



# Albemarle County

## Legislation Text

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**File #:** 19-172, **Version:** 1

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**AGENDA DATE:** 2/20/2019

**TITLE:**

Adoption of Amended Board Rules of Procedure  
Adoption of Amended Board Administrative Policies

**SUBJECT/PROPOSAL/REQUEST:** Adopt amended Board Rules of Procedure and Administrative Policies

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Kamptner

**PRESENTER (S):** Greg Kamptner

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** The Board of Supervisors' Rules of Procedure require that any changes to the Rules be made only after a Board member provides "notice" of a proposed motion to amend the Rules. The Rules also require that the actual motion to amend be made at the next regular meeting of the Board. Notice of proposed changes was provided at the Board's February 6, 2019.

**STRATEGIC PLAN: Mission:** To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

**DISCUSSION:** The attached revised draft Rules (Attachment A) and Administrative Policies (Attachment B) are intended to incorporate suggestions by Supervisors over the past year, to reflect recent changes in the law, and to improve clarity and readability. Attachments A and B are the same drafts distributed to the Board on January 3, 2019. Since then, some Supervisors have provided preliminary feedback, and this feedback is discussed below.

**Rules**

**Rule 5(A) (page 4):** The reference to Rule "6(B)" will be corrected to refer to Rule "5(B)."

**Rule 5(A)(2)(b) (page 4):** The Rule allows the County Executive to add an item at any time. The purpose for this change was to allow the County Executive to add an item when timely Board action is required. Supervisor Mallek suggested that, if the Rule remains, the County Executive be subject to the Monday 5:00 p.m. deadline that applies to Board members.

**Rule 5(A)(4)(b) (page 5):** The Rule, which is not new, allows the Director of Community Development to waive the requirement that all final documents for a rezoning application be submitted before a rezoning application is advertised for public hearing before the Board. Supervisor Mallek asked whether the waiver should be eliminated or the authority to waive the requirement be given to the Clerk.

Rule 6(A) (page 6): The Rule would add the following: “Any changes to the Consent Agenda should be made when the Final Agenda is adopted.” The comment explains that the proposed change is to address a gap in the Board’s procedures. Supervisor Gallaway asked for clarification about the reason for the Rule and, instead, not pulling an item when the Board reaches the Consent Agenda. Following are the three reasons provided to Supervisor Gallaway: (1) when the change to the Consent Agenda is made is not currently addressed in the Rules, although one would infer from Rule 6(E)(3) that pulling an item from the Consent Agenda may occur during the Consent Agenda; (2) when a change to the Consent Agenda is made by removing the item for separate consideration, Rule 6(E)(3) provides that it be moved to a specific time or at the end of the agenda; this effectively amends the agenda after the Final Agenda is adopted; and (3) when an item is pulled from the Consent Agenda during the Consent Agenda, members of the public attending the meeting may lose the opportunity to address, for example, a concern raised by a Supervisor about the item that is being pulled because the Consent Agenda follows “matters from the public” on the Board’s agenda.

### **Policies**

Policy 3(B)(3) (page 3): This Policy describes the practices for the Clerk when advertising positions on boards, commissions, and committees. The Policy provides that the Clerk will collaborate with the Director of Communications and Community Engagement to “provide notice of the vacancy.” Supervisor Mallek asked whether the Policy, as written, required the Clerk to collaborate with the Director of Communications in preparing the notice itself. That was not the intention, and the Policy will be clarified to state that the Clerk will collaborate with the Director of Communications to *distribute* the notice.

Policy 3(B)(4) (pages 3 and 4): This Policy describes the content of an application for appointment by the Board to a board, commission, committee. One of the elements is for an applicant to identify his or her family relationship to any County officers, employees, or appointees. Supervisor McKeel suggested that it be clarified to expressly include a reference to Supervisors, so the language can be amended to read “any County Supervisor or other officer, employee, or appointee.”

Policy 4(B) (page 5): This Policy would require Supervisors who serve without remuneration as a member of the board of trustees of a not-for-profit entity to disclose that fact at “each meeting of the Board of Supervisors at which a matter pertaining to the not-for-profit entity is considered or acted upon.” Recognizing that multiple Supervisors may be serving on one or more not-for-profit boards of trustees, the question for the Board to consider is, if this proposed Policy is added, whether the disclosure should be made at each meeting of the Board of Supervisors, or only the first time.

**BUDGET IMPACT:** There is no budget impact.

### **RECOMMENDATION:**

Staff recommends that the Board adopt the amended Board Rules of Procedure and Administrative Policies, with any further revisions desired by the Board.

### **ATTACHMENTS:**

Attachment A - Draft Amended Board Rules of Procedure

Attachment B - Draft Amended Board Administrative Policies