

FIRE RESCUE

ALBEMARLE COUNTY

460 Stagecoach Road, Suite F Charlottesville, VA 22902-6489
 Voice: 434-296-5833 FAX: 434-972-4123

www.ACFireRescue.org

ALBEMARLE COUNTY FIRE AND EMERGENCY MEDICAL SERVICES BOARD AGENDA

Thursday, December 3, 2020 | 1800 Hours | Zoom Virtual Meeting

Agenda Item	Name
I. Call to Order A. Moment of Silence B. From the Board: Matters Not Listed on the Agenda C. From the Public: Matters Not Listed on the Agenda	K. Alibertis
II. Work Session A.	
III. Approval of Consent Agenda A. October 2020 Minutes	K. Alibertis
IV. Committee updates - A. Executive Committee B. Training Committee C. Operations Committee D. Recruitment & Retention E. Quartermaster F. Apparatus Committee	No Meeting No Meeting No Meeting No Meeting No Meeting No Meeting
V. Unfinished Business – A. Strategic Planning B. Radio Project C. Cradlepoints D. Reminder - 2021 Tax Credit List	A. Mezzoni D. Puckett D. Puckett D. Puckett
VI. New Business – A. COVID Recognition Funding Discussion B. FOIA Discussion i. Closed Session (if needed)	D. Eggleston A. Farley

ALBEMARLE COUNTY FIRE/EMS BOARD
FEMS BOARD MEETING
VIRTUAL MEETING
WEDNESDAY, OCTOBER 28, 2020 – 1800 HOURS

A virtual meeting of the Albemarle County Fire/EMS Board was held on Wednesday, October 28, 2020, at 1800 hours.

The following members were in attendance:

Dan Eggleston, Albemarle County Fire Rescue
Virginia Leavell, Charlottesville Albemarle Rescue Squad
Larry DeVault, Crozet Volunteer Fire Department
Todd Richardson, Earlysville Fire Company
George Stephens, North Garden Volunteer Fire Company
Mike Grandstaff, Scottsville Volunteer Fire Department
Dennis Hahn, Seminole Trail Volunteer Fire Department
Kostas Alibertis, Western Albemarle Rescue Squad

Others in Attendance:

Christina Davis, Albemarle County Fire Rescue
Steve Elliott, Albemarle County Fire Rescue
David Puckett, Albemarle County Fire Rescue
Heather Childress, Albemarle County Fire Rescue
John Oprandy, Albemarle County Fire Rescue
Howard Lagomarsino, Albemarle County Fire Rescue
Chip Walker, Albemarle County Fire Rescue
Alyssa Mezzoni, Albemarle County Fire Rescue
Andy Bowman, Department of Finance and Budget
Doug Walker, Deputy County Executive
David Smalley

I. Call to Order

Chief Alibertis called the meeting to order at 1800 hours.

A. Moment of Silence

Chief Alibertis asked attendees to observe a moment of silence.

B. From the Board: Matters Not Listed on the Agenda

There were none.

C. From the Public: Matters Not Listed on the Agenda

There were none.

II. Work Session

There was no work session.

III. Approval of Consent Agenda

A. FOIA Issue – September Meeting

Chief Alibertis noted that at the last board meeting, there was a computer glitch, and they were unable to use the room that they had posted to Zoom. He said therefore, it was not an open meeting, and so there were no minutes to approve because of that. He said he would read a statement from the County Counsel that will need to be read for this so that they can at least include the discussion that was had. He said they were fortunate not to have voted on anything, and so there was nothing they had to revisit in that way.

Chief Alibertis read the following statement aloud: “The board is not approving the minutes from last meeting, as technical difficulties apparently did not allow the public access to the meeting. The board should consider a vote to adopt the redacted recording of the last gathering to reflect the items discussed by this body, and to provide transparency, but not as approval of minutes. The votes that were made and action taken at that September gathering will need to be reintroduced and voted upon in the instant meeting to have effect.”

MOTION: Chief Grandstaff moved to adopt the redacted recording of the September 23, 2020 meeting to reflect the items discussed by the board and to provide transparency, but not as an approval of the minutes. Chief Leavell seconded the motion, which passed unanimously (8-0).

IV. Committee updates

A. Executive Committee

There was no meeting.

B. Training Committee

Chief Alibertis noted that Chief Elliott would be filling in for Chief Lambert in his Training Committee role.

Chief Elliott said he was out of town for the Training Committee meeting, and Chief Lambert did not point out anything to him of particular interest, unless Chief Childress had anything to add. He said he looked forward to working with everyone in his new capacity.

Chief Childress said she had nothing to add.

C. Operations Committee

There was no meeting.

D. Recruitment & Retention

Chief Alibertis said Chief Stephens indicated to him that the Recruitment and Retention meeting was a short one (about 14 minutes) without too much to discuss. He asked Chief Childress if she had anything to add.

Chief Childress said because only Chief Stephens from North Garden and a CARS rep attended, she wanted to let everyone know that after talking to Ms. Abbey Stumpf (Public Information Officer), they would love to do some social media pushes for each individual organization, and they have some good ideas about how they might accomplish that. She said if the organizations are interested in using social media platforms to help with recruitment and retention, they should communicate to her to begin working on this.

Chief Childress said North Garden will be the pilot. She said she, Ms. Stumpf, and Chief Stephens will meet to see what this looks like with input from the organizations about their vision and the message they would like to get out to try to entice people into the organization. She said COVID-19 limits what they can do in the public, but they still have social media that they can use, and so she wants to take advantage of it as much as possible. She asked interested organizations to let her know.

E. Quartermaster

There was no meeting.

F. Apparatus Committee

There was no meeting.

V. Unfinished Business

A. FY 22 Budget Process

Mr. Andy Bowman (Department of Finance and Budget) shared a presentation. He said he wanted to first provide a general budget update on where the County is as a whole, with background on where they were in the spring and where they currently are as they navigate FY 21, as well as where they may be headed in FY 22. He said in FY 22, they would try to simplify the FY 20 budget, and that he would talk about this means for the schedule and what it would and would not include.

Mr. Bowman said April was a hectic time. He said the County had been ready to finalize its FY 21 budget in March. He said then, in a matter of weeks, they had to redo the entire budget. He said they had to dramatically revise revenue projections downward while keeping a focus on maintaining essential services, and they did not change the recommendation for volunteer fire rescue changes as part of that process. He said they tried to protect those workers in Fire Rescue, Police, and Social Services as much as they could.

Mr. Bowman said there were a large number of changes to the budget. He said they removed salary increases and starting wage increases. He said they reduced discretionary spending quite dramatically. He said they applied a 10% operating budget cut for non-personnel costs to all County departments, including Fire Rescue and Police as well as all nine public safety departments.

Mr. Bowman said they have been in the environment of freezing positions and trying to increase savings through attrition. He said there are currently about 27 positions in the County that are vacant and are not being filled in order to create that savings as they try to navigate what they projected to be a revenue shortfall. He said many of the major capital projects were put on pause just as they were about to get started, or they would be [inaudible] in the current year.

Mr. Bowman said this was what the County needed to initially do in responding to the recession. He said now, they have learned more than they knew when they started seven months earlier.

Mr. Bowman presented a slide with budget numbers to show how FY 20 actually ended. He said one number that he would highlight that was not on the slide was if looking at the total General Fund revenues from the County, they came in one-tenth of 1% more than budgeted, which is a razor-thin margin of about \$127,000 out of a \$300+ million budget.

Mr. Bowman said this surplus reflected about three-quarters of strong performance of revenues, but then was followed by the last quarter (the pandemic). He indicated to consumer-driven revenues on the slide, noting that it had a more than \$2.5 million shortfall in those revenues. He said those revenues include sales tax, meals tax, and transient occupancy (or hotel tax).

Mr. Bowman said the graph on the slide showed lines that represented FY 20 outperforming FY 19 for the first three quarters. He said this changed dramatically in the last quarter, however.

Mr. Bowman said that when the County revised its FY 21 budget, they did have to drop the revenue projections. He said with every month of data, they try to get a sense of where they are for all the revenues. He said it is a strange environment because there is not a handbook they can turn to in terms of what happens to the revenues during the pandemic. He said they have learned some good news, however. He said sales tax is resilient, and although there was a strain, they were trending close to what happened last year.

Mr. Bowman said as they look at food and beverage and transient occupancy taxes, people are making different choices in dining, some businesses have closed, and people are traveling less, which all have a very significant impact on some of the revenues.

Mr. Bowman said he would transition the discussion from where they currently stand. He said the fact is that the County is still in an emergency with the pandemic, and that what they had hoped in the spring to be a more short-term event will be the new reality for the foreseeable future. He said there is increased uncertainty and instability for the financial picture.

Mr. Bowman said the County is watching revenues closely because there is uncertainty with what will happen in the winter with revenues like meals taxes. He said the winter may be more challenging for many of the businesses that have been able to provide outdoor service. He said working with the Economic Development Office, there are programs to help support those businesses and do what they can to help keep things running. He said as they think about the unpredictability, the County is trying to be cautious as they make decisions about what kinds of long-term commitments they may make.

Mr. Bowman said Albemarle County is a higher-education community. He said if UVA events are happening, they are happening very differently in terms of athletics or otherwise. He said this has an impact on the entire region's economy.

Mr. Bowman said also interesting when thinking about higher-education communities is that during recessions, these communities tend to be more insulated from certain impacts. He said while there were certainly major impacts that happened for Albemarle County during the Great Recession, it was not as great as others. He said looking around the nation now and getting data around where case outbreaks occur, many of the higher-education communities are some of the hotspots. He said this is not to say that this will play out this way forever, but it is a way that this economic slowdown is different than those of the past.

Mr. Bowman said he would not go through all the bullets on the slide in detail, as he was sure the chiefs were all dealing with these in their organizations and beyond. He said as they begin to think about this "new normal," prolonged uncertainty, and more prolonged emergency, they are thinking very differently about what the FY 22 budget process looks like.

Mr. Bowman said there are two things they are thinking about, and one is delaying start. He said this has already happened because by now, many of the chiefs would have already completed their operating forms and would be following the routine process with himself, Ms. Mezzoni, Chief Childress, and others. He said this was not particular to Volunteer Fire Rescue, but that all the processes have been pushed back. He said by now, the Fire Rescue [inaudible] budget requests. He said this has not been started yet, but instructions are soon forthcoming.

Mr. Bowman said pushing back the process also gives an idea on where the revenues are versus what they were a couple months ago. He said they are also looking to simplify the budget processes, given they will be in a more fiscally constrained environment compared to the last two years. He said they will be working in a tighter timeline, and the chiefs probably know better than he the amount of energy they are redirecting in their staff to respond to the pandemic as well as to keep normal day-to-day operations going. He said this is part of the thinking as well for FY 22.

Mr. Bowman said in terms of what this means for the Volunteer Fire Rescue process, there is a delayed start for what the schedule would look like. He said by November 6,

the chiefs will be sent simplified forms and instructions for what will need to be completed for FY 22. He said by the end of the month, staff requests that this be sent back to his office and the Department of Fire Rescue. He said in December, they will go through the normal review process, though it will be simplified.

Mr. Bowman said after December, the next milestone the chiefs would see will be February 24, when the County Executive presents a recommended budget to the Board of Supervisors. He said on that day, he will send an email to the chiefs that explains their funding amounts, how they were generated, and what they include and do not include. He said on February 24, they will kick off a public process with work sessions, public hearings, etc. that will end on May 5, when the Board of Supervisors approves the budget. He said many other steps happen in the budget process but at a high level, this is what the schedule would look like.

Mr. Bowman said in terms of a simplified process, the instructions he will send will be clearer than the two slides he presented. He said at a high-level, there will be three forms and supplemental information that the chiefs will provide.

Mr. Bowman said Budget Form 1 is a cover sheet on which the chiefs provide a narrative and answer some general questions. He said this is being scratched off the list and will not be requested nor required this year.

Mr. Bowman said Budget Form 2 is a line-item budget request the chiefs submit every year that is probably the most time-intensive form to complete and review in the budget process. He said this year, they are simplifying the process not only for Fire Rescue, but for others. He said they will not ask for a detailed submission by line item for all of the costs for FY 22. He said the intent is still to provide baseline operating funding for Fire Rescue, consistent with the volunteer funding policy. He said instead of going through a long, detailed analysis, the intent is to recommend funding as it is equitable to the change that takes place in the Fire Rescue department.

Mr. Bowman said when they look at the baseline operations expenditures that happen for the existing costs to Fire Rescue for their materials and supplies, building maintenance, and utilities, the same cost will be funded. He said if those were to go up 1%, 2%, or whatever it will be, the County would look to do the same for Volunteer Fire Rescue in lieu of going through a very detailed process.

Mr. Bowman said when he sends the information out in February, it will not be simply one number on a page they will look at due to the changes taking place in the system. He said as the chiefs are aware, the Board of Supervisors approved some service changes in the FY 21 budget process that will result in some increased costs in FY 21, as well as increased costs in FY 22. He said there is the SAFER grant, for example, that will be beginning midyear. He said while most of this is federally funded, some of the operating costs that will be in the current year will be partial in FY 21 and partial in FY 22.

Mr. Bowman said importantly, as he discussed with Chief Childress, when they get to February, it is a matter of how they come up with this number and what it includes for baseline operations. He said as he has talked about increases, he would not want to penalize Volunteer Fire Rescue if things went the other way, either. He said if for some reason there was a one-time cost in the Fire Rescue department budget they needed to take out, it needs to be equitable for Fire Rescue and volunteers in terms of how to treat that.

Mr. Bowman said much of this comes from direction from the Board and some of the changes made in the Volunteer Fire Rescue funding policy in recent years. He said they have provided for increases in grounds costs, janitorial costs, and building maintenance costs. He said it was not to say that the chiefs generate those numbers, but it is a matter of what is equitable for the County in terms of what they are providing for those services.

Mr. Bowman said they would still provide operating costs, but the process would look different in FY 22. He said beyond that, he did not know what the FY 23 process would look like. He said they do not know where they will be at that time following the changes that have happened in the last six months. He said he hopes they do see this more as a streamlined, one-year change that they are trying to make, and then they can revisit what needs to happen in the future.

Mr. Bowman said staff requests that the chiefs still provide Budget Form 3, which includes the one-time costs that are pursuant to the volunteer funding policy and are considered on a case-by-case basis. He said just as there has been in the past, he wants to make sure that they do (which is not just true for Volunteer Fire Rescue, but for other stations) is that existing materials, supplies, and other costs for things needed on a day-to-day basis are prioritized and funded first. He said beyond that, they will then work on a case-by-case basis for the one-time costs.

Mr. Bowman said if there are critical equipment needs that are in need of replacement or other things throughout the system for which one-time costs have been identified, they still want to be able to capture those to determine what needs to be done.

Mr. Bowman said in order to manage expectations, he would share that during the Great Recession, they were unable to fund many one-time costs. He said this was not necessarily the case for all one-time costs, as there may have been a couple they were able to take care of. He said as they have emerged from the recession and worked with the Board of Supervisors on the volunteer funding policy, they have done much more one-time costs. He said to the extent there are critical needs, they will certainly want to know what they are so they can program for them. He said he wanted to share this in terms of the historical perspective to manage expectations.

Mr. Bowman said additionally, in terms of managing expectations, he did not want to give the sense that they may be in some sort of situation that is exactly like the Great

Recession or even worse. He said they are just trying to figure out now where they will be. He said one of the challenges is that the majority of the County's revenues come from real estate tax revenues, and they will not know what this is until the real estate reassessment is completed in January.

Mr. Bowman said an interesting dynamic as part of the pandemic is that the commercial properties are much more volatile in terms of how the Real Estate Division puts together those reassessments. He said they will know more about this later, and that in this unpredictable environment, they do not have as much certainty to project what the revenues will be.

Mr. Bowman said the December tax collection will provide a good indication of what the collection rate is, as many people in the community are affected by the pandemic.

Mr. Bowman said when the chiefs receive the recommendations, they receive the line-item breakdown and what was provided for one-time costs. He said these are Forms 2 and 3.

Mr. Bowman said there is other required supplemental information staff requested from the chiefs in the past, which the chiefs compile to send back. He said they have the FY 20 actuals, historical information, the number of volunteers, and the crew schedule provided. He said the most recent audit lists a copy of this.

Mr. Bowman concluded his comment and offered to answer questions. He said more detailed instructions would come out in the following week. He said he, Ms. Mezzoni, and others will answer any questions as they come up while the forms are filled out.

Chief Alibertis asked who the chiefs could reach out to with specific questions.

Mr. Bowman replied that they could reach out to himself and Ms. Mezzoni and they will coordinate as needed. He said depending on the question, it may be more appropriate for Ms. Mezzoni to answer, and so if the chiefs can connect to both of them, they will make sure they receive responses.

VI. New Business

A. CAD Upgrade

Chief Puckett said there is a CAD upgrade scheduled for December 2020. He said they are currently working through testing and configuration. He said he does not think there will be much of a change for the chiefs as end users.

Chief Puckett said the biggest benefit he has heard about (which is still being tested) is a reconfiguration of the entire GIS process to bring it up to more current standards. He said when using CAD mobile, for example, the map is much more responsive. He said Mr. Damon Pettitt is still working through shifting everything over to the new formats, and so he has not yet seen the final version and how it responds. He said it should be much quicker, however, and hoped that this would actually be the case.

Chief Puckett said he did not know the exact upgrade date for December, but he will send out information about it. He noted that CAD will be down for a period of time as the upgrade goes through. He said he will also inform the chiefs if there are any other significant items that come out of that change, although he did not foresee any.

[Speaker unknown] said he was almost certain it was scheduled for December 1.

B. Bylaws

Chief Childress said Ms. Christina Davis recently looked at the bylaws and has identified a number of issues that they will need to talk about. She said one is that the bylaws call for elections every two years for the Chair and Vice-Chair, and because the last time this was done was in December of 2017, they were behind. She said the bylaws were attached to the agenda, and she wondered if anyone had thoughts on this or had taken a look at these attachments.

Chief Alibertis apologized that he had not looked at those.

Chief Childress said since they are supposed to be voted on in December, and that perhaps this should be voted on at the November/December combined meeting.

Chief Alibertis asked if Chief Childress had highlighted the things that needed to be taken care of other than elections in December.

Chief Childress added that Scottsville Rescue is still listed in the ordinance. She said the Apparatus Committee is not listed in the bylaws, but it exists. She said the Finance and Budget Committee exists in the bylaws, but does not exist in reality. She said there are a few things that need to be tweaked, and she was glad to make those adjustments for the board later, or they could talk about any of those things.

Chief Alibertis asked if this is something that has to go through the Executive Committee first, or if they could deal with it in the FEMS Board meeting.

Chief Childress replied that the Executive Committee needs to be reappointed as well. She said there are many things that the board has not taken a look at for a while, including officers and terms.

Chief Eggleston said it may be helpful if the document can be redlined and then sent out for review. He said he does not think they need the Executive Committee to move on the changes if they are small. He said the redlined document can be reviewed before the combined meeting, and they can move on it then if that suited everyone.

Chief Alibertis said this was reasonable.

Chief Childress said she would make sure nothing else in the document needed to be cleaned up and then would send it out to the board as soon as possible.

Chief Alibertis asked if this suited everyone. There were no objections made.

C. 2021 Tax Credit List

Chief Childress said Ms. Davis will be emailing out the 2021 tax credit lists the following day, October 29. She said these are due back to Fire Rescue by the 31st. She asked the chiefs look at the lists and make any deletions or corrections.

Chief Alibertis asked for clarification on the due date.

Chief Childress replied they are due on December 31. She asked to let her know if anyone needed assistance with those.

Chief Alibertis said he had neglected to ask if there were additional agenda items at the beginning of the meeting.

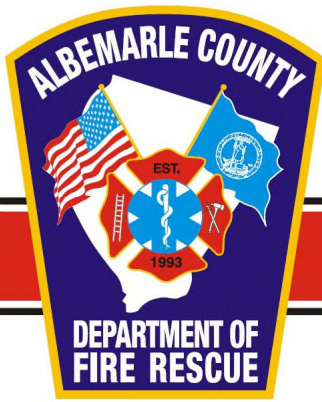
Chief Stephens said he had something to add. He said at North Garden Fire Company's October business meeting, they discussed in great length and voted to contact Albemarle County Fire Rescue to request staffing five days a week, 6:00 a.m. to 6:00 p.m., to staff an ambulance and cross-staff an engine. He said they drafted a letter and contacted Chief Eggleston and Chief Puckett, and that they met two weeks ago to share this with them. He said they did not request a specific date other than the fact that they realize that if it was a budgeted item, it would need to be budgeted.

Chief Stephens said they wanted to pursue this staffing due to increased call load, especially for medical services in their area on the Route 29 Corridor. He said they feel this will be beneficial to the citizens of the North Garden area and would help to supplement the daily staffing. He said it will not change their current responses at all. He said the membership (who voted unanimously) felt this was the best thing for the department and community. He said he wanted to share this with everyone to dispel any rumors that may be circulating.

VIII. Adjournment

MOTION: Chief Hahn moved to adjourn the meeting. Chief Stephens seconded the motion, which passed unanimously (8-0).

The FEMS Board adjourned their meeting at 1830 hours.



FIRE RESCUE

ALBEMARLE COUNTY

460 Stagecoach Road, Suite F Charlottesville, VA 22902-6489
Voice: 434-296-5833 FAX: 434-972-4123

www.ACFireRescue.org

ALBEMARLE COUNTY FIRE AND EMERGENCY MEDICAL SERVICES BOARD ATTENDANCE LOG

Date: Wednesday, October 28, 2020

VOTING MEMBERS (OR DESIGNATES)

Chief Dan Eggleston (Albemarle County): Dan Eggleston

Chief Virginia Leavell (CARS): Virginia Leavell

Assistant Chief Larry DeVault (Crozet): Larry DeVault

Chief Todd Richardson (Earlysville): Todd Richardson

Chief Danny Vanderploeg (East Rivanna): _____

Chief George Stephens (North Garden): George Stephens

Chief Michael Grandstaff (Scottsville Fire): Michael Grandstaff

Chief Dennis Hahn (Seminole Trail): Dennis Hahn

Chief John Vidovich (Stony Point): _____

Chief Kostas Alibertis (Western Albemarle): Kostas Alibertis



FIRE RESCUE

ALBEMARLE COUNTY

460 Stagecoach Road, Suite F Charlottesville, VA 22902-6489
Voice: 434-296-5833 FAX: 434-972-4123

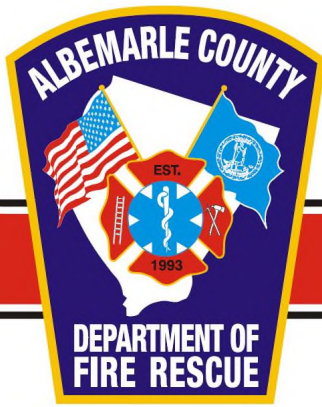
www.ACFireRescue.org

ALBEMARLE COUNTY FIRE AND EMERGENCY MEDICAL SERVICES BOARD ATTENDANCE LOG

GUESTS & OTHERS

Date: Wednesday, October 28, 2020

<i>Guest/Other</i>	<i>Organization/Agency/Affiliation</i>
<u>Christina Davis</u>	<u>ACFR</u>
<u>Steve Elliott</u>	<u>ACFR</u>
<u>David Puckett</u>	<u>ACFR</u>
<u>Heather Childress</u>	<u>ACFR</u>
<u>John Oprandy</u>	<u>ACFR</u>
<u>Howard Lagomarsino</u>	<u>ACFR</u>
<u>David Smalley</u>	<u>Unknown – Public</u>
<u>Alyssa Mezzoni</u>	<u>ACFR</u>
<u>Andy Bowman</u>	<u>Finance & Budget</u>
<u>Chip Walker</u>	<u>ACFR</u>
<u>Doug Walker</u>	<u>Assistant County Executive</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>



FIRE RESCUE

ALBEMARLE COUNTY

460 Stagecoach Road, Suite F Charlottesville, VA 22902-6489
 Voice: 434-296-5833 FAX: 434-972-4123

www.ACFireRescue.org

ALBEMARLE COUNTY FIRE RESCUE EMERGENCY AND MEDICAL SERVICES BOARD ACTION RECORD

AGENDA TITLE/ISSUE:	AGENDA DATE:
Consent Agenda	October 28, 2020
MOTION:	MOTION MADE BY: SECONDED BY:
Adopt the (redacted) recording of September 23, 2020 meeting to reflect the items discussed by this body and to provide transparency, but not as an approval of minutes	Chief Michael Grandstaff Chief Virginia Leavell
SUBSEQUENT MOTIONS/AMENDMENTS:	

CALL OF THE QUESTION:	Yes	No	Abstain
Chief Dan Eggleston (Albemarle County)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Virginia Leavell (CARS)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assistant Chief Larry DeVault (Crozet)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Todd Richardson (Earlysville)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Danny Vanderploeg (East Rivanna)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief George Stephens (North Garden)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Mike Grandstaff (Scottsville Fire)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Dennis Hahn (Seminole Trail)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief John Vidovich (Stony Point)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Kostas Alibertis (Western Albemarle)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby attest that the foregoing is true and complete to the best of my knowledge.

Christina Davis
 Clerk

10/28/2020
 Date



- Building the Model Volunteer-Career Fire & EMS System -



FIRE RESCUE

ALBEMARLE COUNTY

460 Stagecoach Road, Suite F Charlottesville, VA 22902-6489
 Voice: 434-296-5833 FAX: 434-972-4123

www.ACFireRescue.org

ALBEMARLE COUNTY FIRE RESCUE EMERGENCY AND MEDICAL SERVICES BOARD ACTION RECORD

AGENDA TITLE/ISSUE:	AGENDA DATE:
Adjournment	October 28, 2020
MOTION:	MOTION MADE BY: SECONDED BY:
To Adjourn	Chief Dennis Hahn Chief George Stephens
SUBSEQUENT MOTIONS/AMENDMENTS:	

CALL OF THE QUESTION:	Yes	No	Abstain
Chief Dan Eggleston (Albemarle County)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Virginia Leavell (CARS)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assistant Chief Larry DeVault (Crozet)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Todd Richardson (Earlsville)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Danny Vanderploeg (East Rivanna)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief George Stephens (North Garden)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Mike Grandstaff (Scottsville Fire)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Dennis Hahn (Seminole Trail)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief John Vidovich (Stony Point)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Kostas Alibertis (Western Albemarle)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby attest that the foregoing is true and complete to the best of my knowledge.

Christina Davis

10/28/2020

Clerk

Date



- Building the Model Volunteer-Career Fire & EMS System -

Meetings Under the Freedom of Information Act

1. Introduction

The Freedom of Information Act (FOIA) requires that the meetings of the County's boards, commissions, and other public bodies be open to the public. *Virginia Code § 2.2-3700 et seq.* These public bodies include committees appointed by the Board of Supervisors and subcommittees created therefrom. See the document entitled "Public Bodies Under the Freedom of Information Act."

2. Meetings

- A. **The rule of three.** A meeting may exist when three or more members of a public body are physically assembled for the purpose of discussing or transacting business; if a quorum of the public body is less than three, then a meeting exists whenever a quorum is established (*e.g.*, when two members of a three-member committee or subcommittee gather to discuss or transact business; also see the note in section 2(K)). During the COVID-19 disaster and while meetings are being held by electronic communication means, a meeting may exist when three or more members of the public body are assembled via those means.
- B. **A meeting may exist even if a quorum is not present.** A meeting may be established under FOIA even though a quorum is not established (*e.g.*, three members of a seven-member public body may establish a meeting under FOIA, even though 4 members are required to be present to establish a quorum).
- C. **A quorum is required to take action.** If a quorum is not established, the only action the public body may take at a meeting is to adjourn the meeting. Nonetheless, if those members present discuss the business of the public body, it is a meeting under FOIA.
- D. **Three members of a public body may gather and, if the purpose is not to discuss or transact business of the public body, it is not a meeting.** A meeting does not exist under FOIA when three or more members of a public body are assembled, but not for the purpose of discussing or transacting business of the public body, and the gathering or attendance was not called or prearranged with any purpose of discussing or transacting business of the public body (*e.g.*, at a dinner at which the business of the public body is not discussed; or the public forum, such as a VDOT informational session in which upcoming VDOT projects are discussed). However, beware that if this gathering is in public and you are observed, anyone who sees you may not know what is being discussed and may presume that you are discussing the business of the public body.
- E. **Consider a gathering to be a meeting even if only one of three members speak.** If three or more members of a public body have gathered, and one of them discusses the business of the public body (*e.g.*, three members of an advisory committee attend a meeting of the Board of Supervisors to present its work), assume that it is a meeting under FOIA. This approach is recommended because there is nothing in FOIA that requires a discussion to be verbal, meaning that inaction, silence, or head nodding could be perceived by others as agreement; head shaking or eye rolling could be perceived as disagreement.
- F. **Electronic communications between three or more members of a public body discussing the business of the public body is a meeting if conducted in "real time".** Electronic communications such as email, text, or chat communications between three or more members of a public body is a meeting under FOIA if the communications are conducted in real time, *i.e.*, communications close enough in time to one another to be relatively equivalent to a conversation. Electronic communications among three or more members is not a meeting where there are periods of time between each communication.
- G. **The business of the public body depends on the public body.** There are two elements to the business of a public body – one pertains to the subject matter and the other is temporal in nature. Regarding the subject matter, much of the business of the County has the potential to be the business of the Board of Supervisors because the subject matter of topics considered by the Board is broad in scope. By comparison,

the business of an advisory committee is limited to the specific topics within its charge. Regarding the temporal nature of a public body's business, if a matter is pending, or anticipated to soon be pending before the public body, then the matter is the public body's business (*e.g.*, a gathering of three members of the governing body of a baseball stadium authority at a press conference was a meeting, where the purpose of the press conference was to announce potential sites for stadium construction and financing schemes, because the press conference related to the business of the authority which still had to actually select the site and approve the financing). However, if the public body has already dealt with a particular item of business and there is no further pending or imminently pending matter related to it, the subject matter is no longer the business of the public body (*e.g.*, three or more Planning Commissioners attend and participate in the opening of a project it recommended to the Board of Supervisors for approval and there are no related applications pertaining to the project pending or imminently pending before the Planning Commission).

- H. **What is required if a gathering will be a meeting.** If a gathering of three or more members of a public body will be a meeting, FOIA requires that the date, time, and location of a public meeting be posted three working days prior to the meeting, unless the meeting is a special or emergency meeting of the Board of Supervisors, in which case the notice provided is reasonable under the circumstances. *Virginia Code* § 2.2-3707.
- I. **Minutes.** Minutes must be recorded at all open meetings of County public bodies except the meetings of any committees or subcommittees appointed by the Board of Supervisors (*e.g.*, advisory committees) unless the committee or subcommittee includes a majority of the Board of Supervisors. If minutes are required, they must at a minimum be in writing and include: (1) the date, time, and location of the meeting; (2) the members of the public body recorded as present and absent; and (3) a summary of the discussion on matters proposed, deliberated, or decided, and a record of any votes taken.
- J. **Additional requirements during the COVID-19 disaster.** See the document entitled "During the COVID-19 Disaster: Ordinance No. 20-A(14) Notices, Agendas, and a Meeting Record."
- K. **Note.** Whenever "three members" are referred to, the principles also apply to two members of a three-member committee or subcommittee because those two members are a quorum of that public body.

Public Bodies Subject to the Freedom of Information Act

1. Standing public bodies.

A *public body* is any legislative body, authority, board, bureau, commission, district, or agency of the County. *Virginia Code § 2.2-3701*. In Albemarle County, this definition includes the Board of Supervisors, the Planning Commission, the Board of Zoning Appeals, the Board of Equalization, the Board of Appeals, and any County authority.

2. Committees and subcommittees formed by public bodies.

Any committee, subcommittee, or other entity of a public body created to perform delegated functions of the public body or to advise the public body, are public bodies themselves. These include committees, subcommittees, or entities composed of private sector or citizen members. *Virginia Code § 2.2-3701*. This definition includes not only those committees established by the Board of Supervisors or any other County public body that are composed solely of a limited number of its own members (*e.g.*, if the Planning Commission establishes a committee composed of three of its own members to study a particular issue), but also those committees composed primarily of private sector or citizen members, including those established by ordinance such as the Agricultural and Forestal District Advisory Committee, and those *ad hoc* committees established by the Board of Supervisors such as the Community Advisory Committees, the Historic Preservation Committee, the Natural Heritage Committee, and all of the other Board-created advisory committees. Subcommittees created from these committees are also public bodies.

3. The two factors that determine whether a committee or subcommittee is a public body.

The two critical factors that determine whether a committee or subcommittee, including a citizens' advisory committee, is a public body are: (1) whether it was created by a public body; and (2) whether it was created to perform a function of the public body or to advise the public body. *AO-11-07*.

Thus, a committee composed of residents created by the Board of Supervisors to advise the Board on a particular issue is a public body because the Board is a public body, and committee is charged to advise the Board on a particular issue. Conversely, a committee composed of residents created by the County Executive to advise the County Executive is not a public body because the County Executive is not a public body, and the committee is neither performing any delegated functions of a public body nor advising a public body; instead, it is advising the County Executive. *See 1978-79 Va. Op. Atty. Gen. 316* (committee created by mayor); *AO-04-13* (farmers' market rules committee not a public body because it was established by the city manager to advise the city manager, not the city council). *AO-04-13; see also AO-07-13, discussing a range of different types of committees.*

As noted above, if a committee is a public body, then any subcommittee that its members create is also a public body if the subcommittee is performing delegated functions of the committee, or is created to advise the entire committee.

4. Summary.

Every public body, including advisory committees appointed by the Board of Supervisors that are charged to advise the Board, are public bodies subject to the Freedom of Information Act (FOIA). The meetings of public bodies are open to the public and must be conducted in compliance with the FOIA. *See companion information sheet.* A subcommittee formed from members of a committee created as a public body is also a public body.