisors to hear.

Ms. Palmer said the concern, to be clear, is that anyone in the world can come in and say obscenities or do dreadful things, and the County has no ability to stop them for those three minutes. She said the whole rest of the world that is there for good reasons has to listen to the obscenities for three minutes.

Mr. Kamptner said this was a good summation. He said what he is looking at is narrowing the scope of that opportunity for the public to speak to something that is limited to pending Board actions or recently considered County matters, for example, if the Board is inclined to revisit the rules while they are meeting virtually. He said the area of relevant subject matter is narrowed so that there is some control for the Chair or Vice Chair to deem a speaker irrelevant if they go beyond those boundaries that the Board might establish.

Ms. Palmer asked if this would not include obscenities or such content.

Mr. Kamptner said he would use term "profanity." He said if speakers are going into the realm of obscenities, as characterized by the courts and where there are no First Amendment protections, this is one matter, but that use of profanities, being bolder and using swear words, is still protected speech if it is still relevant to the boundaries that the Board might consider.

Ms. Palmer asked if they were to go forward, and with everyone being concerned about what could come into the public space in this situation, how this would be controlled. She asked if Mr. Kamptner would make that determination and if someone, e.g., the clerk, would cut the speaker off. She asked how they would respond quickly to something like this.

Mr. Kamptner replied that it puts a burden on the Chair and Vice Chair. He said it is the same situation as someone who is in front of the Board and disrupting the meeting. He said this is a call left for the Chair and Vice Chair to make if the speaker is actually disrupting the meeting. He said from the guidance that has been provided to the Board, if there were a public hearing on a rezoning application, for instance, and someone comes in to speak to something that has nothing to do with that rezoning application, they are disrupting the public hearing and the Chair can cut that person off. He said it would be the equivalent of that happening under these circumstances.

Ms. Palmer asked if the Board would know more about when they will get back into the County Office Building, into their old situation. She asked if they would know later that week, with respect to Phases I and II. She said since the Governor is opening up, and as the County had declared an emergency, she wanted to know at what point is the Board coming into the County Office Building, as an essential part of this discussion was about holding meetings from home and could change as the Governor makes his decisions.

Mr. Kamptner replied that it depends. He said the way the Board's "Continuity of Government" ordinance is worded is that it is much more than just Phase I or Phase II that needs to happen before that ordinance would be lifted, under the budget amendment, and that it allowed any community public bodies to conduct virtual meetings. He said this continues for as long as the State of Emergency, the declaration by the Governor, is in effect, so there is time.

Mr. Kamptner said it is possible, at some point, that the Board may allow the public to come into Lane Auditorium to speak while the Board may still meet virtually. He said those who feel more comfortable coming in and engaging with the Board could come into the County Office Building as long as it is determined that it is perfectly safe to speak to the Board, even though the Board may still be meeting virtually. He said there are so many possibilities for these meetings and how they are conducted to unfold as they work through the phases.

Mr. Kamptner said as Mr. Doug Walker reminded them at their 8:00 a.m. meeting, Phase III is not the end of it. He said there are things that will happen before, and Phase III is not an indication that they have returned to normal but is simply the next step in the process as they evaluate what is going on.

Ms. Palmer said she is very interested in opening up whatever public comment they can, but she is not interested in subjecting the general public or the Board to uncontrolled comments that may be extremely offensive. She said she did not know where the balance was, but she would vote "no" if Mr. Kamptner was telling the Board that it would be very difficult to control.

Mr. Kamptner said another option, if the Board feels that members of the public do not have a voice right now, is that the public can submit written comments, which has always been available.

Ms. Palmer said they need to make sure that those written comments are submitted to the public

record, as she has had that comment from the public before.

Ms. Price said she has previously expressed her concerns about this, and in recent emails to Mr. Kamptner asking for some legal analysis of exactly what the Board can and cannot do. She said the reason she has concerns is that during their very first virtual meeting on April 1, using a live web chat, in less than six minutes, they had nine pages of racist, homophobic, transphobic, xenophobic comments, including 6-7 pages of racial denigrating language.

Ms. Price said the problem she has with the virtual access is that the Board has no way of knowing who the individual is who may actually be engaging in that sort of conduct, and they are not alone in these concerns. She said just recently, Oklahoma City University had their virtual graduation ceremony disrupted with racist taunts that were transmitted via chat.

Ms. Price said when someone stands in Lane Auditorium before the Board, they have a much greater sense of who that individual actually is, whereas virtually, someone from anywhere in the country or around the world can create a false identity and get themselves lined up. She said not only Supervisors, but their constituents, are then having to face that sort of inappropriate conduct. She said she recognized there is a difference between a public forum and a court situation, but she knows as a prosecutor, defense counsel, or trial judge, they would have never allowed that sort of conduct that unfortunately was road rage on the superhighway of the internet, which allows people through anonymity to spew hateful language.

Ms. Price said as much as she would like for their constituents to be able to communicate with the Board, unless they have a mechanism that ensures they can maintain decency and civility, she would be opposed to simply opening it up to general conversation.

Ms. LaPisto-Kirtley asked if the Board has the ability now, as if someone were standing in front of them, to turn off a person's microphone.

Mr. Kamptner replied that they have the ability to turn off the mic if they are determined to be disrupting the meeting, for example, if they go beyond the three-minute limit, or are speaking about something completely irrelevant to a public hearing.

Ms. LaPisto-Kirtley asked if they were to make racist or homophobic comments, for example, the Chair could cut them off.

Mr. Kamptner replied this was the case only if it were irrelevant. He said currently, the Board's "Matters from the Public" is wide open and includes any matter of public interest. He said his suggestion is that if the Board will allow "Matters from the Public" during virtual meetings, that the scope of relevant topics be narrowed because these are Board business meetings.

Ms. LaPisto-Kirtley asked as long as it has to do with Board business, someone could comment or otherwise, they would be cut off.

Mr. Kamptner replied yes. He said the reality is that there may be some reaction time needed.

Ms. LaPisto-Kirtley said usually when someone comes before the Board, they state their name and district. She asked if the public are able to sign up in advance with their name, address, and phone number and that the Board would contact them when it is their turn to speak.

Mr. Kamptner replied that something like this could probably be arranged. He said he would have to talk to Ms. Emily Kilroy and work through the IT department.

Ms. LaPisto-Kirtley said she thinks people would be hesitant giving out their name and phone number if, in fact, they would be saying things that are not relevant.

Ms. LaPisto-Kirtley asked how other counties and cities are dealing with this issue where they may have originally had concerns.

Mr. Kamptner replied that he did not find any definitive answers yet, but was doing some research late Friday, because he had the idea of narrowing the scope for the School Board, which began allowing "Matters from the Public" a couple meetings ago. He said he will follow up with their clerk and attorney to find out what issues they are dealing with.

Ms. LaPisto-Kirtley said they do not know, then, what issues they have had yet.

Mr. Kamptner replied no and said he would follow up.

Ms. Mallek said she was appreciative of the idea that the speech would be welcomed on matters particular to Albemarle County, and that she thinks this may help a lot. She said they should also continue to offer that if someone would like to send them something, one of the Supervisors could read their constituent's information into the record, which is almost the same as standing at the microphone.

Ms. Mallek said a variety of different options well within boundaries would do away with any argument that somehow, the Board is not listening, is unavailable, or is shutting people out. She said she did not think those things are true, as there are already so many different opportunities for people to

reach out to the Board and staff and contact the meetings by phone or email. She said some great ideas have come forth and that she looked forward to hearing more ideas.

Ms. McKeel said this is an ongoing discussion and that she was not ready to make a decision one way or the other. She agreed with Ms. Price's remarks and said she has grave concerns. She said she was not concerned about every meeting, but that they do have decisions and items that come to the Board that are very polarizing and that can bring out a lot of emotion from people. She said all one has to do is give a fake name and fake phone number, and that there are throwaway phones, for instance.

Ms. McKeel said she would appreciate Mr. Kamptner's thoughts about this and that they need to continue to think about how they might handle this. She said it wasn't long ago that the School Board ended up in court over things that were said and something that they tried to stop. She said she would not speak about this, but that she has watched the entire email system crash because of the mass numbers of people sending in emails all at one time around what some people might have, at the time, considered to be sensitive issues. She said this needs to be thought through carefully.

Ms. McKeel said she is very pleased that there is a community now that is more engaged than ever. She said public engagement is up, and there are people using email, phone, and the videos. She said rather than automatically assuming they would go back to the way things always had been, she would be interested in looking at a "new normal." She said it doesn't mean they would do everything by Zoom or video, but that they would likely end up wanting some sort of a hybrid.

Ms. McKeel said she would move cautiously in this direction.

Mr. Kamptner said his preference would be to keep the rule suspension in effect for now. He said they have only been doing this for a few weeks, and it is still very early. He said it could overwhelm them. He said they should encourage residents to write to the Board and if a Supervisor feels as though a particular writing is something that should be shared with the Board and the public, they are free to do so. He said it is still early, and some of the public bodies have not even had their first virtual meeting yet. He recognized it is primarily the Board, Planning Commission, and the School Board who are the public bodies who do allow "Matters from the Public," but that he thinks they need some more time.

Mr. Kamptner said the meeting last week was 8 hours and 5 minutes long, and the Board was not quite in the mode of taking regular breaks yet, either. He said the Board will wear themselves out if they add even another 30 minutes to these meetings.

Mr. Gallaway said if they are thinking about limiting, the item is called, "Matters Not Listed for Public Hearing at Meetings." He said he would think one way they could limit it is by saying, "Matters on the Agenda" and differentiating items that are on the agenda versus items that are up for public hearing. He said that way, the live local comment can be just on those agenda items for that day, as a way to limit some conversation.

Mr. Gallaway said they would certainly be able to draw the line on topic or relevancy, because if it is not on the agenda and is not a judgment of disdain or profanity, although anyone could use any of the items as a vehicle to try to fit that in, the idea would be that it would be on topic because the agenda would list the topics, and then they are giving the public a chance to talk on items that are not already set up for public hearing.

Mr. Gallaway said it is just an idea for a way to limit comments to other items such as presentations. He said they have presentations on form-based code and the Climate Action Plan, for instance, and that many of these ideas that come before the Board for information, discussion, or reaction that are not public hearings get a lot of public comment, and that this could be a way to get those items in in the meantime without having it be an open venue.

Mr. Gallaway said the other items not listed on the agenda can still come to the Board via email and other means. He said he was not looking to force trying to get this figured out that evening.

Ms. Palmer said she liked this idea because the comments she has had have been on work sessions, and that one cannot comment on a work session because there is no "Matters from the Public" on the agenda. She said she did not think they would get a huge flood in, and as for wearing themselves out, she did not think the meetings were getting any shorter virtually and that they were very long before that. She said the good news now is that they do not have a long drive home anymore. She said she appreciated Mr. Gallaway's idea.

Mr. Gallaway said the discussion gives Mr. Kamptner a chance to follow up on the items mentioned, and that perhaps this matter could be brought back to the next Board meeting for further discussion. He asked if there were any objections to that.

Mr. Kamptner asked for clarification if it was the May 14 meeting, or May 20.

Mr. Gallaway replied he would say May 20. He said the May 14 meeting was for the action on the budget.

Ms. McKeel said staff is very busy and pushing it off from May 14 would be helpful.

Mr. Gallaway said he was not thinking about May 14, but about the next regular Board meeting.

Ms. McKeel said she would be happy to discuss it in June.

Agenda Item No. 4. From the Board: Matters Not Listed on the Agenda.

Ms. Price said she wanted to apologize to the other Board members for a comment she made earlier that evening. She said when talking about the budget request from the Sheriff and saying that she supported the Sheriff, what she should have said was that she “supports the Sheriff’s budget request.” She said she appreciated Ms. McKeel’s comment that everyone on the Board supports the Sheriff, and that where one may have been on that budget item does not indicate a lack of support. She apologized for any implication that anyone on the Board does not support the Sheriff.

Ms. Price said she again wanted to thank County Executive Mr. Richardson and the entire County staff for what they are doing. She said she knows that different governmental agencies are handling this disaster differently. She said some are putting everything at a stop, and others, like Albemarle County, are trying to maintain as much of a sense of normalcy and engaging in essential business dealings that they need to do to move the County forward.

Ms. Price said with what remains of her law practice, she is now dealing with the Federal Executive Agency at the cabinet level, and that they have essentially shut down. She said for the last 45 days, it has been almost impossible to get an email answered. She said they refuse to accept mail and will not send out anything in the mail. She said they gave her a phone number to call a point of contact, who has not set up the voicemail, so it is impossible to reach the person. She said she looks at all this and compares it with what Albemarle County is doing, and wanted thank staff not only as a Supervisor, but as a resident of the County, for making sure they are still doing business. She said she is extremely impressed with what staff is doing.

Ms. LaPisto-Kirtley said she agreed with Ms. Price that Albemarle County is moving forward in spite of everything going on. She said they are not standing still and are getting things done. She said they have an extremely talented and capable staff, from the executive level all the way down. She said she was impressed by all the hard work.

Ms. Mallek said she had three items to consider, and that two of those she had already shared with Mr. Kamptner. She said the first is called an air cannon, which is a thing that drives crows or geese away from a place. She proposed that the Board, with great urgency, get their legal staff to add a sentence to the prohibitions in the agricultural rules, or any rules, that say that these are prohibited tools.

Ms. Mallek said they would be following Augusta County, which is not a county that is quick to make rules about things. She said last summer, Augusta County had a miserable experience with a vineyard owner who proceeded to shoot off his air cannon every three seconds from 7:00 a.m. to 10:00 p.m., which was a disruption. She said as swiftly as they could, Augusta put in the prohibition. She said the same owner who has been carrying that out in Augusta is now developing in Albemarle County.

Ms. Mallek said the prohibition would serve them all, as each of the six districts has vineyards. She said she would ask Mr. Kamptner to investigate the wording that Augusta County already adopted to see if this would help, and get the Board feedback on this as quickly as possible.

Ms. Mallek said she also circulated a statement about how somewhere in the adopted resolution, when the Board approves a Special Permit or rezoning, it should include a statement that Mr. Kamptner could write that will say, “You, applicant, will be held accountable for the things you say and the promises you make during the public hearing.”

Ms. Mallek said this came directly into her mind last Wednesday, at the long Board meeting, that this was something missing and would have helped them. She said there have been other occasions over the last 12 years where, once the approval was given and it went to site plan level, all bets were off, and whatever the people who came in droves to the public hearing were told went out the window. She said there was a lot of unhappiness that resulted. She asked to have recommendations from staff about that.

Mr. Kamptner said he had a couple of suggestions to offer. He said one was what was recommended on Wednesday, that when applicants say they are going to do something, it needs to be put into the proffers or conditions of approval. He said by ordinance or in some document, they could put applicants on notice that if they make a representation that they will do something and then they do not, it may provide the grounds for the Board to undo the decision that it was made, if it is determined that this was a deciding factor in the Board taking the action it did.

Ms. Mallek said this was excellent. She said her last topic was about the notice from the Alcoholic Beverage Commission (ABC) in Richmond. She said the Board may remember that they had a tussle last fall because Board members, in general, did not receive any notice from County staff that an application had been put in. She said many were clear with staff last fall that they thought this was an important thing, and that although staff may not want to participate in any process for licensure, the citizens might. She said without the notification, this is impossible.

Ms. Mallek said that this didn’t stick, so she has asked Board members to think about adopting some kind of a statement that says the Board expects that staff will share with all of them the notifications that are received from the ABC to County staff. She said there are two that have been missed in the

White Hall District where she and the citizens had no opportunity to participate because the notices were never shared. She said one was at the end of October, and the other was in February 2020.

Ms. Mallek said when citizens feel like they find out too late, they are even more angry than they would have been if they had found out on time and didn't get the decision they wanted. She said she felt this is something important that the Board should be able to expect from County staff, and that they should send the same email that John Pine, ABC Agent, sends to staff to the entire Board. She said there may be information that the greater community can benefit from.

Ms. Mallek said she would leave these three requests for future work. She said to add on to what others have said, she is proud of the way their leadership and County staff have kept them on an even keel, avoided chaos, and provided a sense of normalcy as much as possible to the citizenry.

Ms. Mallek said she is still appalled, however, that Albemarle County has a D- in terms of compliance with the behavior changes that everyone is supposed to be working on. She said she did not expect that they were anywhere near reopening again, but they would see. She said she hoped she was wrong.

Ms. McKeel said she wanted to thank Ms. Allshouse, Mr. Bowman, and everyone who worked with CAT on the transit item. She said this was the very first time that they have ever had County staff, Finance department, CAT staff, and everyone sitting down together. She said everyone heard the same questions and answers at the same time, and it was a great process.

Agenda Item No. 5. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report.

Agenda Item No. 6. Adjourn to May 14, 2020, 6:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(6).

At 7:28 p.m., Mr. Gallaway adjourned the meeting to a budget work session on May 14, 2020 at 6:00 p.m., which would be an electronic meeting held pursuant to Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said information on how to participate in the meeting will be posted on the Albemarle County website, Board of Supervisors homepage.

Chair

Approved by Board
Date 10/06/2021
Initials CKB