

A WORK SESSION/BROADBAND RETREAT WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 24TH DAY OF JUNE IN THE YEAR TWO THOUSAND TWENTY-ONE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 1:00 P.M.

IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn called the meeting to order.

IN RE: ROLL CALL

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

All members were present. Mr. Evelyn welcomed everyone to this meeting regarding RiverStreet Networks broadband plan for the County. He turned the floor over to RiverStreet Business Development Manager Rob Taylor.

IN RE: NEW KENT FIBER OPTIC NETWORK DESIGN PLAN PRESENTATION

RiverStreet Networks Business Development Manager Rob Taylor introduced himself and noted he was with the Danville, Virginia office. Other RiverStreet representatives present included Business Development Manager Lon Whelchel with the Richmond, Virginia office and Vice President of Business Development Greg Coltrain with the Belhaven, North Carolina office. Mr. Taylor took the lead and noted the Board had previously seen a portion of today's presentation but he would provide a brief review and address any questions they may have. The presentation would include more details on the County's broadband expansion plan including designs for both fiber optic and wireless service.

An overview of the company indicated RiverStreet Networks was a wholly owned for profit subsidiary of the Wilkes Telephone Membership Corporation (Wilkes TMC). The Wilkes TMC was a member-owned broadband cooperative (originally telephone cooperative) established in 1951 and headquartered in Wilkesboro, North Carolina. They currently had roughly 23,000 accounts in North Carolina and 7,000 in Virginia. Company stats included over \$173 million in assets, over \$60 million in annual revenue and over 220 employees. They were serving customers in five states including North Carolina, Virginia, South Carolina, Georgia and Tennessee. Their focus was on serving unserved and underserved areas that lacked high speed internet access at affordable rates.

Mr. Taylor reviewed a map of the RiverStreet service area noting King & Queen, where they were managing a wireless network, was the closest in proximity to New Kent. RiverStreet had purchased the King & Queen network from Gamewood Technologies and was now in the process of migrating the system over to a total fiber to the home network.

A list of "Helpful Terms" including the following was reviewed:

- Reverse Auction – Companies bid for support against each other for who will do the work for the least amount of available support – each round that passes the support is reduced until only one company is left

- FCC CAF II Auction – Connect America Fund (CAF) Reverse Auction – a federal funding mechanism
- FCC RDOF Round I Auction – Rural Digital Opportunity Fund Auction Round I of II
- FTTH – Fiber To The Home – high speed internet delivered over fiber optic cables
- Broadband – FCC Defines service that is 25/3 or greater – 25Mbps downstream/3Mbps upstream
- Unserved Areas – Locations that do not have access to internet service speeds of 25/3
- Census Block Group – Minimum geographic area eligible to be bid upon in FCC auctions - composed of census blocks
- Census Blocks – Minimum geographic area that is funded – includes all locations in the block
- Location – a home or business
- VATI – Virginia Telecommunication Initiative – a state broadband funding mechanism

A list of providers offering service greater than 25/3 in New Kent included StraightUpNet LLC (fixed wireless), Cox Communications (both fiber and cable), Verizon Virginia LLC (fiber) and Comcast (cable). Mr. Taylor reported that according to the federal government, there was no area in New Kent that did not have at least one service provider. As reported at a previous meeting, the problem with this information was that the federal government was assuming if one location within a census block had service, all locations within that block had service. Mr. Lockwood asked if the census blocks were defined by geography or zip code and was there potential for overlapping at county lines. Mr. Taylor reported the census blocks stopped at county lines and population was used to delineate the blocks within a county. He reported there had been funding for New Kent County in the last RDOF reverse auction. RiverStreet had bid on several census blocks and had been awarded funding to pass 1,183 locations in New Kent. Space X had been awarded funding for 89 locations (Low Earth Orbit (LEO) satellite technology) and Starry had been awarded 32 locations. It was not clear what technology Starry would utilize.

Mr. Taylor reviewed several maps and touched on key points in the FTTH design. The County would be divided into three service areas with fiber passing all homes in the County's GIS system. The backbone of the system would be approximately 67 miles in length and would pass 269 homes at a cost of just under \$3 million without any customer connections. If 30% connected, the cost would be \$3.1 million and \$3.5 million with 100% connected. RiverStreet would be responsible for the connection costs up to 1,200 to 2,000 feet off the fiber ring. Noting the report indicated 269 homes would be passed by the fiber ring, Mr. Tiller asked if those homes would all be within 2,000 feet of the fiber ring. Mr. Taylor indicated they would be within the 2,000 foot limit. FTTH installation would include approximately 560 miles of fiber cable and would pass 11,143 homes. With no connections this would cost approximately \$22 million. A 30% take rate would cost approximately \$29 million and a 100% take rate would cost approximately \$46 million. These figures were based on an average connection cost of \$2,000 to \$2,500 per drop. Mr. Taylor reported the total build would include 627 miles of fiber cable passing 11,412 homes. Total cost would be \$25.5 million with no customers. Total cost with a 30% take rate would be \$32 million and total cost with a 100% take rate would be \$49 million.

In response to the Board's request for fixed wireless options, Mr. Taylor provided an overview of the New Kent County Broadband Expansion Plan for Fixed Wireless. He reminded the Board that there were a number of things to remember with a wireless system including that they would have to be able to feed service to the towers before they could rebroadcast a signal. After the location of the fiber ring had been determined, RiverStreet had considered vertical assets (existing towers) located near the ring. They had then

looked at vertical assets located further out and determined whether or not a point-to-point microwave signal could be utilized. He noted an example of point-to-point would be from him to any one of the Board members; point-to-multi-point would be from him to all of the Board members. He moved on to the review of an existing fixed wireless tower map. He noted it would still be necessary to build the \$3 million backbone with wireless options. He also noted that due to the limited number of frequencies and bandwidths there could only be so many towers in a certain area before they would begin interfering with each other. This number of towers was known as the saturation point and for New Kent, that number was 21. He drew attention to a map depicting proposed tower locations and signals. He noted there were some gaps due to topography and trees. Other considerations would be the elevation at which the equipment could be mounted and what frequencies were available. At 20 feet, 7,494 out of 10,854 locations (69%) could be reached. At 60 feet, 10,319 of 10,854 locations (95.1%) could be reached. He noted there would be limits on how many customers could be connected to each sector and just because 95.1% could be reached did not mean they all could be served. Mr. Lockwood asked what that limit would be. Mr. Taylor reported that depending on the equipment used, the number could be as low as 25 while there could be 100 potential customers within range of the signal. Mr. Lockwood asked if this was a matter of bandwidth. Mr. Taylor indicated it was a matter of a combination of things including bandwidth and available technology. He reported RiverStreet was currently testing new equipment that would increase the ability to reach potential customers but even the new equipment would not be able to serve all customers within a sector. Mr. Lockwood asked if the 20 and 60 feet heights were at the customer location. Mr. Taylor confirmed. Mr. Lockwood noted that would mean the customer would have to have a location on their property where an antennae could be installed at 60 feet. Mr. Taylor indicated that was correct. He noted this would be considered a "non-standard install" and a bucket truck and tree climbers would be needed to perform the work. County Administrator Rodney Hathaway noted if the Board chose to go this route, it would be necessary to look at the zoning ordinance which currently only allowed for an antennae up to 50 feet without having to obtain a conditional use permit. Mr. Evelyn stated the wireless option didn't sound very feasible and suggested most would not want an antennae at 60 feet on their property. Mr. Taylor reported the information the 60 foot antennae elevation had been included to make sure a majority of the County could be covered with wireless. He again noted that because of the topography and trees a large number of non-standard installs would be necessary. Mr. Lockwood noted going from a standard install of 20 feet to a non-standard install of 60 feet would significantly impact the installation cost. Mr. Taylor agreed and noted RiverStreet would cover the cost of standard installs but there would be additional costs associated with non-standard installs.

The cost of a proposed wireless network included:

- 66.77 miles in the cable backbone at a cost of \$2,982,562
- Additional cost of \$144,766 for fiber to 21 towers
- Tower location cost of \$4,430,100 for 21 sites
- Total wireless network cost of \$7,557,328 to cover 69% of the County

Moving on with the presentation, Mr. Taylor opened a map in Google Earth depicting New Kent divided into three sections. Each section would have a control cabinet to house electronics and the cabinets would be connected by a fiber ring. One of the cabinets would be larger and would serve as the main cabinet for the system. Because signals could travel in both directions on the fiber, interruptions in service would be reduced. He again noted RiverStreet would cover the cost of the drop and electronics for customers within 1,200 to 2,000 feet of the ring. Mr. Hathaway asked if there would be any registration or set-up fee. Mr. Taylor reported there was no set-up fee or contract requirement for residential

customers but both were required for businesses. Customers would be able to go on line and determine if they were within the service area, see available service options and then place a work order for installation. Customers would be invoiced monthly for the service thereafter. Mr. Taylor reviewed a map depicting coverage using several available technology options. In all cases there would be some homes that would not be covered. Mr. Lockwood asked if information was available on who was currently served by broadband that could be used to determine if any of the homes not covered by the options presented were in fact covered by some other service provider. Mr. Coltrain noted this went back to previous discussions regarding the FCC mapping redesign. He noted new maps should be available in the next 12-18 months which would be based on a project conducted by CostQuest and the National Telecommunications and Information Administration. Mr. Evelyn noted that report would not be available for some time and he felt the Board needed to move forward now. Mr. Coltrain reported RiverStreet had a tool that could be used to canvass a county by having every citizen go to the internet to take a speed test and provide detailed information about their internet use. Collected information would identify problematic areas. He noted that because of this, RiverStreet would not have to wait months for the availability of new maps. Mr. Lockwood noted areas using DSL (Digital Subscriber Line) would need to test multiple times because the speed could dramatically change based on the number of users at any given time. Mr. Coltrain noted another issue with speed testing was that a customer would not get a reading any faster than the service for which they were paying although the service provider may be offering faster speeds.

Mr. Taylor asked if there were any other questions. Mr. Evelyn asked if the proposed plan was complete. Mr. Taylor reported RiverStreet's presentation was complete and they would follow-up with reports. He also noted, if the Board wished, they could come back at a later date to go deeper into the details. He noted they were here to answer any questions and to give the Board a comfort level in regard to cost. Mr. Evelyn suggested the Board's next steps would be either issuing an RFP or receiving an unsolicited PPEA (Public-Private Partnership Act) proposal. Mr. Hathaway pointed out that only the development of the broadband expansion design had been procured to date. Moving to the construction phase could be through an unsolicited PPEA or an RFP.

Ms. Paige asked if a combination of fiber and wireless would be needed. Mr. Taylor confirmed and noted a hybrid solution could be utilized with a few towers being set up now to get some customers up and running. He stated it would be important to consider where it would make the most sense to spend money now and where to spend in the future. Ms. Paige stated she would think the Board would want to spend where the majority of citizens would have the availability of broadband. She added this was especially important for families with parents working from home and children involved in online school.

Mr. Lockwood noted the backbone would be required regardless. Mr. Taylor confirmed and noted that the backbone would be needed with both the fiber and wireless solutions. Mr. Lockwood noted there were pockets in New Kent that currently had adequate service and what was pushing the Board now was getting service to those who were not served. He suggested those individuals should be given priority but noted the difficulty with many of these would be the low density and the expense of remote hookups. He stated he felt the focus should be on how to cover the most people who did not currently have an option. Ms. Paige added that if there was an area that could be connected but the cost would be \$12,000 or more, it was almost like not having access at all. Mr. Lockwood agreed and noted there had been reports of Cox Communications providing \$10,000 or more quotes for service installation at locations where a neighbor already had service. Mr. Evelyn also noted he had several areas in his district that would meet the 25 home requirement in the Cox

Franchise Agreement but no progress had been made in getting Cox to extend service into these areas. He asked if the Board had enough information to put this project out for bid. Mr. Taylor indicated enough information was available and noted RiverStreet would need to follow up with Mr. Hathaway to determine where the Board wanted to go.

Mr. Hathaway noted the presentation had indicated 21 towers would be New Kent's saturation point. He asked if each of the 21 towers would have a capacity of only 25 customers. Mr. Taylor noted the 25 customer limit was in each sector and each tower would have four sectors of 5Ghz and four sectors of 365Ghz. Mr. Coltrain noted a calculation would be used to determine the number of customers to be connected but pointed out trees, distance, etc. would create issues to be addressed. Wireless would be a "best effort" service while fiber would result in every customer having the same guaranteed service. Mr. Hathaway stated it appeared that the ultimate goal was to have FTTH for every home in the County and wireless could be utilized as a temporary means of providing broadband until the fiber was built out. He stated the \$7 million cost for a wireless solution was a lot of money for a temporary solution. He asked if it would be better to expedite the construction by putting up more money per year to condense the construction schedule. Mr. Taylor agreed that more money up front would give the ability to have more work crews installing equipment and while six years was the normal build out, the time needed could be reduced with more funding. Mr. Hathaway noted RiverStreet was taking on a lot of territory in Virginia and asked if they would have the capacity to expedite the construction schedule. Mr. Taylor confirmed they would and noted they would utilize outside engineering and contractor sources. Once the Board determined available funding, RiverStreet could determine how quickly the build could be expedited. Mr. Coltrain suggested as much as 12 to 24 months could be cut off the construction schedule based on available funding.

Mr. Lockwood noted it had been stated in a previous presentation that it would take three years before the first customer would be connected. He asked how long it would take to get the first connection if \$3.5 million was made available today. Mr. Coltrain noted it would still take three years which was the construction schedule for the backbone. Key components of the backbone would be the electronics and this part of the construction would take time. Other areas of the network could be built while the backbone was under construction so they would be ready to connect once the backbone was complete. Mr. Lockwood asked if the engineering plan RiverStreet had developed could be taken to another vendor to get a cost estimate. Mr. Coltrain confirmed. Mr. Taylor reported the engineering design was based on USDA standards and they included spreadsheets listing parts, model numbers, quantities needed, vendors, etc. Mr. Lockwood asked if RiverStreet was done with these lists. Mr. Coltrain indicated the lists were in draft form and should be available in bound copies in two to three weeks. Electronic format could be provided sooner. Mr. Taylor suggested scheduling a follow up meeting after the booklets were delivered. He noted the booklets would show prices per section as well as materials/parts needed and vendors where they could be procured.

Mr. Tiller asked what RiverStreet's first steps would be once New Kent authorized them to move forward. Mr. Taylor indicated the first thing they would do would be to go back to engineering and have them work with VDOT to get the necessary permits and rights-of-way. Environmental work would also be needed and they would begin placing equipment orders. They would work with the County to identify an equipment staging area and they would also begin working on contracts with contractors and subcontractors. He noted it could be 12 or more months before the first plow would begin to install fiber. There would be a great deal of prep work and once all things were lined up, crews could be brought in to begin executing the plan. Mr. Tiller asked if equipment ordered on the front end would be outdated when

the first customers connected in three years. Mr. Taylor noted the equipment needed on the front end would include fiber and innerduct. Specific optics would need to be known before ordering equipment to be installed later in the process. Purchase Orders would be submitted to the manufacturer to pre-order the equipment but nothing would be shipped until closer to the install date.

Mr. Stiers noted New Kent's Congressman Rob Wittman was in charge of the (Rebuild) Rural America Act and reported \$300 million and \$732 million had been received in two separate grants. He asked if RiverStreet was actively reaching out to secure any of this funding. Mr. Taylor confirmed they were and reported they had been awarded \$32 million for the CAF, \$45 million for RDOF, had obtained a \$48 million USDA loan and had been awarded almost \$6 million from VATI. He noted one of the things they did when working with counties was to help find areas from which to obtain funding. Referencing the King & Queen project, he reported there were 3,832 locations with a total build cost of just over \$18 million. They had secured \$5 million through CAF, King & Queen had put up \$3.8 million, they had secured just over \$2 million in the first VATI cycle and almost another \$2 million in the last cycle. He also reported the possibility of forfeiture of some CAF blocks by another company which could result in an additional \$2 million in funding. Mr. Coltrain noted the biggest difference with King & Queen was that they had census blocks which qualified for subsidies while New Kent did not have as many due to the mapping issue previously discussed.

Mr. Evelyn stated this Board was committed to providing broadband throughout the County but noted they couldn't provide RiverStreet with a check and authorization to move forward because of the procurement process. He added that this project would be spending real taxpayers' money and asked if it would hurt grant opportunities if the County put more funding up front. Mr. Taylor reported one avenue they would like to pursue would be matching funding from the state through VATI - the state would match New Kent's and RiverStreet's contributions. He added that a couple million dollars in federal funding was available through RDOF and there would be the possibility of RDOF II funding. Other funding mechanisms were also available including funding from ARPA (American Rescue Plan Act). ARPA funding was for infrastructure and because New Kent would have an infrastructure plan in place, the possibility of receiving some funding was good.

Mr. Lockwood noted an earlier slide in the presentation had indicated a total build cost of \$50 million with a 100% take rate and a cost of \$25 million with no customers. He noted Mr. Taylor had reported RiverStreet would pick up the tab for installation from the line to the home and asked if this was the \$25 million difference. Mr. Taylor confirmed. Mr. Lockwood asked if the \$2 million dollars Mr. Taylor had indicated they had available for this project would come off New Kent's \$25 million or RiverStreet's \$25 million. He asked if grant funding would be coming off of New Kent's share or RiverStreet's share of the cost and noted he wanted to be sure New Kent's tab was being reduced. Mr. Taylor indicated that was the way it would work. He noted the RDOF funding was to pass the home and VATI grant applications would include specifics on how much funding the locality as well as RiverStreet would be contributing. Grant funding received would reduce New Kent's share. He noted a good example of this was with the King & Queen project. He reported that because they had a plan in place and had already been in the process of implementing that plan, they had been able to utilize approximately \$600,000 of CARES (Coronavirus Aid, Relief, and Economic Security Act) funding to reduce King & Queen's share.

Ms. Paige asked what would determine who would receive service first. Mr. Taylor indicated those who would get service first would be those located closest to the backbone. He noted they would look to the County for some guidance as well as to engineering to determine

what would make the most sense. The sooner customers could be connected the sooner a return on the County's and RiverStreet's investments could be realized. Ms. Paige stated RiverStreet had been given a time in which to have this plan completed and we were now past that time. She asked if the plan couldn't be delivered on time, what reassurance would the Board have that the remainder of the project could be completed on time. Mr. Taylor noted RiverStreet had been given six months to deliver the plan and the final plan had been delayed due to RDOF. They had paused work on New Kent's plan as well as others in the works because RDOF funding could significantly impact each of the plans. He also noted that when the engineering work had come back indicating the wireless solution would serve 69%, they had felt that was not good enough. Engineering had been asked to find another option that would serve more customers. They had wanted to be sure they were providing a thorough plan so the County would have something from which to work. Mr. Coltraine also noted that if someone was building a home from a blueprint there would be customary expectations of delays beyond the contractor's control. A good contractor would communicate that and that would be what RiverStreet would do.

Mr. Lockwood questioned who would own the network once the County's contribution as well as any grant funding flowing through the County was transferred to RiverStreet. Mr. Taylor indicated RiverStreet would own the network but they would extend a revenue share (return on investment) to the County. He reported many state and federal grant programs required that networks not be owned by the locality and they did not want local jurisdictions to be responsible for ongoing maintenance including repairs and equipment upgrades. Mr. Lockwood asked if the revenue share would be fixed or negotiable. Mr. Coltraine indicated the revenue share would be based on established fixed rates and there would be more detailed discussion on this in the future. Mr. Evelyn also stated it was his understanding that it was necessary for a locality to work with a provider to be considered for a VATI grant. Mr. Hathaway indicated having a partner was a requirement and a locality could not apply for a VATI grant by itself. Mr. Lockwood stated that partner could be an authority if they had been in business long enough. Mr. Hathaway confirmed and Mr. Taylor noted an authority would have to be in business a minimum of two years to be eligible.

Ms. Paige asked if it would be possible to offer regional broadband if other adjoining localities were interested. Mr. Taylor reported RiverStreet was looking at a regional application for the VATI grant. He also reported they had tried in the past with King & Queen County to work with neighboring localities for a regional type broadband deployment but there had been no takers. RiverStreet was open to this concept and they were currently involved in a regional wireless deployment in Amelia and Dinwiddie Counties which had been funded through the Tobacco Commission. If localities would come to the table and be willing to work in a true partnership, RiverStreet would be willing to work with them.

Referencing an earlier mentioned grant received from the federal government, Mr. Stiers asked if this funding had been a result of COVID and the CARES Act. Mr. Taylor reported the CARES funding used in King & Queen County had come through the Rappahannock Tribe, CAF funding had come through the FCC and RDOF funding had also been available. Mr. Stiers asked if all of this funding had gone to RiverStreet. Mr. Taylor reported the CAF and RDOF would go to RiverStreet and other funding such as VATI grants would go through the locality. RiverStreet would invoice the locality for payment. Mr. Stiers asked what RiverStreet did with the money. Mr. Taylor reported RDOF funding had not been released yet and CAF money would be held in a special fund specifically for the build. Mr. Stiers asked if some of the funding could be used to help localities expedite their projects. Mr. Taylor reported CAF funding could only be used in the designated areas for which it had been awarded and the same would also be true with RDOF funding once it was released.

Mr. Coltrain noted that because King & Queen had an engineering plan in place, they had been able to look at a segment of the County where the Rappahannock Tribe was receiving CARES funds and had used those funds to expedite the build. Those CARES funds had been deducted from King & Queen's portion of the cost. Mr. Stiers indicated that was what he wanted to hear. He thanked Mr. Coltrain and then recognized the Honorable Bill Coada, Vice Chair of the Charles City County Board of Supervisors, who was in attendance. He suggested Mr. Coada may also be interested in speaking with RiverStreet.

Mr. Lockwood asked if the CAF and RDOF funding was "use it or lose it" and if they didn't build the designated project, nobody would get the funding unless another vendor stepped up to utilize it. Mr. Taylor noted it was "use it or give it back" and added a penalty would also be associated with giving back funding.

Mr. Evelyn reviewed next steps. RiverStreet would have a plan ready for the County in a couple of weeks and staff would be working on an RFP to keep moving forward. He asked if this was the desire of the Board. The general consensus was to move forward as Mr. Evelyn had stated. Mr. Evelyn thanked the RiverStreet representatives for the presentation. Mr. Coltrain noted they could come back as often as needed for further discussions.

Mr. Evelyn called for a brief recess at 2:20 p.m. The meeting reconvened at 2:30 p.m.

IN RE: COMPENSATION TIME PAY OUT – BUDGET TRANSFERS

County Administrator Rodney Hathaway reported the Virginia Overtime Wage Act of 2021 which had been recently adopted by the Virginia General Assembly would become effective on July 1, 2021. The law would require employers to pay an overtime wage rate of one and a half times the regular rate for all hours worked in excess of 40 hours in a workweek. This was the County's current practice but with the new law, the County would no longer be able to offer compensation time (comp time) in lieu of over time for most employees. He reported that effective June 21, 2021, New Kent County employees would no longer be allowed to accrue comp time. He further reported a number of employees had a significant amount of accrued comp time and if any of these employees were to separate from New Kent, the County would have to pay out all comp time hours at the employee's current pay rate. Plans were, if approved by the Board, to pay out all accrued comp time as of June 30, 2021. Mr. Hathaway noted this request was being made now rather than holding it for the July 12th meeting because public safety employees would be receiving salary increases and other employees would be receiving a 4% COLA effective July 1st which would increase the cost of the payout. He was requesting transfers from the County's contingency fund to pay out the existing accrued comp time and noted the County would no longer allow employees to accrue comp time per the new regulations.

The following transfers were requested:

- From Reserved for Contingency to Wages-Overtime Regular, \$81,857.42.
- From Reserved for Contingency to FICA/Medicare, \$6,262.09.

Mr. Evelyn asked Mr. Hathaway if he thought the General Assembly would reverse this regulation during their next session. Mr. Hathaway indicated he believed there was a good chance it would be reversed and noted it appeared the loss of comp time had been an unintended consequence. The original bill had included a large number of exemptions including comp time but that had been removed by the time the bill had been adopted. He stated he was not sure the General Assembly fully understood the impact this would have on localities and businesses. County Attorney Brendan Hefty also noted there was a lack of

complete consensus on what this bill was actually doing to the requirements for comp time. Differing opinions existed between several local government attorneys on whether or not this bill eliminated comp time. The Department of Labor's position appeared to be that this bill did in fact eliminate comp time. He stated he felt New Kent was taking a conservative approach and noted he felt the question about whether or not the General Assembly would reverse this was a good point. He pointed out there would be a special session in August and he anticipated this topic would be discussed. Mr. Evelyn asked what would happen if localities didn't pay out the comp time and the law was reversed. Mr. Hefty reported he was not aware of any other localities which were paying out accrued comp time. He noted localities would be paying for overtime with cash and not comp time after July 1st until this issue was resolved. He added that he believed some localities were waiting to see if the Attorney General or Governor would have anything more to say on the issue. He believed from Mr. Hathaway's perspective this was less about the law and more about the increases to be effective July 1st which would increase the cost. He added that if the interpretation of the new rule was that comp time was prohibited, no employees except law enforcement and fire fighters could be paid comp time. He further noted the General Assembly may determine the intention had never been to do away with comp time. Mr. Hathaway reported most localities in the Richmond Region had decided to eliminate comp time.

Mr. Tiller asked what would happen if the County paid out the time and then the bill was reversed making the payout unnecessary. Mr. Hathaway noted the accrued comp time would still be a liability to the County. Mr. Lockwood asked if it would be a liability of time or money and noted employees could still take leave for comp time on the books but would not be able to accrue any additional comp time. Mr. Hathaway noted the proposal was to eliminate comp time from the County's books. It was a liability requiring additional accounting and it had been noted, especially with law enforcement, that there were employees who were finding it difficult to use annual leave resulting in the need to request authorization to carry excess leave into the next year. He added if they couldn't find time to take annual leave, it would be even more difficult to find time to take comp time. Mr. Lockwood asked if this would be creating a situation where it would be necessary to consider budgeting for additional overtime. Mr. Hathaway noted that was a real concern with the Virginia Overtime Wage Act and he did believe it would impact department overtime budgets. He reported he had communicated with managers and directors asking them to manage staff time appropriately. They had been asked to allow flex hours, when possible, to assure weekly time did not go above 40 hours. Mr. Lockwood asked if this pertained to salaried or hourly employees. Mr. Hathaway reported this would pertain to non-exempt employees but not exempt employees. Mr. Lockwood asked if this leave was accrued from one year or multiple years. Mr. Hathaway reported it was multiple years and decades in some cases.

Mr. Lockwood moved to approve the budget transfers to pay out accrued compensation time as presented. The members were polled:

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

The motion carried.

IN RE: OTHER BUSINESS – BLIGHT ORDINANCE

Mr. Stiers asked County Attorney Brendan Hefty what progress had been made on the County's new blight ordinance. Mr. Hefty reported he had provided some new legislation on clutter to Assistant County Administrator Justin Stauder for review. This legislation would allow the County to prohibit "clutter" and would be another vehicle to aid the County in cleaning up. He noted he would touch base with Mr. Stauder to see if there was anything he may wish to present to the Board.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Mr. Evelyn announced the Board's next regularly scheduled meeting would be held at 6:00 p.m. on Monday, July 12, 2021 and the next work session would be held at 9:00 a.m. on Wednesday, June 30, 2021, in the Boardroom of the County Administration Building, 12007 Courthouse Circle, New Kent, VA.

Mr. Tiller moved to adjourn. The members were polled:

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

The motion carried. The meeting was adjourned at 2:41 p.m.