

King and Queen County  
Board of Supervisors Regular Meeting

Monday, July 8, 2024  
7:00 P.M.

King and Queen County Courts and Administration Building  
General District Courtroom

“Minutes of the Meeting”

**CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG  
OF THE UNITED STATES OF AMERICA**

Mr. Simpkins provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States. He further noted that all members were present.

**APPROVAL AND SIGNING OF THE MAY 28, 2024 AND JUNE 10, 2024 MINUTES**

A motion was made by Ms. Norman and seconded by Ms. Billups approving the May 28, 2024 and 10, 2024 minutes of the Board.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS  
NAYS: NONE

**APPROVAL AND SIGNING OF JULY WARRANTS AND APPROPRIATIONS**

A motion was made by Mr. Berry and seconded by Ms. Alsop to approve the July County warrants and payroll, subject to audit.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS  
NAYS: NONE

A motion was made by Ms. Alsop and seconded by Ms. Norman to approve accrued accounts payable for FY2024 subject to audit.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS  
NAYS: NONE

A motion was made by Ms. Alsop and seconded by Mr. Berry to appropriate the initial local funds for FY2025 to the School Division.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS  
NAYS: NONE

A motion was made by Ms. Billups and seconded by Ms. Alsop to appropriate May 2024 revenue to the School Division in the amount of \$879,048.43, subject to audit.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

A motion was made by Ms. Norman and seconded by Mr. Berry to appropriate the first quarter funds to the School Food Services fund in the amount of \$138,306.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

## **PUBLIC COMMENT PERIOD**

Dr. Carol Carter, School Superintendent stated that during recent cleaning out at Lawson Marriott School a resolution to Former Newtown Supervisor Raymond Alsop was found. She read the resolution and gave the plaque to his daughter, current Newtown Supervisors Sherrin Alsop.

Brenda Lee, Stevensville District – Asked that the Board grant the Sheriff’s request for two new deputies. He has recently increased patrols in her area and it has been helpful in controlling the trash trucks speeding on Devil’s Three Jump Road. The additional deputies would help provide additional safety to the folks in the lower end of the county.

## **PUBLIC HEARING – ESSEX COUNTY BOUNDARY LINE**

Ms. Seay advised that this issue arose from improved GIS mapping used in determining where registered voters are allowed to vote. For many years when properties crossed county lines Commissioners of the Revenue would determine who paid taxed and often these decisions carried over to other services such as voting and public schools. With the new more accurate mapping citizens are being “moved” to the county they are physically in. This means that citizens who have been served by one county for all services are now having to change and they would like to stay in the county they have been served by for years. This particular change only affects one household. Since the citizens are requesting to be moved into Essex County, Essex has agreed to pay all expenses related to the change.

Chairman Simpkins opened the public hearing for comments from the public.

There being no comments, the hearing was closed.

A motion was made by Ms. Alsop and seconded by Ms. Billups to approve the boundary line adjustment with Essex County.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

## **QUARTERLY REPORTS**

Quarterly reports were received from the following department heads:

1. Hattie Robinson, Clerk of Circuit Court
2. Meredith Adkins, Commonwealth Attorney
3. Rob Balderson, Sherriff (he also reported on Animal Control)
4. Greg Hunter, Emergency Services
5. Erin Lazar, Community Programming, Tourism and Library

## **APPROVAL OF KROGER SETTLEMENT RESOLUTION**

Ms. Seay advised that the resolution provided is a continuation of the opioid litigation. It is needed due to the addition of Kroer as a defendant in the ongoing case.

A motion was made by Mr. Berry and seconded by Ms. Alsop to adopt the following resolution;

### **RESOLUTION**

**A RESOLUTION OF THE KING AND QUEEN COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY’S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY’S PARTICIPATION IN THE SETTLEMENTS**

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts King and Queen County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by King and Queen County’s various departments and agencies; and

WHEREAS, King and Queen County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of King and Queen County; and

WHEREAS, King and Queen County has filed suit against Kroger and certain of its related corporate entities for its role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed King and Queen County; and

WHEREAS, the County’s suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the “Virginia MOU”), and affirms that this pending settlement with Kroger shall be considered a “Settlement” that is subject to the Virginia

MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors, Janssen, Teva, Allergan, Walmart, CVS, and Walgreens; and

WHEREAS, the County's outside opioid litigation counsel has recommended that the County participate in the settlement in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW THEREFORE BE IT RESOLVED that the King and Queen County Board of Supervisors, this 8<sup>th</sup> day of July, 2024, approves of the County's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against Kroger.

ADOPTED the 8<sup>th</sup> day of July, 2024 upon the following vote:

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

#### **AMENDMENT OF ELECTRONIC PARTICIPATION POLICY**

Ms. Seay advised that the General Assembly has changed the code relating to electronic meeting participation. The only proposed change to the local policy is in the number of meetings that can be attended electronically due to personal reasons.

A motion was made by Ms. Billups and seconded by Ms. Alsop to adopt the following resolution and amend the electronic participation policy as provided;

#### **A RESOLUTION TO AMEND THE POLICY GOVERNING PARTICIPATION IN MEETINGS BY MEMBERS OF THE KING AND QUEEN COUNTY, VIRGINIA BOARD OF SUPERVISORS THROUGH ELECTRONIC COMMUNICATION**

**WHEREAS**, pursuant to Va. Code § 2.2-3708.3, a member of a public body may participate in meetings through electronic communication means from a remote location that is not open to the public when there is no declared state of emergency if the public body has adopted a written policy allowing for such electronic participation; and

**WHEREAS**, pursuant to Va. Code § 2.2-3708.2, public bodies may hold meetings through electronic communication means in certain emergency situations; and

**WHEREAS**, on March 11, 2024, the King and Queen County Board of Supervisors adopted a remote participation policy to allow Board members to participate in meetings by electronic communication; and

**WHEREAS**, following the adoption of the said policy on March 11, 2024, Virginia law was amended to allow for remote participation at a greater number of meetings during a year; and

**WHEREAS**, the King and Queen County, Virginia Board of Supervisors wishes to adopt this amended policy to incorporate the recent amendments of Virginia law and continue to allow remote participation in meetings to the greatest extent allowable under Virginia law.

**NOW, THEREFORE, BE IT RESOLVED** that the King and Queen County, Virginia Board of Supervisors on this the 8<sup>th</sup> day of July, 2024, does hereby adopt the attached policy, effective immediately, to allow members of the King and Queen County, Virginia Board of Supervisors to participate in meetings through electronic communication in strict accordance with the provisions and requirements of Va. Code §§ 2.2-3708.2 and 2.2-3708.3.

**KING AND QUEEN COUNTY, VIRGINIA  
BOARD OF SUPERVISORS**

**POLICY FOR PARTICIPATION IN  
PUBLIC MEETING THROUGH  
ELECTRONIC COMMUNICATION**

**I. No State of Emergency Declared**

**A.** A member of the King and Queen County, Virginia Board of Supervisors (Board member) may participate in a public meeting, both in open meeting and in closed meeting, through electronic communication from a remote location, not open to the public, on the following terms and conditions:

**a.** Temporary or Permanent Disability or Other Medical Condition

**i.** The Board member requesting to participate in the meeting through electronic communication must notify the Board Chairman of that he or she will be unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition of the Board member that prevented the Board member's physical attendance at the meeting, or (ii) a medical condition of a member of the Board member's family that requires the Board member to provide care that prevents the Board member's physical attendance at the meeting.

**ii.** The Board must:

1. Record in its minutes the fact that the Board member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition of the Board member that prevented the Board member's physical attendance at the meeting, or (ii) a medical condition of a member of the Board member's family that requires the Board member to provide care that prevented the Board member's physical attendance at the meeting.
2. Record in its minutes the remote location from which the member participated.

**b.** Principal Residence More Than 60 Miles

- i.** The Board member requesting to participate in the meeting through electronic communication must notify the Board Chairman that his or her principal residence is more than 60 miles from the meeting location identified in the required notice for the meeting.

**ii.** The Board must:

1. Record in its minutes the fact that the Board member participated through electronic communication means due to the distance between the Board member's principal residence and the meeting location.
2. Record in its minutes the remote location from which the member participated.

**c.** Personal Matter

- i.** The Board member requesting to participate in the meeting through electronic communication must:

1. Notify the Board Chairman that he or she will be unable to attend the meeting due to a personal matter.
2. Identify to the Chairman the nature of the personal matter.
3. Confirm and certify that he or she has not used remote participation due to personal matters more than two meetings in the current calendar year or **50 percent** of the total meetings held in the current calendar year rounded up to the next whole number, whichever is greater. If the number of remote participation events for personal matters has exceeded the limit set forth in this paragraph 3, the member's remote participation and votes will not be recorded for any actions taken during the

first meeting in excess of the limit and all subsequent meetings in the calendar year attended by remote participation.

**ii.** The Board of Supervisors must:

1. Record in its minutes the nature of the Board member's personal matter; and
2. Record in its minutes the remote location from which the Board member participated.
3. Confirm and record in its minutes that the Board member has not used remote participation due to personal matters more than the limit set forth in paragraph c.i.3 above.

**B.** Electronic participation by a Board member as provided in Section A above shall be approved by the Chair if a quorum of the Board is physically assembled unless such participation would violate this policy. The determination of the Chair as to the Board member's participation from a remote location shall be recorded in the Board's minutes. When the Board member who wishes to participate in a public meeting through electronic communication is the Board Chair, then all notifications required under this policy to be provided to the Board Chair shall be provided by the Board Chair making the request to the Board Vice-Chair. Electronic participation of the Chair shall be approved by the Vice-Chair unless such participation would violate this policy. The determination of the Vice-Chair as to the Chair's participation from a remote location shall be recorded in the Board's minutes.

**II. State of Emergency Declared**

**A.** The King and Queen County Board of Supervisors (the Board) may meet, in open meeting and in closed meeting, by electronic communication means without a quorum physically assembled at one location when the Governor of the Commonwealth of Virginia has declared a state of emergency in accordance with Va. Code § 44-146.17 or King and Queen County has declared a state of emergency pursuant to Va. Code § 44-146.21 on the following terms and conditions:

- a. The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
- b. The purpose of the meeting is to provide for the continuity of operations of King and Queen County or the discharge of its lawful purposes, duties, and responsibilities.

**B.** If a meeting is held pursuant to paragraph A. above, the Board shall:

- a. Provide public notice using the best available method given the nature of the emergency contemporaneously with the notice provided the members of the Board;

- b. Make arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the public body;
- c. Provide the public with the opportunity to comment when public comment is customarily received;
- d. Make available to the public at all locations at which public access will be provided, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Board in sufficient time for duplication and forwarding, as best as practicable given the emergency;
- e. Record minutes of the meeting, which minutes shall include:
  - i. the date, time, and location of the meeting;
  - ii. the members of the public body recorded as present and absent;
  - iii. a summary of the discussion on matters proposed, deliberated, or decided;
  - iv. a record of any votes taken;
  - v. the identity of the members of the public body who participated in the meeting through electronic communication means;
  - vi. the identity of the members of the public body who were physically assembled at one physical location;
  - vii. the identity of the members of the public body who were not present at the meeting location but who monitored such meeting through electronic communication means;
  - viii. the nature of the emergency;
  - ix. the fact that the meeting was held by electronic communication means, and
  - x. the type of electronic communication means by which the meeting was held.

AYES: S.C. ALSOP, J.L. SIMPKINS, M.R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

### **DISCUSSION OF BOARD RETREAT**

There was general discussion on who to invite to participate (such as the EDA and School Board) as well as consideration of contracting with the Berkeley Group to facilitate the retreat. The Board agreed to provide availability on the dates suggested with preferred dates being a two day (Friday and Saturday) in either October or November pending availability of the Berkeley Group.

### **APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS**

There were no appointments to be made.

### **COUNTY ADMINISTRATOR'S COMMENTS**



Ms. Seay stated that the only update she had at this time was on the telework center. There was recently a “snag” with Dominion Energy that would have delayed the project enough to put it behind the grant schedule. She reached out the Melanie Rapp-Beale the Local Government Liaison for Dominion and that she was able to get the matter resolved within a day or two and that the contractor called and said that at one point there was no less than 15 Dominion trucks either on site or across the road working on fixing the issue.

She further noted that a full update will be provided to the Board at their August meeting.

## **BOARD OF SUPERVISORS COMMENTS**

### **Mr. Simpkins had the following comments:**

- Thanked everyone for coming and for the reports received.
- Kudos to Greg Hunter and staff on the regional radio system. This is a great asset to the King and Queen, the Middle Peninsula and Northern Neck.
- Also kudos to Erin Lazar and Sheriff Balderson for going after grants to leverage the funds they have and figure out ways to get things they need and that is good for the community. It is much appreciated and doesn't go unnoticed.
- Advised that Tom Shepley has resigned from Pamunkey Regional Library. There have been a lot of politics involved there and he feels the Board made the right decision to leave when they did.
- Told departments to keep up the good work and wished everyone a safe trip home.

### **Mr. Berry had the following comments:**

- Thanked everyone for coming and he agreed with all that Mr. Simpkins said regarding departments and staff.
- He attended the library opening and was pleasantly surprised by the turn out, it was a very good event.
- Stated that after the public hearing on the Dominion project last month he has continued to be in communication with staff, Dominion and the citizens. There is a meeting scheduled next Monday (July 15<sup>th</sup>) for a joint meeting of all involved to try to come to some agreements on the concerns raised.
- Again thanked everyone for coming and for the reports.

### **Ms. Norman had the following comments:**

- Thanked everyone for coming.
- Thanked all the departments for the reports and to remember that their hard work is not taken for granted. She appreciates that everyone is looking out for the citizens and the County and that hearing all the things done gives a whole new perspective on the work everyone does.

### **Ms. Billups had the following comments:**

- Thanked everyone for coming and taking interest.
- Advised that Baylands Family Credit Union is collecting eyeglasses for the Lions Club.
- Wished everyone a safe trip home.

**Ms. Alsop had the following comments:**

- Thanked everyone for coming.
- Thanked everyone for all of the reports and information. The county is fortunate to have such great staff.
- She thanked Dr. Carter for the resolution and plaque. Her father wouldn't be able to imagine how far the County has come and where they are now. The county has a change now to move forward even more by setting priorities at the retreat. They need to set a course and continue to go forward.
- She has been receiving complaints about a bear and a bobcat in her area. Other than that the Sheriff's office must be doing a good job since there have not been complaints about dogs.
- She advised that the Walkerton parade and fireworks event for July 4<sup>th</sup> were great.
- She is excited for the opportunity to have public access on Rt. 625. There are not many places in the northern area of the county for public access to the river.
- Wished everyone a safe trip home and hope to see them next month.

**CLOSED SESSION**

It was determined that closed session was not needed.

**IT IS ORDERED THAT THE BOARD BE ADJOURNED:**

A motion was made by Mr. Berry and seconded by Ms. Billups to adjourn the meeting at 8:52 p.m.

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**Chairman**

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**Clerk of the Board**