

**Audit Subcommittee of the  
Virginia Soil and Water Conservation Board  
Wednesday, December 16, 2020**

**Electronic Meeting**

**TIME AND PLACE**

The meeting of the Audit Subcommittee of the Virginia Soil and Water Conservation Board took place at 9:00 a.m. via GoToMeeting on Wednesday, December 16, 2020

**SWCB AUDIT SUBCOMMITTEE MEMBERS PRESENT**

Adam Wilson, Chair  
Charles Newton  
Kristen Saacke-Blunk

**DCR STAFF PRESENT**

Russell W. Baxter, Deputy Director for Soil and Water Conservation and Dam Safety and Floodplain Management  
Darryl Glover, Director, Division of Soil and Water Conservation  
Wendy Howard-Cooper, Director, Division of Dam Safety and Floodplain Management  
Christine Watlington, Policy and Regulatory Coordinator  
Michael Fletcher, Board and Constituent Services Liaison  
Lisa McGee, Director of Policy and Planning  
David Bryan, Agricultural Incentives Program Manager  
Jaclyn Friedman, Conservation District Coordinator  
Stacy Horton, Conservation District Coordinator  
Marissa Roland, Conservation District Coordinator  
Amy Walker, Eastern Area Manager

**OTHERS PRESENT**

Nicole Anderson Ellis, Henricopolis SWCD  
Charles Lively, Henricopolis SWCD  
Dr. Kendall Tyree, VASWCD

**ESTABLISHMENT OF A QUORUM**

With three (3) members of the Audit Subcommittee present, a quorum was established.

**CALL TO ORDER**

Mr. Wilson called the meeting to order at 9:06 a.m.

He gave the following remarks.

Good morning, I would like to call this virtual meeting of the Virginia Soil and Water Conservation Board Audit Subcommittee to order.

Generally, public bodies are prohibited from meeting electronically under the provisions of the Freedom of Information Act (FOIA). However, language approved by the Governor and General Assembly in Chapter 56 of the 2020 Special Session 1 Acts of Assembly allows us to move forward with certain restrictions that I will outline below.

Before I review those provisions, please let me take a moment to review how this meeting will work. We want to allow for participation by Subcommittee members, staff, and members of the public who wish to comment. However, it is essential that we are able to manage the conversation effectively.

I am chairing this meeting today from my home in Abingdon. In the DCR offices in downtown Richmond are Christine Watlington and Michael Fletcher. They will assist with presentations, responding to comments, and the overall coordination of the meeting.

Please be patient with all of us as we work through this. We understand and appreciate the challenges.

Chapter 56 of the 2020 Special Session 1 Acts of Assembly, also known as the "Budget Bill," includes language addressing the ability of public bodies to conduct electronic meetings without the need for a quorum being present in a single physical location ("Electronic Meeting").

The Budget Bill allows public bodies to hold Electronic Meetings when the Governor has declared a state of emergency pursuant to §44-146.17 if:

- “(i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location;
- (ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body...and the discharge of its lawful purposes, duties, and responsibilities...” §4-0.01(g).

The Budget Bill also has language regarding recordings and transcriptions of Electronic Meetings. Please be advised that this meeting is being recorded. This recording will be available to the public through the DCR website. The comments in the chat room will also be preserved as a public record. Official minutes of this meeting will be drafted and posted in accordance with regular procedures.

The Budget Bill does not allow the Subcommittee to hold an Electronic Meeting to discuss or transact business for *any purpose*. Rather, they may do so as long as the agenda items that the public body plans to take up are: (a) statutorily required or (b) necessary to continue operations and discharge lawful purposes, duties and responsibilities.

It is the Subcommittee's responsibility to determine whether "the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location."

At the conclusion of my remarks, I will ask for a motion for the Subcommittee to make this determination. If that motion fails, this electronic meeting will end at that point.

The Budget Bill requires compliance with the provisions of § 2.2-3708.2. Therefore, in accordance with § 2.2-3708.2.D.2, public bodies must include a telephone number that may be used to notify the public body of any interruption in the telephonic or video broadcast of the meeting.

In the event that a disruption occurs, participants should contact Mr. Fletcher by phone or text at 804-317-8934.

Additionally, if there is an interruption in the broadcast, the meeting must be suspended until public access is restored.

Those provisions of the Virginia Freedom of Information Act not addressed by the Budget Bill remain in effect.

Before we continue with the business portion of the meeting, I will ask Mr. Fletcher to call the roll for Subcommittee members and anticipated staff. Other participants will be recorded through the chat window. If you are participating by phone and your name is not called, please call or text Mr. Fletcher at 804-317-8934.

In addition, if at any time you lose connection and are unable to reconnect, please contact Mr. Fletcher at the same number.

I will now turn to Mr. Fletcher for the calling of the roll:

#### ROLL CALL

PRESENT:               Wilson, Newton, Saacke-Blunk  
ABSENT:               None

Mr. Wilson called for the certification of the electronic meeting.

**BOARD ACTION**

Mr. Newton moved and Ms. Saacke-Blunk seconded the following:

The Audit Subcommittee of the Virginia Soil and Water Conservation Board certifies that the nature of the declared COVID-19 emergency makes it impracticable or unsafe for the Board to assemble in a single location and further that the agenda items to be taken up at this meeting are necessary to continue operations and discharge lawful purposes, duties, and responsibilities of the Board.

**ROLL CALL VOTE**

AYE: Newton, Saacke-Blunk, Wilson  
NAY: None

Chairman Wilson continued.

I want to explain further how we will handle participation by subcommittee members, staff, and the public. Everyone, except the individual presenting materials for an agenda item, will be muted. Once the presentation is completed, the board members, and only board members, will be unmuted for discussion. Michael and Christine will assist me with ensuring members are recognized when they have questions or comments. As needed, staff will be unmuted to address questions or concerns. Members of the public will be able to ask questions and provide input by utilizing the chat box function only. As time allows, we will respond to those questions and comments.

We will now proceed with the business of the Subcommittee as outlined in the agenda.

**APPROVAL OF MINUTES FROM SEPTEMBER 23, 2020**

**BOARD ACTION**

Ms. Saacke-Blunk moved and Mr. Newton seconded that the minutes from the September 23, 2020 meeting of the Audit Subcommittee be approved as submitted.

**ROLL CALL VOTE**

AYE: Newton, Saacke-Blunk, Wilson  
NAY: None

**Review of Performance Improvement Plan from Henricopolis Soil and Water Conservation District**

Ms. Ellis thanked the Audit Subcommittee for the opportunity to present Henricopolis' Performance Improvement Plan (PIP). She advised that she became Chair of the District in January. In January, the District had planned to hire additional staff. Due to the COVID pandemic that action has been delayed. She asked Mr. Lively to provide additional details.

Mr. Lively offered to answer questions regarding the PIP submitted and provided to the Subcommittee for review.

Ms. Saacke-Blunk asked for clarification regarding the quarterly deadline and the statement that information would be submitted if available.

Mr. Lively responded that the intent is to provide information ahead of the deadline. The statement is not meant to imply information would not be submitted.

Mr. Baxter clarified that there is no provision for incomplete reporting in the grant agreements.

Ms. Watlington noted that the Department is comfortable with the strategies the District has outlined.

#### **BOARD ACTION**

Mr. Newton moved and Ms. Saacke-Blunk seconded the following:

The Subcommittee agrees with the Performance Improvement Plan (PIP) as presented by the Henricopolis Soil and Water Conservation District. At each monthly meeting of the Soil and Water Conservation District Board (Board). The Board shall report progress made towards the successful implementation of the PIP to their Conservation District Coordinator (CDC).

#### **ROLL CALL VOTE**

AYE: Newton, Saacke-Blunk, Wilson

NAY: None

Mr. Wilson thanked the representatives from Henricopolis for participating in the meeting.

#### **NEXT MEETING**

The Audit Subcommittee will meet again in March 2021 at a date to be determined.

#### **ADJOURN**

There being no further business the meeting adjourned at 9:25 a.m.