

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
July 10, 2007

The Henrico County Board of Supervisors convened a Special Meeting on Tuesday, July 10, 2007 at 5:15 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia. The Chairman called the meeting to order at 5:18 p.m. Those present at the meeting were:

PRESENT

The Honorable James B. Donati, Jr., Chairman  
The Honorable David A. Kaechele, Vice-Chairman  
The Honorable Richard W. Glover, Brookland District Supervisor  
The Honorable Patricia S. O'Bannon, Tuckahoe District Supervisor  
The Honorable Frank J. Thornton, Fairfield District Supervisor  
Mr. Virgil R. Hazelett, P.E., County Manager  
Mr. George T. Drumwright, Jr., Deputy County Manager for Community Services  
Ms. Angela N. Harper, FAICP, Deputy County Manager for Special Services  
Mr. Harvey L. Hinson, Deputy County Manager for Community Development  
Mr. Leon T. Johnson, Deputy County Manager for Administration  
Mr. Barry R. Lawrence, Assistant to the County Manager/Clerk to the Board  
Mrs. Linda B. Jones, Deputy Clerk to the Board  
Mr. Joseph P. Rapisarda, Jr., County Attorney  
Mrs. Tamra R. McKinney, Director of Public Relations & Media Services  
Mrs. Jennifer K. Acker, Assistant Director of Public Relations & Media Services  
Mr. Fred C. James, Media Specialist, Public Relations & Media Services  
Ms. Reta R. Busher, Director of Finance  
Mr. Paul N. Proto, Director of General Services  
Mr. Steven M. Lewis, Director of Information Technology  
Sgt. Shawn D. Maxwell, President, Fraternal Order of Police, Henrico Lodge # 4  
Mr. Ron Shepherd, Tuckahoe District Resident  
Mr. Will Jones, *Richmond Times-Dispatch*  
Mr. Tom Lappas, *Henrico Citizen*

Discussion of Recording Meetings of  
the Board of Supervisors

Mr. Donati recognized Mr. Hazelett, who advised the Board that staff did not have a formal presentation because this item had been requested by two members of the Board. Mrs. O'Bannon began the discussion by noting that she had received a tremendous amount of information from citizens on this topic, many of whom were elderly or handicapped and resided outside her district. They were requesting more open access to government. Mrs. O'Bannon pointed out that she had also

received calls from web casting companies. She commented that Chesterfield County broadcasts its Board of Supervisors' meetings on its cable television channel and Powhatan County provides audio tapes of its Board meetings. Also, Henrico's Planning Commission and Board of Zoning Appeals make audio recordings of their meetings. Mrs. O'Bannon observed that the technology was already in place in Henrico's Board Room for the Department of Public Relations and Media Services staff to tape meetings of the Board of Supervisors and air audio broadcasts from the County's web site. She expressed concern that although Henrico is usually at the forefront of technology, it was not pushing forward on this issue. Mrs. O'Bannon stated that times change, there are many possibilities, the costs of recording meetings would be minimal compared with the benefits the County and its citizens would receive, and technology resonates with young people in the community.

In response to a question from Mr. Hazelett, Mrs. McKinney clarified that the County has the current capability to record and burn compact discs but not to stream meetings on the Internet.

Mrs. O'Bannon referred to a recent survey by the Virginia Association of Counties indicating that more than half of Virginia's counties either audio tape or video tape their Board meetings. She posed questions to Mr. Hazelett and Mrs. McKinney regarding the technological capabilities of Henrico's Board Room and the comparative costs of videotaping versus audio taping Board meetings. Mrs. McKinney responded that although the County would not incur additional direct costs for audio taping its meetings, the estimated start-up capital costs for videotaping its meetings would be \$160,000. There would also be an additional \$117,000 in annual operating equipment and feed costs.

Mr. Hazelett and Mr. Lawrence responded to questions from Mr. Kaechele concerning how the written summary minutes of Board meetings are currently made available to the public and the

number of requests that are made by citizens for this information. Mrs. O'Bannon emphasized the need to reach out to the public and maximize citizen input through audio or video broadcasts of Board meetings.

Mr. Thornton commented that the lifeblood of progress is change. He referred to Henrico as a flagship county and observed that a certain protocol in handling the public comes with being first class. Mr. Thornton pointed out that Henrico has the longest sitting elected body of any locality in Virginia and one that is of stellar quality. He expressed a need for the County to empower constituents and address their issues in another way. His personal feeling is that Board meetings at a minimum should be either televised or audio taped and that costs should not be a paramount issue given the size of the County's budget. Mr. Thornton stated he hoped that the Board was not giving citizens the impression that it is against positive change. He cited transparency and openness of government as features of a democratic republic and voiced concern that citizens may ask what it is the Board is trying to hide. Mr. Thornton emphasized the people's right to know and the worthiness of all citizens.

Mr. Glover stated that he had been listening for the past four months to assertions about what the Board does not share with the public. Because of remarks that had been made, quite a few citizens had contacted him with concerns that the County was trying to hide something. Mr. Glover observed that Henrico has the longest serving Board of Supervisors in Virginia because the Board has been visible and responsive and has helped to ensure a superior quality of life for its citizens. He alluded to the large amount of information pertaining to Board meetings and other public business that is available to citizens on the Internet or by mail upon request and offered a number of examples. Mr. Glover also referred to the public comment period at Board meetings, his personal web site with his contact information, and the many neighborhood meetings he attends to discuss zoning cases and

other issues. He expressed the view that the County can tweak the way it provides information to the public and that reading this information is a whole lot better than listening to it. Mr. Glover emphasized that Henrico maintains an open government and that its processes and means of providing information have been upheld in local and federal courts. He characterized the issue of taping Board meetings as political and said that he was personally insulted by the implication that the County has not been providing information to its citizens.

Mrs. O'Bannon and Mr. Glover debated the political and rhetorical aspects of the matter that was before the Board at this meeting and also debated the County's degree of openness in providing information to the public. Mrs. O'Bannon emphasized that the Board does not have verbatim minutes while Mr. Glover pointed to the wealth of information available to Henrico citizens on the Internet. Mr. Glover shared a concern that Mrs. O'Bannon questioned the integrity of Henrico's County Manager and County government in a public meeting on February 27, 2007 while she was asking Mr. Hazelett a series of questions about the Kain Road property. He further commented that Mrs. O'Bannon has repeated herself on this issue many times. Mr. Glover and Mrs. O'Bannon voiced differing opinions about the need to tape meetings of the Board of Supervisors. Mrs. O'Bannon noted that she initially raised the idea of televising Board meetings in 1996, her first year on the Board.

Mr. Thornton cautioned against using hyperbole and skirting the issue before the Board, which he defined as how to make an already outstanding and open County accommodate change and do an even better job of providing information to the public. Mr. Rapisarda responded to questions from Mr. Donati relating to how minutes must be prepared and made available to the public under State law. He and Mr. Hazelett responded to an additional question from Mr. Donati regarding how audio or video tapes of Board meetings could be used. Mr.

Kaechele noted that the Board was unanimous on the point that it wished to communicate with its citizens. After conferring with Mr. Rapisarda, he suggested that a first step would be to have an audio recording made of Board meetings as a backup to the written summary minutes. Mr. Hazelett stated a preference to continue using a court reporter to build a legal record on controversial cases rather than relying on an audio tape.

Mr. Glover commented that Board papers should be uploaded on the County's web site along with the summary minutes of Board meetings so that citizens can clearly see what action the Board has taken on resolutions and ordinances. He felt that this information would be more helpful to the public than a tape recording. Mr. Thornton spoke to the benefits of archival lucidity.

Mr. Rapisarda responded to questions from members concerning the role of court reporters at Board meetings and whether audio or video recordings would likely lead to more litigation against the County. Mrs. O'Bannon reiterated her view that citizens want to know how their Board of Supervisors, which is a deliberative body, make laws. She emphasized that there would be no additional cost to the County to audio tape its meetings. Mr. Kaechele noted that there is a perception that if the Board does not tape its meetings then it must be hiding something from the public. He suggested that the Board audio tape its meetings for a couple of months on a trial basis and then determine whether there is any value to it. That will give the Board time to review the level of interest by the public and number of requests from citizens for this information. Mr. Hazelett noted that the position articulated by Mr. Kaechele appeared to represent the consensus of at least three members of the Board.

Mr. Rapisarda asked whether the Board was interested in taping work sessions (special meetings) as well as regular meetings. Mr. Hazelett recommended against doing so on the basis that recording those types of informal deliberations

might jeopardize the free flow of information between Board members and County staff. He pointed out that the Board typically does not take formal action during work sessions.

Mr. Rapisarda responded to questions from Board members pertaining to the essential components of meeting minutes and public notice procedures for special meetings. There was some discussion among Mrs. O'Bannon, Mr. Glover, and Mr. Rapisarda relating to the legal status of tapes or recordings of Board meetings. Mr. Kaechele noted that the printed minutes would continue to serve as the official minutes of the Board and the audio tapes would supplement that information. In response to information provided by Mr. Rapisarda and Mr. Hazelett, Mr. Glover commented that this was the first time he had been told by staff that audio tapes cannot serve as the official minutes of Board meetings. Mr. Hazelett confirmed that audio taping Board meetings does not remove the County's responsibility to maintain written minutes that are approved by the Board. At Mr. Glover's request, Mr. Hazelett and Mr. Rapisarda also confirmed that summary written minutes as currently maintained by the Board are not incomplete under Virginia law.

Mr. Hazelett recommended that a written disclaimer be placed on the label of compact disc recordings of Board meetings stating that the recordings are not the official minutes of the Board. He advised that staff would begin audio taping regular meetings of the Board and posting the official minutes on the Internet.

The Board recessed for dinner at 6:39 p.m. and reconvened at 6:49 p.m.

Mr. Hazelett briefly reviewed items that were listed on the evening's regular and public meeting agendas. Mr. Kaechele asked to see a printed list of the requests that had been made to the County for Community Development Block Grant (CDBG) and Housing Opportunities Made Equal (HOME) Program Funds for Fiscal Year 2007-08. There was some discussion by Mr. Hazelett and Board members regarding the Law Enforcement Officers (LEOS) retirement supplement and the increase in the retirement multiplier for LEOS covered employees authorized by the 2007 Virginia General Assembly.

Mr. Hazelett then distributed a handout prepared by Ms. Harper summarizing upcoming events relating to the Lord Hanningfield reception and National Association of Counties (NACo) annual conference (see enclosed copy). There was some discussion by Mrs. McKinney, Mr. Hazelett, Ms. Harper, and Board members concerning transportation logistics for activities being held during the NACo conference, including the conference-wide event at the Jamestown Settlement on July 15, 2007.

There being no further business, the meeting was adjourned at 6:59 p.m.



James B. Owens  
Chairman, Henrico County Board of Supervisors