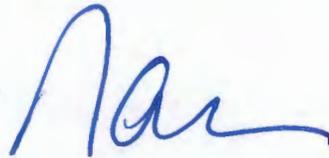


COUNTY OF YORK

MEMORANDUM

DATE: November 6, 2023
TO: York County Board of Supervisors
FROM: Neil A. Morgan, County Administrator
SUBJECT: Environmental Office Suggestion



At the October 17, 2023 Board of Supervisors meeting, a citizen suggested that the County establish an "Environmental Office" as part of the local government organization. Supervisor Green subsequently asked for me to provide the Board with more details regarding this idea. The following information is provided pursuant to the request.

General Observations Regarding National Environmental Policy and its Relationship to the County

With very few exceptions, environmental regulations and laws are controlled at the National and State level. In a Dillon Rule Commonwealth such as Virginia a County government has no authority to pass environmental rules and regulations unless specifically authorized by the state government. Most of the work that could reasonably be labeled as environmental at the County level involves implementing or enforcing rules and programs mandated by higher levels of government. Within the County organization, much of our environmentally oriented work is focused in the Department of Public Works. This would include sewer and stormwater activities, Chesapeake Bay regulations, and erosion and sediment control enforcement. The Department of Planning and Development Services has a lesser role in environmental work related to building regulation and zoning enforcement.

It may be useful to briefly review how environmental regulations have evolved in the United States. Much of the contemporary regulatory structure can be traced to Congress's enactment of the National Environmental Policy Act (NEPA) in 1969. For anyone interested in understanding this topic in greater detail, the book *Managing the Environment, Managing Ourselves* written by Professor Richard Andrews, University of North Carolina is recommended. I have a personal copy and would be happy to lend it to an interested reader. Since 1969 a range of programs and laws regarding air, water, and solid waste pollution have been enacted that include everything from landfill management to smokestack emissions and stormwater runoff. Some regulations are administered by Federal agencies such as the Environmental Protection Agency and the US Army Corps of Engineers. Others are delegated to state agencies such as Virginia's Department of Environmental Quality.

Many of these regulations impact York County. In some cases, the County must comply in order to receive grant funds. In other cases, enforcement authority is delegated to the County. Often, private businesses and individual property owners encounter the County

staff enforcing some of these delegated regulations.

Sometimes an environmental issue becomes locally controversial and citizens ask the County to take action where we have no jurisdiction. Just as our residents may get upset when we enforce delegated rules like the sewer sanitary consent order, others may be disturbed when they realize the County has no role in a matter that concerns them such as coal ash landfill regulations.

Organizational Structure Considerations

Although there are some localities that have a dedicated function for environmental protection, most localities with smaller populations and organizational structures do not. The cost and scale of County operations would have to be a major consideration if the Board wished to consider creating such an office. Unlike larger local governments, for cost and efficiency reasons we often group functions together for purposes of management oversight. Described above is how our current environmental responsibilities are mostly embedded in Public Works and Planning and Development Services. Also, there are many other examples: Parks and Recreation is a function within the Department of Community Services; Building Safety is a function within the Department of Planning and Development Services; and Budgeting is a function within the Department of Finance. Each stand-alone function comes with a price tag and a cost/benefit calculus.

What would be the Purpose of a Local Environment Office?

An important question is what would be accomplished by creating such an office in York County? What exactly would this office do? Beyond advocating for pro-environmental policies and going to meetings hosted by environmental groups, it would probably be necessary to reorganize other County government functions so that this office had substantive responsibilities. I do not see any obvious advantage to “rearranging the deck chairs” if it is done only as a symbolic statement. If current environmental responsibilities were moved to this function and away from other departments, current efficiencies would be lost and there would be significant disruption. Considering that state law does not allow the County to undertake its own environmental initiatives in most cases, it is not clear to me what new programs or areas of emphasis this type of unit could undertake. Under the current Board’s leadership and within the existing organizational structure, Environmental Stewardship has been established as one of six Board Strategic priorities. The budget document and the website provide details for those who might be interested. I believe this fact suggests there is no lack of focus on the environment under the existing structure.

Cost and Opportunity Costs

Any new bureaucratic unit would come with additional direct costs. For the sake of discussion, let’s assume that such a new staff unit was comprised of three full-time individuals. Taking benefits, equipment, and office space into account, it is hard to

imagine such an environmental office would cost less than \$250,000 annually. If, on the other hand, you assumed all positions were transferred from existing operations that would create a loss of efficiency and temporary organizational disruptions, it is unlikely any substantial impact would be achieved.

Perhaps more important than any concern about new direct costs would be concern about the opportunity cost of such an undertaking. In other words, at any given level of County spending what other programs or services would be given up to create this new function? While there are many other examples, a few would include the cost of two law enforcement deputies, two and a half Fire and Life Safety personnel, fifty percent of a stormwater crew, or the annual debt service on capital projects worth \$2.5 million. Are there any of these expenditures that the Board and our citizens would prefer over a new environmental office? I suspect the answer would be yes. From my vantage point, any and all of those expenditures would be higher priorities.

Conclusion

I believe the County's current environmental responsibilities are well-managed and occurring at an appropriate scale for a community of our size. Although it is certainly possible that more resources could achieve positive results, that possibility must be weighed against other priority expenditures that this community would more than likely see as higher priorities.

COUNTY OF YORK

MEMORANDUM

DATE: November 9, 2023

TO: York County Board of Supervisors

FROM: Neil A. Morgan, County Administrator 

SUBJECT: Princess Cruise Lines' Interest in Yorktown

Introduction

Over the last few months, the topic of Princess Cruises calling on Yorktown has generated concerns and controversy. It became an election topic and one of the more popular citizen comment items at Board of Supervisors' meetings. Staff and Board members have often found themselves responding to questions about Princess that only the company could accurately answer. The purpose of this memorandum is to tell the Board and the public everything staff knows about this topic from my vantage point as County Administrator.

History

During my time, the County and its agencies have never actively pursued ports-of-calls from large cruise ships. We have successfully encouraged smaller cruise ships, other maritime attractions, and military vessels to visit the Yorktown waterfront.

During the summer of 2022, I received several phone calls from local architect Greg Brezinski about the possibility of a major cruise line wanting to come to York County. Despite my curiosity, he was not authorized to disclose who he represented at that time. Initially, he asked about various locations and seemed to be thinking of a terminal rather than just a port-of-call. I explained to him why the National Park Service-owned "picnic area" would not be practical for that purpose, and that, more generally, there was no place in Yorktown that could handle the scale of an actual terminal. I suggested he look at the Dominion Energy and Plains' properties if the company was serious about an actual terminal. He later indicated that they were not available, as we suspected they would not be.

In one of our later conversations, he reported that he was having discussions with the Watermen's Museum, and there was some interest from its Board in using that property as a port-of-call, but not as a terminal. On one occasion, he asked if I would attend a meeting, or invite Board members to a meeting, on this specific idea. I explained to him that I was not willing to attend or invite others unless I first met with a principal from the company and was advised what company was exploring this idea.

Ultimately, Mr. Brezinski agreed to organize a meeting with a representative of the company and me. On August 26, 2022, I met and talked with John Padgett, who I learned was the President of Princess Cruises and a former York County resident. Also in

attendance were Mr. Brezinski and Gray Bowditch, representing the Watermen's Museum. At that time, I was asked not to publicly divulge the name of the company and I agreed not to, respecting their status as a confidential business prospect, which is a normal business practice.

Mr. Padgett explained his vision for Yorktown as a Princess visitation venue and their preliminary idea to redevelop the museum site as the port-of-call hub to offer historic tour excursions in the region. While expressing interest and acknowledging the potential upside for the County and the region, staff and I identified most of the questions and concerns we have since heard articulated by local opponents of Princess' interest in Yorktown. We wondered about the impact on the Coleman Bridge, the Navy, the National Park Service, and Yorktown residents; whether our infrastructure was adequate for what was envisioned; as well as other topics, such as environmental permitting and any potential for disturbing colonial shipwrecks.

Mr. Padgett provided meaningful responses to most of the concerns we articulated. He acknowledged that all of the questions were reasonable, and summarized how similar issues had been addressed in other locations. We did focus on what seemed to be one of the larger potential problems, which would be the construction of a major pier at the museum that would bring the large ships very close to shore and require Coleman Bridge lifts.

It was at this meeting that the idea of the ships remaining anchored in the river and tendering to piers in Yorktown was first discussed. Mr. Padgett agreed that might be a practical and less objectionable scenario, which he committed to explore. There was still interest in the redevelopment of the Watermen's Museum, although some doubt about the pier idea began to emerge.

During the fall of 2022, Princess hired Mr. Frank Wagner to advise and assist them. Mr. Wagner called and informed me that he was working with Princess, and that one thing he was focusing on was the opportunity to seek state funding, primarily to support the improvements envisioned at the Watermen's Museum and the infrastructure needed to function as a cruise ship port-of-call. Although staff did not participate in any meetings with General Assembly members or the Governor's administration, Mr. Wagner reported that he was engaged in such discussions.

As a result of those discussions, Mr. Wagner recommended that a letter from the County requesting funding would help secure such assistance. Staff and I prepared various draft letters that were commented on by Mr. Wagner and others more familiar with Princess, the Watermen's Museum, and General Assembly dynamics. After conferring with all five members of the Board of Supervisors, the January 4 letter was signed by outgoing Chairman Noll and incoming Chairman Shepperd and distributed to our General Assembly delegation. Despite suggestions by some critics that this undertaking was done in secret, the letter was immediately put in the Board's Weekly Correspondence package and has been transparently available for the past ten months. (Attachment #1)

During the spring and summer of 2023, the primary focus of activity related to Princess, from the County's standpoint, was work connected to next year's announced three-ship visit schedule, which would utilize the County piers for tendering. I sent the Board an updated memo on April 28, 2023, which was also made publicly available immediately thereafter. (Attachment #2)

Late this summer, once the State approved its adjusted FY24 budget, we learned that \$7.5 million was provided for future work related to Princess and the Watermen's Museum. (Attachment #3). It will be some time before we understand all of the rules and conditions associated with those funds, which require various reviews by State agencies. Although exactly how the language emerged from the General Assembly is unknown to me, I had advocated to Princess lobbyists that the money should not be granted directly to the Watermen's Museum but rather required to pass through the County or its Economic Development Authority (EDA). It was my view that this would give the County greater control over what could happen in terms of physical improvements, and it also recognized that the County was better equipped to manage a complex grant. While it remains to be seen how and when these funds can be successfully used, it needs to be said that it is highly unusual that a local government receives a special appropriation of State funds of this magnitude, and that is significant.

The staff's biggest disappointment in how the news of Princess has unfolded is the frustratingly long time it took for Princess to organize a community meeting to tell their story and answer questions that everyone understood needed answers. Princess representatives had acknowledged the need for such a meeting from the first conversation I had with them. The eight months between the public's awareness of Princess' interest and the first meeting held in August 2023 created a situation where concerned citizens could not have their questions accurately answered. It put staff in the position of attempting answers based on their best understanding of what was known at that time while waiting for a community meeting. This dynamic created an information vacuum that was partially filled by various theories, accusations, and exaggerations that contributed to public angst regarding this matter. Personally, I found Mr. Padgett's information credible and specific in my one direct meeting with him, as well as during his portion of the community meeting. I did not find the portion of the meeting associated with a forty-year-old TV show to be helpful.

Current Situation

What we know as of now is that Princess is planning and marketing three to five one-day visits during the warm weather months of 2024 and 2025 as a pilot program. The Coast Guard has approved an anchorage location in the river, and visitors will be tendered to and from the County's Yorktown pier complex. Princess has honored certain restrictions the County has imposed on visits – staying away from weekends and major event days. A security plan has been approved by the Captain of the Port (Coast Guard and other federal agencies). All County costs related to implementing the security plan will be covered by any foreign-flagged ships that dock or tender to the County piers. County staff and Princess representatives have coordinated with various regional tourist-oriented destinations so that visitors can visit those sites of interest as part of their experience. We

believe that the phased arrival and departure of visitors and off-site staging of buses at the American Revolution Museum at Yorktown and the Watermen's Museum will create a positive experience for visitors, and be less disruptive to local residents than many current Yorktown activities, such as Thursday night concerts.

The limited and short-duration visits currently planned will allow Princess, the County, and receiving businesses and museums to adjust, based on experience. It will also allow everyone in York County to see for themselves whether these visits are a net positive for the community.

Potential More Permanent Arrangement

We have recently confirmed that the company now believes a docking facility at the Watermen's Museum is ill-advised. It would require cruise ships to pass the Coleman Bridge, bring the large ships close to shore, and be quite expensive to permit and construct. However, they still have a vision of redeveloping the Watermen's Museum in a manner that would create new facilities for the Museum and for cruise ship visitors arriving or departing by tender.

If this vision materializes in the future, that would likely be where the bulk of specially-appropriated State funds would be deployed. A decision to move forward with something like that would involve a multi-year design and construction process. In addition to administrative regulations through the site plan and building code, such a facility could not proceed without use permits that would give the County and all interested parties the opportunity to impose conditions, scrutinize the project, and ultimately approve or reject the concept. This scenario would only materialize if the cruise ship visits over the next couple of years prove to be popular to cruise customers and palatable for our community.

Concluding Comments

An information vacuum during much of 2023 has conflated what might otherwise be viewed as a positive opportunity into a topic of concern for some. Although certainly unintentional, it has made the challenge of going forward larger than it should have been. Hopefully, there will be a better flow of information between Princess, the County, State agencies, and interested citizens in the future. For now, what we know is that three ships are coming for one-day weekday visits in 2024. The ship will be anchoring in the river, and tendered passengers will be incrementally disembarked from the County pier system, similar to "The World" visits this past fall and also back in 2002 when they visited for the first time.

Fuller/3504

Attachments:

- Letter from January 4, 2023 - Board of Supervisors Information Folder dated January 6, 2023
- Memorandum from April 28, 2023 - Board of Supervisors Information Folder dated April 28, 2023

COUNTY OF YORK

MEMORANDUM

DATE: January 4, 2023
TO: York County Board of Supervisors
FROM: Neil A. Morgan, County Administrator 
SUBJECT: Special Appropriation Request - Virginia General Assembly

The attached letter was sent to the following State Representatives seeking assistance in securing funds for a newly proposed partnership between the Watermen's Museum, Princess Cruise Lines, and the County to construct a cruise ship pier facility in Yorktown.

- Delegate Amanda Batten
- Delegate A.C. Cordoza
- Senator Mamie Locke
- Senator Monty Mason
- Delegate Michael Mullin
- Senator Thomas Norment

Please contact me if you have any additional information regarding this proposal.

Schott/3326

COUNTY ADMINISTRATOR
Neil A. Morgan



BOARD OF SUPERVISORS
Walter C. Zaremba
District 1
Sheila S. Noll
District 2
W. Chad Green
District 3
G. Stephen Roane, Jr.
District 4
Thomas G. Shepperd, Jr.
District 5

December 20, 2022

The Honorable Amanda Batten
Delegate
Virginia General Assembly
Room W432
P.O. Box 406
Richmond, VA 23218

Dear Delegate Batten:

York County needs your assistance in securing funds from the Commonwealth for a newly proposed cruise ship port-of-call tender pier facility in Yorktown. A proposed partnership with the Watermen's Museum and York County with a commitment from Princess Cruise Lines for a multi-phased facility development is envisioned. We are requesting a \$15 million special appropriation for the initial phase to support this major cruise line tourism commitment to Yorktown. With your help, it is the intent of Princess to initiate service during 2024 via shore tender operations. Over several years a new pier could be constructed and the Watermen's Museum campus would be completely reconfigured. The Commonwealth's funds would be used for pier construction and transportation improvements required by VDOT to support the tourism commitment.

There are two interrelated aspects to this project important for your understanding. Most importantly, the visitors arriving at Yorktown would be immersed with history-themed tours. Over the course of a year, thousands of additional tourists would contribute to the Greater Williamsburg economy, benefiting regional attractions, and generating revenue for both the Commonwealth and multiple local governments.

Within the next decade, Princess volume would create the economic value necessary to progress to a second phase cruise ship pier at York County's discretion. The number of cruise visits with York County's support could grow from six per year to an increase in frequency over time, with corresponding increases in visitation. Princess Cruise Lines has a unique system of crowd management which would allow passengers to access land in an orderly manner with minimal impact on the local infrastructure.

The second aspect of the proposal is the opportunity to reimagine and reconstruct the Watermen's Museum. With revenue generated from cruise lines, the non-profit museum can improve the experience and overall educational content.

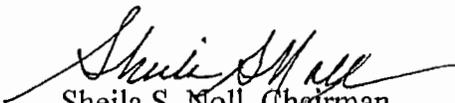
224 Ballard Street • P.O. Box 532 • Yorktown, Virginia 23690-0532 • (757) 890-3320
Fax: (757) 890-4002 • TDD (757) 890-3621 • Email: bos@yorkcounty.gov
A Hampton Roads Community

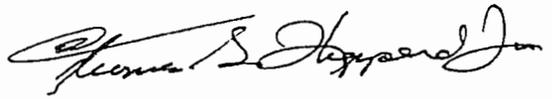
The Honorable Amanda Batten
December 20, 2022
Page 2

The Watermen's Museum will be able to expand its educational contributions, providing more in-depth, year-long programs that support primary, elementary, and high school SOL standards in science and history, specifically in maritime trades, colonial-period culture, and the American Revolution. The reimagining of the Watermen's Museum would also strengthen the region's museum offerings, further enhancing the visitor experience.

Please contact us or the County Administrator if we can provide more information as you consider this important request. Thank you for your dedicated service to the Commonwealth.

Sincerely,


Sheila S. Noll, Chairman
York County Board of Supervisors


Thomas G. Shepperd, Jr., Vice Chairman
York County Board of Supervisors

Copy to: Neil A. Morgan, County Administrator

COUNTY OF YORK

MEMORANDUM

DATE: April 28, 2023
TO: York County Board of Supervisors
FROM: Neil A. Morgan, County Administrator
SUBJECT: Princess Cruises Preparations and Ports Research



As the planning and coordination for the Yorktown Princess Cruises pilot program is underway for 2024, staff has put together a timeline of preparations, and activity/accomplishments and compiled research on other locations' ports and cruise ship docking experiences.

Timeline: Preparations and Activity to Meet Marine Transportation Security Act of 2002 (MTSA) Compliance

- March 7, 2023 – Meeting with USCG Waterway Division for initial pier assessment at the Riverwalk Landing Piers
- March 22, 2023 – Meeting with USCG Sector Virginia, Homeland Security, FEMA to discuss the new rules and regulations in Norfolk
- April 5, 2023 – Initial cybersecurity meeting with Clint Theobald from USCG Sector Virginia, Department of Homeland Security, via Zoom
- April 12, 2023 – In-person meeting for cybersecurity with Clint Theobald and USCG reps, Cyber Director, as well as with IT Deputy Director and Chief in Yorktown and at Riverwalk Landing Piers
- April 12, 2023 – Meeting with the Watermen's Museum Executive Director and Board members to discuss grant opportunities
- April 13, 2023 – Ports Security and Emergency Response Demo at ODU Sailing Center in Norfolk
- April 13, 2023 – Follow up walk-through with Clint Theobald to help write up cyber plan for our Facility Security Plan (FSP)

Accomplishments and Next Steps:

- Staff is working on updating our Facility Security Plan (FSP) which is 90% of what needs to be accurately completed to obtain our MTSA regulation status.

- The new requirements for cybersecurity have been the hardest part, but after our last meeting with Clint Theobald and the York County IT team, we have the information and are starting to build that into our FSP.
- Building a list of needs to logistically be MTSA compliant and costs associated to apply for the FEMA Ports Security Grant. This grant, up to \$25,000, does not have to be matched by the applicant. Evaluating cyber needs for security, new radios to be used exclusively for operations when cruise ships are here, barricades for the docks, along with proper signage, etc., with a goal to keep below the \$25,000 threshold.
- Submittal information and new FSP ready by August 1 with a goal for approval by the USCG and compliance granted by September 2023.
- Planning for October Cruise Ship World Arrival to serve as a possible test of our systems and security measures in preparation for the Princess Cruises arrivals in 2024 and beyond.
- February 24, 2023 – Zoom meeting with AFR Tours, the Shore Excursion provider for Princess Cruises to discuss the tours to be offered.
- Staff has facilitated contact between the tour company and Yorktown attractions/businesses to provide details for destination experiences.
- May 31, 2023 – Scheduled logistics meeting to review bus staging areas and other related details.

Coordination with Princess Cruises

- Working to finalize 2024 pilot program dates.
- Staff continues to be in communication with the Princess Cruises Port Operations Team to identify dates that work for both the cruise line and the County.
- Staff continues to work with the communications team/director in announcing the 2024 pilot program details and have offered to assist in hosting a press event.
- Dates have been requested to hold local town hall meetings with the principal of Princess Cruises.

We have established dialogue with other ports to understand other ports' experiences, successes, and challenges as well as fees and structure. While this is only a small sample

of cruise ship experience, staff continues to reach out to other localities. We will continue to develop research and follow up as it is received.

Given the status of the state budget, we have no information regarding any possible grant and we will need to await further developments regarding any activity concerning a permanent facility suggested for the future.

Olsen/3525

Attachment:

- February 9, 2023 Press Release



**Yorktown, Va., to be Featured on Princess' 2024 Schedule,
First Major Oceangoing Cruise Line to Visit Virginia's Historic Triangle**

***America's Earliest Settlements, Revolutionary War Sites and Charming Small Towns
Provide Guests with Unique Experiences Ashore***

SANTA CLARITA, Calif. (February 9, 2023) -- For the first time ever, Princess Cruises will call at Yorktown, Va. and Virginia's Historic Triangle, as part of a series of custom-curated itineraries in summer 2024 that will highlight opportunities to experience Colonial Williamsburg and Jamestown in addition to visiting the historic seaside town.

Princess Cruises is planning five day-long calls – three via Island Princess (2,200 guests/900 crew) and two via Emerald Princess (3,080 guests/1,200 crew) – that will result in a significant economic impact to the region, which has played an important role in American history.

Additional details, including specific sailing dates, itineraries and shore excursions, are expected to be announced in the coming weeks.

"Princess is already well known for our unique itineraries that appeal to our guests who gravitate toward interesting historical and cultural opportunities and Yorktown is perfectly in tune with that philosophy, offering not only a glimpse at the Revolutionary War but also dining, shopping and activity options with wide-ranging appeal. It's a win-win for everyone," said John Padgett, president of Princess Cruises.

Padgett added that the new itineraries are even more significant as interest builds ahead of events and festivities across Virginia to commemorate the 250th anniversaries of the Revolutionary War and the Declaration of Independence.

"Our community is rooted in history and it is an important part of our visitor mix. We are honored that Princess Cruises sees the value in bringing their customers to Yorktown," said Kristi Olsen-Hayes, Director, York County Economic & Tourism Development. "Additional visitors coming to our area via the cruise line would contribute to the region's economy, benefiting retail, restaurants, and regional attractions, as well as generating revenue for both the Commonwealth and multiple local governments."

As the first major cruise line to call on the region, Princess understands and appreciates the significant role it plays in boosting area tourism and, as it does with other homeport and port of call communities, the company will work with local tour operators to showcase the attributes of this fascinating historical region while benefiting local residents.

"We couldn't be more excited about this incredible opportunity to add this truly unforgettable destination experience to our already impressive array of itineraries," said Padgett. "As a native Virginian myself, I can attest that an itinerary that offers the chance to visit Colonial Williamsburg, Jamestown and Yorktown promises to be a most welcome addition for our guests, providing them memorable vacation experiences that they can't find anywhere else."

Yorktown offers 300 years of history from revolutionary battlefields to 18th Century homes. Picturesque streets provide the backdrop for art galleries, antique and specialty shops, while attractions like the Watermen's Museum offer hands-on programs and exhibits for all ages. Entertainment, including Fifes and Drums performances, abounds, and visitors can stroll along the scenic riverwalk lined with charming restaurants and shops that offer a view of the York River.

Sure to be a popular shore excursion, a visit to Colonial Williamsburg will allow guests to discover why this was the capital of Virginia and the largest, most prosperous American colony. Men and women from all walks of life strolled these streets, and Princess guests will follow in their footsteps as they re-trace history. They'll also explore dozens of original buildings, homes, and shops reconstructed on 301 acres – most on their original foundations. Rare animal breeds, historic trades, and lovingly restored gardens add layers of authenticity to the Colonial Williamsburg experience. Guests will feel as if they've traveled back in time.

Guests opting to visit Jamestown, just a short, 30-minute motorcoach ride from the port, will be captivated by the history behind the original site of the first permanent English settlement in North America and the story of the role of the three cultures - European, North American and African - that came together to lay the foundation for a uniquely American form of democratic government, language, free enterprise and society.

Princess Cruises sails to more than 330 incredible destinations around the world. More information is available through a professional travel advisor, by calling 1-800-PRINCESS (1-800-774-6237) or by visiting the company's website at www.princess.com.

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About Princess Cruises

Princess Cruises is The Love Boat, the world's most iconic cruise brand that delivers dream vacations to millions of guests every year in the most sought-after destinations on a fleet of 15 ships that offer elite service, personalization and simplicity customary of small, yacht-class ships. Well-appointed staterooms, world class dining, grand performances, award-winning casinos and entertainment, luxurious spas, imaginative experiences and boundless activities blend with exclusive Princess MedallionClass service to create meaningful connections and unforgettable moments in the most incredible settings in the world - the Caribbean, Alaska, Panama Canal, Mexican Riviera, Europe, South America, Australia/New Zealand, the South Pacific, Hawaii, Asia, Canada/New England, Antarctica, and World Cruises. The company is part of Carnival Corporation & plc (NYSE/LSE:CCL; NYSE:CUK).

Newsroom:

Additional media information is available at princess.com/news

Media Contacts:

Vicki Johnson, +1 407-340-9658, vjohnson@princesscruises.com

Briana Latter, +1 661-753-1538, blatter@princesscruises.com

COUNTY OF YORK

MEMORANDUM

DATE: November 10, 2023
TO: York County Board of Supervisors
FROM: Neil A. Morgan, County Administrator
SUBJECT: Rules of Procedure - 2024



In preparation for the Board's 2024 Organizational Meeting (to be held on Tuesday, January 2, 2024), I have attached the 2023 Rules of Procedure for your review with proposed amendments as suggested by the County Attorney, and staff, and including minor wordsmithing/formatting updates.

Proposed Revisions

- Section 1-3.1 Annual Strategic Retreat. The Annual Strategic Retreat is being changed to February 2, 2024, as requested by the Board of Supervisors.
- Section 1-9 Remote Participation in Board Meetings. Incorporation of Section 2.2-3708.3 related to specific guidance from the Virginia State Code.
- Section 4-1 Speakers – To maintain meeting order and record public speakers' details, this change will better explain the registration process for those wishing to address the Board of Supervisors. This will ensure an orderly meeting.
- Section 5-5.1 Citizens Comment Period - The County Attorney recommends removing the requirement that a speaker may only speak on the same subject three times in any 12-month period.

As a reminder, the Rules of Procedure can be amended anytime within a calendar year. I ask that you review the document as soon as possible and let Heather Schott know of any proposed amendments you wish to make by December 15, 2023. This will allow our office to process the January 2 agenda.

Schott/3326

Copy to: Supervisor-Elect Wayne Drewry
Supervisor-Elect Douglas Holroyd
Mark L. Bellamy, Jr., Interim County Administrator
Brian P. Fuller, Assistant County Administrator

YORK COUNTY BOARD OF SUPERVISORS
RULES OF PROCEDURE
As Amended through ~~January 3, 2023~~ [January 2, 2024](#)

SECTION 1 - MEETINGS

Section 1-1 When and Where Regular Meetings are Held

The time and place of regular meetings of the Board of Supervisors shall be established at each annual meeting which shall be held in the Board Room, York Hall, on the first Tuesday in January of each year at 6:00 p.m., EST and DST. Subsequent regular meetings shall be called to order at 6:00 p.m., EST and DST in the East Room, York Hall, on the first Tuesday of each month, and in the Board Room, York Hall, on the third Tuesday of each month with the following exceptions:

First Tuesday in July and November—no Regular Meeting held

Should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Section 15.2-1416 of the Code of Virginia, as amended.

If the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for board members to attend a regularly scheduled meeting, the meeting shall be continued to the following Tuesday at 6:00 p.m. in either the Board Room or the East Room, York Hall, whichever being the location of the meeting being rescheduled. Such findings shall be communicated to the members of the Board and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required.

Section 1-2 Adjourned and Special Meetings

The Board of Supervisors may hold such adjourned meetings, special meetings, or work sessions, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time as it may find convenient and/or necessary. As a general rule, no work sessions will be conducted during the months of July or August other than those which may occur at the beginning of a regular meeting. If a special meeting of the Board of Supervisors should be deemed necessary, it shall be called pursuant to Section 15.2-1417 and 15.2-1418 of the Code of Virginia, as amended.

Section 1-3 Annual Meetings

The first meeting is held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting.

Section 1-3.1 Annual Strategic Retreat

The Board of Supervisors will hold its Annual Strategic Retreat at 8:00 a.m. on ~~the last Friday of January of each year~~ [February 2, 2024](#), at a place to be agreed upon no later than the Board's Annual Meeting.

Section 1-4 Quorum and Method of Voting

At any meeting, a majority of the supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a viva voce vote of a majority of the supervisors voting on any such question unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded. The Board of Supervisors has elected not to have a tiebreaker as provided for by the Code of Virginia, and a tie vote on any motion shall be considered defeated as provided for in Section 15.2-1420. When a motion is made for a resolution to approve an application or request for a rezoning, special use permit, or other matter before the board and the subject of the public hearing, the failure of such motion shall be deemed equivalent to the adoption of a resolution to deny the application, request or other pending matter, and no further resolution to deny need be entertained.

Section 1-5 Procedure for Roll Call for Board Members

- (1) The Chairman of the Board of Supervisors shall cast the last vote.
- (2) The Members of the Board of Supervisors shall cast votes in district order on a rotating basis.

Section 1-6 Members Absenting Themselves from Meeting Prior to Adjournment

After the name of any member of the Board has been recorded as present at any meeting of the Board, the member shall not leave the meeting previous to adjournment unless by consent of the Board.

Section 1-7 Board to Sit with Open Doors

The Board of Supervisors shall sit with open or unlocked doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board may hold closed meetings as provided in the Virginia Freedom of Information Act.

Section 1-8 Closed Meetings

A closed meeting shall be held when necessary.

Section 1-9 Remote Participation in Board Meetings

A member of the Board may participate in a meeting of the Board through electronic communications from a remote location that is not open to the public as provided in Code of Virginia §§ 2.2-3708.2 [and 2.2-3708.3](#) subject to the following requirements:

(1) On or before the date of a meeting a supervisor wishing to participate from a remote location in a meeting of the Board shall notify the Board Chair that the supervisor is unable to attend the meeting due to:

- a. a personal matter, identifying with specificity the nature of the personal matter, or
- b. notify the Board Chair that a temporary or permanent disability or other medical condition that prevents the supervisor's physical attendance or a family member's medical condition that requires the supervisor to provide care for such family member, thereby preventing the supervisor's physical attendance.

(2) If remote participation is approved, regardless of the reason, the Board shall record in its minutes the remote location from which the absent supervisor participated, which remote location need not be open to the public. If remote participation is approved by reason of a personal matter, the minutes shall identify the specific nature of the personal matter cited by the supervisor. If remote participation is by reason of a temporary or permanent disability or medical matter, the Board's minutes shall record that the member participated through electronic communication means because of a disability or medical condition that prevented his attendance or because a family member's medical condition required the supervisor to provide care for such family member, thereby preventing the supervisor's physical attendance. If the absent supervisor's remote participation is by reason of a personal matter is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Board's minutes with specificity.

(3) Remote participation by reason of a personal matter shall be limited in each calendar year to two meetings, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

(4) A quorum of the Board must be physically assembled at the primary or central meeting location.

(5) The Board shall make arrangements for the voice of the absent supervisor to be heard by all persons in attendance at the primary or central meeting location.

(6) In the event of a declaration of emergency issued by the Governor in accordance with Code of Virginia section 44-146.7 or by the Board in accordance with Code of Virginia section 44-146.21, and for the duration of the emergency, the Board may meet without a quorum physically assembled at one location as provided in Code of Virginia section 2.2-3708.2(A)(3), provided that the catastrophic nature of the declared emergency makes it impractical or unsafe to assemble a quorum in a single location, and the purpose of the meeting is to provide for the continuity of County operations or the discharge of the Board's lawful purposes, duties, and responsibilities. In such event, the Board shall give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with notice provided to members of the Board; make arrangements for public access to the meeting through electronic communication means, including videoconferencing if available,; and provide the public with the opportunity to comment at the meeting if the meeting is one at which public comment is

customarily received. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

SECTION 2 - OFFICERS

Section 2-1 Election and Term of Chairman and Vice Chairman

At the annual meeting of the Board of Supervisors, the Board shall elect from its membership a Chairman and Vice Chairman, each of whom shall serve for a term of one year expiring on December 31, or until their respective successors shall have been elected. In the case of the absence from any meeting of the Chairman and Vice Chairman, the members present shall choose one of their number as temporary Chairman.

Section 2-2 Chair May Administer Oaths

The Chairman shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-3 Clerk

The Clerk of the Board shall be the County Administrator, whose duties and responsibilities shall be those set forth in State law or delegated by the Board of Supervisors.

Section 2-4 Parliamentary

The County Attorney shall serve as the Parliamentary.

Section 2-5 Preservation of Order

At meetings of the Board, the presiding officer shall preserve order and decorum.

SECTION 3 - CONDUCT OF BUSINESS

Section 3-1 Order of Business

At regular meetings of the Board held on the first Tuesday of each month, the order of business shall be as follows unless the Board, by unanimous consent or by a resolution adopted at a prior meeting, agrees to a modification:

- (a) Call to Order
- (b) Roll Call of Members
- (c) Work Session
- (d) Consent Calendar
- *(e) Open Discussion

At regular meetings of the Board held on the third Tuesday of each month, the order of business shall be as follows unless the Board by unanimous consent or by a resolution adopted at a prior meeting agrees to a modification:

- (a) Call to Order
- (b) Invocation
- (c) Pledge of Allegiance
- (d) Roll Call of Members
- (e) Presentations
- (f) Citizens Comment Period
- (g) Reports, Requests, and Recommendations of the County Attorney
- (h) Reports, Requests, and Recommendations of the County Administrator
- * (i) Matters Presented by the Board
- (j) Public Hearings - 7:00 p.m.
- (k) Unfinished Business
- (l) Consent Calendar
- (m) New Business
- (n) Closed Meeting

*This time is generally used for individual Board members to share information with other members of the Board and the public. Items presented under this heading requiring action will be for future agenda items or for additional information from staff members only. No item presented under this heading or at any point during the meeting will be acted upon at the meeting at which presented unless it is with the unanimous consent of the Board that the item be put on the floor for action. However, such item shall be scheduled for Board action at a subsequent meeting within a reasonable period of ~~time-based~~time-based upon a majority consent of the Board or unless withdrawn by the advocate Board member.

Prior to the agenda being prepared, a member of the Board may contact the Clerk and have an item included under this heading. The County Administrator shall prepare a memorandum which will inform other members of the Board of the particulars pertaining to this item.

Section 3-1.1 Consent Calendar

The Consent Calendar shall be introduced by a motion "To approve the Consent Calendar," and shall be considered by the Board as a single item.

On objection by any member of the Board of Supervisors to the inclusion of any item on the Consent Calendar, that item shall be removed from the Consent Calendar forthwith. Such objection may be recorded at any time prior to voting on the motion to approve the Consent Calendar. All such items shall be considered individually, in the order in which they were removed, immediately following consideration and adoption of the Consent Calendar. Notwithstanding, a Board member may ask for discussion of one or more items of the Consent Calendar without removal of that item from the Consent Calendar.

Approval of the motion to approve the Consent Calendar shall constitute approval,

adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

Section 3-2 Manner of Addressing Board Generally; Speaking Only on Question Before Board

- (1) Any person, including Board members, who speaks to the Board shall address the Chair and shall confine comments to the question before the Board.
- (2) No person in attendance at a meeting of the Board shall be permitted to address the Board while the members are considering any motion, resolution or ordinance preliminary to a vote on the same, except at the discretion of the Chair.
- (3) During those times when the public is addressing the Board, the Chair shall appoint a timekeeper who shall notify speakers and the Board that the allotted time for addressing the Board has expired. Speakers shall conclude their remarks at that time unless the consent of the Board is affirmatively given to extend the speaker's allotted time.
- (4) All presentations to the Board shall normally be limited to no more than 10 minutes, except as hereinafter provided.

Section 3-3 Use of Offensive Language or Gestures; Sectarian or Political Discussion

No member of the Board shall, in debate at any meeting of the Board, use any language or gesture calculated to offend or insult another member. ~~o~~No discussion of a sectarian or partisan character shall be allowed at meetings of the Board.

Section 3-4 Priority in Speaking to Board

When two or more members of the Board wish to speak at the same time, the Chairman shall name the one to speak.

Section 3-5 Speaking More than Once on Same Subject

In any debate before the Board, no member of the Board shall speak more than once on the same question until all the others have spoken who desire to do so unless by consent of the Board.

Section 3-6 Form of Petitions, etc.

Every petition, communication, or address to the Board shall be in respectful language and, except in cases where it is otherwise allowed, shall be in writing.

Section 3-7 Motions

No proposition shall be entertained by the Chairman until a motion for the same has been duly made, except that matters appearing on the agenda may be discussed during the presentation of that matter without a motion having first been made. No motion shall require a second. The Chairman may make a motion without vacating the Chair.

Section 3-8 Decision on Points of Order

The Chairman, when presiding at a meeting of the Board, without vacating the Chair, may give reasons for any decision made by the Chair on any point of order, and such decision shall be made without debate.

Section 3-9 Same; Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order, a majority vote of those present being necessary to over-rule the Chairman.

Section 3-10 Motion to Adjourn

At a meeting of the Board, a motion to adjourn shall ~~be always~~always be in order and shall be decided without debate.

Section 3-11 Motions While a Question is Under Debate

When a question is under debate at a meeting of the Board, no motion shall be received unless it be one to amend, to commit or refer to a committee, to postpone, to ask for the previous question, to make a substitute motion, to lay on the table, to recess, or to adjourn.

Section 3-12 Reconsideration of Motions, etc., Upon Which Vote Has Been Announced

At any meeting of the Board, when any vote upon any motion, resolution, ordinance, or question has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side, provided that such motion shall be made at the session of the Board at which it was decided. Such motion shall be decided by a majority of the votes of the members present, unless a greater number of votes was required to pass the measure, in which event the motion to reconsider shall not prevail, except upon the vote of as great a number of members as was required to pass the measure.

For the purpose of this Section, "session" shall include any adjourned or special meeting occurring prior to the next Regular Meeting.

Section 3-13 Suspending Rules

The rules of the Board may be suspended with the unanimous concurrence of the members present.

Section 3-14 Robert's Rules of Order

The proceedings of the Board, except as otherwise provided in the Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order as applied to “small boards and committees²².”

SECTION 4 - PUBLIC HEARINGS

Section 4-1 Speakers

Any citizen wishing to speak during this time should submit a “Public Hearing Form” to the Deputy Clerk in the front of the room. At every public hearing, speakers wishing to address the Board shall clearly state their name and address. All speakers, except as hereinafter provided, shall limit their remarks to three (3) minutes. Speakers may not yield any unused portion of their speaking time to others. The applicant in a land use case and/or his/her representative(s) shall be allowed a maximum of ten (10) minutes to present their case. Each speaker shall be limited to one appearance at each public hearing, except at the discretion of the Chair, and only after all other speakers have been given an opportunity to be heard on the subject being considered.

The order of business for public hearings shall be:

- staff presentation followed by questions from the Board
- applicant’s presentation (if any) followed by questions from the Board
- public comments

Following the staff and applicant presentations, each Board Member shall be allowed 5 minutes to ask questions of the staff or of the applicant.

Section 4-2 Board Members' Participation

While a speaker is utilizing their 3-minute speaking limit during a public hearing, Board members will not question the speaker or ask questions of staff until they have completed their comments.

Section 4-3 Close of Hearing

When a public hearing shall have been closed by the order of the Chairman of the Board, no further public comments are in order.

SECTION 5 - AGENDA

Section 5-1 Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business. Except as permitted at the discretion of the Clerk, every item to be placed on the Agenda shall be received in the

Office of the County Administrator before the close of the work day on the ~~Thursday~~ Wednesday two weeks prior to any regular meeting of the Board. Prior to the publication of the agenda, the Clerk shall coordinate recommended agenda subjects for approval with the Chairman or with the Vice Chairman in the Chairman's absence.

Section 5-2 Delivery

The agenda shall be received by each member of the Board and the Attorney to the Board at least 48 hours prior to the meeting.

Section 5-3 Posting

A copy of the Agenda shall be posted ~~on the door to York Hall~~ online at least 48 hours prior to the meeting.

Section 5-4 Copies

The Clerk to the Board shall prepare or cause to be prepared extra copies of the Agenda and shall make the same available to the public in the Office of the County Administrator at the same time the Agenda is posted pursuant to Section 5-3. The Clerk shall also have copies available at each meeting.

Section 5-5 Request to Appear Before the Board of Supervisors

Any citizen (individual, firm, association, or corporation) desiring to appear before the Board of Supervisors shall make a request to the Clerk or the Clerk's designee and receive approval; however, no written application or approval shall be required in order to speak to the Board during Citizens Comment Period or at public hearings.

Section 5-5.1 Citizens Comment Period

During Citizens Comment Period, speakers wishing to address the Board shall clearly state their name and address. Speakers shall limit their remarks to three (3) ~~minutes~~ minutes and may not yield any unused portion of their speaking time to others. Each speaker shall be limited to one appearance at each Regular Meeting of the Board. Any citizen wishing to speak during this time should submit a "Citizens Comment Form" to the Deputy Clerk in the front of the room. ~~Speakers shall be limited to speaking on the same subject not more than three times within any 12-month period.~~

SECTION 6 - GENERAL CONDUCT AND DECORUM

Section 6-1 Conduct of Public

The efficient and dignified conduct of public business is the ultimate concern of the Board. Accordingly, it is the policy of the Board that its meetings be conducted with the highest degree of order and decorum. The Board's integrity and dignity will be established and maintained at all times during the conduct of public business, and the Board will permit no

behavior which is not in keeping with this policy. The soliciting of funds, the use of abusive or profane language, personal attacks on any person~~Board members~~, the failure to comply with time limits on speakers, or other forms of ~~offensive~~abusive conduct will not be tolerated. The Chairman will maintain proper order at all times during all meetings of the Board and shall effect the removal from any meeting of any person guilty of ~~offensive~~abusive conduct if the offending party fails or refuses to cease such conduct.

Section 6-2 Board Responsibilities

The Board of Supervisors is directly responsible for establishing the policies, ordinances, and regulations of the County, overseeing the implementation of the policy by the County Administrator, and ensuring that implementation is consistent with the spirit and intent of the Board's actions. In the event that an action or actions may be necessary without the ready consensus of the Board, the Chairman shall have the discretion to authorize the County Administrator to take interim measures until the Board can meet and make any necessary decision.

The Board of Supervisors bears the responsibility for the successful operation of the County government and its functions. Each supervisor is responsible for knowing Board policy and its intent.

The County Administrator is employed by the Board to supervise the execution of County policy, ordinances, regulations, and Board directives and to appoint officers and employees of the County, as authorized by the Code of Virginia or otherwise as the Board may determine.

Section 6-3 Appointments to Regional Boards, Commissions, and Similar Bodies

Appointments to regional boards and commissions, and similar bodies to which the Board may have authority to appoint one or more of its members to serve, shall be by a majority vote of the Board.

The County Administrator will maintain the current lists of boards and commissions that require Board of Supervisors representation as determined appropriate by the Board. Assignments will be reviewed and updated on an annual basis but no later than the last regular meeting in January of each year. Interim changes of assignment may occur as deemed appropriate by the Board.