

**King and Queen County  
Board of Supervisors Meeting  
Monday, April 13, 2020**

**7:00 P.M.**

**Regular Meeting  
King and Queen County Courts and Administration Building  
General District Courtroom**

**Minutes of the Meeting**

**CALL TO ORDER AND ROLL CALL**

Chairman Simpkins called the regular meeting to order. Roll call was taken with all five members being present.

Chairman Simpkins announced that the meeting is being conducted using GoToMeeting and the public has been provided a means to participate via telephone. Notice of this process was posted on the front door of the court house and on the County website on April 6, 2020. He asked that the public attending mute their phones until asked to unmute them during public comment period.

Attendance at the meeting by the Board was recorded as follows:

Members attending via telephone: Jim Burns, Doris Morris and Rusty Bailey

Members attending via video: Sherrin Alsop and Lawrence Simpkins

**PUBLIC HEARING TO ADOPT EMERGENCY ORDINANCE FOR THE  
CONTINUITY OF OPERATIONS DURING THE PANDEMIC**

County Administrator Tom Swartzwelder advised once the Governor declared a state of emergency counties throughout the Commonwealth have the need to come up with a way to conduct meetings and still meet the requirements of Executive Order #55 which does not allow more than ten people to gather in any one place other than an essential business which government was not designated as. Based on this VACO and the Local Government Attorneys Association provided a model ordinance with input from jurisdictions from all over the state. This model ordinance has been disseminated to and widely adopted all over the Commonwealth but most significantly along the eastern portion of the state along the I95 corridor and the peninsula. The draft provided is essentially the model ordinance with several small changes for purpose of clarity. The first being in Section 4, the model ordinance would give the Director of Emergency Management authority to expend funds without consulting with the Board, he changed it to be that authority would be given in consultation with the Chair or Vice Chair due to illness of the Chair. This would require approval by the Chair or Vice Chair for any expenses related to the state of emergency. The second change is in Section 5, the model ordinance very broadly states that all timelines are waived. The change gives clarification by listing some of the timelines such as Freedom of Information Act, Zoning statues, and timelines for the County and School budget. This was the intention of the model ordinance but it wasn't specifically set forth. The draft provided can be adopted in whole or in part with sections changed or removed. However, the Board will not be able to hold electronic meetings without adopting some sort of

continuity ordinance that allows for them. Additionally, neither will other governing bodies be able to do so either (examples: School Board, Planning Commission, EDA and BZA).

Ms. Swartzwelder further advised that the Governor released 144 amendments to the state budget. Amendment 128 of HB 29 included the language of the model ordinance and is asking the General Assembly to adopt in order to allow local governments to meet electronically whenever a state of emergency is declared that lasts more than 30 days within the Commonwealth. If approved, this ordinance will become codified into the emergency declaration of the Governor.

Chairman Simpkins opened the public hearing on the draft ordinance. He recognized the 3 callers on the line and asked them if they wished to speak.

Ann Marie Voight, Stevensville District – Ms. Voight spoke in favor of the ordinance. She greatly appreciates the Board being willing to hold meetings electronically allowing the citizens to still be a part of the meetings and stay safe. She encouraged them to adopt it and to stay safe and healthy.

Arlene Taliaferro, Buena Vista District – Ms. Taliaferro is in favor of the ordinance and hopes the Board will approve it.

Michael Volpe, Walnut Solar – No comment other than support of the ordinance and appreciate all that the Board is doing.

The public hearing was closed. Chairman Simpkins asked for action from the Board.

A motion was made by Mr. Bailey and seconded by Ms. Alsop to adopt the ordinance as presented.

Ms. Morris advised that she is in complete support of the ordinance if this is what is needed in order to hold electronic meetings. However, she has been unable to find any one else who has had to draft such an ordinance. This ordinance contains much more than just holding electronic meetings. The Board declared the local state of emergency back on March 27<sup>th</sup> that stated all the buildings would be closed, this ordinance puts a lot of pressure on the Emergency Services Coordinator to police the buildings. She has full faith in Greg Hunter (Emergency Services Coordinator) that he will do what he needs to do on the health side, however, there are a lot of things in the ordinance that are ‘way out there’. She agrees with the electronic meeting part but she thinks the ordinance, whoever drew it up, she cannot find any larger localities that have had to adopt anything like this other than saying that they were going to do the electronic meetings, all the other stuff was not in theirs.

Chairman Simpkins noted her comments and asked for any other comments from the Board.

A roll call vote was taken as follows:

AYES: S.C. ALSOP, J.L. SIMPKINS, J.M. BURNS, R.F. BAILEY

NAYS: D.H. MORRIS

## **APPROVAL AND SIGNING OF THE FEBRUARY 18, 2020, FEBRUARY 24, 2020 AND MARCH 9, 2020 MINUTES OF THE BOARD**

A motion was made by Mr. Burns and seconded by Ms. Alsop to approve the February 18, 2020, February 24, 2020 and March 9, 2020 minutes with the correction to Ms. Alsop's vote on the school insurance request in the March 9, 2020 minutes and the typographical error of Chairman listed on all three sets of minutes.

A roll call vote was taken as follows:

AYES: S.C. ALSOP, J.L. SIMPKINS, J.M. BURNS, D.H. MORRIS, R.F. BAILEY  
NAYS: NONE

## **APPROVAL AND SIGNING OF THE APRIL 2020 WARRANTS AND APPROPRIATIONS**

### **RATIFICATION OF MARCH 23, 2020 RECURRING WARRANTS**

A motion was made by Mr. Bailey and seconded by Mr. Burns to ratify the approval, subject to audit, the recurring warrants from the March 23<sup>rd</sup> meeting that was cancelled.

A roll call vote was taken as follows:

AYES: S.C. ALSOP, J.L. SIMPKINS, J.M. BURNS, R.F. BAILEY  
NAYS: D.H. MORRIS

### **APPROVAL OF COUNTY WARRANTS FOR THE MONTH OF APRIL**

A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve, subject to audit, the County warrants for the month of April.

A roll call vote was taken as follows:

AYES: S.C. ALSOP, J.L. SIMPKINS, J.M. BURNS, R.F. BAILEY  
NAYS: D.H. MORRIS

### **APPROPRIATION OF SCHOOL REVENUE FOR THE MONTHS OF FEBRUARY AND MARCH**

A motion was made by Mr. Bailey and seconded by Ms. Alsop to approve the appropriation to the School fund of \$552,292.32 in February revenue and \$623,611.89 in March revenue.

Mr. Bailey questioned the school food services funds. Since schools are closed, what are they asking for and what are they doing with the extra funds?

Staff advised that there is not a request for food services and any funds that are in the school food services fund are not turned back in, they are allowed to be carried over as a fund balance within that fund. No local funds go to school food services, it is federal, state and cafeteria sales. Staff also advised that no financial reports were received from the school division this month.

Mr. Simpkins asked and Mr. Swartzwelder confirmed that the funds may be used to fund the take home meals that the schools are providing.

A roll call vote was taken as follows:

AYES: S.C. ALSOP, J.L. SIMPKINS, J.M. BURNS D.H. MORRIS, R.F. BAILEY

NAYS: NONE

### **APPROPRIATION OF REMAINING \$500,000 LOCAL FUNDS TO THE SCHOOL FUND**

Chairman Simpkins advised that these are the local funds that are set aside until the end of the year to make sure that there are no adjustments needed.

Ms. Morris asked if this is money that would normally be appropriated to them at this time. Mr. Swartzwelder advised that yes, it is set aside at the beginning of the year as part of the budget resolution. The board can adjust it if they wish to but have never restricted it in the past.

Ms. Alsop questioned the need for the funds since schools have not been in session since the middle of March. Do they really need the full \$500,000?

Chairman Simpkins stated that he has spoken with Howard Hill, the St. Stephens Church member on the School Board, it is his feeling at this time that they anticipate that there may be some savings due to the schools being closed but they will not know until later. The teachers are still working and being paid as well as other staff. They are also concerned about what the Governor may do to funding. He was afraid that without knowing yet what will happen that if they do not get the funding that they may not be able to pay teacher salaries to the end of the year.

Ms. Burns stated that since they are not using educational materials, doing maintenance on buildings, using fuel in the school buses as well as other things that there should be significant savings, but since they have not provided any financial reports, we cannot see what the current status is of their funds.

Mr. Bailey agreed that he had a similar conversation with the School Board member from his district as Mr. Simpkins.

Mr. Swartzwelder advised that he had spoken to the School Superintendent earlier today regarding this issue. She asked that he convey that they have some unknowns at this time that they are concerned about. The first being the Governor's delay of sales tax disbursements, that they may not get the funds in this fiscal year. The second being that with the 144 amendments recommended by the Governor there is a lot of uncertainty in what will be changing for next year. Lastly, they are approximately \$100,000 over budget in legal fees due to law suits this year. She assured him that they will do everything possible, not undertake any capital expenses or other projects just maintain payroll and necessary operating expenses in order to turn in as much money as possible. She is aware that those funds may not go to the school capital fund as usual but be turned over to the general fund.

**At this point in the meeting the court house internet connection dropped for several minutes. Discussion during this time was not recorded nor heard by county staff and cannot be included as part of the minutes. Minutes continue from the point of county staff returning to the meeting electronically.**

A motion was made by Mr. Burns and seconded by Ms. Alsop to not appropriate the final local funds to the School Board until the Board has received further reporting on their expenditures throughout the year.

Ms. Morris commented that we have always appropriated these funds in the past and that since they have assured us that they are not going to spend any more than they need to.

A roll call vote was taken as follows:

AYES: J.M. BURNS, S.C. ALSOP

NAYS: D.H. MORRIS, R.F. BAILEY, J.L. SIMPKINS

Motion failed.

A motion was made by Ms. Morris and seconded by Mr. Bailey to appropriate the remaining \$500,000 in local funds.

Mr. Burns commented that he felt it was very bad form appropriating all the funds to them without knowing what they have and what they need.

Mr. Simpkins suggested the option of appropriating part of the funds until we know what they need.

Ms. Alsop expressed concern that if they do not need \$180,000 of the funds that we may not need to raise taxes for next year's budget.

Ms. Morris commented that the Board would not need to raise taxes .02 either if the Board just didn't give the 3% raise to county employees, that maybe the Board needs to look at that as well, especially when there are people who are without jobs completely.

A roll call vote was taken as follows:

AYES: D.H. MORRIS, R.F. BAILEY, J.L. SIMPKINS

NAYS: J.M. BURNS, S.C. ALSOP

### **PUBLIC COMMENT PERIOD**

Arlene Taliaferro, Buena Vista District just wanted to let the Board know that she wished them well and hoped they stayed safe during this unusual time.

### **RATIFY LOCAL STATE OF EMERGENCY DECLARATION**

Chairman Simpkins advised that on March 17<sup>th</sup> the Board declared a local state of emergency in response to the COVID-19 outbreak. The Board needs to ratify this declaration at a public meeting.

A motion was made by Ms. Alsop and seconded by Mr. Bailey to ratify the following declaration made on March 17, 2020:

As of 12:00 a.m. today, King and Queen County declared a local emergency in response to COVID-19 (coronavirus) pursuant to Virginia Code section 44- 146.21, as amended. COVID-19, a communicable disease that threatens public health is of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate potential hardship or suffering. The Declaration is issued as a precautionary security measure to allow for the full powers of government to deal effectively with the emergency.

Public access to King and Queen County offices and buildings is suspended effective immediately until at least Tuesday, March 31<sup>st</sup>.

The public will have access to the Circuit and General District Courts. The Courts will issue their own notices.

Closed offices include County Administration, Building Official, Planning and Zoning, finance, Registrar, Social Services, and the offices of the Treasurer, Commissioner of the Revenue. The Department of Social Services will continue to respond to child and adult protective services reports. Documents for Social Services may be left in the drop box in the front hallway of the Administrative building. Tax payments to the Treasurer's office can be made on-line or left in the drop-box in the front hallway of the Administrative building.

All public meetings scheduled during this time may be canceled and rescheduled later.

All County Staff will report to work as usual or as directed by their supervisor. County staff will be available to conduct business and assist the public over the phone or by email. Additional updates, notices, information and announcements will be posted on the County website, [www.kingandqueenco.net](http://www.kingandqueenco.net).

Ms. Morris commented that she felt that the Board should have stuck with this declaration and just added the electronic meeting component rather than adopting the ordinance.

A roll call vote was taken as follows:

AYES: S.C. ALSOP, J.L. SIMPKINS, J.M. BURNS D.H. MORRIS, R.F. BAILEY

NAYS: NONE

## **COUNTY ADMINISTRATOR'S COMMENTS**

Thomas Swartzwelder, County Administrator, provided the following comments:

- The contract for the Shacklefords Station has been completed and sent to Lower for approval, the Board needs to authorize someone to execute.  
A motion was made by Mr. Burns and seconded by Mr. Bailey authorizing the County Administrator to execute the contract and closing documents on that acquisition.  
A roll call vote was taken as follows:  
AYES: S.C. ALSOP, J.L. SIMPKINS, J.M. BURNS D.H. MORRIS, R.F. BAILEY  
NAYS: NONE
- Advised that the state budget is now 'in flux' again. The Governor sent back 144 amendments that will affect schools, Sheriff's Department and other local programs. The General Assembly will reconvene on April 22<sup>nd</sup> to approve.
- He has been working with the architect on finalizing the contract on the telework center and received the contract from Riverstreet for the Broadband project, he will be working on those over the next few days to have for the next meeting.

## **BOARD OF SUPERVISOR'S COMMENTS**

Ms. Alsop had the following comments:

- Thanked the citizens who participated and apologized for talking over people due to the lag in her service.
- Everyone stay safe, wear masks and take precautions so none of them get sick.

Ms. Morris had the following comments:

- She felt that adopting the ordinance was unnecessary and contradictive. That Mr. Swartzwelder has that the Board needs to adopt an ordinance for the continuity of operations during the pandemic yet in the code it says that you may adopt it, that it wasn't something we had to do.
- Wished everyone well.
- Asked Mr. Swartzwelder how the workers are going in and out of the building and how does he expect Greg to police the buildings and still attend to the medical aspects. That he had advised that everything was going great prior to sending out the ordinance.

Mr. Swartzwelder stated that the buildings are locked except for the vestibule in front of the Sheriff's office. If a person needs to speak with someone specifically, they are connected through the intercom in dispatch. The custodian is wiping down common areas several times a day and staff has been directed to limit contact between offices as much as possible. Employees enter the Administration Building through the rear doors.

Mr. Swartzwelder clarified that the ordinance sites the Emergency Service Director as being responsible for this. Greg is the Emergency Services Coordinator, that by code the Emergency Services Director is the County Administrator.

Ms. Morris asked for clarification on whether or not other governing bodies can still hold meetings based on the ordinance.

Mr. Swartzwelder advised that they could still hold public meetings as long as they complied with Executive Order #55, for example courts are still in session and are making accommodations, the ordinance allows bodies to meet electronically if they do not want to meet in person.

Mr. Burns had the following comments:

- Hopes everyone stays safe.
- He feels that it sets a bad precedent giving money to anyone, for any reason, without knowing how much they need. That if we had financial reports we would have a better idea of what they have and what they need.
- Hopes everyone enjoys the rest of their day, he is going to enjoy the rest of his 35<sup>th</sup> anniversary.

Mr. Bailey had the following comments:

- Happy Anniversary to Mr. and Mrs. Burns
- He felt that we have given the funds to the schools in the past without knowing where the money is going. That this is the first time in a long time that we have known where the money was going since Ms. Alsop has asked for the information.
- Everyone stay safe, stay well and stay away from sick people. See everyone at the next meeting.

Mr. Simpkins had the following comments:

- Wished Mr. and Mrs. Burns a Happy Anniversary.
- Thanked the citizens for participating.
- Felt that the meeting format went well and hoped everyone thought it has not been too painful, that this has been a learning experience. He commended Mr. Swartzwelder and his team on job they have done at the court house during this time maintaining social distancing in the offices and accommodating the public. He has done a good job with the regulations in place to keep everyone safe, that is was important and something we had to do. It is his understanding that everyone has been a team player.
- Advised that he has had several issues with MPA. He has written a letter to the directors basically giving an ultimatum that if things don't change that King and Queen would be considering pulling out of the Alliance. He will send the Board all of the documents between himself, the other directors and Mr. Swartzwelder. He just wanted to let the other members know what has been going on with this organization, that it will be up to the Board whether or not to continue to be a part of the Alliance.

**IT IS ORDERED THAT THIS BOARD BE ADJOURNED**

A motion was made by Mr. Bailey and seconded by Ms. Alsop to adjourn the meeting.

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J. Lawrence Simpkins, Chairman

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Clerk of the Board