



Albemarle County

Legislation Text

File #: 22-242, **Version:** 1

AGENDA DATE: 4/6/2022

TITLE:

Amend Section 8 of the Board's Rules of Procedure

SUBJECT/PROPOSAL/REQUEST: Amend the Board's Rules of Procedure

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Kamptner, Hudson

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: During the COVID-19 pandemic, the Board's Rules of Procedure ("Rules") were amended several times to accommodate virtual meetings, and then hybrid meetings, which is the meeting posture the Board begins on April 6. The amendments to the Board's Rules during the pandemic removed the former rule that allowed an individual Supervisor to participate by electronic communication means in certain circumstances allowed by Virginia Code § 2.2-3708.2. If the Board desires to allow a Supervisor to participate in a meeting by electronic communication means when a quorum of the Board is physically assembled, the policy must be re-inserted into the Board's Rules of Procedure.

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: Virginia Code § 2.2-3708.2 allows members of Virginia public bodies to participate by electronic communication means when a quorum of the public body is physically assembled if the member is unable to physically attend because of a medical condition, a disability, the need to care for a family member with a medical condition, or a personal matter. However, a public body must adopt a policy meeting the requirements of Virginia Code § 2.2-3708.2 for its members to be able to participate in a meeting using electronic communication means.

The proposed amended Rules (Attachment A) would add Rule 8(A), which is the policy required by Virginia Code § 2.2-3708.2. Briefly, amended Section 8 identifies the circumstances when a Supervisor may participate by electronic communication means, requires the Supervisor to notify the chair before the meeting, and establishes the requirements for the Board to act on the request and for the Clerk to document the request. New Rule 8(B) revises and incorporates the substance of current Rule 8 pertaining to when the Board may meet virtually.

The Board's Rules of Procedure may also need to be amended again before July 1, 2022. HB 444 would amend Virginia Code § 2.2-3708.2 and add Virginia Code § 2.2-3708.3. HB 444 was approved by the General Assembly and is awaiting the Governor's signature at the time this executive summary is written. The deadline

for the Governor's signature is April 11

BUDGET IMPACT: None

RECOMMENDATION:

Staff recommends the Board adopt the draft amended Rules of Procedure (Attachment A). For the Board to adopt the amended Rules at its April 6 meeting, Rule 13(B)(3) requires the affirmative vote of five Supervisors.

Otherwise, the Board may follow one of the alternative procedures in Rule 12(B)(1) or (2), which is a two-step process by which a Supervisor gives notice to the Board of an intention to amend the Rules at one Regular Meeting of the Board, with action on the amendment itself to follow at the next (Rule 12(B)(1)) or a later (Rule 12(B)(2) Regular Meeting of the Board

ATTACHMENTS:

A - Draft Amended Rules of Procedure