

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 29, 2021 at 11:00 a.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 called by the Chair, Mr. Ned Gallaway, for the purpose of allowing a quorum of Board members to convene an open meeting with state legislators.

BOARD MEMBERS 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.

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.

LEGISLATORS PRESENT: Ms. Tracy Eppard on behalf of Senator Creigh Deeds of the 25th District; Delegate Sally Hudson of the 57th District; Delegate Chris Runion of the 25th District; Senator Bryce E. Reeves of the 17th District; and Delegate Robert Bell of the 58th District.

Agenda Item No. 1. Call to Order. The meeting was called to order at 11:00 a.m. by Chairman Ned Gallaway.

Mr. Gallaway said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said that the opportunities for the public to access and participate in the electronic meeting were posted on the Albemarle County website, on the Board of Supervisors' homepage, and on the Albemarle County calendar. He stated that participation included the opportunity to comment on those matters for which comments from the public would be received.

Agenda Item No. 2. Welcome & Introductions.

Mr. Gallaway introduced Ms. Tracy Eppard on behalf of Senator Creigh Deeds of the 25th District; Delegate Sally Hudson of the 57th District; Delegate Chris Runion of the 25th District; Senator Bryce E. Reeves and Mark Snesavage of the 17th District; and Delegate Robert Bell of the 58th District.

Agenda Item No. 3. Thomas Jefferson Planning District (TJPD) Legislative Program.

Mr. David Blount, legislative liaison for the TJPDC, said that the TJPDC's regional legislative program for 2022 had been adopted by the Board in November and was waiting for one more locality to adopt it. He explained that the program listed three top priorities for the 2022 General Assembly: "support for recovering communities," "budgets and funding," and "broadband." He said these were the same priorities from 2021.

Mr. Blount said that there were edits to the language and amendments to the program, noting that in the "support for recovering communities" section, there was new language about maximizing federal and state support toward the benefit of Virginia residents. He continued that the County was not aware of the Consolidated Appropriations Act and the American Rescue Plan a year ago. He noted that in the "budget and funding" section, there was language added that urged the inclusion of school bus drivers in the standards of quality funding formula and provided for mental health positions and services in schools. He noted that in the "broadband" section, there was new language to emphasize the cooperative work among private providers as it related to broadband and stress affordability for providing broadband service.

Mr. Blount said that the legislative program included a number of positions focused on the critical recommendations, positions, and other areas of interest or concern in the region. He said there was strengthened language in a position on internet business regulation to put more emphasis on local authority. He explained that there was already a position that called for flexibility for localities to award salary increases to state-supported positions and, he continued that similar language was added to a statement that pertained to Compensation Board positions. He noted that another one of the position statements urged the Compensation Board to support realistic staffing levels.

Mr. Blount said that language was added to support the expansion of the allowable uses of electronic meetings outside of emergency declarations and that there would be legislation on that topic in 2022. He said that a position on state funding for elections had been strengthened. He noted that there had been a longstanding position that urged more state responsibility for funding elections at the local level and that the new language recognized the possible extra requirement for elections that may arise due to the delayed census numbers and redistricting. He said that once the legislative program received final approval, a copy of the program and a one-page summary of the priority items would be provided to the Board.

Mr. Robert Bell asked if copies of the program had been distributed so he could review it.

Mr. Blount responded that the program had not been distributed but would be out shortly.

Agenda Item No. 4. Albemarle County 2022 Legislative Priorities.

Mr. Kamptner began his slide presentation, entitled "Legislative Forum 2022 Legislative Session." He recapped the success the Board of Supervisors had in 2021 before the General Assembly with respect to the amendments to Virginia Code § 15.2-520 and 15.2-2506. He explained that the amendments expressly authorized the Virginia counties that operated under the county executive form of government, Albemarle, and Prince William, to allow funds appropriated for multi-year capital projects to be carried over year to year without being reappropriated. He said research showed that other localities already used this practice, and an internal review showed that reappropriating multi-year capital projects each year was inefficient. He noted that the old process had significant administrative burdens that affected calculations and required closing and re-opening purchase orders.

Mr. Kamptner said the Board of Supervisors had three legislative priorities for 2022. He said the first priority pertained to civil penalties in lieu of criminal punishment for violations of local ordinances. He explained that the first sentence of VA Code § 15.2-1429 stated "any locality may prescribe fines and other punishments for violations of ordinances which shall be enforced by proceedings as if such violations were misdemeanors." He continued that VA Code § 15.2-1429 imposed a cap on the fines and punishments to not exceed those of a class 1 misdemeanor—12 months in jail and a \$2,500 fine.

Mr. Kamptner said that the Board's first priority for 2022 was to amend VA Code § 15.2-1429 to enable localities to adopt an ordinance to establish a schedule of civil penalties in lieu of criminal punishment for violations of certain local ordinances. He said that the initiative would authorize a schedule of civil penalties of up to \$500 for the initial summons with increasing amounts up to a total of \$5,000 in the aggregate under the same operative facts. He continued saying that violators would be allowed to prepay civil penalties in lieu of trial, and unpaid civil penalties could be a lien against the property of the violator and could be collected as taxes were collected.

Mr. Kamptner said the initiative sought to include the violations for which civil penalties were already authorized by state law, primarily the civil penalty schedule enabled for zoning violations in VA Code § 15.2-2209. He explained that the maximum civil penalties for violations under that section were \$200 for the first violation and \$500 for each subsequent violation. He noted those amounts were unchanged since 2007, and that the County found some zoning violators saw the payments as the cost of doing business which prolonged the enforcement process for the localities that had opted to pursue civil penalties. He said that the enabling authority would exclude those acts expressly punishable as misdemeanors by state law that allowed a local option to adopt those crimes into local codes, and he added that traffic infractions would also be excluded.

Mr. Kamptner noted that violating the County road-naming and road-signing regulation, having an abandoned refrigerator, and failing to return library books were violations enforced as misdemeanors in the County code. He said the rationale for the initiative was to enable localities to decriminalize activities regulated by local ordinances by allowing the use of civil penalties instead of criminal punishment for violations. He said the change would provide the added benefit of enabling law enforcement officers to do other critical police work.

Mr. Gallaway asked if Mr. Kamptner would like to take questions now or wait until the end of his presentation.

Mr. Kamptner said he did not have a preference.

Mr. Gallaway asked the Board if there were any questions or comments.

Ms. Ann Mallek did not have any comments.

Ms. Donna Price asked Mr. Kamptner for clarification about whether the County would retain the ability to pursue criminal charges against repeat violators.

Mr. Kamptner said it could be a possibility, and he referenced the enabling authority modeled in the zoning violations. He explained localities had the ability to pursue injunctive relief, and a General District Court Judge had the ability to order violations to be abated, even in the civil penalty process. He said some violators were able to play the system and draw out the enforcement process.

Ms. Price said she understood it to mean the civil penalties were a mechanism of first resort, and that the other methods were still available.

Ms. Bea LaPisto-Kirtley did not have any comments.

Ms. Liz Palmer did not have any comments.

Ms. Diantha McKeel did not have any comments.

Mr. Gallaway said Mr. Mark Snesavage had joined the meeting on behalf of Senator Reeves.

Mr. Snesavage said Delegate Reeves had joined the meeting as well.

Ms. Eppard did not have any comments.

Mr. Sneseavage did not have any comments.

Delegate Bell said there were a number of state violations that were also separate County violations that could be charged either way. He asked if the initiative would affect those violations, and he asked for clarification about the types of exclusions.

Mr. Kamptner said that when the state imposed a punishment as a misdemeanor, the Board was not seeking to turn a criminal violation into a civil violation. He said there were a number of violations that did not specify a penalty, and that was where the Board sought enabling authority to establish civil penalties in lieu of criminal punishment. He explained that VA Code § 15.2-1429 appeared to be the overarching, enabling authority that made all violations criminal in the absence of express civil authority. He acknowledged Delegate Bell's concern that the enabling authority would override the existing enabling authority for policies such as the civil penalty schedules for zoning violations. He said that the Board's desire was to be able to include those civil penalty schedules or to update the civil penalty schedules.

Delegate Bell disconnected from the meeting.

Delegate Hudson asked if a patron for the bill had been identified.

Mr. Kamptner said a patron had not been identified.

Delegate Hudson said that if the Board wanted to address the issue in the upcoming session, a version of the amendment needed to be ready for drafting.

Mr. Gallaway said that the meeting was, in part, to assist in drafting and to determine a patron.

Delegate Runion asked if there was a list of the specific local ordinances the amendment would affect.

Mr. Kamptner said an exhaustive review had not been conducted, but there were examples, such as the abandoned refrigerator, and the overdue library books, that he had listed earlier. He continued that the subdivision ordinance was also enforced through either criminal proceedings or injunctive relief. He noted the County did not have many subdivision ordinance violations, and that injunctive relief was a lengthy process. He said all the chapters of the County code had provisions for which misdemeanor punishments were imposed. He said a comprehensive list could be provided in the coming weeks.

Delegate Runion asked what the major areas of concern were. He said he assumed library books were not the main reason.

Mr. Kamptner said that one of the non-zoning type violations that was regularly enforced by police were noise violations which were enforced criminally. He said there was enabling authority to enforce in a civil proceeding a \$200 to \$500 penalty. He said the County code classified that as a criminal violation, and for County police, it was a tier 3 violation—police could not respond to tier 3 calls until there were no more active calls. He said that the Board wanted to recognize the movement towards a comprehensive code compliance effort in civil proceedings beyond zoning enforcement because violations could happen during non-business hours.

Delegate Bell asked if a best practice had been established in the Commonwealth. He said Mr. Kamptner's comment on the noise ordinance was interesting.

Mr. Kamptner said he believed civil enforcement had been a best practice. He said that a transition had been made 20 years ago, and the ability to get compliance had been effective and efficient. He explained that when the zoning ordinance was enforced through criminal proceedings, there was a string of visiting judges in the general district court who were reluctant to impose the stigma of a criminal misdemeanor on a violator. He continued that when the County shifted to civil penalties, the burden of proof and ability to prepay changed, and violators were no longer stigmatized for the violation. He said compliance had increased over the past 20 years.

Delegate Bell attempted to rejoin the meeting but was still inaudible.

Mr. Gallaway said Ms. Jennifer Fulmer, on behalf of Delegate Matt Farris, had joined the meeting. He said Delegate Bell would have an opportunity to clarify his comments once he rejoined, but the meeting would move to the next topic.

Delegate Hudson said that the deadline for the first round of bill drafts was at 5:00 p.m. that evening. She said she could initiate a draft request for the amendment.

Ms. Price said she was a former prosecutor, defense counsel, and trial judge during her time in the Navy, and she had long been troubled by over-criminalization for minor misconduct. She said her initiative for this amendment was to move towards civil penalties as a mechanism of changing behavior while still leaving available the option of criminal charges for those individuals who were so recalcitrant that they would not otherwise change behavior.

Mr. Blount said he was under the impression Delegate Bell was willing to request the draft to

move the initiative forward. He said Delegate Bell would have to confirm.

Mr. Gallaway said Delegate Hudson had also offered to request the draft, so there would have to be coordination.

Mr. Kamptner said that the second priority of the Board was to expand the authority to use photo speed monitoring devices. He explained that in 2020, the General Assembly added Virginia Code § 46.2-882.1 to authorize the use of photo speed monitoring devices in highway work zones and school crossings. He said a photo speed monitoring device was equipment that used radar or LIDAR-based speed detection and produced one or more photographs, videotapes, or other recorded images of vehicles. He continued that the enabling authority was self-executing, and that no local ordinance was required, and local law enforcement offices may even have the devices installed in those zones.

Mr. Kamptner said that VA Code § 46.2-882 authorized the use of radar and lasers, the technology used for LIDAR, to determine the speed of motor vehicles since 1994. He explained that before 1994, those tools were allowed to check the speed of motor vehicles. He said that the Board's second priority was to amend VA Code §§ 46.2-882 and 46.2-882.1 to enable the use of photo speed monitoring devices on segments of secondary roads where speeding had been identified as a problem. He said there were rural roads of concern that were not considered secondary roads: Routes 22, 231, 240, and 250.

Mr. Kamptner said the enabling authority would be implemented by ordinance and would only apply to segments of road with posted speeds of 35 miles per hour or greater. He said that the roads would be selected by the governing body based on speeding, crash, and fatality data. He continued that the selected road segments would have signs posted to inform drivers that the devices were being used to monitor speed. He explained that the rationale for this initiative was to give localities the option to use photo speed monitoring devices as an enforcement tool on designated segments of the identified roads where speeding was prevalent. He added that one of the original concerns that brought the initiative to the forefront was the safety concerns over the County's many very narrow roads that were unsafe for drivers and for law enforcement officers to pull over drivers. He said that using the devices would promote public safety by providing broader enforcement of speed limits, using technology where human intervention was unnecessary, and allowing law enforcement officers to do other critical police work.

Ms. Mallek asked if the word "secondary" was being replaced with "rural" in the proposal. She asked if the criteria were meant on a rural road segment, would the size be of any particular importance.

Mr. Kamptner said that the Board adopted on October 6 to have the enabling authority apply to secondary roads with a posted speed limit over 35 miles per hour because the Board was trying to establish parameters around the concept of rural roads and how to define rural. He said that Routes 22, 231, 240, and 250 were not secondary roads, but they were rural in nature, and the Board knew that speeding was a problem on those roads from public comment. He said the proposal would include secondary roads plus additional roads. He continued those roads designated as scenic byways could be included as well.

Ms. Mallek said she was thinking about Half Mile Branch, and she did not know the route number or where it fell in VDOT categories. She said it was the official western bypass for the 8,000 people who lived in Crozet, and it had a speed limit of 35 miles per hour. She wanted to clarify that the proposal stated, "at or above 35 miles per hour."

Mr. Kamptner said it did say "at or above."

Ms. Mallek said that the speed criteria would allow, at the Board's discretion, the inclusion of a road with multiple deaths where individuals drive 50 to 60 miles per hour. She said there had been years when Albemarle had the highest number of highway deaths in the Commonwealth.

Ms. Price did not have any comments.

Ms. LaPisto-Kirtley said that Routes 22 and 231 were winding with ditches on either side, and in the past few months, there had been two accidents and one fatality. She said that there was no way for law enforcement to pull over drivers on those roads. She said it introduced another danger if drivers tried to pass a traffic stop. She said that the Albemarle County Police Department supported the initiative. She said it was a better use of technology and tools to keep the officers safe and the citizens safe.

Ms. Palmer did not have any comments.

Ms. McKeel wanted to echo Ms. LaPisto-Kirtley's comment. She said there were dangerous rural roads, and law enforcement officers had informed the Board that they were unable to address the problem based on the terrain and the roads themselves. She said that on the topic of safety, the Board heard from constituents the most about the roads.

Ms. Eppard said that Senator Deeds had carried several bills about speed cameras and was supportive of the technology. She said that Mr. Deed's thoughts were focused on getting the bill through the House first due to the changes in the General Assembly and the historic difficulty of passing similar bills.

Mr. Sneseavage said Delegate Reeves was supportive of the initiative and had carried legislation

in the past related to speed cameras. He said he was not sure how much of an increase Delegate Reeves supported with respect to cameras in the communities. He said Delegate Reeves would have to wait to see the bill.

Delegate Bell said what he was reading, as drafted, was not what some of the speakers were describing and requesting, so he would like to meet with people at the Albemarle County Police Department (ACPD) to discuss the proposal.

Mr. Gallaway asked if Delegate Bell had any comments for the previous item.

Delegate Bell said the moment had passed, and that he would follow up when he got the chance.

Delegate Hudson said she would like to join the meeting Delegate Bell proposed because she wanted to understand the law enforcement perspective. She said that though the intent was sound, historically, automated enforcement devices had been disparately positioned in communities, so she suggested there might be some language that would require a public analysis regarding the positions of the devices. She continued that it could be a process that was formed by initial anecdotal reports but ultimately results in a consistent standard that could be applied evenly throughout the County.

Mr. Gallaway said that when the Board began examining crash data and other traffic data, the conversation was focused on choosing locations with safety concerns backed by data, not just anecdotes.

Mr. Kamptner said that there was a public process because it had to be implemented by ordinance, unlike the enabling authority for school crossing zones and highway work zones. He said that any governing body's decision was directed to be based on data with justified reason. He explained that Albemarle County had an Office of Equity and Inclusion, which would review an ordinance such as the traffic cameras.

Delegate Runion said he would like to participate in the meeting with ACPD along with Delegate Hudson and Delegate Bell. He said he was curious why the residential communities were excluded. He asked if the traffic studies differentiated between the rural three-digit roads and the residential community and commuter-heavy routes.

Mr. Kamptner said that the issue originally arose from a concern over the safety of the County's rural roads. He said that the speed limit was selected as a way to narrow the scope and define the targeted area. He said rural roads had speed limits typically of at least 35 miles per hour or higher. He noted that when VA Code § 46.2-882.1 was added in 2020, it narrowly passed, and there was concern that certain residential neighborhoods would be targeted. He said the County wanted to focus on the identified problem area, which was the rural roads.

Delegate Runion asked if the data supported the presumption that the problem was in the rural areas and was not in the more heavily traveled areas. He said he was aware of an accident that resulted in an injury in Crozet, and he noted that it was in a residential area.

Mr. Kamptner said that data was still being collected. He said there would be more data before the General Assembly session.

Delegate Runion said that there was legislation passed to allow speed cameras in school zones. He asked if the County had implemented those cameras.

Mr. Kamptner said that the school zones in front of three County schools on Hydraulic Road were being evaluated. He said that the police department was examining the location.

Delegate Runion asked if Mr. Kamptner was aware of any localities that had implemented the school zone cameras to see what the results were.

Mr. Kamptner asked Mr. Blount if he recalled any localities.

Mr. Blount said he could not name a specific locality, but he believed there were several that adopted traffic cameras for school zones, and some others were evaluating cameras. He said that he would provide Delegate Runion with more specific information.

Delegate Runion said the jurisdiction did not matter to him, he cared about the function. He said that in 2020, Albemarle had 0.24 deaths per 1,000 drivers, which exceeded the state average of 0.14. He noted that there was variance across the state—Rockingham County being 0.28 deaths per 1,000 drivers. He wanted to make sure that the appropriate areas were targeted.

Ms. LaPisto-Kirtley said she had been in close contact with the Albemarle Police Department, and the reason the department had not set up photo speed monitoring devices in school zones was in part because a provider had to be found to install and setup the devices. She said that a provider had been found, and the devices were being implemented. She said that COVID-19 was another reason the cameras had not been installed.

Ms. LaPisto-Kirtley explained that a primary concern was over rural, winding roads that were unsafe for law enforcement to perform traffic stops. She said it was easier on the larger roads to perform traffic stops. She said the rationale was to keep police officers safe and citizens safe. She noted that on

several of the rural roads, people had to cross the road to get to the mailboxes. She said the technology allowed for the monitoring devices to be moved after the initial installation as long as the warning sign was present.

Mr. Kamptner explained that the Board's third priority sought to amend VA Code § 36-97 and other sections of the Virginia Uniform Statewide Building Code to require agricultural buildings used by the public to be subject to minimum safety standards. He said that the initiative would revise the definition of "farm building or structure" to remove its "public use" elements, display, sales, and sampling, and add a definition of "public use agricultural buildings." He said that the use would be subject to requirements such as automatic fire alarm systems, emergency lights at exits, panic hardware on all required exit doors, portable fire extinguishers, and a maximum occupancy of 200 persons, with occupancy over 200 being classified in a different use group.

Mr. Kamptner said that before 1998, VA Code § 36-97 defined "building" and included an exemption from the building code for what were then called "farm buildings," provided that they were "not used for residential purposes, frequented generally by the owner, members of his family, and farm employees." He said that the definition of "structure" had a similar provision. He noted that the exemption was very narrow.

Mr. Kamptner explained that in 1997, Albemarle County prevailed in an administrative proceeding that involved a County winery and the State Technical Review Board, which determined compliance with the VA Uniform Statewide Building Code. He said that the Review Board concluded that a proposed building at the winery would be used for various public activities while subject to the building code. He continued, saying that, however, in 1998, the General Assembly amended VA Code §§ 36-9 and 36-99 to its current form which exempted from the building code farm building or structures that were used for several purposes as previously described, including places where a large number of people congregated for activities.

Mr. Kamptner said since the early days, the agritourism industries, the farm, winery, brewery, and distillery industries, had grown significantly. He said that County zoning regulations for the industries were developed in a collaborative process with those industries. He said the County participated in the 2019 state committee study that reviewed whether agricultural buildings should be subjected to minimum building safety standards.

Mr. Kamptner explained that the Board's rationale for the initiative was public safety. He continued that the stated purpose of the VA Uniform Statewide Building Code was to "protect the health, safety, and welfare of the residents of the Commonwealth." He said that historically, farm buildings and structures did not host the hundreds of people as they do at farm wineries, breweries, distilleries, and other agricultural operations. He continued that to protect public safety in the event of a fire or other emergency, the farm buildings and structures that were open to the public should be subject to minimum safety standards.

Ms. Mallek said that she was focused on getting people safely out of buildings in the event of an emergency and not so focused on protecting structures. She said Loudon County and other counties were evaluating similar laws and ways to keep participants safe. She mentioned that many attendees had no idea that the buildings were not inspected and that they did not meet the building codes. She said that horror stories were all too familiar. She said there were dozens of older farm buildings that were used successfully in the County. She continued that during the study process, a point was to not have requirements that were financially burdensome that the requirements could not be met. She said that sprinkler systems were thrown out because of the cost and the design was primarily to protect the structure. She said if the structure was taken out of the equation and focused on people, then the materials and financial cost became easier to manage.

Ms. Price said she did not want to enable a repeat of the 1911 Triangle Shirtwaist Factory Fire in Greenwich, New York, or what happened at the Astroworld Music Festival. She said protective safety measures had to be implemented to avoid a calamity. She said it had to be expected that the public would expect the buildings to be safe.

Ms. LaPisto-Kirtley did not have any comments.

Ms. Palmer said she agreed with Ms. Mallek's comment about protecting the people and not focusing on the structures.

Ms. McKeel said that the initiative was about people and safety.

Mr. Gallaway said he concurred.

Ms. Eppard said she did not know if Senator Deeds had seen a draft. She said she understood that someone had agreed to carry the bill and wanted someone to clarify if that was true.

Mr. Kamptner said he had not heard if someone was carrying the bill.

Mr. Gallaway said if someone had agreed to carry the bill to inform the Board.

Mr. Sneseavage asked how the proposal would affect a disaster similar to the Astroworld Music Festival disaster.

Ms. Price said she was using an example where a community failed to take proper precautions in advance to avoid a calamity. She said that the proposal was to avoid anything comparable—she noted that the Astroworld disaster was a crowd-crush, but it was a similar failure on the part of the community to prepare for a likely outcome. She said that in Albemarle, the concern was primarily fire, but any public safety aspect had to be considered in advance to prevent disasters.

Mr. Snesavage thanked Ms. Price for her clarification because he thought he might have missed something in the proposal that referenced those events.

Delegate Bell did not have any comments.

Delegate Hudson did not have any comments.

Delegate Runion did not have any comments.

Ms. Fulmer did not have any comments.

Mr. Gallaway mentioned that he did not hear if someone was willing to carry the bill. He asked if Ms. Eppard could identify who she heard was carrying the bill.

Ms. Mallek said that on other issues, the delegates had followed up with questions or concerns, and she noted that there were no questions or concerns from the delegates. She said she took that to mean that there were no concerns about the bill. She asked if more information could be provided about the level of interest in the bill.

Delegate Hudson said she was deferring to her colleagues who represented territory in the county that included those buildings, and she hoped one of them would answer.

Ms. McKeel noted that Delegate Hudson had mentioned that the bill deadline was that day. She asked how that related to what the Board had to accomplish.

Delegate Hudson said that 5:00 p.m. was one of the first milestones in the drafting process, as it was the deadline to request bill drafts from the Division of Legislative Services (DLS) that count as pre-filed. She explained that the delegates were instructed to submit requests to DLS at this deadline so DLS can get a sense of the range of topics. She said that drafts were returned by the end of December. She stated that the system was set up so each delegate could typically carry two bills that did not meet the deadline so that legislative drafters were not inundated with requests before the start of the General Assembly session. She said she was unaware of limits on the number of bill requests on the House side. She said she was happy to submit a request to keep the conversation moving.

Ms. McKeel said she appreciated the clarification.

Ms. Palmer said that several months ago she and Ms. Mallek met with Delegate Runion to discuss the farm buildings. She mentioned that the proposal was now more narrowly tailored to include buildings used for public events, so she wanted to know if Delegate Runion's opinion on the initiative had changed since she had last talked to him.

Delegate Runion said he remembered the discussion that happened two years ago. He said that no one wanted to have an incident with a tragedy. He said he needed to think about the proposal more because there were jurisdictions that he represented that were addressing the problem in different ways. He said he wanted to get input from the users and providers as well. He said he also thought that the limit had previously been 300 people, not 200 people.

Ms. Palmer said she was interested in how other communities addressed the problem. She said it would be helpful for the Board to see other examples to safely address the problem.

Delegate Runion said he believed he had shared the information during his previous discussion with Ms. Palmer and Ms. Mallek, but he would be happy to share it again. He said he believed Rockingham County and Augusta County had addressed the problem differently.

Mr. Gallaway asked if Delegate Runion would forward the information to the whole Board for review.

Ms. LaPisto-Kirtley said that the standards were minimal, and she had not received pushback from community members.

Ms. Mallek said that members of the local wine trail were instrumental in drafting the original effort to get the state building code committee to take on the changes. She said she believed Rockingham required full building code compliance for event spaces.

Ms. McKeel asked if Mr. Kamptner had any information about Rockingham County or Augusta County.

Mr. Kamptner said that he discussed the topic with the Rockingham County attorney several years ago. He said it was up to the interpretation of the criteria in the building code, and a better approach

would be to have a statewide standard.

Mr. Gallaway asked if Delegate Bell or Delegate Hudson were interested in carrying the bill forward. He said they both had expressed interest.

Delegate Bell mentioned amalgamating several topics into one bill had advantages and disadvantages. He said he was interested in enabling the County to be able to enact civil penalties in lieu of criminal charges. He explained that there was a rule in Richmond called Rule 69—if one was directly involved in a bill, then one could not vote on it. He said he might have to rule 69 himself because he regularly used the library. He mentioned that zoning raised different and larger issues for a bill that he was not prepared for. He said he had submitted a draft of what he had outlined, and that drafts were easy to submit and were not the final bill.

Mr. Gallaway said that Delegate Bell, Delegate Hudson, and Delegate Runion had expressed interest in meeting with ACPD and that would be the first step to follow up. He continued that Delegate Hudson had expressed interest in moving the third priority forward.

Delegate Hudson said that she had text for the second priority she had submitted to DLS, and she asked for text for the third priority so that she could submit it as well.

Mr. Kamptner announced that the Board adopted a resolution on October 20 supporting the General Assembly's ongoing studies of its information technology systems and services and encouraging the General Assembly to provide funding for needed technology and staffing modernization throughout state government. He said that the Board continued to support legislation to enable localities to impose impact fees on residential developments and to eliminate cash proffers. He continued that the Board had a new policy position related to erosion and sediment control standards for agriculture and forestry operations.

Agenda Item No. 5. Legislators' Priorities/Questions & Answers.

Ms. Eppard said Senator Deeds would like to be included in conversations with the ACPD and would like to receive any draft language for the farm building initiative. She said that the Senate had limits on draft requests and the number of bills that could be introduced. She said Senator Deeds might not be able to carry as many bills for the County this year. She explained Senator Deeds' priorities were in mental health and election law, but they were moving targets. She said she wanted the Board to update Senator Deeds on funding issues as well as the Governor released his budget proposal.

Mr. Snesavage said that Delegate Reeves priorities related to charitable giving. He said there was strong evidence that there were illegal gambling operations in parts of the Commonwealth under the guise of charitable gaming, and Delegate Reeves would be carrying bills to ensure that legitimate charities were operating charitable games. He said Delegate Reeves would also focus on restoring funding to the state police to the level that they needed to assist local counties. He continued that Delegate Reeves was carrying bills for Louisa County related to Lake Anna and related to banning quotas for police departments.

Delegate Bell said his office was still figuring out which specific bills they would be bringing forward. He said that there had been significant problems with admissions to state hospitals which impacted everyone upstream who was awaiting admission. He said that police had to sit with patients for significant amounts of time while the hospital searched for a bed. He explained that there had been a significant decrease in admission to private hospitals and that the trend represented a complicated issue. He said he was looking at possible solutions with Senator Deeds.

Delegate Bell said that as bed space had decreased, there was a part of the state that used the beds to restore misdemeanor offenders to competency. He noted that state hospital beds were of high value and using them to restore competency was not the ideal use. He said that there were also 200 beds reserved for people who were ready for release but did not have the community connections. He said other topics he was addressing related to continuing the measures implemented during the COVID-19 pandemic concerning neurodivergent health care and telehealth services.

Delegate Hudson said that the state was running a record surplus which came as a surprise to many Virginians. She said she wanted to ensure that support was provided to essential workers. She noted Virginia had underfunded education and healthcare for years, and there was the opportunity with the surplus to fill the budget gaps. She said that there were ways to help families stretch their dollars. She mentioned that the rising cost of living in Virginia was a big campaign issue, so she would be carrying bills focused on lowering the cost of energy, prescriptions, and debt protections.

Delegate Hudson explained that there were record increases in drug overdoses and deaths as people coped with the pandemic. She said that there was important work to do to treat substance abuse as a public health and safety issue in Virginia. She said less punishment and more support should be provided to people dealing with substance abuse problems.

Delegate Runion said he would continue to support the Virginia Tuition Aid assistance grant for private education. He explained that it continued to be an area that offered opportunities for residents of the commonwealth to create opportunities for affordable higher education. He said that several court

clerks had identified paper records that were failing because they had been stored improperly for 30 to 40 years. He said a records retention study would look at the necessary steps and associated costs of digitizing the records across the Commonwealth. He shared the concerns over behavioral health and access to resources as Delegate Bell and Delegate Hudson expressed. He said he was disappointed that the state had shut down five hospitals during the pandemic.

Delegate Runion explained that several years ago, there were recordation fees that were transferred away from local government into a transportation authority. He said at least one of his jurisdictions experienced a \$200,000 loss because of the policy, so he had worked with several delegates to introduce legislation to return to the distribution model of prior years so that all localities received a fair amount.

Delegate Runion said that another topic of concern was the state responsible prisoners issue. He explained that there were regional jails that had developed significant overcapacity issues because the state was unable or unwilling to move prisoners within the required timeline. He said he was looking at legislation to incentivize timely prisoner transfers. He stated that he wanted to remove the unpredictable, unfunded mandate that localities had to absorb when the Department of Corrections fell behind on prisoner transfers.

Delegate Runion said that he would continue to support disability waiver increases and provider care compensation. He noted that there was particular language to adjust funding caps to make it more user-friendly for families that experienced the funding caps. He explained that under the school composite index, land use taxation was not accounted for, which drew money away from rural areas. He noted that all the counties he represented had land use tax revenue. He mentioned that he would address a sales tax issue related to wastewater equipment that could be utilized by various authorities and localities. He said he was looking at legislation to classify all animal control officers as law enforcement to unify the policy across the state.

Delegate Runion said that electric co-ops on middle mile capital cost recoveries were treated differently than other regulated utilities, so legislation would be introduced to standardize the treatment. He said that it would encourage electric co-ops to provide the middle mile capacity to have broadband in the community.

Ms. Fulmer said that Delegate Farris was working on legislation for a joint study on health care addressing the health-related social needs of Virginians. She said Delegate Farris was working on legislation on health insurance for realtors and broadening the application to other associations. She said there were local government bills as well that he was sponsoring. She mentioned Delegate Farris would like to be included in the meeting with the ACPD as well.

Ms. Mallek asked Delegate Bell if there was a component of the Commonwealth's licensure process to require that private hospitals reserve a percentage of beds for the processes he outlined. She said she supported Delegate Runion's efforts to look at the school composite index as it regards the land use community and that she would be happy to help if she could.

Ms. Price expressed her appreciation for the legislators for all of their work as elected officials and for attending the meeting that day with the Board.

Ms. LaPisto-Kirtley said she also was appreciative of the support from the legislators because the County really relied upon them to get some of the things they wished approved for the betterment of County citizens.

Ms. Palmer said she appreciated the details Delegate Bell provided about the hospital beds. She asked if pay for state mental health care workers was being addressed. She said she wanted to hear more information about climate change legislation if there was any.

Ms. McKeel said that there were many more things she agreed with than disagreed with. She said she also wanted to encourage thinking about climate change. She said that funding to localities for mental health services was critical. She noted that many problems would be alleviated if the systems and technology were upgraded and mentioned the state's budget surplus. She said that the education composite index had been an issue for years as well.

Mr. Gallaway explained that there was a supervisor from Rockingham County who reminded everyone at VACo that there were state bills to localities that had gone unpaid, and that those had to be settled before the true value of the surplus was determined. He said it was a worthwhile point to spread. He said that another presentation at VACo discussed how Governor Northam and Governor-elect Youngkin shared similar economic development priorities, specifically about site preparedness. He said he endorsed site preparedness as a non-partisan issue to support.

Mr. Blount said that Virginia Association of Planning District Commissions (VAPDC) and other groups—including VML, VACo, and the State Economic Developers Association—supported additional funding for site readiness.

At 12:45 p.m., Mr. Gallaway adjourned the Board meeting to December 1, 2021 at 1 p.m., which would be an electronic meeting held pursuant to Ordinance No. 20-A(16), “An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster,” and information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors homepage.

Approved by Board
Date: 08/02/2023
Initials: CKB

Chair