



Ralph S. Northam
Governor

R. Brian Ball
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

TO: Members of the Commission on Local Government
FROM: J. David Conmy, Local Government Policy Administrator
DATE: September 8, 2020
SUBJECT: Draft Agenda, Materials, and Other Items of Interest

Please find enclosed the following:

1. Draft agenda for your regular meeting to be held on Thursday, September 17, 2020, at 11:00 (**please note this meeting will be held electronically via Google Meet**);
2. Commission on Local Government Electronic Meeting Information and Rules;
3. Draft minutes for your last regular meeting held on July 9, 2020;
4. Summary of draft changes for the 2020 Catalog of State and Federal Mandates on Local Governments);
5. Draft COVID-19 Case Review Practices; and
6. 2020 Commission on Local Government meeting schedule.

Other Items of Interest:

1. Upcoming events of interest; and
2. Various newspaper articles of interest.

In addition, recent issues of VACo *County Connections* and VML *eNews* can be accessed on the web at:

- <http://www.vaco.org/newsroom/county-connections/>
- <https://www.vml.org/publications/enews/>

If you have any questions or require additional information, please feel free to contact me at (804) 371-8010 (office), (434) 825-0353 (cellular), or david.conmy@dhcd.virginia.gov.

I look forward to seeing – digitally - on September 17th!

Enclosures

Partners for Better Communities



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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

AGENDA Regular Meeting Commission on Local Government 11:00 a.m., September 17, 2020

***This meeting is to be held electronically (via Google Meet), pursuant to [§ 4-0.01 OPERATING POLICIES of Chapter 1289 of the 2020 Acts of Assembly](#).**

Electronic Meeting Details:

- The link for entering the electronic meeting and access to meeting materials can be found by navigating through the following two pages:
 - [Virginia Regulatory Town Hall website](#)
 - [Commonwealth Calendar](#)
- All meeting participants are asked to mute their devices upon entering the meeting space and only un-mute themselves when called upon by the Chair.
- Please contact Cody Anderson (cody.anderson@dhcd.virginia.gov) to pre-register your attendance, if you plan to speak during the Public Comment Period of the agenda, or if you need additional services to accommodate your attendance/participation.

Call to Order

I. Administration

- | | |
|---|-------------|
| A. Approval of the Draft Agenda | (Ms. Mahan) |
| B. Approval of Minutes from the Regular Meeting on July 9, 2020 | (Ms. Mahan) |
| C. Public Comment Period | (Ms. Mahan) |
| D. Policy Administrator's Report | (Mr. Conmy) |

II. 2020 Catalog of State and Federal Mandates on Local Governments (Draft)

- | | |
|---------------------------------------|------------------------------|
| A. Staff Presentation | (Ms. Dahlman & Mr. Anderson) |
| B. Commission Deliberation and Action | |

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III. Commission on Local Government: Case Review COVID-19 practices

A. Staff Presentation (Mr. Conmy)

B. Commission Deliberation and Action

IV. 2020 General Assembly Special Session I

A. Staff Presentation (All)

V. Other

VI. Schedule of Regular Meetings

A. Staff Presentation (Mr. Conmy)

VII. Upcoming Events of Interest

A. Staff Presentation (Mr. Conmy)

VIII. Adjournment

DRAFT

Commission on Local Government
Electronic Meeting Information and Rules

The September 17, 2020, Commission on Local Government (CLG) meeting will occur via electronic means in accordance with the provisions detailed in the Appropriations Act ([see § 4-0.01 OPERATING POLICIES of Chapter 1289 of the 2020 Acts of Assembly](#)). The meeting is being conducted electronically to conduct business that is, “statutorily required or necessary to continue operations,” of the CLG during the COVID-19 pandemic.

Below are certain points of information and rules for the meeting.

- The meeting will be recorded.
- Votes will be taken by Roll Call.
- In order to avoid noise feedback and other potential disruptions, Commission members, members of the public, and staff are asked to please mute their computers (Mute button on your screen or Ctrl+D on your keyboard) or phones (*6 on your dial pad) when not speaking.
- It is requested that Commission members, members of the public, and staff state their name each time prior to speaking.
- The minutes of the meeting will state, “The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.”



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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MINUTES Regular Meeting Commission on Local Government 11:00 a.m., July 9, 2020

Due to the COVID-19 pandemic and public health emergency and the need to provide social distancing and prohibit large gatherings, the meeting was held electronically in accordance with the State of Emergency Declared by the Governor and the 2020 amendments to the 2019 Appropriations Act. The meeting was held via Google Meet.

Members Present

R. Michael Amyx,
Stephanie D. Davis, Phd., Vice Chair
Diane M. Linderman, PE
Rosemary M. Mahan, Chair
Kimble Reynolds, Jr.

Members Absent

Staff Present

J. David Conmy, Local Government Policy Administrator
Ali Akbor, Senior Public Finance Analyst
Kristen Dahlman, Senior Policy Analyst
Cody Anderson, Legislative Affairs and Boards Coordinator

Call to Order

The Commission on Local Government (CLG) Chair, Ms. Rosemary Mahan, called the meeting to order at 11:00 a.m.

It was noted that due to the Governor's declared State of Emergency due to COVID-19, it is impracticable and unsafe for the Commission on Local Government to assemble in a single location, so the commission meeting will be held electronically, by video conference and telephone options, pursuant to 2020 Amendments to the 2020 Appropriation Act. The purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the Commission on Local Government and the discharge of its lawful purposes, duties, and responsibilities. The public is welcome to use the link and phone number options made available by staff to attend the meeting electronically. The Commission on Local Government will make available a recording or transcript of the meeting on its website in accordance with the timeframes established in Sections 2.2-3707 and 2.2-

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3701.1 of the Code of Virginia.

I. Administration

a. Approval of the Draft Agenda

A motion was made by Mr. Reynolds and seconded by Mr. Amyx to approve the draft agenda. The motion passed.

b. Approval of Minutes of the Regular Meeting on November 5, 2019

A motion was made by Ms. Linderman and properly seconded by Ms. Davis to amend the agenda to include an updated Mandate Assessment Schedule with the Commission for consideration and adoption. This motion passed (Yeas: Amyx, Davis, Linderman, Mahan, Reynolds; Nays: None; No-Votes: None).

c. Public Comment Period

Ms. Mahan opened the floor to receive comments from the public. No one from the public appeared before the Commission; the public comment period was then closed.

d. Policy Administrator's report

Mr. David Conmy introduced Ms. Sara Dunnigan, Deputy Director of GO Virginia and Economic Development as the interim Policy Director with direct oversight of Commission on Local Government Staff. Ms. Dunnigan gave the Commission an overview of her credentials and the work that the GO Virginia and Economic Development Division has done to help combat the effects of the COVID-19 pandemic.

Mr. Conmy, Ms. Kristen Dahlman, Mr. Ali Akbor, and Mr. Cody Anderson relayed to the Commission the different projects that were in progress throughout the Policy Office at the Department of Housing and Community Development in order to help combat the effects of the COVID-19 pandemic, including redirection of funds from the Community Development Block Grant, the creation of the GO Virginia Economic Resilience and Recovery Grants Program, and the Rent and Mortgage Relief Program.

Mr. Conmy gave a brief update on potential reversion cases that may come before the Commission in the future. It was noted that COVID-19 is likely to delay any cases that may come before the Commission, however it is recommended that staff begin to work on potential changes to the case review process that promotes safety and social distancing measures should a case come before the Commission while the pandemic is still active. Mr. Conmy offered to have staff present those recommendations at the next Commission meeting in September.

Mr. Conmy reviewed various articles of interest to the Board regarding local government affairs.

II. Fiscal Stress Report for 2017/2018

Ms. Dahlman provided the Commission with the proposed schedule of state and federal mandates that are

Minutes

Regular Meeting

11:00 a.m., July 9, 2020

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subject to agency assessment pursuant to 2.2-613 of the Code of Virginia and Executive Order 58 (Kaine). Mr. Reynolds made a motion to approve the schedule, which was seconded by Mr. Amyx. The motion passed.

III. Fiscal Stress Report

Mr. Akbor relayed to the Commission the initial findings of the Fiscal Stress Report. It was noted that the report collects data from 2018 so effects of the current pandemic would not be recorded within the data. It was also noted that two localities, Hopewell and Petersburg had yet to submit their fiscal data.

A motion was made by Mr. Reynolds and properly seconded by Ms. Linderman to approve the report. The motion passed (Yeas: Amyx, Davis, Linderman, Mahan, Reynolds; Nays: None; No-Vote: None).

Mr. Conmy and Mr. Akbor gave a supplementary presentation on the Local Vulnerability Analysis that Commission staff had begun. It was noted that the Fiscal Stress Report is an important tool utilized by the agency for various programs but that the data lags and may not show the full story. The Local Vulnerability Analysis is meant to be a value added tool to help better determine those localities in the most need. It was noted that no Commission action was required in regards to the Local Vulnerability Analysis. Additional discussion among the Commissioners ensued and their overall response was supportive of the analysis. The Commissioners requested a copy of a narrative version of the report once it is available.

IV. Report on Municipal Boundary Line Changes

Ms. Dahlman gave a brief summary of the Municipal Boundary Line Changes that occurred since last year's report, including changes to the boundaries of Caroline and Essex counties, the Town of Christiansburg and Montgomery County, and between Manassas Park City and Prince William County.

A motion was made by Ms. Linderman and properly seconded by Mr. Reynolds to approve of changes for the report as presented by staff. The motion passed (Yeas: Amyx, Davis, Linderman, Mahan, Reynolds; Nays: None; No-Votes: None).

V. Update to Mandate Assessment Schedule

Ms. Dahlman provided a brief overview of changes to the Mandates Assessment Schedule. It was noted that the Department of Social Services had requested to do their assessment January through March of 2021, however they have revised their request and now would like move that period up to October through November of 2020. The Secretary has already given approval for the change, however Executive Order 58 requires the Commission to also give approval for the change.

A motion was made by Ms. Linderman and properly seconded by Mr. Reynolds to approve the schedule change. The motion passed (Yeas: Amyx, Davis, Linderman, Mahan, Reynolds; Nays: None; No-Votes: None).

VI. 2020 General Assembly Reconvened Session

Mr. Conmy noted that the Governor will be calling a Special Session of the General Assembly this year to

determine how unallotted funds will be spent as more accurate revenue projections are formulated as a result of effects of the COVID-19 pandemic.

Ms. Dahlman relayed to the Commission that there are a lot of local efforts to combat the effects of the COVID-19 pandemic. She noted that the state received \$3.1B in COVID-19 relief funds with a portion of the funds going straight to localities based on population.

VII. **Other**

There was no other business

VIII. **Schedule of Regular Meetings**

Mr. Anderson presented the schedule of meetings for 2020. It was noted to the Commission that the next scheduled meeting will take place on September 17th. It was noted that Virginia State Code mandates that the Commission meet 6 times per year and since the May meeting was canceled due to the COVID-19 pandemic, there may be reason to make up the meeting later in the year. Mr. Anderson informed the Commission that staff would be in touch with counsel regarding whether or not calling a special meeting will be necessary.

IX. **Upcoming Events of Interest**

Mr. Anderson advised the board that upcoming events of interest include the VAPDC has an online Summer Series in July, the VML Annual Conference will be on October 9th, the VACO Annual Conference will be in November, as well as the Virginia Governor's Housing Conference.

Adjournment

By consensus of the Commission, Ms. Mahan called the meeting adjourned at 12:43 p.m.

Rosemary M. Mahan,
Chair

J. David Conmy,
Local Government Policy Administrator

Changes in Mandates Since the Publication of the 2019 Edition of the Catalog

NEW MANDATES

Compulsory Order

Conservation and Recreation, Department of
Adoption of Floodplain Ordinances

SNR.DCR022

A locality may by ordinance regulate the activity on, use of, or development a flood plain in a manner consistent with any state or federal flood plain management programs and requirements.

Conservation and Recreation, Department of
Comprehensive Flood Control Program

SNR.DCR023

The following activities constitute the Commonwealth's flood prevention and protection program and shall be coordinated with the Virginia Coastal Resilience 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 habitat protection programs of the Department of Wildlife Resources; the mineral extraction regulatory program of the Department of Mines, Minerals and 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; and any other state agency programs deemed necessary by the Director, the Chief Resilience Officer of the Commonwealth, and the Special Assistant to the Governor for Coastal Adaptation and Protection.

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

Changes in Mandates Since the Publication of the 2019 Edition of the Catalog

planning, subdivision of land, and zoning provisions of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

Education, Department of

Mental Health Awareness Training

SOE.DOE165

Each school board shall adopt and implement policies that require each teacher and other relevant personnel, as determined by the school board, employed on a full-time basis, to complete a mental health awareness training or similar program at least once. Each school board shall provide required personnel the training required and may contract with the Department of Behavioral Health and Developmental Services, a community services board, a behavioral health authority, a nonprofit organization, or other certified trainer as defined in § 37.2-312.2 to provide such training. Such training may be provided via an online module.

Education, Department of

Transgender Student Policies

SOE.DOE166

Each school board shall adopt policies no later than the beginning of the 2021–2022 school year on the treatment of transgender students. Such policies shall be consistent with model policies developed by the Department of Education, with the option to be more comprehensive.

Education, Department of

Teacher, Other Instructional Personnel, and Support Staff Shortages

SOE.DOE167

Each school board shall report to the Department of Education annually the number and type of teacher, other instructional personnel, and support staff vacancies in the school division.

Education, Department of

Availability of Menstrual Supplies

SOE.DOE168

Each school board shall make menstrual supplies available, at all times and at no cost to students, in such accessible locations as it deems appropriate in each elementary school in the local school division. Each school board shall make menstrual supplies available, at all times and at no cost to students, in the bathrooms of each middle school and high school in the local school division.

Education, Department of

Virginia Voter Registration

SOE.DOE169

Each public high school shall provide to any enrolled student who is of voting age or is eligible to register to vote pursuant to § 24.2-403 (i) mail voter registration applications and voter registration information provided by the Department of Elections or (ii) access to the Virginia online voter registration system on a school-owned computing device that is accessible to such

Changes in Mandates Since the Publication of the 2019 Edition of the Catalog

student. Each student who is eligible to register to vote shall be provided the opportunity to complete an application form during the normal course of the school day.

Education, Department of
Guardianship for Special Education Students

SOE.DOE170

Local school divisions are to use, to the fullest extent possible, the special education transition materials for students and parents during a student's annual Individualized Education Program meeting as required by the State Board of Education Regulations Governing Special Education Programs for Children with Disabilities in Virginia. Such materials shall be prepared and updated as necessary by the Department of Education and shall include information describing services that can be provided in the least restrictive environment possible and the purpose and use of temporary guardianship, limited guardianship, and guardianship. A health care provider and local school division shall disclose or make available to the guardian ad litem, upon request, any information, records, and reports concerning the respondent that the guardian ad litem determines necessary to perform his duties as provided in § 64.2-2003.

Education, Department of
Water Management Programs

SOE.DOE171

Effective July 1, 2021, each school board shall maintain a water management program for the prevention of Legionnaires' disease at each public school building in the local school division. Each school board shall validate each water management program on at least an annual basis to maintain the health and decency of such buildings. Each public school shall maintain files related to its water management program, including the results of all validation and remediation activities, and make such files available for review.

Education, Department of
Mold Testing

SOE.DOE172

Effective July 1, 2021, each local school board shall develop and implement a plan to test and, if necessary, a plan to remediate mold in public school buildings in accordance with guidance issued by the U.S. Environmental Protection Agency. Each local school board shall (i) submit such testing plan and report the results of any test performed in accordance with such plan to the Department of Health and (ii) take all steps necessary to notify school staff and the parents of all enrolled students if testing results indicate the presence of mold in a public school building at or above the minimum level that raises a concern for the health of building occupants, as determined by the Department of Health.

Changes in Mandates Since the Publication of the 2019 Edition of the Catalog

Education, Department of
Health Insurance Credits

SOE.DOE173

Employees of a local school division who are not teachers as defined in § 51.1-124.3, who retired under the Virginia Retirement System, including the hybrid retirement program described in § 51.1-169, and who rendered at least 15 years of total creditable service under the System shall receive a health insurance credit to their monthly retirement allowance, which shall be applied to reduce the retired member's health insurance premium cost. The amount of each monthly health insurance credit payable under this section shall be based on the schedule provided in § 51.1-1402.1.

Health, Department of
Lead Testing of Potable Water in School

SHHR.VDH036

Each local school board shall develop and implement a plan to test and, if necessary, remediate potable water from sources identified by the U.S. Environmental Protection Agency as high priority for testing, including bubbler-style and cooler-style drinking fountains, cafeteria or kitchen taps, classroom combination sinks and drinking fountains, and sinks known to be or visibly used for consumption. Such plan shall be consistent with guidance published by the U.S. Environmental Protection Agency or the Department of Health. The local school board shall give priority in the testing plan to schools whose school building was constructed, in whole or in part, before 1986. Each local school board shall submit such testing plan and report the results of any such test to the Department of Health. Each local school board shall take all steps necessary to notify parents if testing results indicate lead contamination that exceeds 10 parts per billion.

Non-Discretionary Condition of Aid
Conservation and Recreation, Department of
Virginia Community Flood Preparedness Fund

SNR.DCR021

Continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund, providing that the Fund shall include all sums that are deposited from revenue generated by the sale of emissions allowances and are designated to assist localities affected by recurrent flooding, sea level rise, and flooding from severe weather events. The Virginia Resources Authority manages the Fund and the Department of Conservation and Recreation administers the Fund. The Authority will pledge the assets of the Fund as security for any bonds issued to finance flood prevention or protection projects.

Localities are authorized to lend or grant money from the Fund to implement flood prevention and protection projects and studies, requiring that at least 25 percent of the money disbursed from the Fund each year be used for projects in low-income geographic areas. In addition, a locality is authorized to forgive the principal of a loan it grants in a low-income geographic area so long as the total amount of loans forgiven by all localities does not exceed 30 percent of the amount

Changes in Mandates Since the Publication of the 2019 Edition of the Catalog

appropriated to the Fund during the fiscal year. Any locality that forgives such a loan remains obligated to pay the principal to the Commonwealth.

Regulation of Optional Activity

Criminal Justice Services, Department of
Body-Worn Camera Systems

SPSHS.DCJS039

Local law-enforcement agencies electing to deploy body-worn camera systems must adopt a written policy for the operation and make the policy available for public review prior to its adoption.

Fire Programs, Department of
Exits from Public Halls, Theaters, and Opera Houses

SPSHS.DFP003

All owners or lessees of public halls, theaters or opera houses situated in any city or town, or in any county which has elected to come under the provisions of Article 1 (§ 27-6.01 et seq.) of Chapter 2 of this title, shall provide suitable and sufficient exits from such buildings. The doors to the exits shall remain unlocked during all performances or public gatherings in the buildings, and shall in all cases open outwardly, and not inwardly.

Health, Department of
Lyme Disease Test Results

SHHR.VDH034

Local governments operating laboratories, either independently or as part of a medical care facility, must provide written notice when reporting the results of Lyme disease testing ordered by an office-based health care provider. The notice must state "patients undergoing a lyme disease test should be aware that lyme disease tests vary and may produce results that are inaccurate. This means a patient may not be able to rely on a positive or negative result. Health care providers are encouraged to discuss lyme disease test results with the patient for whom the test was ordered."

Health, Department of
America's Water Infrastructure Act of 2018

SHHR.VDH035

Local governments that own and operate a community waterworks serving more than 3,300 people are required to complete a risk and resilience assessment and develop an emergency response plan. Each affected local government must conduct the risk assessment and submit certification of its completion to the U.S. Environmental Protection Agency (U.S. EPA) by March 31, 2020 if serving $\geq 100,000$ people; December 21, 2020 if serving 50,000 to 99,999 people, or June 30 2021 if serving 3,301 to 49,999 people. Every five years, the affected local government must review the risk and resilience assessment and submit a recertification to the U.S. EPA. Each affected local government must also develop or update an emergency response plan and certify completion to the U.S. EPA no later than six months after the risk and resilience assessment. Recertification is also required.

Changes in Mandates Since the Publication of the 2019 Edition of the Catalog

Juvenile Justice, Department of

Local Court Service Unit Transfer Report or Preliminary Hearing Report

SPSHS.DJJ017

The staff in locally operated court service units or other qualified agencies designated by the juvenile and domestic relations court judge must provide a written report to the juvenile and domestic relations court prior to a juvenile transfer hearing pursuant to § 16.1-269.1(A). The report must set out certain specified information the judge can use to make a determination regarding a juvenile who is at least 14 years old and alleged to have committed a felony offense as to whether to retain jurisdiction or transfer the juvenile's case to circuit court. The same report is required prior to a preliminary hearing pursuant to §16.1-269.1(C) before the Commonwealth's Attorney may exercise discretion to transfer to circuit court the case of a juvenile at least 16 years old who is alleged to have committed a violent juvenile felony.

Virginia Information Technologies Agency

Information Technology Access for the Visually Impaired

SOA.VITA001

The Secretary of Technology no longer exists, the Virginia Information Technologies Agency is transferred under the Secretary of Administration. The mandate itself did not change.

Virginia Information Technologies Agency

Internet Privacy Policy

SOA.VITA002

The Secretary of Technology no longer exists, the Virginia Information Technologies Agency is transferred under the Secretary of Administration. The mandate itself did not change.

Emergency Management, Department of

Implementation of E-911 Services

SPSHS.VDEM017

With the move of the Virginia Information Technologies Agency to the Secretary of Administration from the now non-existent Secretary of Technology, Virginia Department of Emergency Management absorbed this mandate. No change to the mandate itself occurred.

EXPANDED MANDATES

Compulsory Order

Auditor of Public Accounts

Annual Audit

LEG.APA002

If a locality, which is late in completing its required audit, fails to give proper notification of the delayed audit, any aggrieved person may proceed to enforce action by filing a petition for mandamus to the general district court, supported by an affidavit showing good cause. The court, if it finds that a violation has occurred, may issue a writ of mandamus and impose a civil penalty of

Changes in Mandates Since the Publication of the 2019 Edition of the Catalog

not less than \$500 nor more than \$2,000 against the locality, which amount shall be paid into the Literary Fund.

Behavioral Health and Developmental Services, Department of
Community Services Board Mandated Services

SHHR.DBHDS005

Effective July 1, 2021, psychiatric rehabilitation services, care coordination services, and case management services no longer are required services, but may be provided subject to appropriated funds. Further, no CSB is required to provide any service pursuant to the System Transformation, Excellence, and Performance (STEP) in Virginia process beyond those funded in Chapter 854, Laws 2019. Any new STEP-VA service requirements will be subject to the appropriation and allotment of funds by the General Assembly for those purposes.

Education, Department of
Teacher License Required

SOE.DOE004

Every person seeking initial licensure as a teacher shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion.

Education, Department of
Program of Instruction for Grades K-12

SOE.DOE044

Effective July 1, 2022, all kindergarten programs must be full-time and include 990 instructional hours.

Education, Department of
Early Identification and Provision of Special Education Services

SOE.DOE069

Each local school board shall enact a policy to require that timely written notification is provided to the parents of any student who: (i) undergoes literacy and Response to Intervention screening and services; or (ii) does not meet the benchmark on any assessment used to determine at-risk learners in preschool through grade 12, which notification shall include all such assessment scores and subscores and any intervention plan that results from such assessment scores or subscores.

Education, Department of
Reports of Certain Acts in School

SOE.DOE83

A school board may establish an alternative school discipline process to provide the parties involved in an incident described in clause (i) of subsection A of § 22.1-279.3:1 the option to enter into a mutually agreed-upon process between the involved parties. Such process shall be designed

Changes in Mandates Since the Publication of the 2019 Edition of the Catalog

to hold the student accountable for a noncriminal offense through a mutually agreed-upon standard.

Social Services, Department of

Provision of Independent Living Services for Current or Former Children in Foster SHHR.DSS076

Social Services, Department of

Virginia Birth Registry Search SHHR.DSS80

Requires local boards to search the Virginia Birth Father Registry prior to any adoption proceeding, termination of parental rights hearing and, if relevant, in other legal proceedings; and submit the Certificate of Search to the applicable court.

Non-Discretionary Condition of Aid

Aging and Rehabilitative Services, Department of

Long-Term Care Services Coordination Committee SHHR.DARS011

Language change converts this mandate from being compulsory to a regulation of optional activities.

Criminal Justice Services

Juvenile Delinquency Prevention and Juvenile Justice System Improvement Grant SPSHS.DCJS006

To be eligible for the funds, local governments should comply with the four federal core requirements or protections: (i) deinstitutionalization of status offenders; (ii) adult jail and lock-up removal; (iii) sight and sound separation; and (iv) reducing racial and ethnic disparities

Education, Department of

School Nutrition Programs SOE.DOE039

Effective July 1, 2021, each school board shall require each public elementary and secondary school in the local school division to participate in the federal National School Lunch Program and the federal School Breakfast Program administered by the U.S. Department of Agriculture and to make lunch and breakfast available pursuant to such programs to any student who requests such a meal, regardless of whether such student has the money to pay for the meal or owes money for meals previously provided, unless the student's parent has provided written permission to the school board to withhold such a meal from the student.

Changes in Mandates Since the Publication of the 2019 Edition of the Catalog

Regulation of Optional Activity

Education, Department of

School Security and Resource Officers

SOE.DOE156

No school board may authorize or designate any person to possess a firearm on school property other than those persons expressly authorized by statute

Health, Department of

Waterworks Operation Permit

SHHR.VDH019

This legislation spells out what waterworks operation permits must require, including: (1) water quality standards; (2) monitoring requirements; and (3) reporting requirements. Local governments that operate community waterworks, defined as waterworks that serve at least 15 service connections used by year-round residents or regularly serve at least 25 year-round residents, are also required to develop and maintain an emergency management plan for the provision of pure water during any extended power outage.

Eliminated Mandates

Compulsory

Emergency Management, Department of

Implementation of E-911 Services

SOTECH.VITA003

With the move of the Virginia Information Technologies Agency to the Secretary of Administration from the now non-existent Secretary of Technology, this mandate was absorbed by Virginia Department of Emergency Management. No change to the mandate itself occurred.

Virginia Information Technologies Agency

Information Technology Access for the Visually Impaired

SOTECH.VITA001

The Secretary of Technology no longer exists, the Virginia Information Technologies Agency is transferred under the Secretary of Administration. The mandate itself did not change.

Virginia Information Technologies Agency

Internet Privacy Policy

SOTECH.VITA002

The Secretary of Technology no longer exists, the Virginia Information Technologies Agency is transferred under the Secretary of Administration. The mandate itself did not change.

Changes in Mandates Since the Publication of the 2019 Edition of the Catalog

Non-Discretionary Condition of Aid

Criminal Justice Services, Department of

Sexual Assault and Domestic Violence Grant Program

SPSHS.DCJS025

This federal grant program was eliminated by the federal government.

Forestry, Department of

Virginia Dry Fire Hydrant Grant Program

SAF.DOF005

This mandate was the subject of terms and conditions created at the discretion of the Department of Forestry for the grant. The Department made a change to those terms and conditions which no longer requires localities to pay costs outside of the cost of a standard installation of dry fire hydrants and shifts that cost directly to the fire departments.

Rail and Public Transportation, Department of

Intercity Passenger Rail Operating and Capital Fund

STO.DRPT021

The code section governing this mandate (§ 33.2-1603) was repealed.

Rail and Public Transportation, Department of

Rail Enhancement Program

STO.DRPT020

The code section governing this mandate (§ 33.2-1601) was repealed.

Other Changes

Wildlife Resources, Department of

The Department of Game and Inland Fisheries is now the Department of Wildlife Resources. The catalog entries will now be SNR.DWR, instead of SNR.DGIF.

Practices and Additional Matters for Consideration and Discussion

The following topics are for consideration and discussion among the Commissioners and staff regarding a standard approach of best practices in the event a case is referred to the Commission on Local Government (CLG) pursuant to [§§15.2-2903](#) and [15.-2907 of the Code of Virginia](#). Governor Northam's *Safer at Home: Phase Three Guidelines for All Businesses* was the primary source for most of these policies. Additional matters for discussion and consideration as it relates specifically to the CLG are included as sub-bullet points for each. These policies can serve as a starting point with additional refinement by the Commission as additional needs or circumstances arise provided that they remain in compliance with applicable laws, Executive Orders, and other policies.

A copy of the Governor's *Safer at Home: Phase Three Guidelines for All Businesses* is attached at the end of this document in addition to relevant applicable CLG statues and regulations.

1. Engage with localities find out what practices and systems they have in place for their governing bodies to participate in this new environment.
 - Can some of these practices and resources be adopted and used by the Commission during their review?
2. Establish policies and practices for maintaining appropriate physical distance between persons not living in the same household.
 - Require and ensure 6 feet of distance between all Commissioners, staff, parties, and members of the public at all times during Commission proceedings.
3. Provide clear communication and signage for physical distancing in areas where individuals may congregate, especially at entrances, in seating areas, and in check-out lines.
 - Utilize all standard signage provided in various languages.
4. Limit the occupancy of physical spaces to ensure that adequate physical distancing may be maintained.
 - Ensure all spaces used for review can provide adequate space and establish maximum occupancy limits for spaces.
 - Once space limit is reached, others will need to either participate remotely or wait until others have left the room.
 - Block off various seating areas, place physical markers on floor to help people maintain distances
 - Additionally, is utilization of outdoor space an option?
5. When in-person meetings need to occur, keep meetings as short as possible, limit the number of employees in attendance, and use physical distancing practices.
 - Consider establishing time limits for the tour, oral presentations, and public hearing?
 - Already a standard practice to some degree, but may need greater specificity.
6. Practice routine cleaning and disinfection. Surfaces frequently touched by multiple people, such as door handles, desks, phones, light switches, and faucets, should be cleaned and disinfected at least daily.
 - Ensure parties to the case have routinely cleaned the spaces, especially day before Commission proceedings.

- Request email verification of such practices?
7. Promote frequent and thorough hand washing, including by providing employees, customers, visitors, the general public, and other persons entering into the place of employment with a place to wash their hands. If soap and running water are not immediately available, provide hand sanitizers.
 - Ensure parties provide sufficient PPE for Commission proceedings.
 8. Prior to a shift and on days employees are scheduled to work, employers should screen employees prior to starting work. Employees should also self-monitor their symptoms by self-taking of temperature to check for fever and utilizing the questions provided in the VDH *Interim Guidance for COVID-19 Daily Screening of Employees* before reporting to work.
 - Consider screening parties and attendees regarding their symptoms?
 - Is it possible to request local public health staff from the parties to a case to provide this service in-kind?
 - How should staff and members of the Commission consider this factor?
 - In the event a Commissioner, a representative from one of the parties, or Commission staff are sick, options for virtual participation may be necessary.
 9. Implement practices such as those described in VDH *Interim Guidance for COVID - 19 Daily Screening of Employees* for examples of a screening questionnaire.
 10. Instruct employees who are sick to stay at home and not report to work. If an employee becomes ill or presents signs of illness, follow CDC *What to Do if You Are Sick* guidance. Employers should post signage in the common languages of the employees telling employees not to come to work when sick.
 - Ensure all parties, staff, and Commissioners are made aware of this standard. Ask everyone to screen themselves (temperature and other symptom check) prior to leaving for meetings. If anyone exhibits signs through the screening, then we will need to provide alternative, virtual participation options
 - Consider using Adobe Connect for these proceedings?
 11. Some employees are at higher risk for severe illness from COVID-19. These vulnerable employees include individuals over age 65 and those with underlying medical conditions. Vulnerable employees should be encouraged to self-identify and employers should take particular care to reduce their risk of exposure, while making sure to be compliant with relevant Americans with Disabilities Act (ADA) and Age Discrimination in Employment Act (ADEA) regulations.
 - Consider offering virtual participation for anyone that self-identifies as being vulnerable to COVID-19. Will need to identify these individuals well in advance of proceedings so that we can provide reasonable accommodations.
 - This will also apply to members of the public. We will need to provide very early notice to the public to pre-register their comments or register so that they can share their comments virtually/over the phone
 12. Designate a staff person to be responsible for responding to COVID-19 concerns. Employees should know who this person is and how to contact them.
 - Who do we want to designate on our team to serve in this role?
 13. Additional considerations?

- Can we require masks at all Commission proceedings?
- Need to consider how to conduct Executive Sessions virtually or partially/virtually.
- It appears the “tour of the affected area” and “oral presentations” are optional. The Commission may wish to consider ways in which these matters can proceed virtually given their importance on gathering information related to cases.
 - Tour of the affected area could be a virtual/video tour or be waived entirely.
 - Oral presentations may need to be conducted on a platform that requires greater control over testimony.
 - Depositions can be allowed in lieu of in-person testimony but all parties have to be present for such depositions.
- The public hearing component for the Commission’s proceedings is required.

DRAFT



SAFER AT HOME: PHASE THREE GUIDELINES FOR ALL BUSINESS SECTORS

PHYSICAL DISTANCING BEST PRACTICES:

- ✓ Establish policies and practices for maintaining appropriate physical distance between persons not living in the same household. Maintain at least ten feet of distance for establishments where exercise activities, singing, or cheering is performed, and at least six feet of distance for all other settings. (See sector-specific guidelines below for more detailed information on public engagement.)
- ✓ Provide clear communication and signage for physical distancing in areas where individuals may congregate, especially at entrances, in seating areas, and in check-out lines.
- ✓ Limit the occupancy of physical spaces to ensure that adequate physical distancing may be maintained. (See sector-specific guidelines for more detailed information.)
- ✓ Encourage telework whenever possible.
- ✓ For those businesses where telework is not feasible, temporarily move or stagger workstations to ensure six feet of separation between co-workers and between members of the public.
- ✓ Limit in-person work-related gatherings, including conferences, trade shows, and trainings.
- ✓ When in-person meetings need to occur, keep meetings as short as possible, limit the number of employees in attendance, and use physical distancing practices.

ENHANCED CLEANING AND DISINFECTION BEST PRACTICES:

- ✓ Practice routine cleaning and disinfection of high contact areas and hard surfaces, including check out stations and payment pads, store entrance push/pull pads, door knobs/handles, dining tables/chairs, light switches, handrails, restrooms, floors, and equipment. Follow [CDC Reopening Guidance for Cleaning and Disinfection](#) and use an [EPA-approved disinfectant](#) to clean. For high contact areas, routinely disinfect surfaces at least every 2 hours. Certain surfaces and objects in public spaces, such as shopping carts and point of sale keypads, should be cleaned and disinfected before each use.
- ✓ To the extent tools or equipment must be shared, provide access to and instruct workers to use an [EPA-approved disinfectant](#) to clean items before and after use.
- ✓ Provide a place for employees and customers to wash hands with soap and water, or provide alcohol-based hand sanitizers containing at least 60% alcohol. (See sector-specific guidelines for more detailed information.)
- ✓ When developing staff schedules, implement additional short breaks to increase the frequency with which staff can wash hands with soap and water. Alternatively, consider providing alcohol-based hand sanitizers with at least 60% alcohol so that workers can frequently sanitize their hands.
- ✓ Provide best hygiene practices to employees on a regular basis, including washing hands often with soap and water for at least 20 seconds and practicing respiratory etiquette protocols. A CDC training video is available here: <https://www.cdc.gov/handwashing/videos.html>.

ENHANCED WORKPLACE SAFETY BEST PRACTICES:

- ✓ Prior to a shift and on days employees are scheduled to work, employers should screen employees prior to starting work. Employees should also self-monitor their symptoms by self-taking of temperature to check for fever and utilizing the questions provided in the [VDH Interim Guidance for COVID-19 Daily Screening of Employees](#) before reporting to work. For employers with established occupational health programs, employers can consider measuring temperature and assessing symptoms of employees prior to starting work/before each shift. CDC considers a person to have a fever when he or she has a measured temperature of 100.4° F (38° C) or greater, feels warm to the touch, or gives a history of feeling feverish.

- ✓ Implement practices such as those described in [VDH Interim Guidance for COVID - 19 Daily Screening of Employees](#) for examples of a screening questionnaire. A sample symptom monitoring log is available in this Interim Guidance.
- ✓ Instruct employees who are sick to stay at home and not report to work. If an employee becomes ill or presents signs of illness, follow [CDC What to Do if You Are Sick guidance](#). Employers should post signage in the common languages of the employees telling employees not to come to work when sick.
- ✓ Develop or adopt flexible sick leave policies to ensure that sick employees do not report to work. Policies should allow employees to stay home if they are sick with COVID-19, if they need to self-quarantine due to exposure, and if they need to care for a sick family member. Employers should recommend that employees follow [CDC guidance on If You Are Sick or Caring For Someone](#).
- ✓ Some employees are at [higher risk for severe illness](#) from COVID-19. These vulnerable employees include individuals over age 65 and those with underlying medical conditions. Vulnerable employees should be encouraged to self-identify and employers should take particular care to reduce their risk of exposure, while making sure to be compliant with relevant Americans with Disabilities Act (ADA) and Age Discrimination in Employment Act (ADEA) regulations.
 1. Consider offering vulnerable employees duties that minimize their contact with customers and other employees (e.g., restocking shelves rather than working as a cashier), if agreed to by the employee.
 2. Protect employees at [higher risk for severe illness](#) by supporting and encouraging options to telework.
 3. If implementing health checks, conduct them safely and respectfully, and in accordance with any applicable privacy laws and regulations. Confidentiality should be respected.
 4. Other information on civil rights protections for workers related to COVID-19 is available [here](#).
- ✓ Designate a staff person to be responsible for responding to COVID-19 concerns. Employees should know who this person is and how to contact them.

- ✓ Implement staggered shifts for both work periods and break periods. Consider cohort scheduling where groups of employees only work with employees in their group.
- ✓ Limit the number of employees in break rooms and stagger breaks to discourage gatherings.
- ✓ Use messaging boards or digital messaging for pre-shift meeting information.
- ✓ If the building has not been occupied for the last seven days, there are additional public health considerations that should be considered, such as taking measures to ensure the [safety of your building water system](#). However, it is not necessary to clean ventilation systems other than routine maintenance as part of reducing the risk of coronavirus transmission.
- ✓ Establish a relationship with your local health department and know who to contact for questions.

For healthcare facilities, additional guidance is provided on [CDC's Guidelines for Environmental Infection Control in Health-Care Facilities](#).

RESOURCES TO PRINT AND DISPLAY:

[CDC Symptoms English](#)

[Spanish CDC Symptoms](#)

[CDC Printable Flyer English](#)

[CDC Printable Flyer Spanish](#)

[CDC Printable Flyer Chinese](#)

[CDC Printable Flyer Korean](#)

[CDC Printable Flyer Vietnamese](#)

[FDA information](#)

[What Grocery Store and Food Retail Workers Need to Know about COVID-19](#)

[CDC Re-Opening America Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes](#)

[CDC What You Need to Know About Handwashing VIDEO](#)

§ 15.2-2903. General powers and duties of Commission

The Commission shall have the following general powers and duties:

1. To make regulations, including rules of procedure for the conducting of hearings;
2. To keep a record of its proceedings and to be responsible for the custody and preservation of its papers and documents;
3. To serve as a mediator between localities;
4. To investigate, analyze, and make findings of fact, as directed by law, as to the probable effect on the people residing in any area of the Commonwealth of any proposed action in that area:
 - a. To annex territory,
 - b. To have an area declared immune from annexation,
 - c. To establish a town or independent city,
 - d. To settle or adjust boundaries between localities,
 - e. To make a transition from city status to town status,
 - f. To make a transition from a county to a city,
 - g. To consolidate two or more localities, at least one of which is a county, into a city, or
 - h. To enter into economic growth-sharing agreements among localities;
5. To conduct investigations, analyses and determinations, in the sole discretion of the Commission, for the guidance of localities in the conduct of their affairs upon the request of such localities;
6. To receive from all agencies, as defined in § 2.2-128, assessments of all mandates imposed on localities administered by such agencies. The assessments shall be conducted on a schedule to be set by the Commission, with the approval of the Governor and the Secretary of Commerce and Trade, provided that the assessments shall not be required to be performed more than once every four years. The purpose of the assessments shall be to determine which mandates, if any, may be altered or eliminated. If an assessment reveals that such mandates may be altered or eliminated without interruption of local service delivery and without undue threat to the health, safety and welfare of the residents of the Commonwealth, the Commission shall so advise the Governor and the General Assembly;
7. To prepare and annually update a catalog of state and federal mandates imposed on localities including, where available, a summary of the fiscal impact on localities of all new mandates. All departments, agencies of government, and localities are directed to make available such information and assistance as the Commission may request in maintaining the catalog;
8. [Expired];

9. To perform such other duties as may be imposed upon it, from time to time, by law.

1979, c. 85, § 15.1-945.3; 1980, c. 592; 1984, c. 444; 1985, cc. 397, 478; 1988, c. 881; 1993, cc. 652, 723; 1997, c. 587; 2004, c. 234; 2011, c. 381; 2014, c. 242.

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.

§ 15.2-2907. Actions for annexation, immunity, establishment of city, etc.; investigations and reports by Commission; negotiation

A. No locality or person shall file any action in any court in Virginia to annex territory, to have an area declared immune from annexation based upon provision of urban-type services, to establish an independent city, to consolidate two or more localities, at least one of which is a county, into a city, to make a transition from a county to a city or to make a transition from city status to town status, without first notifying the Commission and all local governments located within or contiguous to, or sharing functions, revenue, or tax sources with, the locality proposing such action. Upon receipt of the notice the Commission shall hold hearings, make investigations, analyze local needs and make findings of facts and recommendations, which may, in cases where immunity or annexation is sought, recommend a grant of immunity or annexation of a greater or smaller area than that proposed by the locality pursuant to the procedures of this chapter. Such findings shall be rendered within six months after the Commission receives notice from the locality intending to file court action, provided that the Commission on its own motion may extend the period for filing its report by no more than sixty days. No further extension thereafter of the time for filing shall be made by the Commission without the agreement of the parties. No court action may be filed until the Commission has made its findings of facts. Unless the parties agree otherwise, no court action may be filed more than 180 days after the Commission renders its final report as provided for in this section. While the matter is before the Commission, the Commission may actively seek to negotiate a settlement of the proposed action between the affected localities. The Commission may direct that the conduct of the negotiations be in executive session. In addition, the Commission may, with the agreement of the parties, appoint an independent mediator, who shall be compensated as agreed to by the parties. Offers and statements made in negotiations shall not be reported in the finding of facts or introduced in evidence in any subsequent court proceedings between the parties.

B. The Commission shall report, in writing, its findings and recommendations to the affected localities, any other localities likely to be affected by such proposed action, and to any court which may subsequently consider the action. The report shall be based upon the criteria and standards established by law for any such proposed action. The report, or any copy thereof, bearing the signature of the chairman of the Commission shall be admissible in evidence in any subsequent proceeding relating to the subject matter thereof. The court in any such proceeding shall consider the report but shall not be bound by the report's findings or recommendations.

Before making the report the Commission shall conduct hearings at which any interested person may testify. Prior to the hearing, the Commission shall publish a notice of the hearing once a week for two successive weeks in a newspaper of general circulation in the affected counties and cities. The second advertisement shall appear not less than six days nor more than twenty-one days prior to the hearing.

C. A court on motion of any party or of the Commission may for cause shown extend the time for filing of the Commission's report but no such extension of time shall exceed ninety days unless the parties agree otherwise.

D. Except for any hearing or meeting specifically required by law, Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 shall not be applicable to the Commission nor meetings convened by members of the Commission, its employees, or by its designated mediators with local governing bodies or members thereof, nor shall such chapter be applicable to meetings of local governing bodies, or members thereof, held for purpose of negotiating any issues which are or would be subject to the Commission's review. Offers and statements made in any negotiation or mediation activity conducted under the direction of the Commission shall not be recorded in any report issued by the Commission, nor shall they be introduced in evidence in any subsequent court proceeding by the Commission or any other party.

E. Notwithstanding any other provision of law, any locality, either prior or subsequent to the filing of any annexation or partial immunity suit in any court of this Commonwealth in which it is one of the parties, may notify the Commission on Local Government that it desires to attempt to negotiate an agreement with one or more adjacent localities relative to annexation or partial immunity under the direction of the Commission. A copy of the notice shall be served on all adjacent localities. The affected localities shall then attempt to resolve their differences relative to annexation or partial immunity, and shall keep the Commission advised of the progress being made. The Commission, or its designee, may serve as a mediator and the Commission's staff and resources shall be available to the negotiating localities. All expenses of the negotiations, including expenses of the Commission or its staff incurred in the negotiations, shall be borne by the parties initiating the notice unless otherwise agreed by the parties. All suits for either annexation or partial immunity by or against any locality involved in such negotiations shall be stayed while the negotiations are in progress. If, after a hearing, the Commission finds that none of the parties is willing to continue to negotiate, or if it finds that three months have elapsed with no substantial progress toward settlement, it shall declare the negotiations to be terminated. Unless the parties agree otherwise, negotiations shall in any event terminate twelve months from the date the initial notice was given to the Commission. Immediately upon such finding and declaration by the Commission, or upon the expiration of twelve months from the initial notice or any agreed extension thereof, whichever first occurs, any stay of a pending suit for annexation or partial immunity entered under this section shall automatically terminate and no new notice to negotiate shall thereafter be filed by any party.

F. A locality may proceed simultaneously under subsections A and E of this section.

1980, c. 558, 577, 592, § 15.1-945.7; 1983, c. 217; 1985, c. 478; 1988, c. 881; 1997, c. 587.

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.

1VAC50-20-390. General Provisions Applicable to Mandatory Commission Reviews.

- A. Any local government or other party appearing before the commission relative to any mandatory review may be represented by counsel.
- B. The commission shall generally schedule for consideration issues in the order in which received; however, the commission reserves the right to consider issues in other sequence where it deems appropriate. Where notices are received of related or competitive actions affecting the same localities, the commission may, where appropriate, consider the issues and render the reports or a consolidated report concurrently.
- C. Subsequent to its receipt of an issue for a mandatory review the commission shall meet, or otherwise converse, with representatives of the principally affected parties for purposes of establishing a schedule for its review of the issue. The schedule shall include dates (i) for the submission of responsive materials from affected jurisdictions, (ii) for tours of affected areas and oral presentations if any are desired by the commission, (iii) for a public hearing, and (iv) for the issuance of the commission's report, as well as other dates the commission deems appropriate.
- D. The commission may continue or defer its proceedings with respect to an issue at any time it deems appropriate; however, no continuance or deferral shall result in an extension of the commission's reporting deadline beyond any time limit imposed by law, except by agreement of the parties or in accordance with other statutory procedures. The commission shall also accept requests for continuances or deferrals from any party at any time during its proceedings but shall not grant or deny any such requests until all parties have had an opportunity to comment on the requests. In any instance where the commission grants a continuance or a deferral, the continuance or deferral may be conditioned upon an appropriate extension of the commission's reporting deadline with respect to the issue under review.
- E. The commission may confront the necessity of continuing or deferring its proceedings as a result of statutory requirement or court order. In such instances, the commission shall reschedule its proceedings, upon consultation with the parties, in a manner that permits an expeditious conclusion of its review. The parties should anticipate, however, that the duration of the continuance or stay shall result in a commensurate delay in the issuance of the commission's report.
- F. In addition to any meeting, presentation, public hearing, or other gathering of the parties specified by this chapter, the commission may, where it deems necessary for an analysis of material or for a discussion or clarification of the issues before it, schedule other meetings of

appropriate parties.

G. No party to a proceeding before the commission for mandatory review shall communicate in any manner with any member of the commission with respect to the merits of the issue under review except as is authorized by this chapter, or as may be otherwise authorized by the commission or its chair.

H. In addition to the submissions authorized by 1VAC50-20-180 through 1VAC50-20-384, the commission may allow supplemental submissions deemed necessary or appropriate by the commission for the provision of current and complete data. Where supplemental submissions are authorized pursuant to this subsection, copies of all submissions shall be provided by the submitting party to all principal parties. The commission shall endeavor to establish dates for the filing of all supplemental submissions which will allow an opportunity for their review and critical analysis by other affected parties. However, the commission may accept supplemental submissions filed after any established dates if, in the commission's judgment, the submissions assist the commission in the discharge of its statutory responsibilities.

I. Any material submitted to the commission by the parties in conjunction with or relative to any notice filed pursuant to any mandatory review covered by 1VAC50-20-180 through 1VAC50-20-384, except materials presented in the context of negotiations or mediation of a confidential nature as authorized by law, shall be considered public documents and made available by the submitting party for review by any other interested party or by the public. Any interested party or member of the public may request copies of any such material which shall be provided promptly by the party submitting the material to the commission at a price sufficient to cover the expense incurred.

J. Each document, exhibit, or other material submitted to the commission shall bear a title, the date of preparation, a detailed citation of the sources from which all data are obtained, and the name of the entity which submitted the document, exhibit, or other material. All material submitted to the commission by a local government shall be, as nearly as practicable, in the same form as the material would subsequently be submitted to the courts. The commission may refuse to accept for review and consideration any exhibit, document, or other material unless the person preparing it, or a representative of the entity responsible for its submission, shall be willing to appear before the commission for purposes of answering questions concerning the material.

K. Unless otherwise requested, wherever the regulations of the commission call for the projection of data, the projections should be made for a 10-year period. In each instance where projections are given, the method and bases of the projections should be indicated.

L. All data, exhibits, documents, or other material submitted to the commission on the initiative of a party or pursuant to a request from the commission shall be certified by the submitting party (i) as to source and (ii) as to the fact that the material is correct within the knowledge of the submitting party.

M. Any party filing notice or making submissions to the commission shall provide at least eight copies of all submissions, unless the commission agrees that a lesser number would be sufficient for its review and analysis. The commission may make provisions for the electronic

filing of submissions, including facsimile.

N. At any time during the course of the commission's review of any issue, the commission's staff may solicit additional data, documents, records, or other materials from the parties as is deemed necessary for proper analysis of any issue. Where such materials are solicited from a party, the commission's staff, where practicable, shall make the request in writing, with copies of the request being provided to other principal parties. Copies of all materials submitted to the commission pursuant to this chapter shall concurrently be provided to each principal party or shall be made available to the parties in a manner acceptable to the commission. The commission shall be given written notification by the submitting party of each principal party provided a copy of the material or of arrangements proposed for making the material available to the principal parties.

O. The commission shall not be limited in its analysis of any issue to the materials submitted by the parties but shall undertake independent research as it deems appropriate in order to assure a full and complete investigation of each issue.

P. The commission shall request all parties to cooperate fully in the development and timely sharing of data relative to the issue under review. The commission considers the cooperation among parties vital to the discharge of its responsibilities.

Q. The commission may allow the parties to correct the data, exhibits, documents, or other material submitted to the commission prior to the date established for the closing of the record pursuant to 1VAC50-20-640 B. Where corrections are authorized pursuant to this chapter, copies of all corrections shall be provided by the submitting party to all principal parties. If, in the commission's judgment, the corrections are of a substantive nature as to significantly alter the scope or character of the issue under review, the commission may delay its proceedings for an appropriate amount of time to provide an opportunity for other parties to respond to the corrected data, exhibits, documents, or other material.

R. Following the receipt of a notice, the commission may request the party initiating the proposed action to prepare and file testimony in support of the proposed action. The testimony of the party initiating the proposed action may refer to all data, exhibits, documents, or other material previously submitted to the commission or filed with the testimony. In all proceedings in which the initiating party files testimony, the affected party shall be permitted and may be requested by the commission to file, on or before a date established by the commission, testimony in response to the proposed action. The testimony of the affected party may refer to all data, exhibits, documents, or other material previously submitted to the commission or filed with the testimony. Any affected party who chooses not to file testimony by the date established by the commission may not thereafter present testimony except by permission of the commission, but may otherwise fully participate in the proceeding and engage only in cross-examination of the testimony of other parties. Failure to comply with the directions of the commission, without good cause shown, may result in rejection of the testimony by the commission. The commission may permit the parties to correct or supplement any prepared testimony before or during the oral presentations as called for in 1VAC50-20-620. Eight copies of prepared testimony shall be filed unless otherwise specified by the commission.

Statutory Authority

§ 15.2-2903 of the Code of Virginia.

Historical Notes

Derived from VR445-01-02 § 3.22, eff. November 1, 1984; amended, Virginia Register Volume 22, Issue 26, eff. October 4, 2006; Volume 35, Issue 1, eff. October 18, 2018.

Virginia Administrative Code
Title 1. Administration
Agency 50. Commission on Local Government
Chapter 20. Organization and Regulations of Procedure

Part V. Formal Commission Reviews

1VAC50-20-620. Oral Presentations by Parties.

A. In the course of its analysis of any issue the commission may schedule oral presentations for purposes of permitting the parties to amplify their submissions, to critique and to offer comment upon the submissions and evidence offered by other parties, and to respond to questions relative to the issue from the commission. The presentations, if scheduled, shall extend for a period of time as the commission may deem appropriate.

B. If oral presentations are scheduled by the commission, the chair shall select, subsequent to the receipt of recommendations from the parties, an appropriate site for the presentations. Recommendations by the parties regarding the sites should be based upon the adequacy of space for the display and movement of exhibits; the adequacy of seating arrangements for the commission, its staff, representatives of the parties, a court reporter, and the public; the adequacy of security at the site to permit materials to be left unattended during recesses; and the adequacy of the acoustical characteristics of the site to facilitate communications or the availability of a public address system.

C. Local governments or other parties desiring to present exhibits or data requiring special equipment should be prepared to provide such.

D. The commission may, where it deems appropriate, consolidate two or more interlocal issues before it for purpose of oral presentations.

E. The commission shall, within the requirements of law, conduct the oral presentations in the manner it considers best suited for reaching a decision in the best interest of the parties and in the best interest of the Commonwealth.

F. The chair, or other member the commission designated to preside during any oral presentations, may allocate time to the various parties as the chair or presiding member deems appropriate. The allocation of time shall be based upon the needs of the commission to review data, to examine witnesses, and to obtain an understanding of the relevant factors affecting the issue under review.

G. The sequence in which testimony will be received by the commission during any oral presentations shall be established by the chair or presiding member but shall generally be as follows:

1. A brief opening statement by each party, if desired;
2. Presentation by the party initiating the issue before the commission;

3. Presentations by the local governments immediately affected by the action proposed by the initiating party, in an order established by the chair or presiding member;
4. Presentations by other parties, in an order established by the chair or presiding member;
5. Rebuttal where requested by a party and agreed to by the chair or presiding member.

H. The chair or presiding member may, to the extent the chair or presiding member deems appropriate, permit parties to question witnesses regarding submissions, their testimony, or other facts relevant to the issues before the commission. Where a party is represented by counsel, such questioning may be conducted by counsel.

Where the parties have prefiled testimony at the commission's request pursuant to 1VAC50-20-390 R, the questioning of individuals whose testimony has been prefiled shall be limited to a cross-examination of such testimony. The commission may accept additional oral testimony from individuals whose testimony has been prefiled during the presentations where good cause is shown. Where additional oral testimony is accepted by the commission, the commission shall provide an opportunity for other parties to respond to the testimony and to cross-examine the individual offering such testimony.

I. The chair or presiding member may, during or at the conclusion of the oral presentations, permit or request oral argument on the issues before the commission.

J. The commission, and its staff, may question any witness or representative of any party during the oral presentations regarding any submission, testimony, or other fact which the commission considers relevant to the issues before it. The chair or presiding member shall endeavor to call for commission questioning in a manner designed to expedite the presentations.

K. The commission may accept depositions from persons unable to attend an oral presentation. Depositions shall only be accepted under conditions deemed acceptable by the commission, including conditions assuring an opportunity for all affected local governments to be present and to examine adequately the witness during the taking of depositions.

L. The parties or their counsel shall be expected to confer in advance of the time and date set for presentations in order to inform one another of their prospective witnesses and the order of their anticipated appearance. All material, data, or exhibits proposed for presentation to the commission during the oral presentations and not previously made available to the other parties shall be exchanged or made available to the parties prior to presentation to the commission, subject to the qualifications in subsection M of this section.

M. The commission requires that all materials, data, and exhibits be presented to it and made available to other parties in advance of the commencement of the onsite component of the commission's review. The commission may accept additional materials, data, and exhibits during the onsite component of its review upon unanimous consent of the members present. Where late submissions are accepted by the commission, the commission shall provide an opportunity for other parties to respond to the filings.

N. The commission may record by mechanical device, unless other recording arrangements

are made by the parties, all testimony given during the oral presentations but shall prepare a transcript of the recording only when deemed appropriate. The commission shall provide, upon request, any party a duplicate copy of the transcript or recording, if made, at a price sufficient to cover the expense incurred. In lieu of recording by the commission, the parties may arrange to provide a court reporter at their expense. Where a court reporter is utilized, the commission shall receive one copy of the transcript.

Statutory Authority

§ 15.2-2903 of the Code of Virginia.

Historical Notes

Derived from VR445-01-02 § 5.1, eff. November 1, 1984; amended, Virginia Register Volume 22, Issue 26, eff. October 4, 2006; Volume 35, Issue 1, eff. October 18, 2018.

Virginia Administrative Code
Title 1. Administration
Agency 50. Commission on Local Government
Chapter 20. Organization and Regulations of Procedure

1VAC50-20-630. Public Hearing.

A. In all cases where a public hearing is required by law, the commission shall conduct the public hearing at which any interested person or party may testify. The commission shall generally schedule the public hearing in conjunction with the oral presentations held, if any, with respect to the issue; however, public hearings regarding proposed town incorporations required pursuant to § 15.2-3601 of the Code of Virginia shall be held no sooner than 30 days after receipt of the court request for commission review.

B. Prior to holding the public hearing the commission shall publish notice of the pending hearing as required by law.

In addition to the notice of public hearing required by this subsection, a town that is a party to an agreement defining annexation rights negotiated pursuant to § 15.2-3231 of the Code of Virginia shall give written notice of the commission's hearing at least 10 days before the hearing to the owners or their agent of each parcel of land included in the area proposed for annexation under the terms of the agreement. One notice sent by first-class mail to the last known address of the owners or their agent as shown on the current county real estate tax assessment books or current county real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that the clerk of the town shall make an affidavit that the mailings have been made and file the affidavit with the commission.

C. The commission shall request the party initiating the issue before it and the other principally affected parties to place on public display in or adjacent to the office of the chief administrative officer of each principally affected local government copies of all materials which are available to them and which have been submitted to the commission for consideration with respect to the issue. The material should be made conveniently available to the public during normal working hours. The commission also encourages the parties to make available to the public other copies of the material at libraries, educational facilities, or other public places in order that the public might have ample opportunity to study the material prior to the public hearing. The commission's advertisements published under subsection B of this section shall announce the availability of the material at the offices of the administrators and at other facilities as may be selected by the parties for display purposes.

D. The commission shall request the chief administrative officer (or other official) of each jurisdiction principally affected by the issue before the commission to make suitable arrangements in or adjacent to their offices for the registration of speakers at the public hearing. The commission shall furnish appropriate registration forms for that purpose. The commission's advertisements under subsection B of this section shall advise the public that registration to speak at the public hearing may be accomplished at the offices of the local

administrators or, alternatively, through the offices of the commission in Richmond. The commission may also permit speakers to register at the site and at the time of the public hearing and shall request the assistance of the local administrative officers in making suitable arrangements for such registration.

E. The chair or other member of the commission designated to preside over the proceedings shall select the site for the public hearing subsequent to the receipt of recommendations from the parties. Recommendations from the parties should be based upon a site's accessibility to residents of the areas and jurisdictions principally affected, its seating capacity, the adequacy of parking facilities, the availability of a public address system, and seating arrangements permitting the commission to have proper visual contact with the public.

F. The commission shall request the parties to cooperate in the preparation of the site for the public hearing and shall request that a minimum number of maps and exhibits be placed on display at the site in order that persons testifying may identify their residences, property, businesses, or other concerns in relation to the proposed issue.

G. The commission shall request the local jurisdiction within which the site for the public hearing is situated to make appropriate arrangements in order to assure the security and the orderliness of the proceedings.

H. The chair or the presiding member shall determine the sequence of speakers at a public hearing, but the sequence shall ordinarily conform to the sequence of their registration. The chair or presiding member may, however, vary the sequence of speakers in order that persons from all affected jurisdictions and areas, and those representing different perspectives, might have equal opportunity for the timely presentation of their comments.

I. The commission shall endeavor to allow any person or party wishing to speak at a public hearing an opportunity to do so. The chair or presiding member may establish time limits for the presentation of testimony as the chair or presiding member deems appropriate. The chair or presiding member may also rule testimony irrelevant, immaterial, or unduly repetitious. Proponents and opponents of a proposed action are encouraged to designate a chief spokesman for economy of time and for the avoidance of repetitious comment.

J. Any person or party testifying before the commission at the public hearing may extend their remarks in written form for subsequent submission. During the course of the public hearing, the commission shall establish a date by which the extended written comment must be received for consideration.

K. The commission may record by mechanical device, unless other arrangements are made, all testimony given during the public hearing but shall prepare a transcript of the recording only when it deems appropriate. The commission shall provide any person or party with a copy of the transcript or recording, if made, at a price sufficient to cover the expense incurred. The parties may arrange to provide a court reporter, at their expense. Where a court reporter is utilized, the commission shall receive one copy of the transcript.

L. The commission may, where it deems appropriate, consolidate two or more interlocal

issues for purposes of a public hearing.

Statutory Authority

§ 15.2-2903 of the Code of Virginia.

Historical Notes

Derived from VR445-01-02 § 5.2, eff. November 1, 1984; amended, Virginia Register Volume 22, Issue 26, eff. October 4, 2006; Volume 35, Issue 1, eff. October 18, 2018.



Ralph S. Northam
Governor

R. Brian Ball
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Commission on Local Government

2020 Meeting Schedule

- ~~Tuesday, January 7, 2020~~
- ~~Thursday, March 12, 2020~~
- ~~Thursday, May 14, 2020~~
- ~~Thursday, July 9, 2020~~
- Thursday, September 17, 2020
- Thursday, November 12, 2020

All meetings to be held at 11:00 a.m. unless otherwise noted

*All meetings to be held at Virginia Housing Center in Glen Allen unless otherwise noted

*For the duration of the Governor's declared state of emergency in accordance with § 44-146.17 of the Code of Virginia, Commission on Local Government meetings may be held electronically.



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COMMONWEALTH of VIRGINIA

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DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT

Commission on Local Government

Upcoming Events of Interest

- VML's 115th Annual Conference
October 7 – 8, 2020
*event to be held virtually
- VACo's 86th Annual Conference
November 9 – 11, 2020
*event to be held virtually
- VA Governor's Housing Conference
November 18 – 20, 2020
*event to be held virtually

ELECTION 2020: Retired educator and musician - Martinsville Bulletin (VA) - June 24, 2020

June 24, 2020 | Martinsville Bulletin (VA) | Bill Wyatt bill.wyatt@martinsvillebulletin.com

A retired educator said he thinks he has the common sense needed to be a viable candidate for the Martinsville City Council.

Nelson C. Edwards, 68, spent 16 years working for the Pittsylvania County school system and 15 years in the Henry County school system before retiring in 2015. He is a lifelong resident of the Martinsville area.

He is among five candidates who filed by June 9 for three seats on the ballot in November. The race is nonpartisan, and the top three with the most votes win. Three of those candidates are incumbents — Mayor Kathy Lawson, Vice-Mayor Chad Martin and council member Jim Woods — and Tammy C. Pearson also has filed to run.

"I've lived in Martinsville my whole life, except for a small stint in the county," Edwards said. "I am a retired band director and physics teacher."

Edwards said he never thought of himself as a potential member of city council until he was approached by a resident.

"I was asked to run, and at first I told myself, 'Nelson, you're a musician, not a politician,'" he said. "But I've always been interested in politics, and I felt like I had the savvy and common sense to make a difference in the city of Martinsville."

Edwards said he was concerned about the electric rates in the city.

"It seems like Appalachian is a lot cheaper than the city," he said. "I'm concerned about that, and I thought maybe I could make a difference there."

"This is a learning process for me going forward, so I would just like to see somehow the rates be a little more affordable."

Edwards supports the city's reverting to a town status, but he says the issue needs another look.

"I'm a Colts fan, and Indianapolis became a town, and they have thrived since they've become a town," Edwards said. "Why couldn't it work here?"

"I'd like to get more business into the city, and that would help into reversion — I think we don't have a broad enough tax base in the city, and I think the county could probably help us."

Edwards said a committee needs to be actively studying the options available under reversion,

and council should be discussing it at meetings.

Said Edwards: "I just feel like it [**reversion**] needs to be brought back up."

This is Edwards' first time running for an elected office.

"I've been a resident of Martinsville for many years, and I love this town, and I'd like to see us thriving again," he said. "We need to bring more business in and have better business opportunities, and [if elected] I'll do what I can."

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https://martinsvillebulletin.com/news/local/martinsville-utility-customers-have-until-august-31-to-pay-up-make-arrangements-or-get-cutoff/article_a34775f3-ff64-5f19-bef3-adffc29f971a.html

Martinsville utility customers have until August 31 to pay up, make arrangements, or get cut off

By Bill Wyatt Lee Newspapers

Jul 12, 2020



Utility customers pay their bills at the drive-through window at the City Municipal building.

Lee Newspapers

The city of Martinsville is following an extension of the State Corporation Commission's moratorium on service disconnections for electricity, water and sewer.

Attorney General Mark Herring had asked for the state to extend the grace period that expired June 15, suggesting "a point in the future after Virginia's economy has had an opportunity to resume, allowing impacted citizens an opportunity to regain some financial footing."

The SCC responded by extending the deadline to Aug. 31, saying in a statement that would give "the General Assembly and governor time to address the economic repercussions of the COVID-19 crisis on utility customers."

Since March, all electricity, water, sewer and natural gas utilities regulated by the SCC have been required to remain connected and extended payment plans with no late fees offered to both residential and business accounts.

The city of Martinsville owns its electrical system and is not regulated by the SCC, but city officials have been following the mandates issued by the SCC even though they were not obligated to follow them.

That could change at the end of August.

“The city will not cut off any delinquent utility accounts until Aug. 31,” City Manager Leon Towarnicki said. “However, delinquent account holders must set up a payment plan with the city to ensure they are able to cover unpaid utility bills.”





Report: Rogue tankers help Maduro evade sanctions

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The new city budget went into effect July 1 and includes both an electric fee increase and a water-and-sewer increase.

City Council member Danny Turner suggested in the form of a motion at last month's regular meeting that the electric rate increase be pushed to the end of August to coincide with the extended moratorium on service disconnections and then give utility customers who were behind a total of 12 months to bring their accounts current.

"We don't want mass shutoffs," Turner said.

His motion died.

"We were talking about resuming cutoffs on June 14, but we compromised and extended it until the end of August, and there will be no late penalty until then," Towarnicki said. "Ultimately, you're going to have to pay your bill."

Everyone in the city of Martinsville who is behind in an electric bill must have an understanding in place with the city before the end of August if they wish to keep their service.

“It is a requirement that they discuss a payment plan — if they don’t — they will get cutoff,” Towarnicki said. “They have to make an arrangement.”

Bill Wyatt is a reporter for the Martinsville Bulletin. Contact him at 276-638-8801, Ext. 236, or bill.wyatt@martinsvillebulletin.com

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THE VIRGINIA GAZETTE

Williamsburg room taxes plunge by 90% during pandemic; meals taxes down 60% in April, May

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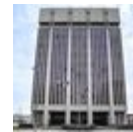
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 Matter 757 c

A clearer picture of the devastating impact of the COVID-19 pandemic on tourism in Williamsburg was revealed Thursday during a meeting in which city collection figures showed revenue from room taxes plummeted by 90% during the lockdown.

FEEDBACK

Williamsburg City Council considered a financial update this week that revealed collections from room taxes fell by 90.9% in May. The city received just \$30,063 compared to \$333,616 in May 2019. Room tax receipts fell by 89.47% in April, and 63.9% in March compared to 2019. Revenue from meals taxes fell by more than 60% in April and May. The city received \$238,898 for May 2020 compared to \$664,730 in May 2019.

Advertisement



FEEDBACK

However, better than feared real estate tax collections meant the city's worst-case scenario deficit was not realized, Director of Finance Barbara Dameron told City Council members Thursday.

“While we anticipated our worst-case scenario to be a draw on fund balance of \$4.2 million, we are at June 30 at \$1.4 million,” Dameron said. She predicted the deficit may eventually reach about \$2 million, which is about half of the original prediction.

Mayor Doug Pons said the decrease in lodging of almost 91% is “critical for all of us but most importantly for the hoteliers.”

“There’s been a little bit of a bump but I don’t anticipate next month’s will be a whole lot better,” he said. “I have seen some people in town so I think that’s a positive sign. It’s clearly an indication to me that we need to get Busch Gardens open.”

Advertisement



Pons is the owner of The Flats of Williamsburg on York Street and a member of the Williamsburg Hotel & Motel Association.

FEEDBACK

Vice Mayor Pat Dent said the change in revenues drove home how damaging the coronavirus has been to local businesses. However, he noted positive signs of visitors returning to Williamsburg as the parking lots fill up.

[\[Top stories\] No shirt, no shoes, no mask, no service: Governor orders crackdown as coronavirus spikes in Hampton Roads »](#)

Council members heard the city is working with the Virginia Department of Housing and Community Development to obtain COVID-19 Community

Development Block Grant funds to set up a regional COVID-19 Small Business Recovery Assistance Program. The City Council supported the program.

The initiative would support to support small businesses with 20 employees or fewer in Williamsburg, York County and Poquoson.

It would reimburse small businesses up to \$5,000 for costs incurred since March 17 to meet state requirements under the COVID shutdown.

Economic Development Director Michele Mixner DeWitt said about 100 city businesses are expected to apply for and receive grants.

In May, the city set up a program worth up to \$1 million that allows eligible businesses to receive a grant valued at half of their paid 2019 **Business, Professional and Occupational Tax** to help offset the downturn associated with the pandemic.

[\[Top stories\] Newport News City Council bans open carry of weapons in city buildings; many speak against change »](#)

Council member Ted Maslin praised the level of support the city has offered to beleaguered small businesses.

FEEDBACK “I’ve talked to a couple of merchants in Merchant’s Square and they are really excited about this program,” he said.

Maslin said one restaurant had 77 employees before COVID-19 hit. It reduced its workforce to 10 during the pandemic. It has now re-employed about half of its workers.

The City Council backed an ordinance that extends the use of certain city streets for **outdoor dining** areas until the state allows indoor dining with no social distancing requirements.

City Manager Andrew Trivette indicated outdoor seating might be part of a larger discussion for the future of the city.

LATEST

Williamsburg-James City County Schools officials present 4 possible paths for 2020-2021 school year

JUL 14, 2020

Williamsburg City Council votes unanimously to remove Confederate monument from park

JUL 14, 2020

\$12M WATA expansion project moves forward

JUL 14, 2020

Passenger dies in Williamsburg area car crash; charges pending

JUL 14, 2020

No shirt, no shoes, no mask, no service: Governor orders crackdown as coronavirus spikes in Hampton Roads

JUL 14, 2020

“We have gotten the opportunity to test this ... one of the things we have learned is that a solution that benefits everybody probably exists,” he said. “There is a future for it beyond COVID-19 but we are going to have to be careful it benefits everybody,” he said.

Maslin said outdoor seating gives the city an “opportunity to reimagine downtown vibrancy.”

The City Council also backed zoning changes to allow Williamsburg Area Transit Authority to expand the public transportation and maintenance facility at 7239 Pocahontas Trail. The planning change allows WATA to add additional administrative space and two additional bus bays. The zoning changes allow WATA to buy land from the Colonial Williamsburg Foundation.

Zach Trogon, executive director of WATA, said his organization has worked on the project for more than a decade. Only 2% of the \$12 million improvement is financed via local dollars, he said.

David Macaulay, maccz17@hotmail.com

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ELECTION 2020: Martinsville's vice-mayor wants

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TOP STORY

ELECTION 2020: MARTINSVILLE CITY COUNCIL

ELECTION 2020: Martinsville's vice-mayor wants a second term

Bill Wyatt

Jul 15, 2020

Only \$3 for 13 weeks



Vice-Mayor Chad Martin

Bill Wyatt

Vice-Mayor Chad Martin is completing his fourth year on Martinsville City Council and said wants another term to “see that reversion goes through,” but if he is reelected, it will likely be his last.

“This will probably be the last time running if I’m to win,” Martin said. “I love serving the city of Martinsville, but after this term I might find a different capacity.”

“People don’t know the tremendous weight on people’s shoulders. We are in a restaurant — wherever you are — you are not your own.”

ELECTION 2020: Martinsville's vice-mayor wants

0 comments

“When you are called to serve, we always have to be there.”

Martin, 41, is among five candidates who filed by June 9 for three seats on the ballot in November. The race is nonpartisan, and the top three with the most votes win. Mayor Kathy Lawson and council member Jim Woods also are seeking reelection, and Tammy C. Pearson and Nelson Edwards are newcomers to the race.

Martin graduated from Carlisle School in 1997, is a graduate of Shaw University with a bachelor’s degree in religion and philosophy. He studied law at Shaw University Divinity School, holds a Duke University certification in nonprofit management, is a Leadership Plenty Train the Trainer Facilitator, mentors in violence prevention train the trainer, holds a certification as a lifestyle coach with the University of Virginia/Center for Disease Control and currently works for the University of Virginia as director of history united, a project of Virginia Humanities and with the local United Way helping to make sure people complete this year’s census. He was elected to City Council in 2016.

“I’ve had a few wins,” Martin said. “Winning [the election] was a major accomplishment and being able to be mentored by Gene [Teague — former council member], he was so unselfish.”

Martin said he wants to be in the room for discussions with Henry County concerning the city's reverting to a town.

“We need people who can communicate, but more important — listen to the county,” Martin said. “It can be a win-win for both parties.”

Despite the election just over three months away, Martin says his priority right now is getting past COVID-19.

“We need to make sure our citizens are safe during the pandemic,” Martin said. “The numbers are increasing, and there is confusion.

“Who do our citizens believe and who do they trust?”

Martin says listening is the “first act of love” and considers relationship building as the key to change.

“It's about time to listen to what the citizens want,” Martin said. “We are servants to the people and you are not serving if you aren't willing to listen — you don't lead if you don't love and if somebody elected doesn't make change, then citizens have a way to gauge if that person should be elected.

As a community organizer for over 20 years, Martin has just recently been named a Global Goodwill Ambassador and says he hopes one day someone will say they have benefited from his help.

ELECTION 2020: Martinsville's vice-mayor wants

 0 comments

Said Martin: “I’ve gotten so many calls about people in prison. Some people think everyone on city council are lawyers. We need to educate people on what we are able and not able to do.”

Bill Wyatt is a reporter for the Martinsville Bulletin. He can be reached at 276-638-8801, Ext. 236. Follow him @billdwyatt

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City council candidates

This is the last in a series of profiles of each candidate for the Martinsville City Council. Today: Chad Martin

 0 comments

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BREAKING FEATURED TOP STORY

Albemarle supervisors want to revert county to Phase Two of reopening guidelines

By ALLISON WRABEL awrabel@dailyprogress.com | (434) 978-7261

Jul 16, 2020



Mallek

DAILY PROGRESS FILE

The Albemarle County Board of Supervisors wants to take the locality back to Phase Two of the state’s reopening plan during the COVID-19 pandemic.

Late Wednesday night, the board expressed concerns about the increasing COVID-19 positivity rate for the last seven days, as well as University of Virginia students coming back to the area.

“That’s a local decision that [County Attorney] Greg [Kamptner] says we have the authority to make under our ... special emergency,” Supervisor Ann H. Mallek said.

Virginia moved to the third phase of reopening July 1, which allowed for social gatherings of up to 250 people, up from 50 people in the second phase. It also allows for restaurants and retail businesses to operate at full capacity, whereas those businesses

were limited to 50% capacity in Phase Two, and allows expanded capacity at entertainment venues and fitness centers.

Earlier this week, Charlottesville officials said they are discussing a return to Phase Two.

It's unclear if localities can change phases without permission from Gov. Ralph Northam. His office did not respond to questions Thursday.

Dr. Denise Bonds, director of the Thomas Jefferson Health District, told the board Wednesday that Albemarle's rate of positivity for COVID-19 tests is slightly higher than the district's average.

"I think something that is especially concerning right now is the gradual increase in our rate of positivity — it continues to climb," she said. "We are now at 8.4% for the district ... We've broken it out on the back end for Albemarle, and Albemarle's positivity rate average for the last seven days actually exceeds the district's, at 8.5%."

Mallek said Thursday that she wants discussions to move to the next step of taking action.

"I am very concerned that we are watching daily numbers increase rapidly, and we have lost the steady flatness that we had for more than a month because we've opened up too fast," she said.

County Executive Jeff Richardson and Deputy County Executive Doug Walker said they have to figure out how the county would implement and enforce Phase Two regulations.

“There is a good deal about the change in guidelines from Phase Two to Phase Three that, frankly, that as the [Incident Management Team], I don’t know how we would be able to enforce the regulations with regard to capacity within a restaurant, for example, or for retail establishments,” Walker said.

“I appreciate the county attorney’s opinion that we have the authority to do that, but we really need to understand what it means in terms of how it is that we enforce that, when in fact we are deviating from what the state guidelines are,” he said.

Supervisor Liz Palmer said she wants to focus on reducing the size of allowed social gatherings back to 50 people.

Walker said staff in the county and other parts of the region have talked about regulations regarding size of gatherings.

“We think there is a place we can get to as a region,” he said. “We can make some changes that would enable us to effectively regulate and enforce crowd size that is less than the 250. We haven’t gotten there yet. But I think there’s reason for us to think that that is very achievable.”

Board Chairman Ned Gallaway said he wants to wait for more information and that the board could schedule a special meeting for next week.

Allison Wrabel

https://richmond.com/news/city-of-petersburg-reports-8-million-fund-balance-highest-in-a-decade/article_d0695141-b356-5406-8b69-b3948cf42fec.html

TOP STORY

City of Petersburg reports \$8 million fund balance, highest in a decade

By JESS NOCERA Richmond Times-Dispatch
Jul 21, 2020



Petersburg City Manager Aretha Ferrell-Benavides said Tuesday that persistence was the key to recovering from a \$7.7 million deficit.

JESS NOCERA/TIMES-DISPATCH

Four years after the city of Petersburg teetered on the brink of bankruptcy, city officials announced its largest positive fund balance in over a decade.

The city ended the 2018-2019 fiscal year with \$8.06 million in unassigned general funds, Mayor Samuel Parham announced Tuesday during a press conference at the city's transit center.

The findings, from a delayed accounting of the city's revenues and expenditures due to the state last fall, marked the second consecutive year Petersburg's finances ended in the black.

“Today’s word is ‘persistence.’ The formal definition is doing something despite difficulty or delay in achieving success. There is no other word for what we have accomplished in such a short time,” City Manager Aretha Ferrell-Benavides said Tuesday.

Ferrell-Benavides credited collections revenues and paying the bills on time with turning the tide.

In 2015, the city began to run a deficit in its fund balance, totaling \$5 million. The following year the deficit grew to \$7.7 million.

City leaders shuttered historic sites, slashed positions, made across-the-board cuts to city departments, lowered Petersburg’s contribution to the school system and more to make a dent.

At the time, only 60% of collections, including residential water and sewer bills, were being paid, Ferrell-Benavides said. Now, 85% of all collections are paid.

After hiring The Robert Bobb Group in 2016 to put out the city’s financial fire, the \$7.7 million deficit shrunk below \$150,000.



Topgolf adds a 14-hole mini golf course to its Henrico location

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The city had begun that fiscal year nearly \$19 million in arrears and with \$12 million to cut from its current operating budget.

The firm recommended restructuring the city's workforce after discovering myriad inefficiencies and questionable practices, including city employees who collected undue overtime or used city dollars to fill up their gas tanks.

In the following fiscal year, the city's fund balance was \$2.8 million, marking the first positive balance since 2015.

By eliminating the deficit and supplementing the fund balance to its current \$8.06 million, "in three short years the city has seen an overall increase of \$15.7 million in its unassigned fund balance," Ferrell-Benavides said.

“Petersburg’s financial and administrative turnaround is a remarkable achievement,” Robert Bobb of The Robert Bobb Group, a former Richmond city manager, said in a statement Monday.

Bobb added, however, “there is still much work ahead.”

Hitting its goal of having at least \$6 million in its rainy day fund, the city will now shift gears. Annually, the city will budget half a million dollars in savings to the fund balance while spending \$500,000 on capital construction projects.

Projects include expanding AMPAC Fine Chemicals, a California-based manufacturer’s plant located off Wagner Road where a future Petersburg Bio-Technical Park is planned to call home.

In May, Phlow Corp., a Richmond-based pharmaceutical manufacturing company, received a \$354 million federal contract to make active ingredients for medicines used to treat COVID-19 patients at the Petersburg plant.

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Jessica Nocera

https://richmond.com/news/virginia/virginia-to-send-644-6-million-in-federal-aid-to-local-governments-in-second-round/article_2f604232-b0b9-5aa8-b0ff-df8334993be3.html

Virginia to send \$644.6 million in federal aid to local governments in second round of relief

By MICHAEL MARTZ Richmond Times-Dispatch
Jul 28, 2020



Gov. Ralph Northam

BOB BROWN/times-dispatch

With Congress preparing to debate relaxing restrictions on emergency aid to state and local governments, Gov. Ralph Northam is sending almost \$645 million in federal funds to localities to help them weather the coronavirus crisis and its economic repercussions.

The money is the second half of the \$1.3 billion in federal aid under the CARES Act that Virginia is allocating for local governments to use under current rules that limit spending to expenses directly related to combating the spread of COVID-19. The state distributed \$644.6 million to localities in early June, based on population.

Together, the allocations represent 45% of the \$3.1 billion that Virginia received from the federal government last spring with the recommendation that it use at least 15% of the money to help localities. Only Fairfax County, with more than 1 million people, received a \$200 million payment directly from the federal government under the CARES Act.

“We are giving them almost *half* of Virginia’s entire allocation,” Northam said Tuesday. “That’s a big deal.”

However, the governor also challenged local governments “to step up” and use their share of the money to help entities within their borders to cope with the COVID-19 emergency.

“This money will help them do the things that we all want to see — from rent assistance and eviction protection, to food security, to [personal protective equipment], and tools to help educate children,” he said.

Northam said the state will require localities to be accountable for how they spend money “to make sure this gets done the right way.”

Congress is girding for negotiations over a new stimulus relief package that, at a minimum, appears likely to give state and local governments some of the flexibility they have sought to use the money to compensate for lost tax revenues, including taxes on sales, meals and lodging, and event admissions that local governments rely upon to reduce pressure on property taxes.

“We have been begging them for flexibility, so that’s good,” Senate Finance and Appropriations Chairwoman Janet Howell, D-Fairfax, said Tuesday. “But we also have to have more money.”

“They are just not being realistic about the needs of the people of this country,” Howell said.

The \$1 trillion HEALS Act that Republican leaders in the U.S. Senate introduced on Monday does not include any additional money for state and local governments, only loosened rules for using the \$150 billion reserved for them in the CARES Act. In contrast, Democrats in the House of Representatives included an additional \$1 trillion for state and local governments in the HEROES Act adopted more than two months ago, or about one-third of the \$3 trillion legislative package.



Topgolf adds a 14-hole mini golf course to its Henrico location



Virginia has obligated about \$500 million of the \$1.8 billion in federal aid it received under the CARES Act for its expenses in dealing with the coronavirus pandemic, primarily for COVID-19 testing and contact tracing of positive cases, as well as protective gear for health care and public safety workers and a Medicaid stipend for nursing homes to use to pay staff.

The state also has used about \$91 million of the federal money to pay additional expenses of state agencies in dealing with the health and economic crises. Northam also has reserved \$50 million for mortgage and rental housing relief and \$70 million for a new grant program for small businesses that he announced on Monday.

State officials say local governments have borne the brunt of a sharp decline in consumer spending that has reduced sales tax revenues, as well as tax revenue from food and beverages, lodgings and admissions that has disappeared because of the near shutdown of the state's hospitality industry.

“What I’m hearing from local governments is they’re desperate for the money and they feel that doing it on population is a fair way to go,” Howell said.

Secretary of Finance Aubrey Layne said the state’s decision to allocate the money based on population will help all localities, especially if Congress loosens the rules on how they can spend it.

However, the state will require local governments to certify that they will abide by federal restrictions on how the money can be used, and complete an online survey to report how they have spent the money distributed to them last month and how they plan to use funds in the second round.

Localities will have until Aug. 10 to complete the certification and survey, and the state will send the money within five business days of receiving the information.

“The whole idea is to be accountable,” Layne said. “It’s also to use the money in the best way.”

House Appropriations Chairman Luke Torian, D-Prince William, said the distribution of money to localities “is going to be very helpful.”

Torian said Congress also can help state and local governments as it considers the next emergency relief package.

“I’m not sure if they are going to provide us more new resources,” he said. “If not, I hope they provide us some flexibility.”

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Michael Martz



Local News

County faces \$3.3 million deficit, host of unknowns with reversion

August 1, 2020



Ann Shawver, a consultant with Henry County's legal firm for reversion, Guynn, Waddell, Carroll and Lockaby, P.C., gives a presentation on the financial impact of reversion on the county.

By Brandon Martin

A city reversion could lead to an approximate    for Henry

County's general fund, according to a presentation by Ann Shawver, a consultant to the county's legal firm Guynn, Waddell, Carroll and Lockaby, P.C. of Salem, Va.

Shawver said that in a situation where the City of Martinsville becomes a town inside of the county, the new town residents would pay taxes for real estate, personal property, machinery and tools and for public service corporations to both the town and the county.

Other types of taxes such as a meals tax; however, would be areas where the county would lose revenue since the taxes would not be paid to both localities.

"I did a lot of number crunching at a detailed line item level of all of the revenues to the county's general fund," Shawver said. "The general fund total is estimated at \$10,736,015 and the biggest piece of that is general property taxes."

In addition to the loss of revenue, the county would also incur new expenses.

Shawver said that the biggest expense would be education. She said judicial administration and public safety expenses also would be substantial.

"The punchline here is an increase in almost \$14.1 million (in expenditures)," Shawver said. "There's a lot more expenditure than revenue that we expect to come over."

These calculations were only made from known variables, according to Shawver, who said that there are many variables that need to be taken into account to help the county



would have a full picture of the cost of reversion.

Some examples of these unknowns were the potential changes that would be made to buildings, matching pay scales for employees that would be onboarded to the county's payroll, compensation for the new constitutional offices that would become to county's responsibility, and an increase in town residents using county services.

When new revenues and expenditures are compared, "we see there is, unfortunately, a fairly sizable deficit of \$3.3 million," Shawver said. "This does not include these potentials, and this also does not consider the long-term impact of any annexation."

With the process of reversion comes the end of the annexation moratorium, with the new town able to claim parts of the county within its borders after a two-year period, according to Jeremy Carroll, a partner with the county's legal team.

"The ultimate goal, I believe as it usually is in any reversion, is not necessarily reversion. It's the annexation that follows," County Administrator Tim Hall said. "We have no idea how to capture those costs yet."

There are some general areas that the county would lose revenues because of annexation, according to Shawver.

"Should annexation occur, there would be loss of revenues, the utility tax, the meals tax, the lodging tax," Shawver said. "Basically, all of these transactional consumer-generated taxes"



Trying to close the gap using only real estate taxes would result in a 10 percent additional tax for county residents, Shawver said.

According to a report presented by Stephen Piepgrass, also from the city's legal firm, Troutman Sanders, the county's revenues would increase by approximately \$28.7 million, but their expenses also would increase by approximately \$30.6 million. The proposal to solve this \$1.9 million difference would be to increase the current county real estate tax of \$0.555 by five cents.

“There is a reduction in the current city tax rate of 1.0621 to 0.4571, but then the difference is made up by the five-cent increase in county taxes,” Piepgrass said. “Because town residents would pay county taxes, the end result is a net wash.”

Piepgrass reiterated that this tax plan is just a proposal, and after negotiations, the numbers could change.

“I think the expectation on the city's part that this whole process would only lead to a five-percent increase to real estate tax for county residents – I think that is optimistic,” Hall said following the presentation. “It'll probably be closer to 10-cents.”

The county also could raise other taxes or implement new taxes such as a cigarette tax, according to Shawver.

“When we have a budgetary gap that we need to close, we can raise additional revenues, we can curtail our spending or we can do a little bit of both,” Shawver said.



For every one percent of expenses that could be cut, “we could save about \$141,000,” she added.

These numbers did not include revenues that could potentially be collected if the county and city school systems merge. While expenses would be around \$21.2 million, according to Shawver, revenues would be about \$22.4 million, which is a surplus of about \$1.2 million for the county.

“I need to caution county officials from thinking that \$1.2 million can help close that \$3.3 million gap because I think we need to probably work through the process and see what is involved on the salary piece of the school operations and other aspects before we could necessarily count on this,” she said.

Another area that was not addressed in the numbers by Shawver are “properties that come over to the county that have debt on them.” She said the details of debt service would be negotiated during the process, but if the county does indeed incur some of the city’s debt then “that is going to widen the gap.”

Hall also expressed concern about the unknown variables.

“They all have associated costs with them, and we have no idea what those costs would be,” he added.

Dr. J. David Martin, of the Iriswood District, said that he was interested in some of the known variables presented in the reports.

“First, the vit: terms of their finances and    alance. That

was interesting information,” he said.

Reed Creek Supervisor Tommy Slaughter agreed with Martin’s assessment.

“I think that they put out that they use a lot of it (fund balance) but they don’t use as much as they advertise and that was kind of eye opening,” Slaughter said.

At a November 2019 city council meeting, the city said it expected to have to use the city’s fund balance to balance the budget in the future, a move that would increase rates in fees or result in significant reduction of services to its citizens.

“The city council sets the policy for the city regarding the fund balance and cash reserves,” City Manager Leon Towarnicki said at the time. “We do have a cash reserve for the utilities and a fund balance for the general fund and through that, it’s \$13 million or \$14 million, so the perception that the city is going broke is simply not the truth. The city has money and that financial reserve is what keeps the city stable. You don’t want to get into a situation where you start spending that reserve and you use that to balance the budget.”

During the county’s July 29 presentation, Shawver gave a financial snapshot of the city.

“Their policy says that they always want to have 10 percent of their annual budget sitting in the bank, if you will, for their fund balance,” Shawver said. “In most cases, they’ve been above the 10 percent level. Sometimes more like 12-13 percent. We only



see one year in this time frame where they fell below that policy amount.”

Ideally, Shawver said a community would adopt a budget with revenues that are adequate to cover expenditures. When this doesn’t happen, typically the locality will borrow from the fund balance, she added.

“When communities do that a lot, that can be a sign of fiscal distress,” Shawver said.

For this purpose, Shawver said that she analyzed the actual amount the city used of its fund balance over the past 10 years.

“While the city planned – in adopting its budget – a median use of fund balance of about \$1 million, as the city moved through its year, it added additional activities. Typically, its final budget was calling for use of fund balance up to \$1.8 million. Indeed, its actual use of fund balance has only been about \$300,000 in the median. Our conclusion from that is that the city is not nearly as reliant on this fund balance as it may represent at times, or as it seems to be at the time that it adopts its budget.”



*Jeremy Carroll, of Guynn, Waddell,
Carroll and L*    *ides an*

*overview of reversion during a July 28
Henry County Board of Supervisors
meeting.*

Carroll offered additional information on the overall process of reversion moving forward.

After the city decides to file their petition and evidence with the Commission on Local Government, the county will have an opportunity to do the same, according to Carroll.

Following a two- to three-day hearing, the commission will file a report with their conclusion. Once they have filed the report, the state Supreme Court will appoint a three-judge panel or court to preside over the case. Whatever the decision, it can be appealed to the Supreme Court.

“The city would have 21-days if they decide to opt out of reversion at that point,” Carroll said, adding that the panel of judges would remain in place for 10 years to oversee the process.

Carroll said that the city and county could meet at any point during the process to negotiate a settlement which would have to be approved by the commission.

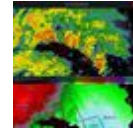
“While the reversion process has started, that’s not the only way to bridge the gap between the city and the county,” Carroll said. “Other possibilities would be simply school consolidation or consolidation of constitutional officers and courts. That could be short of full-blown reversion from city to town status.”



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In Williamsburg area, no tourists and no theme parks are far more than an inconvenience

By DAVE RESS
DAILY PRESS | AUG 01, 2020



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People walk along Duke of Gloucester Street in Colonial Williamsburg Wednesday afternoon July 29, 2020. (Jonathon Gruenke/Daily Press)

They call them the dark ages — winter months in the Historic Triangle — when tourists have long departed and restaurants, hotels and stores need to live on their humps.

This year, the dark ages look like they'll be gloomier than ever.

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To many, it feels as if Gov. Ralph Northam's order on Tuesday limiting hours on restaurants and bars and capping the size of social gatherings in Hampton Roads pretty much closed the door on the summer tourism season, despite Busch Gardens' plan for a limited opening on two four-day weekends this month.

Only about one in five Williamsburg area hotel rooms were occupied in June; normally at this time of year the area's hotels average two-thirds full, said Ron Kirkland, executive director of the Williamsburg Hotel & Motel Association.

Lost work, empty rooms

It's not just hotels hurting, either.

"I just lost a gig; 150 people at Kingsmill," said Jim Kennedy, who owns the FoodATude catering company.

"I'd had 102 events canceled ... I'm down more than 80% in sales," he said. Kennedy said his friends in the restaurant business are seeing sales down 60 to 80%; he said some hotels are down 90%.

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[\[Top stories\] Tropical Storm Isaias updates: More than 250,000 without power in Hampton Roads »](#)

"You need the summer to make it through the winter," he said. "Some people aren't going to make it."

For those who do, Kennedy figures it will be at least two to three years to recover.

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It's been local regulars who have kept her _____ and the restaurant's back room — where hosting graduation parties and other celebrations has been a major money earner — remains dark.

“When I answer the phone, it's just ‘cancel, cancel, cancel,’” she said.

[\[Top stories\] One dead, some missing, after tornado strikes Bertie County mobile home park »](#)

Over the past few weeks, as restrictions on indoor dining eased, longtime customers — many of them older people who tend to be more concerned about the risks of getting the new coronavirus — started coming back.

But, she worries that won't last.

“People who've been feeling homebound and just started venturing out with their masks are going to be scared again,” Ramos said.

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In a community where nearly 14,000 normally are directly employed by hotels, restaurants and tourist attractions — roughly one out of every five working adults — it can be devastating when people stay home. For many of the roughly 9,000 who work in retail stores, serving tourists is their main job.

[\[Top stories\] Isaias leaves power outages, damage across JCC, Williamsburg, York County »](#)

One measure of the impact of the virus is tax collections.

In York County, for instance, hotel tax revenue was down 65% in June compared to the year before, Deputy County Administrator Vivian McGettigan said. Hotel visits were off from 2019 levels by 64% in March, 92% in April and 87% in May. In April, 51 restaurants in the county reported no revenue, while 32 did in May.

James City County's meals tax revenue was down 48% in March, when halfway through the month, the state limited restaurants to seating no more than 10 diners quickly followed by an order closing indoor and outdoor dining.

With only takeout and delivery allowed in April, meals tax revenue was off by 70% in April. Permission to offer outdoor dining midway through May allowed a modest, \$82,000 increase in tax collections from April's level — representing a roughly \$2 million increase in all the county restaurants' receipts — down 58% from 2019's levels.

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In the city of Williamsburg, hotel tax collections were down 89% in April, 91% in May and 86% in June. Meals tax collections dropped 52% in March, 60% in April, 64% in May and 52% in June.

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Even though the area's oldest tourist draw — Colonial Williamsburg — reopened in June, closed doors so far this summer at Busch Gardens and Water Country USA have hurt.

The impact is stark at Historic Triangle hotels, Kirkland said.

They've currently got about 2,900 empty rooms that would normally be full this time of year. That, in turn, adds up to pretty close to the numbers of people who visit Busch Gardens on a typical summer day, once you consider those who stay in campgrounds, time shares or bed-and-breakfasts, he said.

Northam's March stay-at-home order closed amusement parks closed, a shuttering only eased on July 1 by allowing them to open to no more than 1,000 people at a time. That felt arbitrary to Historic Triangle hoteliers, since Virginia Beach was opened ahead of Memorial Day, the traditional start of summer vacations. Virginia Beach Oceanfront hotels saw a 63% occupancy rate in June, compared to Williamsburg's 21%, Kirkland said.

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With occupancy running at less than one third the usual June levels, Kirkland figures hoteliers' revenues are off by nearly 85%.

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"It's been devastating," he said. "I don't know if some will really be able to stick it out."

That's because hotels need the summer to make it through the winter.

"You get by in January, February and the first half of March, doing what you can; with spring break you're breaking even ... summer is when you pull in the money, stash it away for the winter," he said.

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owner, Sea World, has procedures for ter... and intensified cleaning that work at its facilities in other states, Kirkland said.

He's not expecting much of a bounce from the limited opening at Busch Gardens for those two weeks in August.

A widespread impact

“There is something of a symbiotic relationship as visitors cross pollinate and do not restrict their experiences in the Historic Triangle to just one venue,” said state Sen. Thomas K. Norment, R-James City, a lifelong resident of the Williamsburg area and former board member at Colonial Williamsburg.

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“They may do Busch Gardens one day, Colonial Williamsburg the next day and enjoy an evening concert on the Yorktown waterfront that night,” he said.

“The economic ripple effect then impacts the restaurants, gift shops, campgrounds, Harris Teeter, the gas station, Wawas, timeshares,” he said. “The local economy is hemorrhaging and the severity of that impact will really not be fatally felt until the off season winter months.”

And, he added, the Historic Triangle is suffering more than just financial pain.

“There is the emotional and psychological impact associated with stress of: ‘how am I going to pay my mortgage on my hotel or restaurant, how am I going to pay my bills and feed our family if I have no job,’” Norment said. “Then overlay on that stress the pandemic situation and you have a horrific intersection of the perfect financial and emotional storm.”

Dave Ress, 757,246-4535, dress@dailypress.com

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Dave Ress

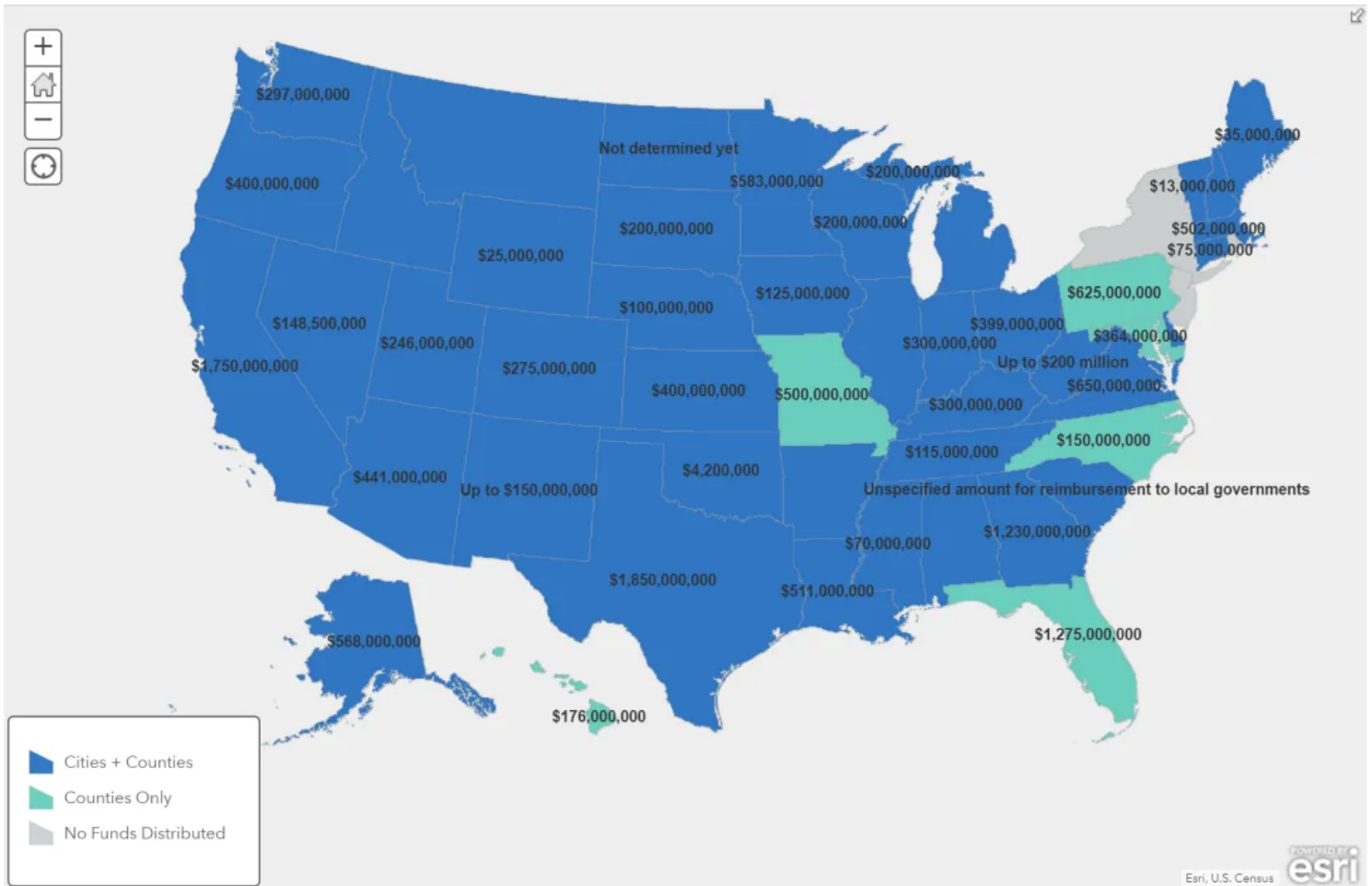


Dave Ress covers state and regional issues. He's reported on Virginia since 1990 and came back to the Daily Press in 2013. He is the author of "Municipal Accountability in the American Age of Reform," "The Half Breed Tracts in Early National America" and other works. Dave has a B.A. in economics and a Ph.D. in history.

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Local Governments Report Progress on Coronavirus Relief Funds, But Few Unobligated Dollars Remain for Cities and Towns Waiting for Aid

 By **NLC Staff** on **August 3, 2020**

70 percent of relief funds have already been obligated, only 10 percent to local governments, leaving small communities behind.

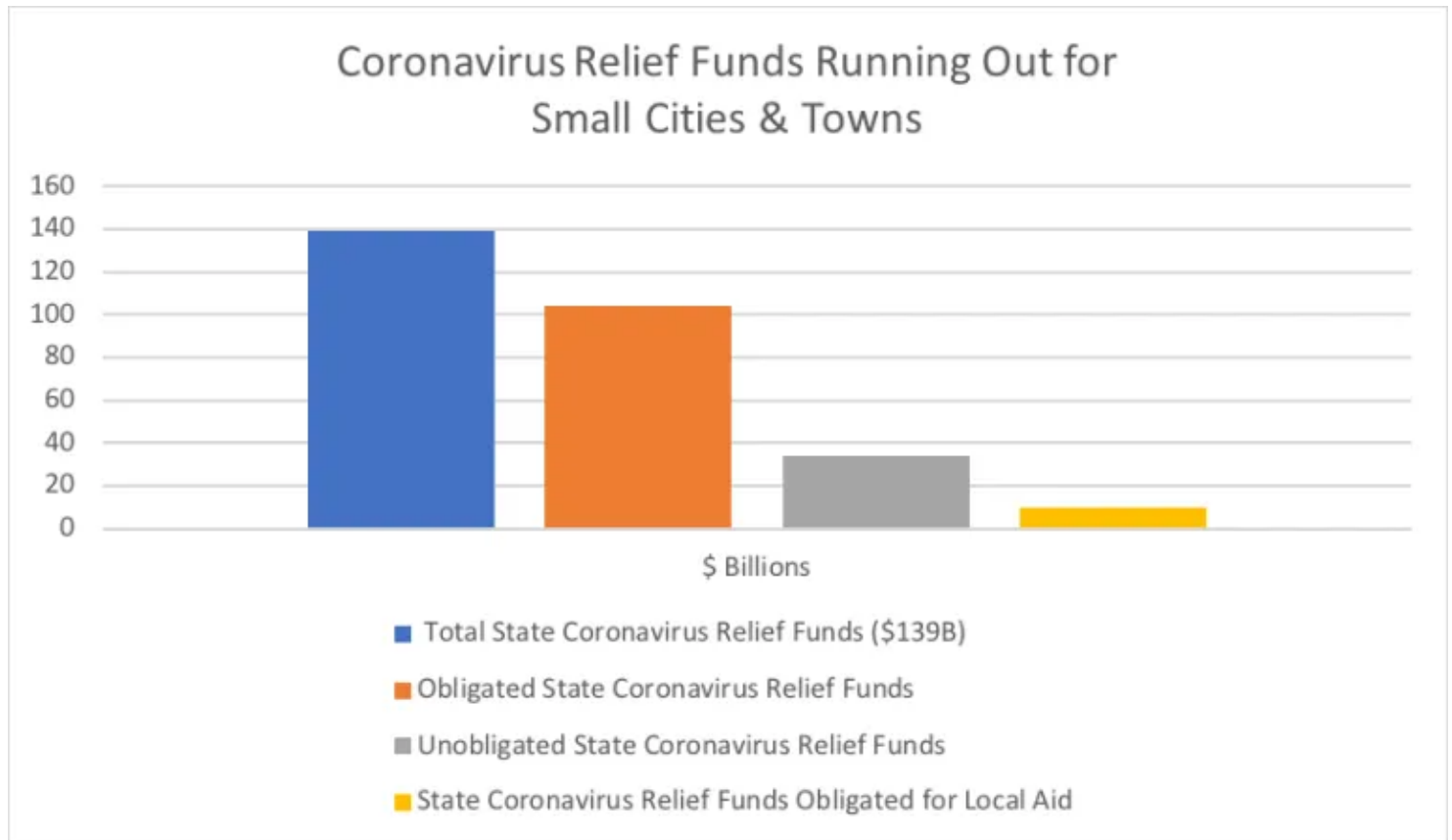
Despite recent assertions to the contrary, information provided by the Treasury Department coupled with the latest data from national organizations representing state and local governments show that an overwhelming majority of CARES Act funds allocated for state and local governments (70%) have already been obligated and are not available for municipalities struggling to address unprecedented budgetary challenges. Most concerning, small cities and rural areas have been left out of the process entirely and, without an additional influx of direct aid from the federal government, are at serious risk of having their local economies wiped out. Overall, the funding provided thus far is not nearly sufficient to meet the critical needs of cities, which are facing a projected \$360 billion revenue shortfall over the next three years as a result of the pandemic.

On July 30, 2020 the U.S. Treasury Department Office of Inspector General published an [Interim Report of Costs Incurred by State and Local Recipients through June 30](#). The report, while a welcome measure of transparency from the Administration, provides an incomplete picture of state and local efforts. The report provides an important snap-shot of “costs incurred” for Coronavirus Relief Fund (CRF)-eligible expenditures for emergency assistance, equipment, and personnel through the end of June. The uneven figures reflect both progress and setbacks across the country in containing the spread of coronavirus, and the uncertainty resulting from “rolling guidance” from the Administration, the most recent of which was published on June 30th. Importantly, the report does not reflect the increase of activity and new costs incurred for assistance to local governments through the month of July.

More recent data provided by the [National Association of State Budget Officers](#), the [National Governors Association](#), the [National Conference of State Legislatures](#) show that more than 70 percent of CARES Act Coronavirus Relief Funds have already been obligated for expenditure between now and the end of the year. At the same time, data collected by NLC and state

municipal leagues show that only approximately 10 percent of funds have been obligated for aid to local governments.

The Treasury OIG report on costs incurred, taken together with state government reports on obligated funds, is a red flag that shows the opposite of funding availability under the CARES Act. Rather, with less than 30 percent of unobligated funds remaining, they show that the modest amount of funds available for small local governments is running out.



Local leaders continue to be hampered by uncertainty and confusion from Congress over how, or even whether, to meet the urgent need for new federal aid for local governments. There is no question that additional federal intervention is warranted. As a result of the challenging fiscal conditions resulting from COVID-19 and the unanticipated costs of shuttering and reopening communities and small businesses, the National League of Cities estimates local budget shortfalls of over \$360 billion between 2020 and 2022, with \$134 billion in revenue losses for 2020 alone. Unfortunately, the CARES Act prohibited expenditure of emergency aid to cover revenue shortfalls. And with CRF funds mostly obligated, well-intentioned efforts to retroactively lift that prohibition are now too little, too late.

Cities and towns are essential for jump-starting the economy. By providing the permits and approvals for both commercial, educational, and public services, cities and towns are the primary gate through which a safe and efficient re-opening will occur. Reduced revenues and personnel will only make this process more difficult, placing a significant and easily avoidable drag on re-opening efforts nationwide. This is precisely why now is the time for Congress to approve additional aid for local governments.

If Congress fails to reach a bipartisan agreement that includes federal aid for local governments, beyond the additional flexibility for expenditures from the Coronavirus Relief Fund, there is no question that the very cities, towns, and villages that have helped ensure stability throughout this crisis, even as their revenue base has declined, will go from being an essential part of America's recovery to becoming a serious drag on it.

NLC is continuing to monitor how federal grant dollars, including CRF, are being awarded to municipalities, and how this funding is helping cities respond to the COVID-19 pandemic.

Background on State Coronavirus Relief Funds Obligated to Local Governments

The CARES Act was signed into law on March 27, 2020, creating the Coronavirus Relief Fund (CRF), a \$150 billion emergency assistance fund for states, territories, tribes, and local governments to purchase protective equipment and improve efforts to contain the spread of coronavirus. Of the 19,000 cities, towns, and villages in the United States, [only 36 municipalities](#), each with more than 500,000 residents, were provided direct assistance under the CARES Act CRF. Specifically, the 36 municipalities with populations over 500,000 received about \$7.9 billion of the \$150 billion. As a result, the majority of the 19,000 municipalities below the 500,000 population threshold [were excluded](#) from a guaranteed minimum level of assistance.

NLC raised the alarm in May that more than half the states were still withholding CARES Act aid for small local governments. Thanks to renewed oversight [spurred](#) by Congressman Kevin Brady

(R-TX), between June and July of this year the majority of hold-out states have obligated CARES Act funding to local governments.

As of July 31, 2020, three states have not obligated CRF funding specifically for emergency aid to small local governments:

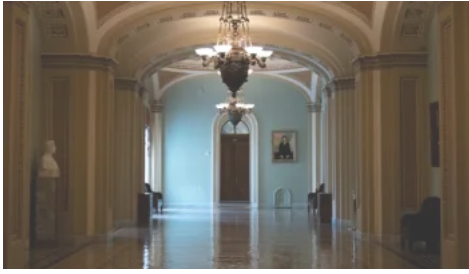
1. New Jersey
2. New York
3. Rhode Island

Another six states are only providing access to county governments with no requirements to assist municipal governments:

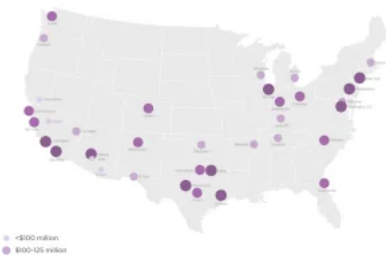
1. Florida
2. Hawaii
3. Maryland
4. Missouri
5. North Carolina
5. Pennsylvania

There is little consistency in how local governments with populations under 500,000 may access the Coronavirus Relief Funding from the states. Forty-seven states have authorized or are working on legislation to transfer some of the CRF funding to local governments. As of July 17, the total amount of state CRF funds that local governments (municipal and county) with populations under 500,000 have received is approximately \$13.8 billion.

The interactive map below shows states that are working to allocate funds to local governments.



America's Mayors Respond to the Lack of Local Aid in Senate Relief Package



The Deal is Done: How Much Can Cities Expect from the 3rd Coronavirus Package?



Cities Are Essential. We're Fighting to Prove It.

[View larger map](#)

Local Governments Need A New Lifeline

Local governments across the nation are in urgent need of a new lifeline to prevent the interruption of essential operations and services; and to keep emergency responders, sanitation workers, building and repair crews, and others on the job.

The Coronavirus Relief Fund is insufficient to meet to the growing need for support at the local level, and additional federal intervention is warranted. As a result of the challenging fiscal conditions caused by the COVID-19 pandemic and the unanticipated costs of shuttering and reopening communities and small businesses, NLC estimates local budget shortfalls of **over \$360 billion between 2020 and 2022**, with \$134 billion in revenue losses for 2020 alone.

Local governments know the federal government cannot make up for every loss of revenue. Instead, they are seeking a critical lifeline to avoid last resort options, such as indefinite cuts to services at a time when communities need them most, permanent layoffs of municipal

employees who comprise a large share of America’s middle class and canceling capital projects that will further impact local employment, business contracts and overall investment in the economy. There is a real possibility that the very cities, towns, and villages that have helped ensure stability throughout this crisis, will go from being an essential part of America’s recovery to becoming a serious drag on it.

We stand ready to work together on bicameral, bipartisan legislation that provides fair and appropriate levels of assistance to all cities, towns, and villages while including the kinds of guardrails members of Congress will need to be confident that taxpayer funds are appropriately spent. Right now, the funding that communities are seeing is simply not enough to for local economic recovery.

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