

Flood Resilience Advisory Committee Charter

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SECTION 1 -- PURPOSE AND BASIC PRINCIPLES

Section 1-1 Membership

- A. The Flood Committee is an advisory committee pursuant to Section 10.1-659 of the Code of Virginia.
- B. Members shall serve in an advisory role without compensation.**
- C. The Flood Committee shall be comprised of representatives pursuant to Section 10.1-659 of the Code of Virginia and any other representatives as needed.**
- D. The Chair may invite any other representatives as needed to serve as a Flood Committee member.**
- E. All Flood Committee members may designate someone within their organization to serve as their designee. Flood Committee members may identify an Alternate to serve as a proxy for the Flood Committee member. Both designees and alternates shall be consistent, documented, and are considered members of the public body.
- F. The Department of Conservation and Recreation shall provide staff support to the Flood Committee.**

Section 1-2 Role of the Flood Committee

- A. Pursuant to Section 10.1-659 of the Code of Virginia, the Flood Committee shall assist the Virginia Department of Conservation and Recreation with developing, updating, and implementing the Virginia Flood Protection Master Plan pursuant to § 10.1-602 and implementing the Commonwealth's flood resilience, preparedness, prevention, and protection programs.**
- B. The Committee shall receive updates to the Virginia Flood Protection Master Plan, the Coastal Resilience Master Plan, and other regional flood resilience plans.**
- C. The Committee shall advise the Department of Conservation and Recreation on**
 - 1. assessing the impacts of flooding on people, the economy, and the environment;**
 - 2. establishing and measuring flood resilience goals and metrics for the Commonwealth;**
 - 3. prioritizing state policies, programs, funding, and other strategies to mitigate the impacts of severe and repetitive flooding;**
 - 4. enhancing intergovernmental and interagency coordination for flood resilience planning and strategy implementation;**
 - 5. conducting stakeholder outreach and engagement in support of flood resilience planning and implementation;**
 - 6. assisting local governments to minimize loss of life, property damage, and negative impacts on the environment resulting from flooding;**
 - 7. issues relating to the Virginia Flood Protection Master Plan in accordance with the requirements established in § 10.1-602.**

SECTION 2 -- MEETINGS

Section 2-1 Meeting Frequency

- A. **The Committee shall meet at least two times per calendar year.**
- B. The time and place of the meetings of the Flood Committee shall be established by the Chair in coordination with Flood Committee members in accordance with Section 10.1-659 of the Code of Virginia. Flood Committee support staff will send meeting invitations to all Flood Committee members as well as post meetings on Regulatory Town Hall and the DCR Website at least seven working days prior to the meeting.

Section 2-2 Quorum and Method of Voting

- A. At any meeting, those members of the Flood Committee physically present shall constitute a quorum.
- B. Section 2-3 When possible, these actions should be adopted by consensus. Where consensus is not possible, actions may be adopted by majority vote. However, members dissenting from the actions may provide a minority report that shall be included with the action.

Section 2-3 Policy for Remote Participation in Flood Committee Meeting

- A. It is the policy of the Flood Committee that individual Flood Committee members may participate in meetings of the Flood Committee and Flood Committee Subcommittees by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code [§2.2-3708.3](#), as amended, and this policy. **This policy shall apply strictly and uniformly to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.**
- B. An individual member's request for participation from a remote location under this policy shall be considered approved upon receipt of the request by the Chair of the Flood Committee unless the request is in violation of Virginia Code [§2.2-3708.3](#), as amended. **If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.**

Section 2-4 Policy for All-Virtual Meetings

- A. **The Flood Committee and Flood Committee Subcommittees may convene a maximum of two all-virtual public meetings per calendar year or up to 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater. However, the all-virtual meetings cannot be held consecutively with another all-virtual meeting.** These limitations shall apply separately with respect to the meetings of each of the Flood Committee's Subcommittees.
- B. All-virtual public meetings may be convened for the following reasons:
 - 1. It is impracticable or unsafe to assemble a quorum of the Flood Committee in a single location, but a state of emergency has not been declared by the Governor or Board of Supervisors; or
 - 2. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting.
- C. All-virtual public meetings must meet the following conditions in accordance with Virginia Code [§2.2-3708.3](#):
 - 1. **An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of Virginia Code [§ 2.2-3707](#);**

2. **The phone number of the Chair or designated staff will be provided at the start of each meeting to alert the Flood Committee if the audio or video transmission of the meeting fails. The Flood Committee staff will monitor such designated means of communication during the meeting, and the Flood Committee will take a recess until public access is restored if the transmission fails for the public; and**
3. **No more than two members of the Flood Committee are together in any one remote location unless that remote location is open to the public to physically access it.**

SECTION 3 -- OFFICERS

Section 3-1 Chair and Vice-Chair

- A. **Pursuant to Virginia Code [§ 10.1-659](#), the Director of the Department of Conservation and Recreation shall serve as chairman of the Committee. The Chief Resilience Officer of the Commonwealth shall serve as vice-chairman of the Committee.**
- B. The Chair shall preside over all meetings of the Flood Committee unless delegated to the Vice-Chair or other Flood Committee member. If the Chair and Vice-Chair are not present and their duties have not been delegated, the members present at the meeting shall nominate and pass a motion for a member to preside over the meeting.
- C. The Chair shall appoint Flood Committee members to serve on standing committees and ad hoc committees established by the Flood Committee.

SECTION 4 -- CONDUCT OF BUSINESS

Section 4-1 Statutory Requirements

- A. The Flood Committee will comply with the requirements of the Freedom of Information Act (FOIA) as contained within [Chapter 37 of Title 2.2 of the Code of Virginia](#) and the Administrative Process Act (APA) as contained within [Chapter 40 of Title 2.2 of the Code of Virginia](#).

Section 4-2 Order of Business

- A. The Flood Committee shall adopt an agenda for each meeting by recorded vote pursuant to Section 2-3. The adoption of the agenda shall be the first item for action following the Call to Order and Roll Call.

Section 4-3 Public Comment

- A. The Flood Committee shall set aside no less than twenty (20) minutes for Public Comment on each Flood Committee Meeting Agenda.

Section 4-4 Amendment of Rules

- A. This Flood Committee Charter may be amended by majority vote.

Section 4-5 Robert's Rules of Order

- A. A. The proceedings of the Flood Committee, except as otherwise provided in this Flood Committee Charter and by applicable State law, shall be governed by Robert's Rules of Order.

SECTION 5 -- FLOOD COMMITTEE APPOINTMENTS

Section 5-1 Flood Committee Standing of Ad-Hoc Subcommittees

- A. The Chair may establish standing or ad-hoc subcommittees of the Flood Committee. Each subcommittee, once established by the Flood Committee, shall consist of at least two members of the Flood Committee appointed by the Chair annually or at the inception of the subcommittee for new standing subcommittees. The Chair may appoint individuals to subcommittees who are not otherwise members of the Flood Committee, with that individual's consent.

Section 5-2 Advisor Appointments

- A. All appointments of advisors, other than members of the Flood Committee, shall be made by the Chair.
- B. Advisors may participate in Flood Committee meetings and subcommittees but do not have standing for voting.

Section 5-3 Attendance

- A. Flood Committee and subcommittee members (either in person or through their designees or alternates) are expected to make good faith efforts to attend all scheduled meetings of the Flood Committee and subcommittees to which they have been appointed.

APPENDIX: APPLICABLE VIRGINIA CODE

[§ 10.1-659. Flood protection programs; coordination.](#)

A. The provisions of this chapter shall be coordinated with the Virginia Coastal Resilience Master Plan, the Virginia Flood Protection Master Plan, and federal, state, and local flood prevention and water quality programs to minimize loss of life, property damage, and negative impacts on the environment. This program coordination shall include but not be limited to the following: flood prevention, flood plain management, small watershed protection, dam safety, shoreline erosion and public beach preservation, and soil conservation programs of the Department of Conservation and Recreation; the construction activities of the Department of Transportation, including projects that result in hydrologic modification of rivers, streams, and flood plains; the nontidal wetlands, water quality, Chesapeake Bay Preservation Area criteria, stormwater management, erosion and sediment control, and other water management programs of the State Water Control Board; the Virginia Coastal Zone Management Program at the Department of Environmental Quality; forested watershed management programs of the Department of Forestry; the agricultural stewardship, farmland preservation, and disaster assistance programs of the Department of Agriculture and Consumer Services; the statewide building code and other land use control programs of the Department of Housing and Community Development; the habitat management programs of the Virginia Marine Resources Commission; the hazard mitigation planning and disaster response programs of the Department of Emergency Management; the fish and wildlife habitat protection programs of the Department of Wildlife Resources; the mineral extraction regulatory program of the Department of Energy; the flood plain restrictions of the Virginia Waste Management Board; flooding-related research programs of the state universities; local government assistance programs of the Virginia Soil and Water Conservation Board; the Virginia Antiquities Act program of the Department of Historic Resources; the public health and preparedness programs of the Virginia Department of Health; the State Council of Higher Education for Virginia; the State Corporation Commission; and any other state agency programs deemed necessary by the Director, and the Chief Resilience Officer of the Commonwealth. The Department shall also coordinate with soil and water conservation districts, Virginia Cooperative Extension agents, and planning district commissions, and shall coordinate and cooperate with localities in rendering assistance to such localities in their efforts to comply with the planning, subdivision of land, and zoning provisions of Chapter 22 (§ [15.2-2200](#) et seq.) of Title 15.2.

B. The Director, in coordination with the Chief Resilience Officer of the Commonwealth, shall hold meetings of representatives of the programs, entities, and localities described in subsection A at least annually in order to determine, coordinate, and prioritize the Commonwealth's efforts and expenditures to increase flooding resilience and flood preparedness and to implement the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan. The Department shall review any revisions to the Virginia Flood Protection Master Plan and provide an update on the progress of the implementation of the Virginia Coastal Resilience Master Plan at any such meetings. The Department shall cooperate with other public and private agencies having flood plain management programs and shall coordinate its responsibilities under this article and any other law. These activities shall constitute the Commonwealth's flood resilience, preparedness, prevention, and protection program.

C. 1. The Chief Resilience Officer, in coordination with the Special Assistant to the Governor for Coastal Adaptation and Protection and the Director, shall establish the Virginia Coastal Resilience Technical Advisory Committee (the Committee) to assist with developing, updating, and implementing the Virginia Coastal Resilience Master Plan.

2. The Committee shall be comprised of representatives of state agencies, coastal planning district commissions, regional commissions, academic advisors, and any other representatives as needed. Members shall serve at the pleasure of the Governor and shall include the following individuals or their designees: the executive directors of coastal planning district commissions and regional commissions; the Special Assistant to the Governor for Coastal Adaptation and Protection; the Director; the Director of the Virginia Department of Emergency Management; the

Director of the Virginia Department of Housing and Community Development; the Executive Director of the Virginia Resources Authority; the Director of the Department of Environmental Quality; the Commissioner of the Virginia Department of Transportation; the Director of the Virginia Transportation Research Council; the Commissioner of the Virginia Marine Resources Commission; the Director of the Institute for Coastal Adaptation and Resilience; the Associate Dean for Research and Advisory Services at the Virginia Institute of Marine Science; the Director of the William and Mary School of Law Coastal Policy Center; the Director of the Virginia Tech Center for Coastal Studies; the Director of the Environmental Resilience Institute at the University of Virginia; the Director of Virginia Sea Grant; the Director of Diversity, Equity, and Inclusion; and the Chief Data Officer of the Commonwealth. The Chief Resilience Officer shall serve as chairman of the Committee.

3. The Chief Resilience Officer shall invite participation by the Commander of the U.S. Army Corps of Engineers, Norfolk District; the Commander of the Navy Region Mid-Atlantic; and representatives of the seven federally recognized Tribal Nations indigenous to the Commonwealth of Virginia.

4. Appointed members shall serve in an advisory role without compensation.

5. The Committee shall meet at least quarterly.

6. The Department, the Special Assistant to the Governor for Coastal Adaptation and Protection, and the Coastal Zone Management Program shall provide staff support to the Committee.

7. The Committee shall ensure that (i) risk evaluations and project prioritization protocols are regularly updated and are informed by the best applicable scientific and technical data; (ii) statewide and regional needs are addressed using the best applicable science and long-term resilience approaches; and (iii) the Virginia Coastal Resilience Master Planning Framework is adhered to in the development and updating of the Virginia Coastal Resilience Master Plan. The Committee shall also review updates to the Virginia Coastal Resilience Master Plan and receive updates about the progress of the Virginia Flood Protection Master Plan at each meeting. Additionally, the Committee may be called upon to assist the Department with the development and updating of the Virginia Flood Protection Master Plan.

D. 1. The Director, in coordination with the Chief Resilience Officer of the Commonwealth, shall establish the Virginia Flood Resilience Advisory Committee (the Committee) to assist with developing, updating, and implementing the Virginia Flood Protection Master Plan pursuant to § [10.1-602](#) and implementing the Commonwealth's flood resilience, preparedness, prevention, and protection programs.

2. The Committee shall be composed of the following individuals representing state agencies, or their designees: the Director, the Chief Resilience Officer of the Commonwealth, the Director of the Department of Emergency Management, the Director of the Department of Housing and Community Development, the Executive Director of the Virginia Resources Authority, the Director of the Department of Environmental Quality, the Commissioner of the Department of Transportation, the Director of the Office of Intermodal Planning and Investment, the Commissioner of Marine Resources, the Director of the Department of General Services, the Virginia Director of the Chesapeake Bay Commission, and the Director of Diversity, Equity, and Inclusion. Committee membership shall also include one representative from each of the following: the Virginia Association of Planning District Commissions, the Virginia Municipal League, and the Virginia Association of Counties. The Director may invite participation by other representatives as deemed appropriate. The Director shall serve as chairman of the Committee. The Chief Resilience Officer of the Commonwealth shall serve as vice-chairman of the Committee.

3. Members appointed to the Committee shall serve in an advisory role without compensation.

4. The Committee shall meet at least two times per calendar year.

5. The Department shall provide staff support to the Committee.

6. The Committee shall receive updates to the Virginia Flood Protection Master Plan, the Coastal Resilience Master Plan, and other regional flood resilience plans. The Committee shall advise the Department on (i) assessing the impacts of flooding on people, the economy, and the environment; (ii) establishing and measuring flood resilience goals and metrics for the Commonwealth; (iii) prioritizing state policies, programs, funding, and other strategies to mitigate the impacts of severe and repetitive flooding; (iv) enhancing intergovernmental and interagency coordination for flood resilience planning and strategy implementation; (v) conducting stakeholder outreach and engagement in support of flood resilience planning and implementation; (vi) assisting local governments to minimize loss of life, property damage, and negative impacts on the environment resulting from flooding; and (vii) issues relating to the Virginia Flood Protection Master Plan in accordance with the requirements established in [§ 10.1-602](#).

7. The Director may establish subcommittees or other bodies to advise on the development and implementation of the Coastal Resilience Master Plan and other regional flood resilience plans.

8. The Department shall engage with the following entities in the development of the Virginia Flood Protection Master Plan: the federally recognized Tribal Nations indigenous to the Commonwealth, the flooding-related research programs of institutions of higher education in the Commonwealth, the agricultural community, the economic development community, environmental nonprofit organizations, local governments, planning district commissions, regional commissions, the Commander of the U.S. Army Corps of Engineers for each district that includes a portion of the Commonwealth, the Commander of the U.S. Navy Region Mid-Atlantic, and other federal facilities located within the Commonwealth.

[§ 2.2-3708.3. Meetings held through electronic communication means; situations other than declared states of emergency.](#)

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance. For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a person with a disability as defined in § [51.5-40.1](#) and uses remote participation counts toward the quorum as if the individual was physically present;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance. For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the individual was physically present;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows

the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § [2.2-3707](#);
2. Public access to the all-virtual public meeting is provided via electronic communication means;
3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well. When audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails;
4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;
8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § [2.2-3712](#);
9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § [2.2-3707](#) and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall at least once annually adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

The policy shall not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

2022, c. [597](#); 2024, cc. [56](#), [129](#), [610](#), [617](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.