



**AGENDA  
POWHATAN COUNTY BOARD OF SUPERVISORS  
WORKSHOP MEETING  
JUNE 1, 2020  
6:30 PM CALL TO ORDER**

This meeting is being held electronically in accord with Virginia Code Section 15.2-1413.  
The meeting is accessible by:

If you would like to participate in the meeting, go to <https://us02web.zoom.us/j/88452029370> by computer or smartphone with the Zoom app.

or by phone, dial: +1 929 205 6099 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 346 248 7799

Type Webinar ID: 884 520 293 70

Or iPhone one-tap :

US: +19292056099, 88452029370# or +13126266799, 88452029370#

\*\*During the public comment period, you may raise your hand using the zoom controls on your screen or press \*9 on your phone. Visit the Zoom Help Center for more information.

If you would like to watch in real-time, use this link: <http://powhatanva.gov/432/Live-Stream-of-Powhatan-County-Meetings>

If you would like to watch the meeting at your convenience after June 2<sup>nd</sup> use this link: <http://powhatanva.gov/433/County-Meetings-and-Workshop-Videos-On-D>

Public comments may also be submitted to [administration@powhatanva.gov](mailto:administration@powhatanva.gov). Any comments received up until 5:00 PM, June 1, 2020 shall be entered into the meeting minutes.

**1. Call to Order**

- a. Identify Public Entity members physically and/or electronically present
- b. Identify opportunities for the public to access and participate in the electronic meeting

**2. Pledge of Allegiance**

**3. Invocation**

**4. Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation**

**5. Formal Approval of Agenda**

**6. Public Comment** (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

**7. Old Business**

- a. Authorization to advertise FY21 County Budget Page 4
- b. Ordinance O-2020-07 An Emergency Ordinance Amending Chapter 80 (Water and Wastewater), Article III (Fees and Charges) Section 80-78 of the Code of the County of Powhatan allowing waiving of penalties and interest on past due water and wastewater accounts during a declared emergency Page 13

**8. Public Hearing**

- a. Re-adoption of Ordinance O-2020-06 an Emergency Continuity of Operations Ordinance pursuant to Va. Code §15.2-1413

Page 16

**9. Public Comment** (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

**10. County Attorney Comments**

**11. County Administrator Comments**

**12. Board Comments**

**13. Adjournment**



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: June 1, 2020

---

Agenda Item Title: FY2021 County Operating Budget

Motion: N/A

Dates Previously  
Considered by Board: March 2, March 9, March 30, April 16, and May 14, 2020

Summary of Item: The Board is required to hold a public hearing for the County's Proposed FY2021 Budget. The public hearing is scheduled for June 22, 2020. The public hearing and proposed budget must be advertised per State code at least (7) days prior to the public hearing. Due to the publication date of the Powhatan Today the date of publication must occur by June 10, 2020 in order to meet that requirement. The purpose of this meeting is to discuss the Operating budget to advertise. The All Funds Summary that is attached is based on \$.88 tax rate with a 94% collection rate on Real Estate, 95% collection rate for Personal Property (vehicles) and all other Personal Property at a collection rate of 94%. The portion of the additional revenue generated has been used to establish a revenue stabilization fund.

County staff will continue to discuss the FY2021 budget and adjust for any changes prior to the public hearing.

The Board may choose to adopt a budget less than what is advertised.

Staff:   N/A   Approve      \_\_\_ Disapprove      \_\_\_ See Comments

Commission/Board:   N/A   Approve      \_\_\_ Disapprove      \_\_\_ See Comments

County Administrator:   X   Approve      \_\_\_ Disapprove      \_\_\_ See Comments

Comments: n/a

Budget/Fiscal Impact: Budget Advertisement Discussion Only

Attachments: All Funds Summary

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, [cschubert@powhatanva.gov](mailto:cschubert@powhatanva.gov)

<b>Powhatan County</b>					
<b>County Administrator Proposed FY 2021 Operating Budget</b>					
<b>Changes from FY 2020 Adopted Budget</b>					
		<b>Requests</b>	<b>Proposed</b>	<b>Supp. Doc Page #'s</b>	<b>Explanation</b>
<b>General Fund - Revenue Changes</b>					
<b>FY 2020 Adopted Budget</b>			<b>56,366,020</b>		
	Property Taxes				
	Real Estate		3,036,130	2-3	using \$.88 with 94% collection rate
	Personal Property		(562,934) *	2-5	*94% collection rate on all other PP (MT, MC, MH, BPP)
	Interest and Penalties and Other		-		*95% collection rate on PP (Vehicles) to account for proration
	Subtotal - Property Taxes		2,473,196		
	Other Taxes				
	Sales		(223,000)	2-5	10% reduction from FY21 projected actual
	Local Tax on Deeds		-	2-6	
	Net Other Taxes		1,000	2-6	reductions based on history
	Subtotal - Other Taxes		(222,000)		
	Beginning Fund Balance - Recycling and CIP		(1,013,000)	2-12	
	Net All Other Revenue		63,478		additional Comp Board revenue \$22,650, reduced original projections by 5%
<b>Net Revenue Changes</b>			<b>1,301,674</b>	2-12	
<b>FY 2021 County Administrator Proposed Budget</b>			<b>57,667,694</b>		
<b>General Fund - Expenditure Changes</b>					
<b>FY 2020 Adopted Budget</b>		<b>56,366,020</b>	<b>56,366,020</b>		
	Transfer to PCPS	904,438	-	5-19	
	Total Transfer to PCPS	904,438	-		
	Debt Service	(625,506)	(625,506)	5-19	
	Capital Projects Fund	(921,000)	(921,000)	5-19	
	Net Capital	(1,546,506)	(1,546,506)		
	Employee Compensation				
	Employee Raise (2%) Salaries and Benefits	226,995	-	3-2	
	VRS Increase (11.47% to 11.86%)	32,125	32,125	3-2	
	GLI Increase (1.31% to 1.34%)	2,472	2,472	3-2	
	VRS Hybrid Disability Increase (.72% to .83%)	2,695	2,695	3-2	
	Health Insurance 10.7% increase County (ER) Share	148,180	123,870	3-2	
	Health Insurance 10.7% increase County (EE) Share	59,000	49,500	3-2	

<b>Powhatan County</b>					
<b>County Administrator Proposed FY 2021 Operating Budget</b>					
<b>Changes from FY 2020 Adopted Budget</b>					
		<b>Requests</b>	<b>Proposed</b>	<b>Supp. Doc Page #'s</b>	<b>Explanation</b>
		471,467	210,662		
	<b>Salary Changes</b>				
	Clerk of Court - increase for Chief Deputy	40,615	-		
	Clerk of Court - increase for Certification (2)	4,474	4,474	3-2	
	IT - Increase for gaining Certifications	9,734	-		
	Fire and Rescue - Career Step pay	12,168	-		
	Fire and Rescue - Lieutenant	6,084	-	3-2	
	Commonwealth's Atty - pay increase for Asst CA	8,084	-		
	Library - Admin Coordinator	6,084	-		
	PWD Administration - Utilities Manager PE Cert	224	224	3-2	based on letter when hired
	PWD Convenience Center	969	-	3-2	
	Fire and Rescue - PT Wages	261,118	122,505		fund half of back fill days, remainder of PT positions
	Sheriff - Compression	33,462	-		
	P&R - Regrade from Coordinator to Manager	6,809	-		
	Building Inspections - Building Official	16,003	-	3-2	
	Building Inspections - Community Dev Technician	2,026	-	3-2	
		407,854	127,203		
	<b>Position Changes</b>				
	Clerk of Court - FTE	40,361	-	3-2	
	IT - IT Tech - 2 FT	139,232	-	3-2	
	Library - Senior Clerk	52,109	-		
	Library - Public Services Librarian - .50 FTE	21,153	-		
	E911 Communications - 1 FT	63,781	-	3-2	
	P&R Specialist- .50 to 1.0 FTE	20,489	-		
	Sheriff - SRO	76,042	-	3-2	
	Sheriff - SRO - .50 FTE	26,343	-	3-2	
	Fire and Rescue - Assistant Chief	75,861	-	3-2	
	Fire and Rescue - PT Retention Coordinator (6 mos)	26,913	13,457	3-2	grant funded 1/2 year
	Building Inspections - Commercial Inspector/Reviewer	78,714	-		
	Community Development Technician	50,366	-	3-2	
		671,364	13,457		
	Total Salary Contingency	1,550,685	351,322		
	<b>In Department Budgets</b>				
	Salaries and Benefits to June 30	517,351	517,351		
		517,351	517,351		

Powhatan County					
County Administrator Proposed FY 2021 Operating Budget					
Changes from FY 2020 Adopted Budget					
	Requests	Proposed	Supp. Doc Page #'s	Explanation	
<b>Total Salaries and Benefits</b>	<b>2,068,036</b>	<b>868,673</b>			
<b>Department Budgets without salaries and benefits</b>					
Board of Supervisor	2,550	-	5-3		
Commissioner of Revenue - Maint Svc Contracts	6,000	6,000	5-5	NADA software for PP evaluation	
Commissioner of Revenue - Travel and Conferences	6,000	-	5-5		
Commissioner of Revenue - other operating	(700)	-	5-5		
Reassessment	(119,000)	(119,000)	5-5		
County Administrator	2,700	-	5-3		
County Attorney - Contracted Attorney	14,000	-	5-4		
County Attorney - Other operating	850	350	5-4		
Finance	(1,100)	(1,400)	5-3	reduced travel and advertising further	
Risk Management	7,740	12,604	5-7	increase in worker's comp and auto ins	
Risk Management - Cyber	-	4,000			
Human Resources - Main & Svc Contracts	9,277	9,277	5-4	NEOGov	
Human Resources - Tuition Reimbursement	12,000	(8,000)	5-4	removed tuition reimb	
Human Resources - Other Operating	4,375	4,275	5-4		
GPCSB - County Contribution	20,000	20,000	5-16		
Health Department	17,146	17,146	5-16		
Circuit Court	520	520	5-9	telephone charges	
Clerk of the Circuit Court - Travel and Education	2,500	-	5-10		
Clerk of the Circuit Court - Capital Outlay	28,000	-	5-10		
Clerk of the Circuit Court - Maint Svc Contracts	2,900	2,900	5-10	copier contracts	
Commonwealth's Attorney	710	710	5-10		
Juvenile Court Services	1,500	100	5-14		
Animal Control - Professional Health Services	20,000	12,000	5-14	consistent with py	
Animal Control - Other Operating	375	75	5-14	dangerous dog tags	
Animal Control - Auto Ins	-	122			
E911 Communications Center - Tower rent	88,115	88,115	5-11	rent on new towers	
E911 Communications Center - Overtime	20,000	10,000	5-11	based on trend	
E911 Communications Center - Electricity	18,543	18,543	5-11	electricity at new tower sites	
E911 Communications Center - Other operating	21,886	-	5-11		
Fire & Rescue - Other Operating	24,500	(2,050)	5-12		
Fire & Rescue - LODA	7,405	7,603	5-12		
Fire & Rescue - Recruitment and Retention	143,483	71,742	5-12		
Fire & Rescue - Comp Time Payout	6,100	-	5-12		
Fire & Rescue - Professional Services	10,000	-	5-12		
Fire & Rescue - Apparatus fuel	5,000	5,000	5-12		

<b>Powhatan County</b>					
<b>County Administrator Proposed FY 2021 Operating Budget</b>					
<b>Changes from FY 2020 Adopted Budget</b>					
		<b>Requests</b>	<b>Proposed</b>	<b>Supp. Doc Page #'s</b>	<b>Explanation</b>
	Fire & Rescue - Training seminars	35,000	30,000	5-12	
	Fire & Rescue - Auto parts and repairs	50,000	50,000	5-12	
	Emergency Management - Maint Svc Contract	9,676	9,676	5-15	
	Emergency Management - Other Operating	22	22	5-15	
	PWD Administration - rent office space	(15,608)	(15,608)	5-9	
	PWD Facilities - Cleaning service	45,445	-	5-7	
	PWD Facilities - Electricity	62,000	22,000	5-7	
	PWD Facilities - Maintenance Service Contracts	19,000	8,000	5-7	
	PWD Facilities - Operating	3,335	2,500	5-7	Fuel for Courthouse addition
	PWD Parks/Rec	3,120	1,620	5-16	
	PWD Athletic Fields - Other Operating	3,500	-	5-9	
	PWD Company 1 Fire Station	2,300	2,300	5-13	
	PWD Company 2 Fire Station	(3,500)	(3,500)	5-13	
	PWD Grounds Parks	(3,000)	(3,000)	5-9	
	PWD Convenience Center - Waste disposal	18,240	18,240	5-8	
	PWD Convenience Center - Recycling Fees		44,500		increase in cost
	PWD Convenience Center	2,100	-	5-8	
	Economic Development - Marketing	10,000	(3,000)	5-18	reduce \$3,000 for Culture Works
	Planning and Zoning - Professional Services	10,000	(1,000)	5-17	
	Planning and Zoning - Advertising	4,600	2,500	5-17	
	Planning and Zoning - Conferences & Training	550	(1,500)	5-17	
	Planning and Zoning - Other operating	4,500	3,250	5-17	
	Building Inspections - Third Party Plan Review	29,500	26,500	5-14	
	Building Inspections - Other operating	3,052	(4,210)	5-14	
	IT - Maint Svc Contracts	72,400	(67,600)	5-6	removing OpenGov, added \$34,000 from FY21 original proposed
	IT - Professional Services	12,000	-	5-6	
	IT - Other Operating	7,585	-	5-6	
	IT - Internet Usage	18,800	-	5-6	
	GIS - ESRI	5,000	5,000	5-6	
	Library - Law Library	5,600	5,600	5-17	Law Library
	Library - other operating	2,148	(1,992)		
	Registrar - Capital outlay	2,800	2,800	5-7	
	Registrar - NOEAV	28,400	13,400	5-7	
	Registrar - Postage	16,743	16,743	5-7	
	Registrar - Other Operating	16,706	16,706	5-7	
	Sheriff - Other Operating	7,000	-	5-11	
	Sheriff - Auto Ins	-	243		increase in premium
	Sheriff - LODA	4,360	4,956	5-11	
	Detention - Juveniles	17,119	17,119	5-14	

<b>Powhatan County</b>				
<b>County Administrator Proposed FY 2021 Operating Budget</b>				
<b>Changes from FY 2020 Adopted Budget</b>				
	<b>Requests</b>	<b>Proposed</b>	<b>Supp. Doc Page #'s</b>	<b>Explanation</b>
Detention - Adults	140,625	140,625	5-14	
Treasurer - postage	1,350	1,350	5-5	
Extension Service - Professional services	2,703	-	5-19	
Extension Service - Other operating	-	(3,206)		
Memberships/Joint Services	7,898	7,064	5-18	removed NACo
Monacan SWCD	-	(2,200)		5% reduction
Contributions	2,500	(1,500)	5-18	removed Senior navigator
<b>Total Departments</b>	<b>1,048,944</b>	<b>505,030</b>		
<b>Transfers</b>				
Social Services Fund	107,240	48,902	5-19	
NET Social Services Fund	107,240	48,902		
CSA Fund	(54,698)	(54,698)	5-19	
NET CSA Fund	(54,698)	(54,698)		
Revenue Stabilization Fund		1,662,064		
Net Revenue Stabilization Fund	-	1,662,064		
Utilities Fund - Purchase Water	15,250	-		
Utilities Fund - Debt Service	(152,928)	(152,928)		
Utilities Fund - Salaries to June 30	1,997	1,997		
Utilities Fund - Operations	79,737	75,213		
Net Utilities Fund	(55,944)	(75,718)	5-19	
Contingency	15,541	(34,459)	5-18	
Salary adjustments/payouts	(136,069)	(71,613)	5-18	
<b>Net Expenditure Changes</b>	<b>2,350,982</b>	<b>1,301,674</b>		
<b>FY 2021 County Administrator Proposed Budget</b>	<b>58,717,002</b>	<b>57,667,694</b>		
<b>Requests (over) under revenue (1,049,308) -</b>				

<b>Powhatan County</b>					
<b>County Administrator Proposed FY 2021 Operating Budget</b>					
<b>Changes from FY 2020 Adopted Budget</b>					
		<b>Requests</b>	<b>Proposed</b>	<b>Supp. Doc Page #'s</b>	<b>Explanation</b>
<b>Social Services Fund - Revenue Changes</b>					
<b>FY 2020 Adopted Budget</b>		<b>1,763,874</b>	<b>1,763,874</b>		
	Net State Revenue	13,199	(20,590)	2-13	
	Net Federal Revenue	97,095	39,908	2-13	
	General Fund Support	107,240	48,902	2-13	
<b>FY 2021 County Administrator Proposed Budget</b>		<b>1,981,408</b>	<b>1,832,094</b>		
<b>Social Services Fund - Expenditure Changes</b>					
<b>FY 2020 Adopted Budget</b>		<b>1,763,874</b>	<b>1,763,874</b>		
	Salaries and Benefits to June 30	61,488	61,488		
	Health Insurance 10.7% increase County (ER) Share	21,039	17,587	3-2	
	Health Insurance 10.7% increase County (EE) Share	8,400	7,035	3-2	
	VRS Increase (11.47% to 11.86%)	4,098	4,098	3-2	
	GLI Increase (1.31% to 1.34%)	315	315	3-2	
	VRS Hybrid Disability Increase (.72% to .83%)	196	196	3-2	
	Employee Raise (2%) Salaries and Benefits	26,105	-	3-2	
	Position changes	118,392	-	3-2	
	Administrative expenses	(22,499)	(22,499)		
<b>FY 2021 County Administrator Proposed Budget</b>		<b>1,981,408</b>	<b>1,832,094</b>	5-20	
<b>Comprehensive Services Fund - Revenue Changes</b>					
<b>FY 2020 Adopted Budget</b>		<b>1,827,846</b>	<b>1,827,846</b>		
	Net State Revenue	170,972	170,972	2-13	
	General Fund Support	(54,698)	(54,698)	2-13	
<b>FY 2021 County Administrator Proposed Budget</b>		<b>1,944,120</b>	<b>1,944,120</b>		
<b>Comprehensive Services Fund - Expenditure Changes</b>					
<b>FY 2020 Adopted Budget</b>		<b>1,827,846</b>	<b>1,827,846</b>		
	Administrative Costs	-	-		
	Client Services	116,274	116,274		
<b>FY 2021 County Administrator Proposed Budget</b>		<b>1,944,120</b>	<b>1,944,120</b>	5-20	
<b>Grants Fund Law Library - Changes</b>					
<b>FY 2020 Adopted Budget</b>		<b>3,500</b>	<b>3,500</b>		
	Law Library Fees	(3,500)	(3,500)		
<b>FY 2021 County Administrator Proposed Budget</b>		<b>-</b>	<b>-</b>		

<b>Powhatan County</b>					
<b>County Administrator Proposed FY 2021 Operating Budget</b>					
<b>Changes from FY 2020 Adopted Budget</b>					
		<b>Requests</b>	<b>Proposed</b>	<b>Supp. Doc Page #'s</b>	<b>Explanation</b>
<b>Fire and Rescue Fund - Revenue Changes</b>					
<b>FY 2020 Adopted Budget</b>		<b>687,275</b>	<b>687,275</b>		
EMS Fees		-	-		
Fire Programs Funds		-	-		
Four For Life Grant		-	-		
<b>FY 2021 County Administrator Proposed Budget</b>		<b>687,275</b>	<b>687,275</b>		
<b>Fire and Rescue Fund - Expenditure Changes</b>					
<b>FY 2020 Adopted Budget</b>		<b>687,275</b>	<b>687,275</b>		
EMS Service Provider		-	-		
Fire Programs Funds		-	-		
Four For Life Grant		-	-		
<b>FY 2021 County Administrator Proposed Budget</b>		<b>687,275</b>	<b>687,275</b>	5-20	
<b>Utilities Fund - Revenue</b>					
<b>FY 2020 Adopted Budget</b>		<b>2,667,712</b>	<b>2,667,712</b>		
Water Fees		7,804	-	2-14	
Sewer Fees		11,424	-	2-14	
Other Fees		-	-		
Utilities Capital Support		-	-		
General Fund Support		(55,944)	(75,718)	2-15	
<b>FY 2021 County Administrator Proposed Budget</b>		<b>2,630,996</b>	<b>2,591,994</b>		
<b>Utilities Fund - Expenses</b>					
<b>FY 2020 Adopted Budget</b>		<b>2,667,712</b>	<b>2,667,712</b>		
Salaries and Benefits to June 30		937	937		
Health Insurance 10.7% increase County (ER) Share		5,282	4,416	3-2	
Health Insurance 10.7% increase County (EE) Share		2,100	1,766	3-2	
Employee Raise (2%) Salaries and Benefits		5,887	-	3-2	
VRS Increase (11.47% to 11.86%)		943	943	3-2	
GLI Increase (1.31% to 1.34%)		72	72	3-2	
VRS Hybrid Disability Increase (.72% to .83%)		45	45	3-2	
Operations		85,696	68,696		
Auto Ins		-	335		
Purchase Water from Chesterfield		15,250	-		
Debt Service		(152,928)	(152,928)		
<b>FY 2021 County Administrator Proposed Budget</b>		<b>2,630,996</b>	<b>2,591,994</b>	5-20	

<b>Powhatan County</b>					
<b>County Administrator Proposed FY 2021 Operating Budget</b>					
<b>Changes from FY 2020 Adopted Budget</b>					
		<b>Requests</b>	<b>Proposed</b>	<b>Supp. Doc Page #'s</b>	<b>Explanation</b>
<b>Utilities Capital Projects Fund - Revenue</b>					
<b>FY 2020 Adopted Budget</b>		<b>188,000</b>	<b>188,000</b>		
	Connection Fees	-	-		
	General Fund Support	(22,000)	(22,000)	15-Feb	
<b>FY 2021 County Administrator Proposed Budget</b>		<b>166,000</b>	<b>166,000</b>		
<b>Utilities Capital Projects Fund - Expenses</b>					
<b>FY 2020 Adopted Budget</b>		<b>188,000</b>	<b>188,000</b>		
	Utilities Fund Support	(22,000)	(22,000)		
<b>FY 2021 County Administrator Proposed Budget</b>		<b>166,000</b>	<b>166,000</b>	5-22	



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: June 01, 2020

---

Agenda Item Title: Re-adoption of the Emergency Ordinance Amending Chapter 80 (Water and Wastewater), Article III (Fees and Charges) Section 80-78 of the Code of the County of Powhatan allowing waiving of penalties and interest on past due water and wastewater accounts during a declared emergency and allowing suspension of strong wastewater sampling and testing required for commercial businesses.

Motion: This Ordinance was adopted on April 27, 2020 but due to limited time frame a public hearing could not be advertised as required for Ordinance amendments. A public hearing was advertised and the amendment was adopted on May 18, 2020. The adopted Ordinance amendment needs to be re-adopted with removal of the 60 day re-adoption language thereby making the Ordinance amendment permanent as opposed to temporary.

Dates Previously Considered by Board: See above

Summary of Item: The Coronavirus (COVID-19) pandemic has severely impacted localities in the Commonwealth. On March 12, 2020, the Governor declared a state of emergency in response to the continued spread of COVID-19. County citizens may be experiencing loss of a job, or decreased hours in their employment. These citizens may ultimately be forced to use their reduced income to make mortgage or rental payments and buy food and medical insurance with little left over to make utility payments. Staff is requesting a waiver for charging penalties and interest on water and wastewater accounts and suspension of the strong waste sampling and testing requirements.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: Average bimonthly waste fines = \$9000, average bimonthly penalties = \$900.

Attachments: Ordinance O-2020-07

Staff/Contact: Ramona Carter, Director of Public Works, 804-598-5764, [rcarter@powhatanva.gov](mailto:rcarter@powhatanva.gov)

**AN EMERGENCY ORDINANCE AMENDMENT TO ADD PROVISIONS TO THE  
POWHATAN COUNTY CODE**

This emergency ordinance amendment to Section 80-78 of the Powhatan County Code relating to the Waiver of Penalties and Interest on Unpaid Utility Bills During a Declared Emergency.

The Coronavirus (COVID-19) pandemic has severely impacted localities in the Commonwealth. On March 12, 2020, the Governor declared a state of emergency in response to the continued spread of COVID-19. County citizens may be experiencing loss of a job, or decreased hours in their employment. These citizens may ultimately be forced to use their reduced income to make mortgage or rental payments and buy food and medical insurance with little left over to make utility payments. The Public Works Department has already suspended service disconnection for nonpayment. However, during the current pandemic, County utility customers may need additional financial help to manage the payment of utility bills. Staff is proposing that the County suspend the imposition of penalties and interest on unpaid utility bills for the duration of the declared emergency and 30 days after the end of the declared emergency. Any penalties or interest that were applied to the account prior to the declaration of emergency will not be waived.

In addition, Staff is proposing to suspend strong waste sampling and testing requirements due to closure of restaurants, day care services, schools etc. during the State of Emergency. Once the State of Emergency is lifted, the strong waste sampling and testing will recommence when the Director of Public Works determines conditions have stabilized.

**Sec. 80-78. - Charges for utility service—Collection of unpaid charges.**

Unpaid fees, assessments, penalties, interest or any other charges for utility service or connection to the utility system shall be collected by all means authorized by law.

(Ord. No. O-2017-19, 6-26-17)

Add; During a declared State of Emergency by the Governor or local Emergency Management, unpaid fees, assessments, penalties, interest or other fines for utility service may be waived, by the Director of Public Works, until the declared emergency is lifted and for 30 days after the emergency ends. Strong waste sampling and testing may be suspended during a State of Emergency if the Director of Public works deems it necessary. If strong waste sampling and testing is suspended, it will be reinstated in a time frame determined by the Director of Public Works but shall not be less than 30 days after the State of Emergency is lifted.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JUNE 1, 2020.**

---

**David T. Williams, Chairman  
Powhatan County Board of Supervisors**

**ATTEST:**

---

**Bret Schardein, Clerk  
Powhatan County Board of Supervisors**

**Recorded Vote:**

<b>David T. Williams</b>	_____
<b>Larry J. Nordvig</b>	_____
<b>Michael W. Byerly</b>	_____
<b>Bill L. Cox</b>	_____
<b>Karin M. Carmack</b>	_____



## Powhatan County Board of Supervisors Agenda Item

Meeting Date: June 01, 2020

---

Agenda Item Title: Re-adoption of O-2020-06 Emergence Continuity of Government procedures

Motion: This Ordinance was adopted on March 30, 2020 but expired on May 30, 2020. Due to the on-going pandemic, the ordinance should be re-adopted to allow flexibility in meeting procedures as needed.

Dates Previously Considered by Board: March 30, 2020

Summary of Item: The re-adoption of this ordinance shall allow for the use of modified meeting procedures as necessary as the County continues to respond to the pandemic and local, state and federal guidelines and mandates.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Ordinance O-2020-06

Staff/Contact: Bret Schardein, Interim County Administrator, [bschardein@powhatanva.gov](mailto:bschardein@powhatanva.gov) (804) 598-3639

**ORDINANCE 2020-06 EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.**

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

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

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

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

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

**WHEREAS**, on March 15, 2020 in accordance with § 44-146.21 Code of Virginia and the County of Powhatan Emergency Operations Plan, adopted on January 27, 2020, a Local Emergency was declared to exist by Mr. Bret Schardein, Interim County Administrator – Director of Emergency Management, and Mr. Phil Warner, Fire Chief – Deputy Director of Emergency Management; and,

**WHEREAS**, pursuant to the declaration of a local emergency, the County’s Emergency Operations Plan was activated;

**WHEREAS**, on March 30, 2020 the governing body of Powhatan County (“BOARD”) confirmed the declaration of local emergency made by the local director of emergency management on March 15, 2020; and

**WHEREAS**, on March 30, 2020 the governing body of Powhatan County (“BOARD”) adopted O-2020-06; and

**WHEREAS**, O-2020-06 expired on May 30, 2020; and

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

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

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

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

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

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

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

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

WHEREAS, the Board wishes to re-adopt O-2020-06 to allow the continuation of modified procedures in response to the pandemic.

**NOW, THEREFORE, BE IT ORDAINED** by the BOARD of SUPERVISORS of POWHATAN COUNTY, Virginia:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the BOARD, the School Board, the Planning Commission, Board of Zoning Appeals, Board of Equalization and all local and regional Boards, commissions, committees and authorities created by the BOARD or to which the BOARD appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.
2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:
  - a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
  - b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 calendar days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
  - c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
  - d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and
  - e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting. In the alternative, the Public Entity may decide to hold open the Public Hearing until the next meeting and accept public comments via email or U.S. mail, which comments will be made a part of the minutes of the meeting and shall be read into the record prior to a Public Entity vote on the matter; and

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

**IT IS FURTHER ORDAINED** that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

**IT IS FURTHER ORDAINED**, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

**IT IS FURTHER ORDAINED**, that the provisions of this Emergency Ordinance shall remain in full force and effect, unless amended, rescinded or readopted by the BOARD in conformity with the notice provisions set forth in Virginia Code §15.2-1427 but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the BOARD or automatic expiration as described herein, this emergency ordinance shall terminate, and normal practices and procedures of government shall resume.

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

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

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON:**  
June 1, 2020

\_\_\_\_\_  
Mr. David T. Williams, Chairman  
Powhatan County Board of Supervisors

**ATTEST:**

\_\_\_\_\_, Clerk  
Bred Schardein, Interim County Administrator  
Powhatan County Board of Supervisors

**Recorded Vote:**

District 1 Supervisor David T. Williams	vote ____
District 2 Supervisor Larry J. Nordvig	vote ____
District 3 Supervisor Michael W. Byerly	vote ____
District 4 Supervisor Bill L. Cox	vote ____
District 5 Supervisor Karin M. Carmack	vote ____