

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 25TH DAY OF MARCH IN THE YEAR TWO THOUSAND TWENTY IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

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IN RE: CALL TO ORDER

Chairwoman Patricia A. Paige called the meeting to order.

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
Patricia A. Paige	Present
Ron Stiers	Present
John N. Lockwood	Present

All members were present. Ms. Paige opened with an invocation.

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IN RE: VCU HEALTH NEW KENT EMERGENCY CENTER UPDATE

Ms. Paige reported that due to the COVID-19 pandemic, VCU representatives would not be presenting at today's meeting.

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IN RE: FUNDING APPLICATION FOR ABANDONMENT OF THE LEGENDS WELL

Assistant Public Utilities Director Mike Lang reported connecting water systems in the County was a part of the Public Utilities Department water plan and as the systems were connected, some wells were rendered obsolete. Once the current interconnect project (Route 618 Waterline) was completed, the Legends Well would no longer be needed. This well was known to have a fluoride content above the EPA's (Environmental Protection Agency) standard which could cause pitting and browning of children's teeth. VDH (Virginia Department of Health) regulations required that wells that were permanently out of service be abandoned. Public Utilities had taken advantage of the VDH's free Source Water Protection assistance and was now eligible for a Wellhead Protection Grant of approximately \$45,000 through the Drinking Water State Revolving Fund. Mr. Lang asked for a letter from the Board in support of the County's grant application. A draft letter had been provided.

There being no discussion or questions, Mr. Tiller moved to approve a letter in support of the abandonment of the Legends Well and in support of a grant application to seek funding from the Drinking Water State Revolving Fund. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Patricia A. Paige	Aye

The motion carried.

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IN RE: GENERAL OBLIGATION SCHOOL BONDS FOR THE CONSTRUCTION OF A NEW ELEMENTARY SCHOOL – PART 1

NOTE: This discussion was conducted in the context of the Coronavirus (COVID-19) pandemic with Governor Ralph Northam having declared a state of emergency on March 12, 2020 and New Kent County following suit with a similar declaration on March 13, 2020. A National Emergency had also been declared by President Donald Trump on March 13, 2020.

Davenport & Company Senior Vice President Ted Cole recapped his March 13, 2020 Budget Retreat presentation on new school financing. He reported the County had made two applications for funding to the VPSA (Virginia Public School Authority). One application had been to join the pool program and the other was for a standalone option. Bonds in the spring pool program were scheduled to be sold on April 21<sup>st</sup> and approximately eight counties and cities borrowing a total of approximately \$130 million had been approved to participate. Under the current VPSA schedule, each of these localities would have until April 3<sup>rd</sup> to decide if they wished to remain in the pool. Mr. Cole suggested the resolution the Board may wish to consider at today's meeting would let VPSA know if New Kent wished to remain in the pool. He reported the municipal bond market had not been functioning normally for several weeks and some bond holders were currently selling. This activity was pushing interest rates higher. He reported VPSA would be making a decision on whether or not to extend the participation date from April 3<sup>rd</sup> to April 15<sup>th</sup> later that day. If the date was extended, New Kent's Board could wait to make a decision at the April 13<sup>th</sup> meeting. Mr. Cole reported VPSA had approved their funding on Monday (March 23, 2020) at an interest rate not to exceed 5.5%. The resolution the Board could consider adopting included a maximum rate of 3%. He noted the Board had exclusive control of this decision and could self-impose a lower level. If the rate was higher than New Kent's interest rate parameter on the date the bond would be sold, VPSA would not be able to include New Kent. Mr. Cole suggested the best estimate of the rate on sale date was currently 3.75%. He again noted the market was not functioning normally and could correct itself in a week, two weeks, a month, but no one knew. If VPSA moved the decision date to April 15<sup>th</sup>, it was also a possibility they would extend the bond sale date beyond April 21<sup>st</sup>. If New Kent moved forward with the pool option and VPSA was waiting for a better market in which to sell the bonds (possibly into May, June or July), there was no provision in place that would allow a participant to get out of the pool. Mr. Cole indicated he felt VPSA would work to make accommodations to address the fact that some in the pool may need to move more quickly and would possibly need to withdraw to seek other options.

Mr. Evelyn asked if this concern would also impact the standalone option. Mr. Cole indicated it did not and noted New Kent had also been approved for the standalone option but there was no commitment to do anything at this point. There was no deadline to act and the County could move forward with the standalone option whenever they wished. Mr. Evelyn noted VPSA would still have to sell a standalone bond. Mr. Cole agreed but noted there would be much greater latitude and New Kent would be calling the shots. Mr. Evelyn noted the standalone option was typically more expensive. Mr. Cole agreed noting there were more upfront costs but interest rates would generally be about the same. He noted he would like to believe the Board could hold on the decision since VPSA had indicated they may extend the date but there had been no definitive decision. He suggested the Board may also want to consider how they would handle scheduling another meeting prior to April 13<sup>th</sup> if they chose to not take action today and the date was not moved.

Mr. Lockwood asked for an estimate of the additional costs associated with the standalone option. Mr. Cole reported there would be approximately \$150,000 in additional up-front fixed costs. This would include the cost of obtaining a required rating and the full costs of VPSA level consultant services. These costs were shared by all participants in a pool but

were the responsibility of one borrower with the standalone option. The interest rate with both options would be market-based. Mr. Cole reported the most recent round of approvals had given VPSA more flexibility than usual by including the option to sell on the bond market or directly to a financial institution. Mr. Lockwood noted there was so much in play and suggested taking action now may be putting the cart before the horse without knowing what would be coming in the next few days. Mr. Cole noted the pool option limited the County's flexibility but VPSA had indicated they may be able to give more flexibility given the current market. Whether or not this would happen remained unknown. He pointed out the standalone was an approved option the County could choose to act upon at some later date. He also noted there was always the option to borrow through the Economic Development Authority with a bank or the bond market involved. Mr. Evelyn reported he had recently spoken with several individuals in banking and suggested they would not be interested in any long-term loans for the next few weeks. He noted a bond sale date of April 21<sup>st</sup> would most likely mean ground breaking would not happen until June 1<sup>st</sup> and asked how this would impact the school opening date in September 2021. County Administrator Rodney Hathaway reported no decision had been made but there had been discussions that if the Board decided to move forward with the pool option, New Kent Schools could quickly issue a notice to proceed to the contractor. The funds would not be available until May and in the interim, the County could float the project with cash reserves. Mr. Evelyn expressed concerns over the fact that the bond sale date could be pushed back to May or June. Mr. Hathaway agreed that was a concern and the Board would be taking a risk on how long they would need to float the project. Mr. Cole agreed and noted that under the current VPSA schedule, the rate would be locked in when the bonds were sold on April 21<sup>st</sup> and the funds would be received at closing on May 12<sup>th</sup>.

Ms. Paige asked when the construction contract for the new school would be signed and who would be signing it. Mr. Hathaway indicated the contract would be between New Kent County Public Schools and the contractor. Ms. Paige asked if the Board of Supervisors would have an opportunity to review the contract. Mr. Hathaway reported he had not seen the contract. New Kent School Superintendent Brian Nichols was present and Ms. Paige asked him had the contract been reviewed and would it be possible to get a copy before it was signed. Mr. Nichols reported the contract had been reviewed by the School Board's attorneys with Sands Anderson PC. Pending the outcome of this meeting, the School Board had scheduled a meeting on March 30<sup>th</sup> to move forward with the contract with the apparent low bidder. Ms. Paige asked if it was possible to get a copy of the contract before it was signed. Mr. Nichols indicated he thought that was possible.

Mr. Stiers noted the County was in uncharted waters and no one knew what the economy would do. Colonial Downs was shuttered, restaurants were closed and he suggested we would probably be seeing lost jobs and home foreclosures. He indicated what he was about to say was not a popular opinion and reported he felt that in order for the Board to do its due diligence to tax payers, they should delay going forward with the new school for at least a year. He stated \$38 million was a lot of money, a delay may put the schools in a hardship for space for another year and they may need to consider the addition of one or more trailers. He suggested the Board needed to use some wisdom and although his opinion would not be popular, he felt strongly that the project should be delayed for a year.

Mr. Lockwood suggested it would be prudent to delay the decision at this meeting. He noted there was no guarantee the funds would be available with the pool option by the construction start date and the standalone option did provide the Board with another option. Noting how much the market had changed in the past ten days, he pointed out delaying the decision would give the Board two more weeks. He suggested some of the prior "rosy"

projections for next fiscal year no longer existed and the Board also needed to consider the possible impact on the current budget. He suggested the Board should delay a decision until its next meeting to give them an opportunity to analyze not only the County's economy but the State's and Nation's as well. He suggested that there were many factors beyond the Board's control and beyond their current understanding. He indicated he concurred with the suggestion to delay but didn't think a one-year delay was necessary. He suggested the Board would have more information in a few weeks upon which to make a decision.

Mr. Evelyn indicated he agreed with both Mr. Stiers and Mr. Lockwood that these were difficult times. He had been on the Board for twelve years and during that time the County had been through hurricanes, tornados and other situations but this was "one time I actually feel helpless as a Board member." He was hopeful the situation would improve in a few weeks and noted there was no question a new elementary school was needed. He asked should the Board consider continuing this meeting in the event VPSA did not extend the deadline and a decision would be needed prior to the April 13<sup>th</sup> meeting. County Attorney Brendan Hefty indicated it was his understanding that if the Board wanted to participate in the pool option and the date was not extended, they would need to have taken action by April 3<sup>rd</sup>. If the Board wished to participate in a standalone option, they could take action at their next Board meeting or at any other time they wished. Mr. Cole agreed that no action was needed today with the standalone option. He suggested Mr. Evelyn's question had been if the Board wanted to reconsider the pool option at a later date but before the April 13<sup>th</sup> meeting, could they do that by continuing today's meeting. Mr. Evelyn agreed that this was what he was asking and noted the County had already invested a lot in the project and if it was delayed a year, some of the completed work would have to be done over again. He also noted interest rates could keep climbing. Mr. Hathaway suggested the meeting could be continued until Friday, April 3<sup>rd</sup> and if that meeting wasn't needed, it could be canceled. Mr. Cole indicated April 3<sup>rd</sup> would be pushing the deadline and suggested Thursday, April 2<sup>nd</sup> as a better date. Mr. Hefty suggested that once the Board had a firm date from VPSA, they could call a special meeting. Mr. Hathaway asked if there was a noticing requirement for a special meeting. Mr. Hefty reported the requirement for notice of a special meeting was that it be "reasonable under the circumstances." Ms. Paige asked if the Board opted to continue today's meeting would there be any need for notice or would the announcement at this meeting be considered sufficient notice. Mr. Hefty indicated if the Board continued, this meeting would serve as notice but the notice would also be posted on the County website and any other locations where notices were usually posted. He noted the Board did not have the necessary information from VPSA to be able to set a date for a continuation. The general consensus was to adjourn this meeting and call a special meeting if needed. Ms. Paige asked if a motion to delay the decision was needed. Mr. Hefty suggested the Board could motion to table this item or just take no action.

Mr. Evelyn pointed out this discussion was about a \$37 or \$38 million contract. He noted Superintendent Nichols had reported the contract had been reviewed by Sands Anderson PC and indicated he would like to see contract comments from these attorneys as well as information on how change orders would be handled. Citing concerns with previous contracts, he indicated he would hate to see the School Board rush to sign the contract and break ground without a thorough review. Mr. Lockwood indicated he would also like the Board to be able to review the contract before moving forward with financing.

Ms. Paige closed the discussion by noting the County was treading unknown waters. She indicated this situation was not like a hurricane, tornado or flood when the County would sit in anticipation, wait for it to pass and then begin the process of cleaning up, restoring power and lives returning to normal. She suggested that after this event (COVID-19) was over,

"our normal will be a new normal." She indicated she felt it was a wise decision to wait and noted the Board was responsible for being good stewards of tax payers funds while being empathetic to what tax payers and the County may be experiencing financially. She indicated this item would be tabled until a special meeting was called and the Board would wait for a date from Mr. Cole. She thanked Mr. Cole for his presentation.

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IN RE: OTHER BUSINESS - PINE FORK PARK BOND REFINANCING

County Administrator Rodney Hathaway reported Davenport & Company Senior Vice President Ted Cole had additional information to share on refinancing the bond on Pine Fork Park. Mr. Cole noted this topic had been mentioned at the March 13<sup>th</sup> Budget Retreat and the material he would be presenting today was for informational purposes only. New Kent had borrowed from BB&T through the Economic Development Authority (EDA) in 2018 to fund improvements at Pine Fork Park. This had been a \$3.2 million loan at 3.58% for fifteen years. The terms of the loan had indicated it could be prepaid or refunded on any payment date with a 1% penalty. Mr. Cole reported BB&T had proposed reducing the rate from 3.58% to 2.5% while keeping the same payment and final maturity dates. BB&T had also proposed reducing the prepayment penalty to .5%. Costs associated with the refinancing would include professional fees and the bank's .5% penalty. If the Board refinanced this loan, the new loan known as the 2020 Bond, would be at a fixed rate of 2.5% for the remainder of the term and would be prepayable in whole at any time with a .5% penalty for the first half of the term and with no penalty for the second half of the term. The bank had not been able to accommodate the County's request for periodic partial pay downs. Under these terms, the estimated annual savings would be \$10,000 to \$11,000 over the life of the loan or approximately \$145,000. Mr. Cole suggested if the Board wished to take advantage of this opportunity, they could consider taking action by resolution at the April 13<sup>th</sup> meeting and the EDA would convene to approve the refinancing. BB&T would be ready to close by May 11, 2020 and the rate was not subject to change. Mr. Cole noted the County was under no obligation to do this but if they wished to move forward, some direction would be needed. He indicated he could work with the County Attorney and Bond Counsel to have something for consideration at the April 13<sup>th</sup> meeting.

Mr. Lockwood asked for estimated refinancing costs. Mr. Cole suggested the cost would be approximately \$90,000 in total including \$75,000 in fees and \$15,000 for the bank penalty. He reported an exact figure would be known by April 13<sup>th</sup> and he believed the suggested \$75,000 in fees would come in lower. Mr. Hathaway asked if these costs had been factored into the suggested \$145,000 in savings. Mr. Cole indicated they had been included and the \$145,000 in saving would be after closing costs were covered. Mr. Evelyn indicated he supported the refinancing proposal. The general consensus was to have Mr. Cole prepare a resolution for consideration at the April 13<sup>th</sup> meeting.

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IN RE: CVWMA (CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY) SPECIAL PROJECT SERVICE AGREEMENT FOR CFC/HCFC COLLECTION AND PROCESSING SERVICES

County Administrator Rodney Hathaway reported the Board had an agreement before them with the Central Virginia Waste Management Authority (CVWMA) for CFC/HCFC (freon) collection and processing services. The County was currently accepting items at the Route 618 refuse site such as refrigerators, freezers, air conditioners and dehumidifiers which utilized CFC's/HCFS's. The current agreement with CVWMA would expire on June 30, 2020. Mr. Hathaway reported the current cost was \$20 per unit but the cost had decreased and effective July 1, 2020, the new cost would be \$10. This was a five-year agreement with an

option for one five-year extension. He asked that the Board consider authorizing him to execute the proposed Special Project Services Agreement for CFC/HCFC collection and processing services.

Mr. Lockwood indicated it was nice to hear the cost had gone down and moved to authorize the County Administrator to execute the proposed Special Project Services Agreement for CFC/HCFC collection and processing services. The members were polled:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Aye

The motion carried.

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IN RE: JONES LANG LASALLE BROKERAGE, INC (JLL) COMMISSION AGREEMENT FOR  
NEW KENT POST OFFICE

County Administrator Rodney Hathaway noted the Board had before them a proposed agreement with Jones Lang LaSalle Brokerage, Inc. (JLL) in regard to the post office project. New Kent had been working on a lease agreement with the United States Postal Service (USPS) to construct a facility to replace the existing New Kent Post Office. He had hoped the lease would be ready for presentation but he had not yet received a draft. The USPS was using JLL as their broker and it was customary for the lessor to pay the brokerage costs (generally three to four percent) which in the case would be four percent or \$36,000. This proposed agreement included a provision that in the event a lease was not executed, no payment would be due to JLL. Mr. Hathaway indicated he was comfortable with moving forward with this agreement and noted the payment would not be due until after a lease was executed. He was hopeful a draft lease would be ready for presentation at the Board's April meeting. Ms. Paige asked for clarification that the action being requested was only for a commission fee. Mr. Hathaway confirmed.

Mr. Lockwood asked if this fee was an additional cost or had it been included in the projected costs of construction. Mr. Hathaway indicated this would be an additional cost and was based on the proposed annual lease revenue rate of \$25 per square foot.

County Attorney Brendan Hefty indicated he wanted Board members to be aware of this provision in the proposed lease terms and be sure they were comfortable with this while the lease was still being negotiated. He reported it was customary for the landlord to pay the tenant's brokerage fee and he wanted to be sure Board members understood this would be a cost associated with the lease. He indicated there were some changes to the brokerage agreement that he would like to make so he was not asking the Board to approve the language as it was written. Ms. Paige asked if a motion was needed at this time. Mr. Hathaway noted the agreement was not in final form so no motion was needed but some indication of whether or not the Board was comfortable with paying this \$36,000 brokerage fee was needed. Mr. Evelyn asked if this fee could be split in half. Mr. Hathaway reported he had attempted to negotiate this and had been told this was the standard fee. Mr. Hefty indicated if the Board was comfortable with the brokerage payment, he could make the changes and bring this agreement back to the Board when the lease agreement was finalized and ready for approval. The general consensus was for Mr. Hefty to do so.

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IN RE: OTHER BUSINESS – COVID-19 RESPONSE UPDATE

Fire Chief Rick Opett briefed the Board on what the County had been doing over the past two weeks and he distributed copies of a summary of activities in response to the Coronavirus (COVID-19) pandemic. A local emergency had been declared in New Kent County on March 13<sup>th</sup>, the EOC (Emergency Operations Center) had been set up with limited personnel and a virtual EOC was currently in operation. Staff were in daily contact with the State, health district and neighboring localities and an inhouse Leadership Task Force which was meeting daily at 3:00 p.m. had been formed. Emergency Management had been organized into a modified hybrid ICS (Incident Command System) with a unified command structure (Chief Opett and Sheriff Joe McLaughlin) in place. Staff involved included the Public Information Officer (PIO), Chief of Finance, Chief of Operations, Chief of Logistics and Chief of Planning. Chief Opett noted this was unlike any other event the County had experienced and plans were being made to accommodate a long-term event.

Activated emergency support functions included:

- ESF 2 Communications
- ESF 4 Fire-EMS
- ESF 5 Planning
- ESF 6 Mass Care
- ESF 7 Logistics
- ESF 8 Public Health
- ESF13 Public Safety/Security
- ESF14 Business/Infrastructure
- ESF15 External Affairs
- ESF17 Donation Management

Chief Opett provided an overview of the current focus in each of these areas but noted this event was fluid and the focus in each area was changing as needed.

ESF 2 Communications – The focus included working with schools, County leadership and the community to identify and set up Wi-Fi spots around the County. Cell on wheels had been requested from Verizon. Dispatchers were screening 911 calls with additional questions in an effort to protect personnel before going into a scene. This practice had started three weeks ago and the list of questions being asked was changing and growing.

ESF 4 Fire-EMS - The focus included preparing staff for the long haul. EMS protocols had been changed to match CDC (Center for Disease Control) screening recommendations. Protocol close out rules were being included in all reporting tools and policies were in place to reduce personnel exposure time. Chief Opett reported Fire-EMS was preparing for surge over the next three to four weeks. Decontamination procedures were in place for both personnel and equipment and staff were being given health screenings three times a day. In the past week, 44 EMS calls had been received with six having been potential exposures. One of the six had been considered high risk and the other five were medium risk.

ESF 5 Planning – Chief Opett indicated this list would continue to grow. The focus currently was on planning for emergency meals as well as senior welfare. The faith-based community was being encouraged to reach out to and check on the elderly. A recovery plan was in the works but it was difficult to develop a plan when the end was uncertain. They were also attempting to plan for Murphy's Law noting this was currently tornado season and if this pandemic went long enough, it would also be necessary to plan for hurricane season as

well. Chief Opett indicated short-term, mid-term and long-term plans included preparing assets to address whatever may come our way.

ESF 6 Mass Care – The focus also included planning for surge and staff were on standby for a possible testing site. Chief Opett indicated patients would be pushed more to physicians than to test sites. He also reported the possibility of remote hospitals in the Commonwealth to address the need for surge bedding.

ESF 7 Logistics – Logistics was focusing on PPE (Personal Protection Equipment). A complete inventory of PPE assets had been taken and a plan for the current PPE burn rate was being submitted daily. Additional PPE had been requested through the State and a small quantity had been received from the national stock pile. Donations of PPE had also been received from Colonial Downs and all PPE had been relocated to a central area. 1,000 emergency meals had been purchased to feed personnel for eight days if food became scarce. Space had been identified for surge equipment and supplies. A vendor search for PPE supplies was ongoing and they were working to meet anticipated needs and objectives.

ESF 8 Public Health - Chief Opett reported there was no one in the County serving in this capacity but staff were working with Chickahominy Health District staff daily. Dr. Tom Franck and Steve Rykal had been providing as much information as possible. Chief Opett suggested it was possible that when the first case was identified in New Kent County the media may know before the County was notified. If Board members heard it first on the media, the County was probably also hearing it first on the media. He reported that in some cases, Health Districts were receiving the news first in the media.

ESF 13 Public Safety/Security – Sheriff’s Office personnel were armed with PPE and every effort was being made to reduce exposure time. They were also handling the “can we do this” calls, working closely with the judges and monitoring executive orders. In addition, they were preparing for surge and were handling an increased volume of nuisance calls.

ESF 14 Business/Infrastructure – The Economic Development team as well as the New Kent Chamber of Commerce were reaching out to small businesses now that the application for Small Business Assistance loans was out. Information from FEMA (Federal Emergency Management Agency) was being pushed out to the small businesses.

ESF 15 External Affairs - Chief Opett suggested this was one of the busiest support functions in this event. A decision had been made early on to focus on one social media page and to direct everything through County social media. Five pages had been created on the County website and citizens were being directed to the County webpage for accurate information. Social media was monitored closely and rumor control was a big focus. The New Kent PIO, in close contact with the Chickahominy Health District PIO, was pushing accurate information to the community. Information was being verified through three sources including the Virginia Department of Health, the CDC and the Governor’s Office.

ESF 17 Volunteer/Donation Management – Chief Opett reported multiple calls had been received from individuals wishing to volunteer or donate. A system to help make connections for those wishing to volunteer or who were in need of assistance had been established. An email address [NKCCOVID19HELP@newkent-va.us](mailto:NKCCOVID19HELP@newkent-va.us) and a call line (804) 966-1853 had been setup to receive inquiries and match resources with those in need.

Chief Opett again reminded everyone this was very fluid and the support functions would adapt as the situation unfolded. He entertained questions.

Referencing the Cell on Wheels, Mr. Lockwood asked what the service range would be. Chief Opett reported the range would be from one to one and a half miles and noted line of sight would impact the range. Mr. Evelyn thanked Chief Opett for this update and suggested it may be helpful for the public if Mr. Hathaway would provide an update on how other County operations were being handled. Mr. Hathaway reported County facilities had been closed to the public since Monday, March 16<sup>th</sup> but staff had been reporting to work. Payments were being collected through online options and a drop box in the County Administration Building Parking Lot was also available for payments and permits. These items could also be submitted by mail. Permits were still being accepted and processed and Building and Environmental inspections were still being conducted. The only difference was there was no face to face contact with the public. He stated, "your staff is here and we're working." Mr. Stiers asked what about Terri Aigner. (Ms. Aigner had been working with the Planning Department on a rezoning). Mr. Hathaway indicated he had something to discuss after this item which would address Ms. Aigner's application. Mr. Evelyn asked if a policy was in place to address the possibility that a staff member may have an outbreak in their family. Mr. Hathaway reported staff who were at risk or experiencing any symptoms (fever, cough or chest congestion) had been advised to not come into any County facility and were required to self-quarantine for fourteen days. If a spouse had been exposed or has been quarantined, the staff member would be quarantined for the same period of time. Individuals traveling out of the County within the past fourteen days would not be allowed in County Facilities. Those traveling out of state would be handled on a case by case basis and would not be allowed in County facilities without County Administrator approval. Ms. Paige thanked Chief Opett and Mr. Hathaway for these updates.

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IN RE: OTHER BUSINESS - ORDINANCE O-01-20 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

County Administrator Rodney Hathaway distributed copies of Ordinance O-01-20 entitled 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 which had been prepared by County Attorney Brendan Hefty. Mr. Hathaway reported State Code gave localities the opportunity to meet electronically in times of disasters and emergency declarations after passing an emergency ordinance. If adopted, Ordinance O-01-20 would give the Board the option to meet electronically but did not mandate they do so. Mr. Hathaway reported that various localities in the Commonwealth were conducting electronic meetings using a variety of software options. New Kent was looking into available options to determine what would best meet the County's needs. He reported there had been requests from the public regarding processing rezoning applications and conditional use permits. He noted that currently all committee and Planning Commission meetings had been canceled but adoption of this ordinance would give the Planning Commission the option to meet electronically.

Mr. Evelyn reported having seen the Governor's information on electronic meetings and indicated he had thought the only topic that could be discussed in an electronic meeting was the emergency. He asked County Attorney Brendan Hefty if this had changed. Mr. Hefty reported a provision had been included in the Freedom of Information Act soon after 9-11 that would allow localities and governments to meet electronically. This provision limited the discussions to the context of dealing with the disaster. Nothing in the Freedom of Information Act would allow localities to meet electronically to carry on other business. Mr.

Hefty reported the Attorney General had given an opinion the previous week on an existing State Code which allowed localities to enact ordinances assuring the continuity of government in a disaster. The ordinance before the Board was based on that Code and would allow the Board to carry on the needs of the government electronically when they could not meet in a safe manner physically. Mr. Hefty reported State Code allowed such an ordinance to be in effect no longer than six months. The ordinance before the Board had been written with a shorter duration of 60 days within which the Board would need to come back for an extension or allow it to expire. Mr. Hefty reported the ordinance before the Board was based on a model ordinance prepared by the Local Government Attorneys Association of Virginia. The ordinance required notice be given of all meetings and the public be allowed to participate. How to meet these requirements would need to be addressed. Mr. Evelyn reported he had heard of other localities meeting with some members physically present while others participated electronically. He asked if the proposed ordinance would allow this. Mr. Hefty indicated the proposed ordinance would allow the Board to continue meeting physically if they wished. Another Code section allowed members to participate electronically up to two times a year if a physical quorum was met. He suggested that at best that would be a short-term solution and it was uncertain how long the pandemic would last.

Mr. Stiers asked why the ordinance was for 60 days and not six months. Mr. Hefty indicated it could be changed to six months if the Board wished. Mr. Stiers noted if it was adopted for six months it would not be necessary to come back for renewal. Referencing Mr. Evelyn's question about some members participating electronically while others were physically present, Mr. Lockwood asked if electronic participants would be able to vote. Mr. Hefty indicated they would be able to vote and participate as if they were present. The Board would have to adopt a policy which would allow remote participation which he suggested could be adopted at the Board's next meeting. Ordinance O-01-20 provided an opportunity for all members to participate remotely with no physical quorum required. Ms. Paige asked if the Board meeting was being aired on YouTube and Facebook, could they meet without the public being present. Mr. Hefty indicated the Board could not meet without the public being allowed to participate. Ms. Paige asked if individuals could provide comments through Facebook Live. Mr. Hefty indicated they could if that was what the technology allowed. If the Board took a public meeting to an electronic format, they would have to allow the public to be able to see what they were doing and to participate if that was a portion of the agenda. Mr. Evelyn reported he had DSL (Digital Subscriber Line) for internet service and asked what would happen if he was not able to join an electronic meeting. Mr. Hathaway indicated that would have to be worked out and it may be necessary for Board members to go to an area with better access such as a library, the schools or County offices. Mr. Hefty noted if the Board adopted the ordinance before them, they would be doing so as an emergency ordinance and would not be following the usual notice requirements in light of the disaster. The State Code would require the Board to come back within the next sixty days and readopt the ordinance after notice has been given. Ms. Paige suggested the ordinance should be left at 60 days since the Board would be required to come back within 60 days anyway.

Mr. Evelyn moved to adopt Ordinance O-01-20 an emergency ordinance to effectuate temporary changes in certain deadlines and to modify public meeting and public hearing practices and procedures to address continuity of operations associated with pandemic disaster. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye

The motion carried.

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IN RE: GENERAL OBLIGATION SCHOOL BONDS FOR THE CONSTRUCTION OF A  
NEW ELEMENTARY SCHOOL – PART 2

Davenport & Company Senior Vice President Ted Cole reported receiving notice that the Virginia Public School Authority (VPSA) had extended the deadline for participation in the spring pool until April 15<sup>th</sup>. Ms. Paige thanked him for this update and reported the Board would take this decision up at their April 13<sup>th</sup> meeting. Mr. Evelyn asked how this would impact the contract with the builder and their construction timeline. County Administrator Rodney Hathaway reported he had not seen the bid and didn't know how long the contractor would hold their pricing. He noted he would work with the schools to get that information.

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IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Ms. Paige closed the meeting by expressing her appreciation to the EOC (Emergency Operations Center) participants, Fire Chief Opett and Fire-Rescue staff as well as Sheriff McLaughlin, deputies and 911 dispatchers. She also thanked department heads and constitutional officers and noted it was not business as usual but they were still operating to serve the citizens of New Kent. She also thanked the County Administrator, Assistant County Administrator and staff as well as other County staff. She indicated the situation was being monitored closely and expressed her gratitude to General Services staff for their sanitation and extra cleaning efforts. She thanked employees for being present to serve the citizens and assured them the County was doing everything possible to maintain services. She thanked employees for being good stewards of taxpayers' funds by being present and dedicated every day. She reported the Board was prepared to shut down if conditions became unsafe.

The next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, April 13, 2020 and the next work session at 9:00 a.m. on Wednesday, April 29, 2020, both in the Boardroom of the County Administration Building.

Mr. Stiers moved to adjourn the meeting. The members were polled:

John N. Lockwood	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
Patricia A. Paige	Aye

The motion carried.

The meeting was adjourned at 10:34 a.m.