

**LUNENBURG COUNTY BOARD OF SUPERVISORS
GENERAL DISTRICT COURTROOM
LUNENBURG COURTS BUILDING
LUNENBURG, VIRGINIA**

Minutes of April 9, 2020 Meeting

Due to the COVID-19 (novel coronavirus) pandemic and closure of all Virginia schools, the regularly scheduled meeting of the Lunenburg County Board of Supervisors originally scheduled for Thursday, April 9, 2020 at 10:00 am at Central High School was rescheduled for Thursday, April 9, 2020 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors Edward Pennington, T. Wayne Hoover, Alvester Edmonds, Frank Bacon, Mike Hankins, Charles R. Slayton, Robert Zava, County Administrator Tracy M. Gee, Deputy Administrator Nicole A. Clark, and County Attorney Frank Rennie.

Due to the COVID-19 pandemic, public attendance was limited to the lobby and Supervisors and staff adhered to social distancing (maintaining a distance of at least six feet from others) in the courtroom.

Chairman Slayton called the meeting to order.

Supervisor Edmonds provided the invocation and led the Pledge of Allegiance.

Chairman Slayton requested additions to the agenda from the Board and the public. There were no additions.

County Attorney Rennie presented a resolution to Declare a Local State of Emergency due to COVID-19. He advised that Administrator Gee, as the Emergency Management Coordinator, declared the local state of emergency on March 24, 2020 on a temporary basis until the Board of Supervisors voted at their next regularly scheduled meeting. He requested the Board's approval via a roll call vote on the below resolution.

**LUNENBURG COUNTY
RESOLUTION CONSENTING TO THE COUNTY ADMINISTRATOR
ISSUING A DECLARATION OF A LOCAL EMERGENCY
(COVID-19 Virus)
(Virginia § 44-146.21)**

WHEREAS, the County Administrator, acting as the Director of Emergency Management (the "County Administrator"), is authorized to declare local emergencies pursuant to Virginia Code § 44-146.21(A) with the prior consent or the subsequent confirmation of the Board of Supervisors; and

WHEREAS, the County Administrator desires to issue a Declaration of Local Emergency related to the COVID-19 virus, a copy of which is attached hereto.

NOW THEREFORE, BE IT RESOLVED, that the Lunenburg County Board of Supervisors consents to the County Administrator issuing the Declaration of Local Emergency.

I, Tracy M. Gee, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Lunenburg County, Virginia, by a vote of 7 to 0, as recorded below, at a regular meeting held on April 9, 2020.

Tracy M. Gee
Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Dr. Bacon	<u>✓</u>	<u> </u>
Mr. Edmonds	<u>✓</u>	<u> </u>
Mr. Hankins	<u>✓</u>	<u> </u>
Mr. Hoover	<u>✓</u>	<u> </u>
Mr. Pennington	<u>✓</u>	<u> </u>
Mr. Slayton	<u>✓</u>	<u> </u>
Mr. Zava	<u>✓</u>	<u> </u>

Supervisor Pennington made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, approved, to adopt the resolution declare a Local State of Emergency for Lunenburg County due to the COVID-19 pandemic.

County Attorney Rennie requested that the Board confirm by roll call vote and approve the below resolution that the emergency status will continue until the County Administrator and/or Board of Supervisors declares that status ends to ensure continuity of government.

LUNENBURG COUNTY
DECLARATION OF A LOCAL EMERGENCY
(COVID-19 Virus)
(Virginia § 44-146.21)

WHEREAS, the County Administrator is designated as the Director of Emergency Management for the County of Lunenburg; and

WHEREAS, the World Health Organization characterized the spread of the COVID-19 virus as a pandemic on March 11, 2020; and

WHEREAS, the Governor declared a state of emergency on March 12, 2020 related to the COVID-19 virus; and

WHEREAS, the COVID-19 virus and its continued spread pose an imminent threat to the public health and safety of the residents of Lunenburg County, and the consequences of the virus are of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate any potential damage, hardship, suffering, or possible loss of life; and

WHEREAS, because of the imminent threat to the public health and safety to the residents of Lunenburg County arising from the COVID-19 virus, County Administrator, Tracy M. Gee, acting in her capacity as the Director of Emergency Management, declared a local emergency on March 24, 2020 pursuant to Virginia Code 44-146.21; and

WHEREAS, given the Governor's declaration on March 12, 2020 and the immediate need for local emergency actions to begin, the Lunenburg County Board of Supervisors could not timely convene to give its prior consent to the County Executive's declaration.

NOW THEREFORE, BE IT RESOLVED, that the Lunenburg County Board of Supervisors confirms the declaration of a local emergency by the County Administrator on March 24, 2020.

I, Tracy M. Gee, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Lunenburg County, Virginia, by a vote of 7 to 0, as recorded below, at a regular meeting held on April 9, 2020.

Tracy M. Gee
Clerk, Board of County Supervisors

	Aye	Nay
Dr. Bacon	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Edmonds	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Hankins	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Hoover	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Pennington	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Slyton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Zava	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Resolution No. 2

Supervisor Edmonds made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, approved, to adopt the resolution confirming local emergency status continues until the County Administrator and/or Board of Supervisors declares that status ends to ensure continuity of government.

County Attorney Rennie presented a new ordinance for consideration during the state of emergency. He added that state law allows for an ordinance to be adopted that gives the county specific powers to continue to operate. He reviewed the following fourteen (14) items included in proposed Ordinance 20-1 as well as the conditions that must be met to resume normal operations.

1. That the Lunenburg County Board of Supervisors consents to and confirms the Declaration of Local Emergency made by the County Administrator on March 24, 2020.

2. This ordinance allows for variances from state laws and county ordinances in order to protect the health, safety, and welfare of residents and employees from the spread of COVID-19 while still providing for government operations to continue during this state of emergency.

3. The operation of government includes management of all county facilities, management of the school system, and the work of all local boards, including the board of supervisors, the school board, the planning commission, the board of equalization, the board of zoning appeals, and any other local or regional board, commission, committee, or authority created by the board of supervisors or to which the board of supervisors appoints or recommends for appointment all or a portion of its members (collectively "Public Bodies" and individually "Public Body"), including employees who work for or on behalf of any Public Body.

At this time, public health experts recommend against assembling groups of people in confined spaces. Accordingly, this ordinance contains modifications for public meetings which should be followed while it is deemed unwise or unsafe to gather in one location a quorum for any Public bodies, or to invite members of the public to physically gather together for public meetings.

4. That in accordance with Virginia Code § 15.2-1413 and § 15.2-1417(F), and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and

b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and

d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and

e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and

f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

g. Any votes taken during the meeting must be taken by roll call, individually recording each member's name and vote.

h. Public Bodies may hold special meetings consistent with the provisions herein except that notice of the special meeting need only be provided at least three working days prior to the meeting, and the agenda and associated materials, if any, need to be made available to the public at the same time as they are made available to the Public Body members.

i. Public Bodies may hold emergency meetings consistent with Virginia Code § 2.2-3708.

j. Any item on an agenda for a regularly scheduled, regular, special, or emergency meeting held hereunder may be continued to a later date or time for the purpose of reviewing and considering comments from the public.

5. That notwithstanding any provision of any local or state law, regulation or policy to the contrary, any deadlines requiring action by the Lunenburg County Board of Supervisors, the Lunenburg County Planning Commission, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster; however, the Board of Supervisors and Planning Commission, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

6. Additionally, all deadlines established local laws pertaining to: (i) fixing the tax rate, (ii) preparing and submitting the county's annual budget, (iii) taking action on any land use application, including the Planning Commission conducting Virginia Code § 15.2-2232 reviews, conducting public hearings, or making recommendations or reports to the Board of Supervisors on any land use application; and (iv) responding to Freedom of Information Act requests are hereby extended indefinitely until normal government operations resume as specified herein, or as provided by law.

7. That non-emergency public hearings and action items of all Lunenburg County Boards and Commissions may be postponed at the discretion of the Boards and Commissions to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

8. That each incorporated town within the boundaries of Lunenburg County are encouraged, authorized and/or directed to declare its own state of local emergency and disaster or incorporate by reference the County's local state of emergency and disaster and to adopt an ordinance for the continuity of town government.

9. That the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the Board of supervisors in conformity with the notice provisions set forth in Virginia Code §15.2-1427, but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the Board of Supervisors or automatic expiration as described herein, this emergency ordinance shall terminate and normal practices and procedures of government shall resume.

10. Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

11. Any policies or procedures previously adopted by the Board are suspended to the extent they are inconsistent with this Ordinance.

12. The director of emergency management is empowered to restrict members of the public from entering or congregating around county-owned buildings, facilities, and real property as is reasonably necessary to ensure the health, safety, and welfare of the public or county staff. Moreover, the director of emergency management may cancel, postpone, or reschedule any events scheduled for any county-owned building, facility or property as necessary to ensure the health, safety, and welfare of the public or county staff.

13. Additional powers of director of emergency management include:

a. *Funding and Contracts.* To the extent of unobligated funds available in excess of appropriations in the approved budget, the director of emergency management may enter into contracts and incur obligations necessary to protect the health and safety of persons and property, and to provide emergency assistance to person affected by this disaster.

b. *Procedures.* The director of emergency management may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring obligations, employing workers, renting equipment, purchasing supplies and materials, and other expenditures of public funds.

c. *Other Temporary Actions.* The director of emergency management may temporarily take any of the following actions where the health, welfare or safety of the public demands: waive or reduce fees imposed by county ordinance; waive enforcement, in whole or in part, of any county

policy or ordinance; and modify, limit, waive, suspend, or amend any county program, service, functional process, or procedure. The director must apply the action uniformly for similar situations and not on a case-by-case basis. The director's actions will only be effective until the next regular meeting of the board of supervisors. The board of supervisors may ratify and extend the time for which the director's action remains in effect.

14. Normal governmental operations will be resumed after the County Administrator, acting as the Director of Emergency Management, reports to the Board of Supervisors that all emergency actions that can be taken by the County have been taken, the Governor ends the state of emergency, and the State Health Commissioner advises that it is safe for people to once again gather in public so that normal governmental operations, including normal public meetings (or gatherings to that effect), may be re-established.

Supervisor Edmonds made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, approved, to adopt the Emergency Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Local Government Operations Associated with Pandemic Disaster.

LUNEBURG COUNTY

EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN
CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC
HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF
LOCAL GOVERNMENT OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Orders Fifty-One, Fifty-Three and Fifty-Five implemented the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate, and also ordered various restrictions throughout the Commonwealth; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on April 9, 2020, the governing body of Lunenburg Board of Supervisors confirmed the declaration of local emergency made by the local director of emergency management on March 24, 2020; and

WHEREAS, the Board of Supervisors finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a "disaster" as defined by Virginia Code § 44-146.16 being a "communicable disease of public health threat;" and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in her absence may upon the declaration of a local emergency "proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;" and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of Board of Supervisors may convene solely by electronic means "to address the emergency;" and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act ("FOIA") are limited only by a properly claimed exemption provided under that Act or "any other statute;" and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, The Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Lunenburg County, Virginia:

1. That the Lunenburg County Board of Supervisors consents to and confirms the Declaration of Local Emergency made by the County Administrator on March 24, 2020.

2. This ordinance allows for variances from state laws and county ordinances in order to protect the health, safety, and welfare of residents and employees from the spread of COVID-19 while still providing for government operations to continue during this state of emergency.

3. The operation of government includes management of all county facilities, management of the school system, and the work of all local boards, including the board of supervisors, the school board, the planning commission, the board of equalization, the board of zoning appeals, and any other local or regional board, commission, committee, or authority created by the board of supervisors or to which the board of supervisors appoints or recommends for appointment all or a portion of its members (collectively "Public Bodies" and individually "Public Body"), including employees who work for or on behalf of any Public Body.

At this time, public health experts recommend against assembling groups of people in confined spaces. Accordingly, this ordinance contains modifications for public meetings which should be followed while it is deemed unwise or unsafe to gather in one location a quorum for any Public bodies, or to invite members of the public to physically gather together for public meetings.

4. That in accordance with Virginia Code § 15.2-1413 and § 15.2-1417(F), and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and

b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and

d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and

e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and

f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

g. Any votes taken during the meeting must be taken by roll call, individually recording each member's name and vote.

h. Public Bodies may hold special meetings consistent with the provisions herein except that notice of the special meeting need only be provided at least three working days prior to the meeting, and the agenda and associated materials, if any, need to be made available to the public at the same time as they are made available to the Public Body members.

i. Public Bodies may hold emergency meetings consistent with Virginia Code § 2.2-3708.

j. Any item on an agenda for a regularly scheduled, regular, special, or emergency meeting held hereunder may be continued to a later date or time for the purpose of reviewing and considering comments from the public.

5. That notwithstanding any provision of any local or state law, regulation or policy to the contrary, any deadlines requiring action by the Lunenburg County Board of Supervisors, the Lunenburg County Planning Commission, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster; however, the Board of Supervisors and Planning Commission, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

6. Additionally, all deadlines established by state and local laws pertaining to: (i) fixing the tax rate, (ii) preparing and submitting the county's annual budget, (iii) taking action on any land use application, including the Planning Commission conducting Virginia Code § 15.2-2232 reviews, conducting public hearings, or making recommendations or reports to the Board of Supervisors on any land use application; and (iv) responding to Freedom of Information Act requests are hereby extended indefinitely until normal government operations resume as specified herein, or as provided by law.

Ordinance No. 1 - 00

3

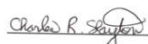
the next regular meeting of the board of supervisors. The board of supervisors may ratify and extend the time for which the director's action remains in effect.

14. Normal governmental operations will be resumed after the County Administrator, acting as the Director of Emergency Management, reports to the Board of Supervisors that all emergency actions that can be taken by the County have been taken, the Governor ends the state of emergency, and the State Health Commissioner advises that it is safe for people to once again gather in public so that normal governmental operations, including normal public meetings (or gatherings to that effect), may be re-established.

An emergency is deemed to exist, and this ordinance shall be effective immediately upon its adoption.

ADOPTED by the Lunenburg County Board of Supervisors this 9th day of April, 2020.

APPROVED



ATTEST:



APPROVED AS TO FORM:



	Ays	Nay
Dr. Bacon	✓	—
Mr. Edmonds	✓	—
Mr. Hankins	✓	—
Mr. Hoover	✓	—
Mr. Pennington	✓	—
Mr. Slayton	✓	—
Mr. Zava	✓	—

Ordinance No. 1 - 00

5

7. That non-emergency public hearings and action items of all Lunenburg County Boards and Commissions may be postponed at the discretion of the Boards and Commissions to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

8. That each incorporated town within the boundaries of Lunenburg County are encouraged, authorized and/or directed to declare its own state of local emergency and disaster or incorporate by reference the County's local state of emergency and disaster and to adopt an ordinance for the continuity of town government.

9. That the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the Board of supervisors in conformity with the notice provisions set forth in Virginia Code § 15.2-1427, but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the Board of Supervisors or automatic expiration as described herein, this emergency ordinance shall terminate and normal practices and procedures of government shall resume.

10. Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

11. Any policies or procedures previously adopted by the Board are suspended to the extent they are inconsistent with this Ordinance.

12. The director of emergency management is empowered to restrict members of the public from entering or congregating around county-owned buildings, facilities, and real property as is reasonably necessary to ensure the health, safety, and welfare of the public or county staff. Moreover, the director of emergency management may cancel, postpone, or reschedule any events scheduled for any county-owned building, facility or property as necessary to ensure the health, safety, and welfare of the public or county staff.

13. Additional powers of director of emergency management include:

a. **Funding and Contracts.** To the extent of unobligated funds available in excess of appropriations in the approved budget, the director of emergency management may enter into contracts and incur obligations necessary to protect the health and safety of persons and property, and to provide emergency assistance to person affected by this disaster.

b. **Procedures.** The director of emergency management may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring obligations, employing workers, renting equipment, purchasing supplies and materials, and other expenditures of public funds.

c. **Other Temporary Actions.** The director of emergency management may temporarily take any of the following actions where the health, welfare or safety of the public demands: waive or reduce fees imposed by county ordinance; waive enforcement, in whole or in part, of any county policy or ordinance; and modify, limit, waive, suspend, or amend any county program, service, functional process, or procedure. The director must apply the action uniformly for similar situations and not on a case-by-case basis. The director's actions will only be effective until

Ordinance No. 1 - 00

4

County Attorney Rennie presented a third resolution explaining procedures for electronic public meetings and hearings if needed during the pandemic.

RESOLUTION OF LUNENBURG COUNTY

AUTHORIZING THE ADOPTION OF PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND
PUBLIC HEARINGS TO ENSURE THE CONTINUITY OF GOVERNMENT DURING
THE COVID-19 PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on April 9, 2020, the governing body of Lunenburg County Board of Supervisors confirmed the declaration of local emergency made by the local director of emergency management on March 24, 2020, specifically finding that the COVID-19 Pandemic constitutes a "disaster" as defined in Virginia Code § 44-146.16, being a "communicable disease of public health threat"; and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

Resolution No. 3

1

WHEREAS, on April 9, 2020, the governing body of Lunenburg County Board of Supervisors, pursuant to Virginia Code § 15.2-1413, adopted an Emergency Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with Pandemic Disaster ("Emergency Ordinance"); and

WHEREAS, through its Emergency Ordinance, the Board of Supervisors specifically found that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a "disaster" as defined by Virginia Code § 44-146.16 being a "communicable disease of public health threat" and

WHEREAS, through its Emergency Ordinance, the Board of Supervisors further found that the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Board of Supervisors, the School Board, the Planning Commission and all local and regional boards, commissions, committees and authorities created by the Board of Supervisors or to which the Board of Supervisors appoints all or a portion of its members (collectively "Public Entities" and individually "Public Entity"), or for such Public Entities to conduct meetings in accordance with normal practices and procedures; and

WHEREAS, through its Emergency Ordinance, the Board of Supervisors adopted certain procedures to ensure the continuity of government during the COVID-19 Pandemic disaster ("Continuity Procedures"), suspended any deadlines applicable to Public Entities and their staff during the COVID-19 disaster, and authorized Public Entities, at their discretion, to postpone non-emergency public hearings and action items during the disaster; and

WHEREAS, the Lunenburg County Board of Supervisors is a Public Entity included within the scope of the Emergency Ordinance.

Resolution No. 3

2

NOW, THEREFORE, BE IT RESOLVED that the Lunenburg County Board of Supervisors hereby incorporates by reference and adopts the Continuity Procedures prescribed in the Emergency Ordinance, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED that the Lunenburg County Board of Supervisors hereby authorizes and directs its officers and staff to take all steps reasonably necessary or appropriate to implement such Continuity Procedures and to develop any specific procedures as applicable and appropriate for the Lunenburg County Board of Supervisors and the Lunenburg County Planning Commission provided that such specific procedures are consistent with the terms and conditions of the Emergency Ordinance; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect during the pendency of the Emergency Ordinance including for any applicable period upon the re-adoption of the Emergency Ordinance by the Board of Supervisors.

ADOPTED by the Board of Supervisors

APPROVED

Charles R. Skyles

ATTEST:

Dracyn Hester

APPROVED AS TO FORM:

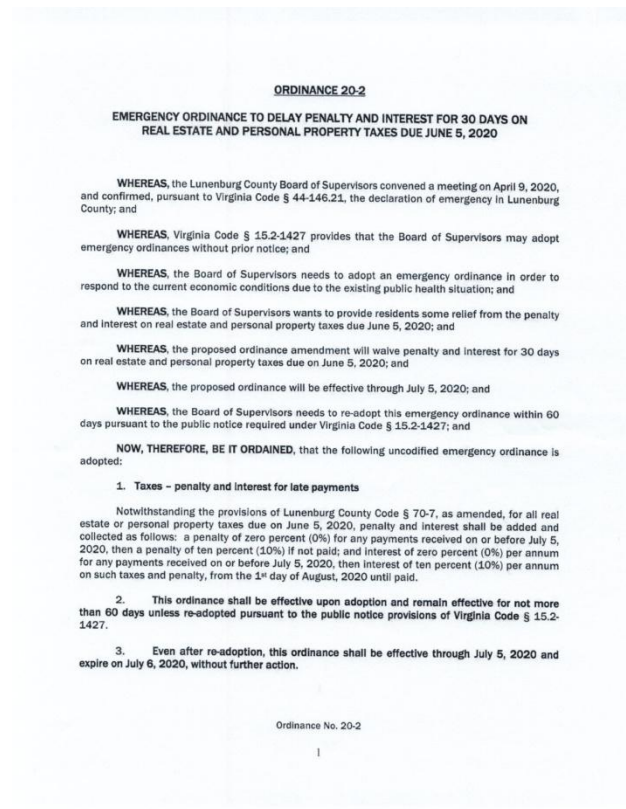
June J. Rice

Resolution No. 3

3

Supervisor Pennington made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, approved, to adopt the resolution explaining procedures for electronic public meetings and hearings if needed during the pandemic.

County Attorney Rennie presented a fourth resolution for consideration, delaying interest and penalty on real estate and personal property taxes due on June 5th for 30 days past the due date. He noted that several localities have enacted this practice as many citizens are out of work due to the pandemic. Supervisor Hankins commented that he would support a 30-day extension as many workers have reduced hours or have been laid off. Supervisors Pennington and Hoover agreed as the county is currently in a financially stable situation and this would allow citizens extra time to get back to work.



Supervisor Hoover made motion, seconded by Supervisor Hankins and by roll call vote, with all seven Supervisors voting yes and none voting no, approved, to adopt the resolution delaying any interest and penalty on real estate and personal property taxes due for 30 days past the due date of June 5, 2020.

Supervisor Pennington made motion, seconded by Supervisor Hankins and approved by roll call vote, with all seven Supervisors voting yes and none voting no, to accept the Consent Agenda to include the Minutes of the March 12, 2020 meeting, the Treasurer's February 2020 reports, and the following Warrants for Approval:

March 2020:

Payroll Direct Deposit:	\$ 132,283.29
Payroll Taxes Federal:	\$ 41,342.06
Payroll Taxes State:	\$ 7,475.39
Payroll VRS payment:	\$ 27,788.69
Payroll ICMA-RC payment:	\$ 517.54
Payroll Health Savings Deposits:	\$ 6,045.25
Accounts Payable: #58909-59088	\$ 418,390.21
Total:	\$ 633,842.43

The monthly VDOT and School reports were provided. Administrator Gee advised that the School Board had provided their proposed budget with an increased amount requested from the Board of Supervisors. She is working with Assistant Superintendent James Abernathy to determine the state required local portion. She is also researching whether the Trane payment in the amount of \$85,000, paid by the county, is considered part of the local portion. Administrator Gee noted that school administrators are calculating \$3.78 million is the required local portion. Supervisor Hankins questioned how closing of schools for the remainder of the year will affect the FY2019-20 budget. Administrator Gee advised that school administrators are working to determine how the FY2019-20 budget will be affected.

Administrator Gee advised that the county would not be receiving a true-up payment for 2019 host fees from Meridian Waste as the monthly fees exceed the required annual minimum of \$150,000. She shared a draft letter from Mr. Paul Hinson, Southern Region Land Use Engineer with VDOT, regarding the VDOT Determination of Adequacy of Transportation Facilities needed by Meridian Waste to apply to DEQ for their application for more daily tonnage. Mr. Hinson requested the Board's opinion on the letter before forwarding it to DEQ. Administrator Gee reported that the study determined increasing tonnage would result in approximately 25 additional trips (or trucks) to the landfill each day. The results of the traffic study concluded that constructing turn lanes into the facility would not be necessary according to VDOT requirements. However, even though VDOT's study did not indicate a need for turn lanes, the CUP requires they be installed. She advised that Meridian Waste is aware of the requirement and has been in contact with Mr. Hinson to work through the design.

Administrator Gee provided an update on the FY2020-21 budget. She noted that community partner requests are being collected and will be provided at the May meeting. She advised that there is much uncertainty about the effects COVID-19 will have on revenue from the state. She expects the Governor will provide additional information on the state budget towards the end of April. At that time, she will have a clearer picture of how the state budget will affect the county budget. She plans to have a proposed budget for review at the May meeting.

Administrator Gee advised that County Planner Glenn Millican provided his monthly report. He has been working remotely during the pandemic. Administrator Gee advised that she received a request from the Department of Social Services to transfer two office desks to surplus. One is a wooden desk and one is metal; both are currently sitting in the office back hallway and could be considered a partial blockage of a fire egress, they will be disposed of properly.

Supervisor Bacon made motion, seconded by Supervisor Pennington and by roll call vote, with all seven Supervisors voting yes and none voting no, approved, to declare as surplus two office desks located in the Department of Social Services.

Administrator Gee advised that she had been contacted by Mr. Gill Coffee in regards to maintaining and harvesting the fields at the County Airport. She noted that Mr. Coffee would provide maintenance of the fields at no cost to the county and would be required to enter into a lease agreement. Administrator Gee indicated that she sent a letter of support to Virginia's Growth Alliance to accompany a grant application for the Brunswick County Airport to be used as a test site for delivery of packages by unmanned air systems (drones).

Administrator Gee reported that she received eleven responses to the Radio Assessment RFP, ranging in cost from \$13,200 to over \$48,000. She advised that she, Supervisor Hoover, Major DJ Penland and Victoria Fire Chief Rodney Newton had reviewed and rated the responses. Supervisor Hoover stated that all members agreed they need to obtain consultant services to assist in giving recommendations on which radio services would best serve the county. Administrator Gee added that CTA's proposal received the best overall rating and their cost was \$38,907. She noted that this was not a planned expense but a necessary one. She stated that funds would need to come from the E911 fund or reserves. Supervisor Hoover suggested that the Board approve to enter into negotiations instead of a contract with CTA as adjustments may be needed depending on the findings of the consultants. He added that this radio system would have a life expectancy of over twenty years. The Board agreed to form a Radio Assessment Committee consisting of Administrator Gee, Supervisor Hoover, Major DJ Penland and Victoria Fire Chief Rodney Newton.

Supervisor Bacon made motion, seconded by Supervisor Pennington and by roll call vote, with all seven Supervisors voting yes and none voting no, approved, to allow the Radio Assessment Committee to enter into negotiations with CTA to sign a contract and allow for any adjustments depending on the findings of the consultants.

Supervisor Zava questioned if the county had Personal Protective Equipment (PPE) for all employees during the pandemic. Administrator Gee advised that the shortage in PPE has affected the County. She added that the Virginia Department of Emergency Management provides weekly updates on when PPE will be available. Supervisor Hoover commented that the county needs to procure their own PPE supplies and cannot wait for VDEM to provide them. He advised that the county would be reimbursed 75% of the cost of PPE supplies due to the state of emergency. He added that Victoria Fire Chief Rodney Newton would be a good resource to assist in procurement and the quicker an order is placed, the better. Administrator Gee commented that she would reach out to Chief Newton for assistance.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and by roll call vote, with all seven Supervisors voting yes and none voting no, approved, to adjourn.

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors