

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 20, 2020, at 3:00 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 November 18, 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, County Attorney, Greg Kamptner, Clerk, Claudette K. Borgersen, and Senior Deputy Clerk, Travis O. Morris.

LEGISTATORS PRESENT: Senator Creigh Deeds (25th Senate District); Delegate Rob Bell (50th District), Delegate Sally Hudson (57th District), Delegate Chris Runion (25th District); Chris Snyder, Senior Advisor for Senator Bryce Reeves (17th District); and Matt Fariss (59th District).

Agenda Item No. 1. Call to Order. The meeting was called to order at 3:01 p.m., by the Chair, Mr. 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."

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.

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Agenda Item No. 2. Welcome & Introductions.

Mr. Gallaway welcomed the state legislators present to the meeting, expressing the Board's appreciation to review the Legislative Packet with them. He asked the legislators to introduce themselves.

Creigh Deeds, State Senator (25th Senate District); and Delegates Rob Bell (50th District), Sally Hudson (57th District), and Chris Runion (25th District) introduced themselves.

Mr. Gallaway asked those who were representing state legislators to make their introductions.

Chris Snyder, Senior Advisor for Senator Bryce Reeves (17th District); and Ms. Fulmer for Delegate Matt Fariss (59th District) introduced themselves. Ms. Fulmer noted that Delegate Fariss would be joining the meeting later.

Ms. Dominique Lavorata, Planner and Legislative Aide; and Mr. David Blount, Director of Legislative Services, introduced themselves as representatives of the Thomas Jefferson Planning District Commission (TJPDC).

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Agenda Item No. 3. Thomas Jefferson Planning District Legislative Program.

Mr. David Blount, Director of Legislative Services for the Thomas Jefferson Planning District Commission (TJPDC), said he would go over the priorities in the Regional Legislative Program, adding that this was almost finalized and there was one more locality to carry it to for final approval.

Mr. Blount said he would briefly speak about the priorities as well as the fact that, in light of the conditions they have been in during the past eight months, he took the opportunity to make some significant changes to the program in that they looked to streamline it, consolidate it, and make it shorter. He said the program has looked the same for a number of years, and not only with the priorities, but the ongoing position statements and recommendations that form part of the program dealing with those issues outside of the priority areas.

Mr. Blount said there were three top legislative priorities for the year, coming up in the 2021 regular session. He said he would go in reverse order, stating that while all priorities are equally important, the third priority regarding broadband, a continuation of a priority they have had for several years, and if there were a year for a spotlight to be shone on broadband, it was in 2020 with the need arising during the ongoing pandemic for expanding broadband, whether it be for residences and businesses, education, or in the health community. He said there is continued state investment in broadband, and TJPDC is pleased with the progress that has been made in the past couple of years on broadband funding.

Mr. Blount said the next priority was one that consolidates probably 2-3 previous priorities. He said at the local government level, there is always a concern about what the status of state funding for localities is, whether this be in direct aid to localities for K-12 education or for any number of other programs and services the localities carry out on behalf of the state.

Mr. Blount said a consolidated position has been included in the priorities that speaks to support

for enhanced state funding, such as K-12 funding, but also included some other priorities from previous years such as the continued opposition to unfunded state mandates. He said also included was a position that asked for expanding the revenue sources that localities have, and they were pleased at the past General Assembly session to see that some progress had been made on that.

Mr. Blount said finally, in light of the ongoing situation with COVID-19, there is a new priority that year called "Support for Recovering Communities." He said he has dubbed this as a "philosophical priority" because it speaks to supporting various actions at the federal, state, and local level to protect local communities to ensure their viability in the face of the health emergency. He said this speaks to help and support for small businesses, flexibility that local governments need, and the funding needed to deal with the various impacts that they have seen, and perhaps even those they haven't seen yet with regard to COVID-19.

Mr. Blount said these were the priorities, and that TJPDC appreciated the Board of Supervisors' support several weeks earlier to endorse the program. He said this would be communicated formally to everyone, including the legislators once it is finalized in the next couple of weeks.

Mr. Gallaway asked if there were questions or comments. Hearing none, he moved onto the next item.

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Agenda Item No. 4. 2021 Legislative Priorities.  
Item No. 4.a. Albemarle County Requested Legislation.

Mr. Greg Kamptner, County Attorney, said the Board began its process to develop its priorities for the upcoming General Assembly session on July 15, and they wrapped this up on October 7 when the Board set its 2021 legislative priorities and adopted its legislative positions and policy statements.

Mr. Kamptner said he would give a quick overview of the Board's 2020 legislative priorities, noting that it was a significant year. He said some significant legislation was adopted, thanks to the General Assembly. He said there were a couple of bills that failed, although one of those bills dealt with firearms regulation and had alternative enabling authority in an amendment to Virginia Code Section 15.2-915. He said the Biscuit Run Park funding that the Board had sought had also failed and that with the onset of the pandemic, they recognized there were some changes to the state budget in the process.

Mr. Kamptner said there were other priorities that did not come to fruition. He said they recognize that impact fees in lieu of cash proffers have been a priority of the Board for some years now, and they will work with other localities at some point to ensure the legislation can move forward. He said there was also a priority for the Board to increase the minimum tree canopy to be preserved during development. He said there is currently a study going on for this and that hopefully, the legislation will be coming back in the next couple of years.

Mr. Kamptner presented the list of six priorities that the Board adopted on October 7, which cover a range of topics. He said some are related to some ongoing issues in the County. He said the fifth priority listed, which is about electronic meetings, is something that became apparent as a result of the current pandemic. He said he would talk about these in more detail.

Mr. Kamptner said the first priority was to enable civil penalties in lieu of criminal punishment for violations of local ordinances. He said the General Assembly has given localities the authority to pursue civil remedies in lieu of criminal punishment in certain targeted areas. He said zoning, as related to the second priority they would talk about, is one of those areas. He said the Board is looking for enabling authority that would allow a local option to adopt an ordinance that would establish civil penalties in lieu of criminal punishment, which would decriminalize a number of activities that are local in nature.

Mr. Kamptner noted that if there were any questions as he went through each priority, he was happy to answer them immediately or at the end of the presentation.

Mr. Gallaway said they could stop at the end of each priority to see if there were questions or comments. He asked if the legislators had any questions about the first priority.

Senator Deeds said from his standpoint, the request for this kind of legislation was reasonable. He said what the Board needs to understand is that this year, they are under severe bill limits, as no one can introduce more than 12 bills. He said at least in the Senate, what this means is that he has already gone through a pile of requests and commitments he has made, including some commitments to introduce legislation. He said he has had to decide which of those bills are going to go forward and which are not. He said it will be very difficult for anyone to add anything to what they had already committed to do. He said he did think this legislation was reasonable.

Ms. Palmer asked Senator Deeds if he was saying he already had his 12 bills laid out.

Senator Deeds replied that he probably has more than 25 bills laid out that he was still trying to cut through.

Ms. Palmer asked Senator Deeds if he was not saying that the Board should not be asking him for this one, but that he was saying it has to compete.

Senator Deeds said he was not saying the Board should not ask, adding that there are many people who ask for things. He said he could not commit to anything or to introducing anything. He said last year, he carried more than 50 pieces of legislation which, admittedly, was a ridiculous number. He said this year, in the spring, they talked about a bill limit of 25, which was what he was operating under until suddenly, as of Monday of this past week, they were down to 12. He said this means that adjustments have to be made.

Ms. Palmer said she understood.

Delegate Hudson added that all of this is even more severe in the House. She said they were being told "12 bills" about a week earlier but that weekend, she started hearing "8-10." She said as of yesterday, someone suggested it might be 5 in the House. She said there is something they can do to help make this better, and that is to have both parties agree to extend the session to its usual length.

Delegate Hudson said they have been told that part of the reason why the bill caps have been so severe in the House is that the minority party is seriously considering not extending the session to 45 days as has been typically done and has been done with Democrats in the minority for many years, and rather to stop at 30 days. She said given they did have members of both parties attending today, which is great, they would like them to talk about whether there are important things the County would like done that can be achieved by ensuring they do their work at its usual course as opposed to shortening the session by a third. She said the bill limit would be less severe in the House if they were to be able to work their full 45 days, as is the custom.

Ms. McKeel asked if there is a way that the Supervisors could help with that, or if input was needed from them.

Delegate Hudson said she would back up to talk about what happens. She said she would defer to her more senior members who could check her on the details, but it is her understanding that the Constitution provides that in an odd year, they would meet for 30 days and if a supermajority of the body agrees, they can extend the session to 45 days. She said this is typically what has happened in the past; that everyone agrees that 30 days is too little to conduct the business of the Commonwealth, and so they exercise that option as provided in the Constitution.

Delegate Hudson said her understanding, which was based mostly on what she has seen in statements from party leadership and not from those assembled presently, that it was the intention of some party leadership not to do what is custom and have them work 45 days in the odd year. She said this shortens the session and if they are meeting for 30 days, it means they have two weeks before crossover. She said this means all of the bills have to be heard in two weeks before they change chambers.

Delegate Hudson said the only thing it would take in order for them to work their typical 45 days would be for enough members of both parties to vote to do the customary thing and change the session. She said if the Board wanted to be helpful in this way, they could have all of the members of the Albemarle Delegation agree that this work is important to represent the interest of the County well, and to vote to carry on their business for the typical length.

Ms. McKeel said this was helpful. She asked if any of the other delegates in the meeting had any thoughts.

Hearing none, Ms. Palmer suggested asking Delegate Bell, since he has been a delegate for longer than others have. She noted it was not to say that Delegate Hudson is not familiar with the process, but that Delegate Bell would likely be very knowledgeable.

Ms. McKeel said it would be helpful to hear from the delegates.

Delegate Bell said he was not going to commit to having a longer session than the 30 days. He said they have to be more selective in the bills they are choosing, and he is certainly someone who has carried lots of bills in the past. He said they just got out of a session that was exceptionally long, and he was not sure how the virtual session will work.

Delegate Bell said he has been talking to people over the last couple of days since the announcement came down about their concerns regarding being able to successfully share communications with members as they are potentially taking up measures in voting. He said there are some things that are easier. He said if one is from Southwest Virginia, for example, it is easier to literally attend the meeting. He said in terms of getting all the delegates together, sharing thoughts, and walking to the Capitol and making sure they know their thoughts; however, this is not going to be a session where it is easy to do those things.

Delegate Bell said he would suggest that the idea of having a smaller number of bills might have some benefits, adding he understood they may not all reach the same conclusion here.

Ms. Palmer said some of the Board members know better than others how things work in Richmond. She asked Delegate Bell if he could talk about the length of the session that summer, and some of the problems they had, so that the Board could better explain some of the problems experienced

after coming out of a long session.

Delegate Bell said there are those who think there are benefits to the virtual session and that those could be identified. He said he was on one of the "workhorse" committees of the special session that came about due to the nature of the bills that came forward, and the level to which they were able to engage virtually was very different. He said in terms of contact with constituents and other interested people, it was much harder. He said obviously, the speaker has made the decision to go virtual for this session, and this is historically a short session to work on the budget. He said step by step, bit by bit, as legislators saw an opportunity to fix that problem, it has been expanded over recent sessions.

Delegate Bell said he was certainly not prepared to vote for a longer session that day, although he was happy to hear from the County, which was the purpose of the meeting.

Delegate Hudson agreed that meeting remotely has its challenges. She said she too very much misses the in-person interactions, which are where much of the important work gets done. She said she simply does not think any of those problems will get better by shortchanging the number of days they have to work. She said if anything, for her, this is an argument toward using the traditional 45 days because it will allow them to carry on appropriately. She said 30 days, which actually becomes just two weeks before crossover, is too little time to conduct the business of a state that serves 8 million people.

Ms. LaPisto Kirtley said she wanted to ask Delegate Bell a question. She said she does realize that virtual meetings have their limitations as well as their advantages, but with so much happening now and so much uncertainty, it would seem to her that it would be a benefit to him to have the 45 days so that they could get more bills passed for the benefit of the people in the Commonwealth.

Ms. LaPisto Kirtley said she did not understand the logic, other than being virtual versus in-person, which everyone has had to live through and become accustomed to since March, with both drawbacks and advantages. She said participation in County meetings, due to virtual meetings, has increased threefold, so there is much more participation when people can attend from their homes. She said she would think it would be the same for Delegate Bell; that he could get more input from his constituency. She expressed while it was not full-time, she did not see how having only 30 days was beneficial, and it was her understanding that they have met in odd years in the past for 45 days. She asked if this was correct.

Delegate Bell confirmed this was true.

Ms. LaPisto Kirtley said she would think that during this pandemic, it would be imperative to have that additional time. She said so many other bills are coming up that have not even been thought about before because of the pandemic, and they have to make sure their small businesses and restaurants are taken care of. She said they are in a crisis, and she cannot see why they would not have more time instead of less time.

Delegate Bell responded that there are 800 bill slots available. He said when people hear this, their eyes pop out of their head, and that this was not remotely the limits of it because the budget amendments can come in without those limitations.

Delegate Bell said he would suggest that the level of debate and analysis of the bills that took place over the special session was certainly nothing they would want to emulate. He said they had bills come back off the floor, out of the House and out of the Senate, and the patron said, "Oh my gosh, I never figured out what was in the bill." He said this is not a unique occurrence.

He said they had not had subcommittee meetings, which is when they usually go through bills. He said they routinely had meetings where rather than talking about the substance of a bill, what they heard was a summary that amounted to a press release. He said these are not impressing those who like to go through bills one by one.

Delegate Bell suggested that, in the big picture, 800 bills should be enough to address the needs. He said Ms. LaPisto Kirtley had identified some of the positive aspects of virtual meetings, but what he was describing were some of the reasons why, in the long run, the product was certainly nothing to look back on. He said he meant the work product and that he did not want to get into an argument about the substance of the bills. He said the way the bills were reviewed, the words that were in them, and the laws that were passed required significant amendments from the Senate and Governor just to make them workable.

Delegate Bell said he was not asking anyone to agree with him, but that he did think they should be able to find enough slots for 800 bills to get the things they really need.

Ms. LaPisto Kirtley asked Delegate Bell if he didn't think that by having eliminated a number of bills, they would also have the time to be able to review them in depth with the back-and-forth that is necessary in a legislative agenda. She said for example, he wouldn't introduce 50 bills, but perhaps 10-15 bills. She said it would seem that even with this small amount, they would still need time to be able to do the back-and-forth, and so exactly what Delegate Bell was talking about would not happen, that after the back-and-forth they did not recognize the bill.

Delegate Bell said he would suggest that those were not exclusive. He said the number of bills

indicates how much runway is needed, and what they need to do is have bills sent to subcommittee. He said when people present the bill, they do not simply read the summary. He said they say how the language of the bill affects the change they need, and then the subcommittee talks through them to make sure it does it correctly, then they review for any unintended consequences. He said this is the way it has been done historically, and not just since he has been there. He said this is how it was handed off to him when he arrived as to how to go through bills. He said this is not what they did this session.

Delegate Bell said he thinks that if they can break into subcommittees, they have plenty of legislators who will have to work into the evening like they traditionally do. He said working backwards from the limitations of this process and with the number of bills they need, he does think they should be able to finish in 30 days. He said he did not expect Ms. LaPisto Kirtley to be convinced but did appreciate what she was saying.

Delegate Hudson noted that they did pass a resolution at the end of the last session putting a 15-bill cap on the House, and would echo what the last Supervisor said, which is that she thinks the appropriate way to deal with those issues is to pass procedural resolutions capping the number of bills at 10 or 15 and having them go to subcommittee. She said that shortening the session, however, is a rather draconian and somewhat misaligned way of achieving the purpose, which is strong deliberation and is something she thinks they all agree should be part of their work.

Mr. Gallaway said the only question he had was when the last time was that the session was shortened like this. He said he keeps hearing that traditionally, it was lengthened.

Senator Deeds replied that before 1971, the General Assembly of Virginia met in the same way that the legislature in Texas meets, every other year. He said the Constitution was amended that year to allow for the short session of 30 days, which can be extended with a supermajority. He said he did not know how long it has been meeting for 45 or 46 days, but at least in all the years he has been involved, the legislature has met 46 days.

Senator Deeds said the mechanics of putting together a budget will likely exceed 30 days. He said he understands where the minority was coming from. He said they were in session for an awfully long time in 2020. He said the regular session went over 60 days, and they then had 84 days of special session. He said he understands, but it is extraordinary to say that they are going to cap it at 30 days. He said he wouldn't be surprised if the Governor called a special session at the end of the 30-day session to allow them to continue the budget work so that they can get that done.

Senator Deeds said there are so many bills every year, and the reality is that there are very few that the fate of the universe is going to rest on. He said whether they get them passed this year, next year, or the year after, this is okay, but they have to get the budget done. He said there is so much that rides on what they do and what priorities they set in the budget, which is what has to take effect. He said his guess was that the mechanics of this will take more than 30 days.

Senator Deeds, addressing Mr. Gallaway, said answer is that he does not know for how long the session has been extended more than 30 days. He said he knows that the Constitution was amended in 1971 to set the short session at 30 days and historically, it has been extended.

Mr. Gallaway said it is what it is, at this point. He said the timing of holding this meeting has always been an interesting animal as to whether it is too early or too late. He said they have tried to walk this balance for the last couple of years. He said this is a different circumstance than what traditionally occurs, which he understands, but it does put a damper on hearing that they cannot potentially add things in.

Senator Deeds responded that he believed the timing was exactly right and there was no problem with it at all. He said this is an extraordinary year. He said the pandemic has changed life for each person present and the people they represent, and they are in extraordinary times. He said the reality, however, is that they will have fewer bills. He said even if there is a special session called at the end of the 30-day session, he does not think the bill limits will change, at least with respect to the Senate.

Mr. Gallaway thanked Senator Deeds for his statement and said he appreciated hearing the conversation. He said the Supervisors need to be aware of this, obviously, and know that it is going on. He asked if there were any comments or questions to the specific item on the screen. He recalled that Senator Deeds had said it was reasonable. He asked if there were any further questions, comments, conversations about this topic.

Hearing none, Mr. Gallaway asked Mr. Kamptner to proceed.

Mr. Kamptner said related to the first priority is the second priority, which focuses on one of the pieces of enabling authority that localities already have, which is to enforce their zoning regulations through civil penalties. He said the civil penalty maximum amounts that are allowed under this statute are \$200 for the first violation and \$500 for each subsequent violation. He said the Board and County staff have discovered that for some businesses, paying that \$500 civil penalty is the cost of doing business and if they prepay, they do not get in front of the judge who has the authority to order that the violation be abated. He said this extends the period it takes to get compliance.

Mr. Kamptner said the current civil penalty limits were last amended in 2006, and since then, another statute in the planning and zoning law (15.2-2286) has established thresholds for criminal penalties of \$1,000, \$1,500, and \$2,000 per violation. He said the request here is to update the schedule in 15.2-2209 so that it more closely matches the criminal penalties that can be imposed for those localities that enforce their zoning regulations through a criminal process.

Senator Deeds said he had not a lot of land use work and wanted to know if the violation occurs every day that the person is in violation so that the \$500 penalty could apply every single day.

Mr. Kamptner replied that it is every day, but it is spread out so that there cannot be more than one violation within a 10-day period.

Senator Deeds said it seemed to him that it might be better to change the definition so that every day one is in violation, it is a separate violation. He said the \$500 could then become a significant amount of money and significant cost. He said he could see where the County was coming from, as the \$500 would be the cost of doing business if it is just an occasional cost versus if it were \$500 per day for separate offenses.

Ms. McKeel added that Mr. Bart Svoboda from Community Development said in the chat that there is also a cap on the amount.

Mr. Kamptner said there is a \$5,000 cap and so once the cap is reached, the locality has the ability to seek criminal enforcement or injunctive relief.

Ms. LaPisto Kirtley asked Senator Deeds if it would be easier for him to just be able to up the cap limit.

Senator Deeds replied that given the bill limits, the questions he has will be real questions because the bill limit that he spoke about before still exists with respect to every idea. He said he was trying to figure out how to "skin the cat." He said he understood the fact that \$500 is the cost of doing business. He asked if it is more expensive or troublesome for the County to wait to get the criminal penalty or seek the injunctive relief. He said he wants to figure out how to best incentivize people to obey the law, but he did not know that increasing the civil penalty will give them much, except for a little extra cash.

Mr. Kamptner explained that the way the current schedule is laid out with the \$200 and \$500, it takes about 8-9 trips to court, or at least identified violation dates, to reach that threshold. He said depending on the nature of the violation, this can spread out over time. He said particularly for violations that are in neighborhoods, this can be very disruptive to the people who live there who are dealing with the violation.

Mr. Kamptner asked Mr. Svoboda if he had anything to add.

Mr. Svoboda replied that what they are finding in court is that the judges are hesitant to go as far as criminal conviction or jail time. He said some of the violations are just misdemeanors, and so the motivation for the individual on the property is minimal. He added that some people who are more habitual offenders are already familiar with the judicial system and are accustomed to not obeying. He said these are for more severe cases.

Ms. McKeel added that in the chat, there was a question from Mr. Chris Snyder to Mr. Svoboda about what the top five zoning violations were. She asked what violations they are concerned about in terms of "frequent flyers."

Mr. Svoboda replied that it is generally about masses of automobiles, trash, and "inops." He said these are things that affect the health, safety, and welfare of neighborhoods. He said there are one or two properties in an area or neighborhood where there is not enough motivation to take care of the particular situation. He said these are the top concerns.

Ms. McKeel said to Senator Deeds that for example, there may be a violation of a junkyard in a neighborhood where there are very small properties. She said the County has been trying to clear up a junkyard in one neighborhood for over ten years.

Senator Deeds joked that they should not come out to his house and that he thankfully lives in the country.

Ms. McKeel said they were talking about properties that are a quarter acre or a third of an acre in a neighborhood, and they are literally junkyards. She said this was just one example.

Mr. Gallaway asked if there were any other questions for this item. Hearing none, he asked Mr. Kamptner to proceed.

Mr. Kamptner said the next priority is unique to counties that operate under the County Executive form of government. He said in the County Executive form of government statute (15.2-520), and also in the more general budget statute, there is express authority for localities under this form of government to carry over outstanding grants from one year to the next without being reappropriated. He said that under

the traditional Dillon Rule analysis, express grant of authority would indicate to them that they do not have the authority to reappropriate or carry over appropriated funds for multiyear capital projects.

Mr. Kamptner said a couple of years earlier, staff was looking into this, and they then took it to the Board and decided not to proceed. He said the budget office spoke to a number of other localities that identified some non-County-Executive form of government counties that did carry over appropriated funds for multiple-year capital projects, as well as some cities.

Mr. Kamptner said because the County is operating under the Dillon Rule, however, with the potential risk of an exposure, they have not carried on this practice, which the Finance and Budget Office has identified as a best practice because it does bring with it efficiencies to be able to do this. He said without this, the County's practice is as they end one fiscal year, purchase orders are closed, and as another fiscal year begins, purchase orders are reopened and everything has to be recalculated, among other things.

Mr. Kamptner said this is a request for an authority that would bring some efficiencies to the County's processes.

Ms. McKeel asked if she could ask a question for the representatives. She said what she was hearing was that most of them are already locked into the number of bills and know which bills they will be bringing forward, based on the circumstances. She asked if the representatives, as they go through the items, could point out to the Board if there are any bills that they have in their packet similar to ones that they have already seen requested, or any items where perhaps the County can make adjustments and roll them into some the legislators have already committed to.

Senator Deeds replied that on this bill, it was his understanding that there is only one other county with the County Executive type of government.

Mr. Kamptner replied yes, noting that this is Prince William County.

Senator Deeds asked what Prince William County does and if they have this problem.

Ms. Allshouse, Department of Finance and Budget, replied that she is not sure exactly what Prince William County does specifically, although Albemarle wants to make sure they adhere to the proper way to administer this. She said they are just asking for the authority to be able to do it.

Senator Deeds said he understood, but assuming that no one on the call would be able to put in this bill, he thinks someone should have a conversation at a high level with Prince William County's government to figure out if it is a problem for them. He said between the two, they could get the Virginia Association of Counties involved with it, and they can perhaps figure out how to stick this on another bill, or how to find a way to get the problem solved.

Delegate Hudson said she would like to amplify Ms. McKeel's suggestion, as exactly the kind of thinking they need is to figure out where they might tuck this into something that is already in motion. She said one thing she could offer to do for certain is take this packet to the Cities, Counties, and Towns chair, especially after a couple of weeks when things settle down, to see what they know about things that will be priorities there and see if there is another vehicle that they might tuck it into.

Ms. McKeel said this would be outstanding.

Mr. Snyder said if they are able to do this to please let him know. He said the 17th District has about 11 bills in and 20 other bills they had prepared, but they are holding the twelfth spot for this bill if they do not find another solution. He said it is a bill that the Senator identified he thinks is a good bill that will help local government. He said it would apply to only two local governments in the Commonwealth, but it is a good bill.

Delegate Hudson said they would gladly stay in touch on that. She said hers was a general comment, but if they already had a spot for this bill, it was wonderful.

Mr. Snyder said it means bumping another bill, and so they do not know what they will do. He said it is definitely one that is in the top three in the running for the last spot.

Ms. LaPisto Kirtley asked Mr. Snyder if there was any way to incorporate the previous suggestion regarding the fines, as this is a quality-of-life issue. He asked if there was any way to combine those.

Mr. Snyder replied that he did not know. He said he is not an attorney, and so he is very hesitant to answer the question because bills have to be of one specific content. He said he did not know if they were like enough in content that they could put them together.

Ms. LaPisto Kirtley asked Delegate Bell if he could answer.

Delegate Bell replied that Mr. Snyder was basically right. He said they should at least be in the same general area. He asked Ms. LaPisto Kirtley if she was referring to the bill regarding fines for zoning.

Ms. LaPisto Kirtley replied yes.

Delegate Bell said he is not a local government lawyer, but this may well fit with the other proposal TJPDC had about allowing for civil fines rather than for criminal punishments, in another context. He said this may not even be a major expansion or even necessary if that were to pass, but it would be an obvious place. He said he was not sure to what committee it would be assigned. He said he has not served on the County, Cities, and Towns Committee. He said most of the technical issues raised would be in this committee and would make it a lot easier to combine multiple ideas as an amendment.

Ms. Mallek said what would be especially helpful to the Board was if they could continue, as they have in the last few minutes, to get feedback from the elected representatives about the content of these bills. She said perhaps they will later find someone else who is already about to file it, or they can work with their coalitions, rather than spending time on who has what number of slots to file, as this is not helping the Board understand what the personal reactions are to the content of the topics. She said she would greatly appreciate this.

Mr. Blount said to build on what Ms. Mallek said, once bills start getting introduced and they are looking at them, it may be that they find a vehicle for any particular issue that they would not have anticipated would be out there. He said it is a matter of making sure it is a fit, and then getting concurrence from the patron of that bill to allow something else to be added onto it. He said even when they get into the session, there are other ways to be on the lookout for things they can tack onto something else.

Mr. Gallaway said it was noted that the mechanics of this will be on their minds, but there needed to be reactions on the content. He asked if there were any other reactions to the content of this priority. Hearing none, he asked Mr. Kamptner to proceed.

Mr. Kamptner presented the next priority. He said the General Assembly amended this statute during its regular session in the past year which gives localities the authority to restrict firearms at certain public facilities.

Mr. Kamptner said he was approached by the City Attorney in a phone call, who had been contacted by the director of the local regional library system. He said when the City's ordinance implementing this new enabling authority was realized several weeks ago, the director of the regional library system asked whether or not the regional libraries are covered. He said he and the City Attorney talked about this and, erring on the side of caution, they believed an amendment to the legislation would make it clear that these jointly owned public facilities, including parklands such as Darden Towe Park and bodies such as the regional library system that was created by multiple localities, are within the scope of the statute.

Mr. Kamptner said the other reality is that a number of localities have properties outside of their own boundaries, and there is no language about that. He said it does say "any public buildings," but one thing the Virginia Supreme Court has made clear in probably over 100 years' worth of case law is that there needs to be express authority for a locality to exercise its power beyond its boundaries. He said those are the two points of this priority.

Senator Deeds said in Legislative Services, there is a lawyer who used to work in the Attorney General's Office and has had some experience in the opinion section. He said his view was that one did not need to change the law, but just needed ordinances from both the localities. He said in other words, if Albemarle and Charlottesville both pass the ordinance, it will apply to their jointly held facility. He said if Albemarle own something in Charlottesville, they would both have to pass something that would apply to the building or property. He said this attorney's view was that they did not need an amendment to this section.

Mr. Kamptner said he would not be comfortable advising the Board that they have implied authority to exercise this power beyond their boundaries. He said because of the language, it is restricted to the County only being able to apply its ordinances to its own public facilities.

Senator Deeds agreed that the ordinance would not apply to a facility outside of the County unless the other local government (the City) passed an ordinance as well. He said if both pass ordinances, he thinks the problem is solved. He said this was the opinion of Legislative Services. He said when the idea was first run by him, this was his question, and so he sent it to Legislative Services and asked them to take a look at it. He said this is what they came back to him with, adding that he believed this information had been sent to Mr. Blount.

Mr. Blount replied that this was correct.

Ms. McKeel said perhaps this was a matter they could take care of locally.

Ms. Price said she respectfully disagreed and concurred with Mr. Kamptner. She said particularly if they are looking at something that could be a criminal offense where it is strictly construed and they do not have the jurisdiction, she does not feel comfortable believing that this will be an adequate resolution. She said she thinks it is prone to extensive litigation and expense when an easier fix is to simply modify the legislation.

Ms. McKeel asked if there was a way to speak to Ms. Price's concern, noting that Ms. Price is an



attorney while she is not, and get an opinion on this.

Senator Deeds replied that they could ask for an Attorney General's opinion. He said lawyers will always disagree, and that he has one view of the matter while Ms. Price has another.

Mr. Kamptner said when he submits an opinion request to the Attorney General, he has to give the Attorney General his own opinion.

Senator Deeds said this was true for himself as well. He said Mr. Kamptner can state his opinion, and he can also note what the other side of the matter is and ask for the opinion.

Mr. Gallaway asked if there were any other questions or opinions on the matter. Hearing none, he asked Mr. Kamptner to proceed.

Mr. Kamptner presented the next priority, noting that it was one that became apparent as they were going into the pandemic and also as they worked through it. He said under the current enabling authority on conducting a meeting via electronic communication means, they are able to do so under certain conditions to address the emergency. He said as they were heading into mid-March, they were concerned that this language was too narrow or unclear, recognizing that what the Board had to do was adopt a continuity of government ordinance under (15.2-1413). He said this ordinance was going to allow the Board to continue conducting its business.

Mr. Kamptner said the Board, at that point, was in the middle of its budget session and had to set tax rates. He said as the pandemic has continued, the Board has had to appropriate funds and conduct all its other governmental operations. He said all of this was based on the Continuity of Government ordinance because this was the initial authority the County used to begin conducting its meetings through electronic communication means. He said they approached this very cautiously, and so the Board physically assembled, even though the pandemic was already underway.

Mr. Kamptner said the request for this priority would be to expand this authority when an emergency has been declared and when it is unsafe for the governing body to physically assemble to adopt a continuity of government ordinance.

Mr. Kamptner said it was his understanding that a subcommittee of the FOIA Advisory Council will be recommending some legislation that is even broader than what the Board's request is, in this case. He said he just learned about this a couple of days ago.

Mr. Gallaway asked if there were questions or remarks about this priority.

Senator Deeds asked Mr. Kamptner who was introducing this bill.

Mr. Kamptner asked Mr. Blount if he knew.

Mr. Blount said he was told that it was going to be introduced on the House side by Delegate Sullivan from Northern Virginia.

Senator Deeds said it seemed that this would be ripe for a budget amendment, and if they cannot get it fixed in the House bill, they should be able to amend this within the budget. He said they have to get past the pandemic, but then, they can worry about a bill in another year. He said his suggestion is to either figure out how to be included and get their problem solved in Sullivan's bill, or come up with language to try to stick in the budget if this could not happen.

Mr. Blount said it was his impression from the discussions that have been had that the Sullivan bill would be aimed at instances in which there is a state of emergency. He said there is anticipation that the FOIA Council, following the 2021 session, would be coming back and looking at other possible changes to the electronic meetings provisions that deal with times outside of states of emergency. He said there is also the current budget language that was enacted during special session, and so perhaps this gets tweaked along with the bill to make sure everything is moving together.

Senator Deeds said this was why he believed they could solve this problem by working with the budget language if they had to.

Ms. LaPisto Kirtley asked if this would include, for the future, other committees such as Citizen Advisory Committees who could continue to meet electronically. She said they are not elected, and so she wondered if any language would also extend to committees such as CACs to be held virtually. She said she found out that the participation rate is much better when doing it virtually, besides saving a lot of money in transportation.

Mr. Blount replied that the language recommended by the subcommittee would be applicable to any public body, and even joint meetings of those public bodies, which has been added as well.

Mr. Kamptner said this would include the Board-appointed advisory committees.

Mr. Gallaway asked if there were other thoughts. Hearing none, he asked Mr. Kamptner to proceed.

Mr. Kamptner said the last of the six priorities was related to farm buildings or structures, and it is an issue that has been important to Albemarle County for some time. He said the Board is aware of the report that was produced in 2019 when this issue was looked at. He said having read the report, it appears that much of the focus of the recommendation, which was not to do anything, at this point was based on the expense and possibly related to retrofitting.

Mr. Kamptner said the approach moving forward for new construction, which is a priority of the Board, would be to amend the definition of farm buildings or structures and pull out the public use aspects of that definition to create a new building type, for which the Building Official has recommended the term "public use agricultural buildings." He said those buildings are the ones that will be used and made available to the public at farms in Albemarle County. He said this includes agritourism sites, farm wineries, farm breweries, and farm distilleries.

Mr. Kamptner said as the senators and delegates are aware, even though those structures have a significant number of members of the public in them, they are not required to be constructed according to the minimum standards in the uniform statewide Building Code.

Ms. Mallek said she knows from the discussions she has participated in related to this bill that the Board was not seeking to have the kinds of building improvements, such as sprinklers, which would be aimed at protecting the structure, but totally aimed at getting people out safely. She said many of the farmers and wineries who have worked with them on this spoke about panic bars, exit signs, and making sure all the doors are suitably sized to get the crowd out. She said minimal expense while keeping people much safer was the goal for this. She said doing the total commercial requirement would not be possible in the countryside.

Ms. McKeel said her sense was that there had already been some pushback on this particular proposal. She asked if Mr. Kamptner could talk for a few minutes about what he is hearing the pushback is, and if it was what Ms. Mallek was referencing.

Ms. Mallek said she had not heard any pushback.

Ms. Palmer said perhaps Delegate Runion could answer this, as she and Ms. Mallek did have a conversation with him about this particular problem. She said she knows he is aware and has some information, and that she did not know if he had had any pushback.

Ms. McKeel said she had heard about some pushback happening and she just wasn't sure what it was.

Delegate Runion said he, Ms. Palmer, and Ms. Mallek did speak on this several months ago. He said he did some additional investigation and read the reports that were issued. He said he spoke with a number of people who are currently operating and did not receive pushback, nor support. He said he has not had anyone come to him. He said he believed those on the other side of the Blue Ridge from his own have had more agricultural tourism development, and so they may have more of an opportunity to hear the negatives.

Delegate Runion said they are fortunate in that the Wineries Association president is a constituent of Albemarle County, and so perhaps now is the time to sit down with them again to see what they have experienced and where they can move to if there are things that need to be moved to.

Ms. Mallek said she believed that Rockingham already adopted a full building code requirement for their buildings. She asked if this was correct.

Delegate Runion expressed his surprise.

Ms. Mallek said she thought this had happened a couple of years ago, and so Albemarle thought theirs was a minor compromise by comparison.

Delegate Runion expressed his apologies for being ill informed, noting that he would go back and look. He said he did not think there were restrictions related to the life safety code to agricultural structures, but that he may be mistaken.

Ms. Mallek said she could be wrong as well.

Mr. Kamptner said he did speak to Rockingham's County Attorney about two or three years ago, and they were seriously considering it. He said one thing that would give him some doubt as to whether they did it was that he had not heard about any lawsuits.

Delegate Runion said he knew there was some discussion there with both the religious community and the agricultural community relating to assembly in structures of over 300. He said this dealt with sprinkling and the like, and that he thought this had all been put to the side. He said he would follow up on this with Rockingham County and get back to Ms. Mallek.

Ms. Palmer asked Delegate Runion if all his slots for bills were full.

Delegate Runion replied that he may have a spot for the priority about the carryover grants. He said he did not have as many as Senator Deeds to winnow through, but he did have a number of them, some of which will be applicable to what the Albemarle County is interested in as well relating to rural solar energy and agricultural matters. He suggested they look at this over the next several days and go from there.

Mr. Gallaway asked Mr. Kamptner if he had anything else to present.

Mr. Kamptner said he had a final slide regarding the two additions to the Board's legislative positions and policy statements. He said those who have been in the General Assembly for some time may recall Virginia Code Section 15.2-2209.1, which was a statute that came about during the Great Recession that extended the validity of a number of types of land use approvals even though rights had not vested. He said since then, it has been repeatedly extended.

Mr. Kamptner said there was a bill in the special session that the General Assembly recently concluded that will further extend the statute. He said what staff has found in looking through the records is that depending on the timing of certain approvals, there are some projects that were approved as many as 15 years ago, for example, where under normal circumstances, they have done nothing that would vest their rights. He said since then, they have current development policies and regulations that have evolved over time, but those projects still remain valid. He said this is a new Board position that they request that this section goes away.

Mr. Kamptner said the second addition related to the fact that at this past regular session, the General Assembly adopted legislation to authorize local law enforcement agencies to use photo speed monitoring devices in limited circumstances. He said the Board would like that authority to be expanded.

Ms. McKeel added that regarding extending the sunset clause, as it has continued to stay in place, in the Urban Ring, there is at least one project that gets at the fact that the whole area has built up, urbanized, and changed, and they are not able to look at things differently from the viewpoint of traffic and entrances. She said it is causing many concerns to have these sunset clauses continue to be extended.

Ms. Price asked if it was time to make comments for the end of the session.

Mr. Gallaway said they would give the legislators a chance to talk about their priorities.

Ms. Price said she would wait to make her comments until after that.

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

Mr. Gallaway said the Board knew what they were bringing to the table, but hearing that the legislators' slots were full, they would start to get a taste of what was filling the slots, to the extent the legislators were willing to share.

Senator Deeds said he did not need to share anything. He said he has been in the legislature for a long time and represents 10 counties and cities, so he gets requests from all over. He said he serves on many committees that do serious work, and so he has many things from the groups who appear before those committees.

Senator Deeds said his priority remains what it has been over the last number of years, which is to make sure they have a reliable and consistent source of public mental health facilities available to people in need, no matter where they are in Virginia. He said this is an ongoing job but with a lot of help this last session, they added a record amount of money to the budget for community mental health. He said they lost a good chunk of that in the pandemic, about half the funding. He said they lost the majority during the unallotment process, but they were able to reach and get about half that money back during the special session.

Senator Deeds said the good news is that the economy is not as bad as it could be. He said the bad news is that it will not be great for some time to come. He said there is still a significant amount of work to do in the area of mental health, and this will remain his priority. He said he will carry bills that are consistent with this sort of work he has done in the past.

Senator Deeds said frankly, he thinks some of the most important legislation that passed during the regular session was a bill to not require an excuse for absentee voting; and during the special session, legislation to require localities to have drop boxes for absentee ballots. He said he thinks the combination of those two pieces of legislation rewarded them with record turnout in Virginia. He said he will continue to press the case to reform the process to make sure that more people who want to have the opportunity to vote.

Senator Deeds said through his work on the Judiciary Committee, formerly the Courts and Justice Committee, and as chair of the Criminal Law Subcommittee, he will probably have some legislation in that area as well.

Senator Deeds said it will be a busy session whether it is 30, 45, or 46 days.

Mr. Gallaway said he would give Delegate Hudson the opportunity to speak before following up with any questions to Senator Deeds as needed.

Delegate Hudson said her top priority would be public education funding. She said this was long overdue work before this, but it is even more critical now. She said the schools are being asked to do far too much with far too little. She said they took a big step in that direction last year with equal taxing authority, which she knew was a top priority for the County Board, but the state is still not picking up its fair share. She said she will thus be working in her role on the Finance Committee to try to make sure Richmond is doing its part for the public schools. She said this looks like sewing up some loopholes in the tax code and also ensuring corporations that do business in more than one state are sending their fair share of that revenue back to Virginia. She said this will be priority number one.

Delegate Hudson said priority number two will be looking back at some of what they learned over this past year, which is that the unemployment insurance system in Virginia is broken. She said this is hands down the top issue that her office was hearing from constituents who were not getting the support that they needed during layoffs during the first outbreak of COVID-19. She said now they are going to see more of those as more businesses struggle in the winter because they are likely looking at more outbreaks.

Delegate Hudson said looking forward, she wants to continue to be one of the legislators who is working on clean energy and climate change legislation. She said that this matter is not going anywhere just because there are now more problems on their plates. She said a real heartbreak for her with the bill cap is that she thinks many of the bills that will not make the cut will be things that are about confronting the ongoing climate crisis and taking action on that now because they know the clock is ticking. She said she has been working with many partners in Charlottesville, those who work with energy efficiency, the Charlottesville Climate Collaborative, and others who have ideas on how they can accelerate their transition to a clean energy economy. She said these were her top three priorities.

Mr. Gallaway said there may have been some reaction or questions for either Senator Deeds or Delegate Hudson.

Ms. Palmer said hers was more of a comment and that she could wait until the end.

As Delegate Hudson needed to leave the meeting, Mr. Gallaway thanked her for her time. He said he would next go to Mr. Snyder, representing Senator Bryce Reeves.

Mr. Snyder said he did not want to go over the priorities to belabor the meeting and that he also had to leave at 4:30 p.m. He asked if there were any questions for him.

Ms. Palmer told Mr. Snyder not to worry about belaboring the meeting and to give the Board some idea about the top things if he could.

Mr. Snyder said these were military and law enforcement, as Senator Reeves is chairman of the Military and Veterans Caucus, and there were some law enforcement matters that needed to be adjusted from special session. He said those would be filed soon.

Mr. Gallaway said they would be watching for those. He moved onto Delegate Bell.

Delegate Bell said he has been working on a couple of things with Senator Deeds in something they call the "Deeds Commission," for which Senator Deeds is too modest to call it this. He said there is a significant population crisis for in-patient care, and this existed prior to COVID-19 but has been exacerbated by it or at least has not gotten better. He said some legislation passed that year that was parallel to some projects they have been working on for some time regarding different ways to get someone into the mental health system rather than the criminal justice system, and some of these were pushed back all the way to the point of arrest or pick-up.

Delegate Bell said in terms of a question about broadband, which he believed was a part of the TJPDC presentation and not the County's, some substantive bills have been passed, and there has also been an increase in the VATI (Virginia Telecommunication Initiative) funding. He said he has heard complaints that the VATI process actually dissuades one from doing it, but Albemarle has been successful. He asked if there are aspects of the process that can make it easier and more effective, or other substantive changes the Board would be proposing or supporting in addition to just more funding. He said he was happy to hear whatever the Board had to say.

Ms. Palmer said staff could certainly chime in, but she would say that she and Delegate Runion had a conversation about that, and she checked with the County's IT person and sent him a list. She said she could get the County's IT Director, Mr. Mike Culp, to send Delegate Bell the specifics of that. She said he was correct that the County has been successful, and they were very appreciative of the VATI money, but she could make sure this happens for him. She said she would send it out to the rest of the Board. She said there were specific things from IT that may help Delegate Bell.

Delegate Bell asked if they are the kinds of things that do need some legislative action, or if they were things that could be worked with within the system. He asked if, in other words, they were looking at bills, or if they needed to tell them this was not necessary, and they were making it harder than it has to be.

Ms. Palmer replied that it was too many things for her to remember too far back, and so she could not answer this unless Mr. Snyder or Ms. Mallek could chime in on that.

Ms. Mallek said her thought feeding into the broadband question Delegate Bell asked is almost to avert a repeat of some of the bills that have been put in by others in the past that tried to prevent local government from being involved in providing services. She said they have had to spend a lot of time defeating these bills, and what they found is that many counties where they are not able to draw interest from an established company provider are actually having great success providing services or some part of the infrastructure themselves. She said Orange County is already working on this.

Ms. Mallek said she thinks they all need to be able to have options in order to do the best job they can for the long, middle, and last mile rather than having bills that keep popping up saying, "You can't touch this," which protect the private interest when the private interest is really not interested or able to do this low-density service provision.

Mr. Blount said there was some language included in the budget that directed the Broadband Advisory Council to look at and make a recommendation back to the General Assembly on the viability of municipal authorities being able to apply for VATI grants without the participation of a private sector partner, which is the current requirement. He said Albemarle has been very successful in all of the previous VATI rounds to be able to partner with different providers in order to be awarded grant money, but this would open up to the things that Ms. Mallek was talking about where those public entities are doing things very successfully and allowing them to possibly be able to apply on their own.

Mr. Blount said the Broadband Advisory Council had a meeting last week, and they will get together again in the first or second week of December. He said he would expect a recommendation from them perhaps coming out of that meeting.

Delegate Runion said he had a number of items for agriculture and solar, including removing some of the barriers in the agricultural community for net metering and to make it easier for them to be able to use existing structures to provide spaces for solar panels as opposed to building panels on the ground. He said he was not a big fan of taking land out of production and putting panels on it, and so he was trying to come up with some ideas for that.

Delegate Runion said broadband expansion and improving the VATI process were also priorities, as well as seeing if there are not some ways to create some incentives either for co-ops or mutual service providers to have the ability to provide these low-density areas. He said they are in the process of working on the details for that.

Delegate Runion said it was interesting that Delegate Hudson said she had significant conversation with constituents related to unemployment issues and that his office did as well.

Delegate Runion said they also had about the same number of issues with DMV around both capacity and access. He said in particular, it was on both ends of the scale. He said there were access or capacity issues for the youthful, new drivers trying to get into that process as well as with older drivers that have some restrictions and requirements for them to appear in public. He said all of those have created some challenges for most citizens, and he has asked for conversations with people and has ideas relating to that.

Delegate Runion said regarding career and technical education funding, there are operating programs in the state system that keep track of various curriculums and related certifications. He said this was not working out particularly well because it is outdated and has been patched in what he believed was a very inefficient manner.

Delegate Runion said regarding mental health, one thing that would be of interest is how to come up with some options to improve peer-to-peer mental health for healthcare workers.

Delegate Runion said an area that also applies more so on this side of the mountain with a couple of private institutions they have would be related to VTAG (Virginia Tuition Assistance Grant). He said he has some ideas on that.

Delegate Runion said medical cost control was last. He said he has been chatting with people who are educating nurses at various levels. He said there has been a preceptor challenge that has become worse with COVID-19 issues, and so they are looking into some ways to create an incentive for or remove some of the obstacles to that.

Delegate Runion said these were his priorities and though he did not have as many bills as Senator Deeds does, but he did have about a dozen from which to figure out what will be his top 5 or top 8, whatever the number will be.

Delegate Runion said he wanted to thank Ms. Mallek and Ms. Palmer for taking the time with him several times over the past 6-8 months to talk about issues within the Albemarle community. He said they not only educated him but gave him the opportunity to see and meet people to better understand what the County's specific issues are.

Ms. Palmer thanked Delegate Runion for meeting with them.

Mr. Gallaway noted that Delegate Fariss was in the meeting and asked if he had anything he wanted to speak to.

Delegate Fariss thanked everyone for having this meeting. He apologized for not being able to be on the phone earlier, explaining that he had a dear friend who is head of the Campbell County Utility Service Authority and fell 30 feet a month earlier, and so he had been trying to help his friend's family. He said his friend has a serious brain injury, and he was trying to help his family get him moved from Roanoke to Richmond that afternoon. He said the family appreciates the Board allowing him to help with that.

Delegate Fariss said the people in Campbell, Appomattox, Buckingham, the lower part of Albemarle, and Nelson Counties want to be left alone. He said they do not want too many new laws. He said he is interested in working on anything that is related to COVID-19, and he has some legislation that deals with the hospitals, healthcare providers, and nursing homes because a lot of families feel excluded when they are not able to visit their family members there. He said this is a tough time for them, especially if it is the end of someone's life. He said he is working on some legislation for that.

Delegate Fariss said he did not know if he had many other issues that he would work for this time. He said it looked as if the Republicans were going to push back on the session being very long, and he feels like it will be tough to have honest and fair discussions about some of the legislation in a short period of time. He said he did not want to bottleneck things up.

Delegate Fariss said he did hear the conversation about broadband. He said he was hardheaded and did not originally vote for the broadband legislation for several reasons. He said it had some property rights issues that are still not right, but it also will be very difficult in terms of the comments made about the private sector going the last mile. He said it will be tough to get that done, and he doesn't know if it makes good sense for the localities to spend the money to do it. He said he was more in favor of extending cell service to those last-mile communities for two reasons: for the availability of the internet, and so they can have cell service that so many depend on.

Delegate Fariss said as a farmer that stays outside and works in many areas that do not have cell service, it has gotten to the point where it is not only aggravating, but almost dangerous because before, someone knew where they were or what they were doing and knew where to look for them if they didn't show up again. He said now, they live such a carefree and different lifestyle and are running around because of cell phones.

Delegate Fariss said these were some of his thoughts and that he appreciated everyone meeting that afternoon.

Mr. Gallaway asked if there were questions or comments.

Ms. Mallek said her only question is to try to figure out more about how the cell service would be used for children to be in school. She said this has been one of the biggest issues she has heard about from families, that they are not able to have their children participate in school without fiber internet.

Ms. Mallek said in Albemarle, she knows that cell is using boosters from the CenturyLink landlines which are not being maintained, and so it is a cascade of different issues of low maintenance and no investment on the part of these companies that is getting in the way all over the place. She said she only recently found out about the connection between landline and cell phones in order to keep things working, when they had the derecho a few years ago. She said everything went down all at once for that reason. She said they are working hard to make improvements all the way along.

Mr. Gallaway asked if there were any final comments or thoughts from the legislators.

Delegate Fariss said he would comment on the cell service matter. He said because this was a problem working and operating in Rural Virginia without cell service, he has been looking at it for several years. He said there are antenna-type boosters that, for instance, a volunteer fire department can put on top of its building. He said they can get some revenue from the cell phone companies and get the service where it needs to be. He said they have to have a cell connector to get that internet service.

Delegate Fariss said his thought for the children was that the State of Virginia can do a mass purchase for children, which he has looked into, to get the service much cheaper than normal cell service coverage. He said in fact, some of the last figures he heard included \$12 per month if the State of Virginia were to purchase the cell service en masse production.

Delegate Fariss said Ms. Mallek is exactly right in the fact that even now because there is not enough of the relays and because cell service is not as strong as it should be for many people who are working from home, there are holes in that current system. He said if they knew they had long-term ability, it would be easier to talk them into beefing up those systems.

Mr. Gallaway asked if there were any final comments from the legislators or from Mr. Kamptner before getting into wrap-up.

Mr. Kamptner said he had none.

Mr. Gallaway asked the Supervisors if they wanted to make any remarks.

Ms. Mallek said she already spoke about her matters and thanked the legislators, adding she would see them in Richmond.

Ms. Price thanked the elected legislators and their representatives for being present that day. She said this was very important for the Board, as she knows it is for all counties and districts. She said this is her first year as a Supervisor, but her second year observing this meeting. She said she came away from those two with the belief that the Board is actually a little late in coming up with their legislative proposals to provide to the legislature. She said she recognizes it is only about 2.5 weeks after the election, but both this year and last year, the impression she had was that by the time the Board met with the legislators, most of their legislative agenda had already been set.

Ms. Price said she believed it was clear from the comments that they, as elected officials, and the citizens would like to see the Virginia State Legislature have a longer session. She acknowledged this was beyond their control as to what the length of it will be, and in light of what the outcome for this year will be, she appreciated those Supervisors and legislators who made the comments about piggybacking some of Albemarle's legislative items onto other bills. She said she thinks the new second vice-president of the Virginia Association of Counties may be able to help them with some work through that organization, where possible.

Ms. Price said she also wanted to thank TJPDC for their involvement and in listing their priorities.

Ms. Price said she recognizes it is a tough legislative year and thanked the legislators for listening to the Board's priorities. She said she hoped they may be able to find places to fit those priorities in. She thanked the legislators for their participation and assistance.

Ms. LaPisto Kirtley said she also wanted to thank the senators and delegates for spending the time educating the Board and letting them know what was going on, which she appreciated as a new Supervisor. She said she also understood that they have given additional funding for broadband, and there are applications that will hopefully be funded in December or January that will directly benefit the area and parts of Albemarle County.

Ms. LaPisto Kirtley thanked the legislators for their thoughtfulness. She asked if they could extend this year, as all constituents are expecting them to work harder as they go through this pandemic. She said this was her reasoning for extending the year so that they can accomplish more.

Ms. LaPisto Kirtley asked the legislators to do anything they can do to help small and local businesses and restaurants, as they are hurting. She said the legislators have provided a lot of assistance, and they pressure the federal government to also give additional monies. She encouraged them to keep up the good work and thanked them for listening and participating.

Ms. Palmer told Delegate Bell she did find the email that the IT Director had sent, so she sent it to him and did find she had sent it to the rest of the Board back in the summer. She said it looked like it was predominantly about process matters, and she would bring up Delegate Bell's request for anything that should be in a bill to the Broadband Authority meeting, which was meeting the following week and which Ms. Price is also a member of.

Ms. Palmer said she knows Senator Deeds is always on top of this, but she does hear regular reports for the mental health court in the County that it is gradually increasing the number of people who get to benefit from it. She said she hopes there are other communities in the Commonwealth who are continuing to move forward to try to get mental health courts funded, as this does seem to help.

Ms. McKeel said she would not repeat what the other Supervisors said because she agreed with almost everything they said, including remarks of thanks. She said she did appreciate Senator Deeds' work on mental health and anything they can do to support work around mental health and monies that could help, as it does touch on much of what they are trying to accomplish in Albemarle and throughout the state. She said there has been a big void.

Ms. McKeel encouraged the legislators to reach out and ask anytime they have something coming before them and they wonder if it would impact the County either negatively or positively. She said this would be greatly appreciated, as at least the Board could let them know how a particular proposal might be affecting their community.

Mr. Gallaway said that sometimes, as it is in politics, they only hear certain things coming from one side or the other, but the fact that regarding those who are dealing with layoffs, furloughs, and unemployment, there seems to be that same sentiment of concern for those people coming from all angles, which is appreciated. He said they will be watching the work to be done on that.

Mr. Gallaway echoed the other Supervisors' comments, which he believed were summed up well.

Mr. Gallaway thanked everyone for taking the time to meet, especially late in the day on a Friday, to go over everything. He said he was glad that he does not serve with a bashful group of people, and

they are always willing to speak up when they need to. He said he knows that as the legislators do their work, they will certainly be hearing from his fellow Supervisors as the work goes on. He said they appreciate their patience and openness to receiving feedback along the way.

Ms. Palmer said she had a quick question before closing. She asked Delegate Bell if he was being sarcastic at the beginning of the meeting when he thanked them for having this meeting on a Friday afternoon.

Delegate Bell said it was actually a good time for him. He said he had one thing he wanted to share, which was that it literally just came over in an email that the House limit will be 7 bills. He said he received that information 30 seconds earlier. He thanked Ms. Palmer for her email regarding the IT information.

Ms. McKeel said this was better than a cap of five.

Mr. Gallaway asked Mr. Richardson if he had any final comments to make.

Mr. Richardson said he wanted to add to Delegate Bell's comment that since it went from 5 bills to 7, they would like to claim those two extra ones with his permission. He thanked the legislators for being there.

Mr. Gallaway asked Mr. Blount if he had any final thoughts.

Mr. Blount replied that he looked forward to working with the Board and the legislators during this session. He said he believed it would be challenging in terms of communicating, as he is used to seeing them in committee meetings, hallways, and offices and it will be much different this year. He said they will get through it.

Mr. Gallaway said the Board was appreciative of Mr. Kamptner, who always steers them through this process. He asked Mr. Kamptner if he had any final thoughts or comments.

Mr. Kamptner replied no.

Agenda Item No. 6. Adjourn.

At 4:46 p.m., Mr. Gallaway adjourned the meeting December 2, 2020 at 1:00 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."

Chairman

Approved by Board
Date 07/20/2022
Initials CKB