



FLUVANNA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING AGENDA

Fluvanna County Library, 214 Commons Blvd.

Palmyra, VA 22963

December 2, 2020 at 4:00 pm

Physical (in-person) access to the meeting will be limited to the first 10 members of the public who sign up in advance to attend. **Those wishing to attend must call Fluvanna Clerk to the Board, Caitlin Solis, at (434) 591-1910 or email her at: csolis@fluvannacounty.org with your name, address and phone number no later than 1 hour prior to the meeting.** Proof of identification will be required upon arrival and facemasks will be required

TAB AGENDA ITEMS

1 - CALL TO ORDER

2 - PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

3 – ADOPTION OF AGENDA

4 – COUNTY ADMINISTRATOR’S REPORT

5 – PUBLIC COMMENTS #1 (5 minutes each)

6 – PUBLIC HEARING

7 – ACTION MATTERS

- A Resolution Recommending Appointment to the Board of Equalization – Eric Dahl, County Administrator
- B Board of Equalization Pay Increase – Eric Dahl, County Administrator
- C Letter of Support for Pharmaceutical Processor – Bryan Rothamel, Economic Development Coordinator
- D FCPS FY21 CARES Act Budget Transfer – Mary Anna Twisdale, Finance Director
- E FY21 BOS Contingency Budget Transfer- Drug Court County Match – Eric Dahl, County Administrator; Liz McIver, Management Analyst
- F Self-Contained Breathing Apparatus Contract Amendment – Cyndi Toler, Purchasing Officer

7A – APPOINTMENTS

8 – PRESENTATIONS (normally not to exceed 10 minutes each)

- G VDOT Quarterly Report – Aaron French, VDOT
- H Compensation Board Funded Bonus for Sworn Personnel in the Sheriff’s Office – Jessica Rice, Human Resources Manager
- I Redistricting 2021 – Kelly Belanger Harris, Assistant County Administrator

9 – CONSENT AGENDA

- J Minutes of November 18, 2020 – Caitlin Solis, Clerk to the Board
- K FY21 FCPS Grants Supplemental Appropriation – Brenda Gilliam, Executive Director for Instruction and Finance
- L FY21 FCPS Grants Supplemental Appropriation – Brenda Gilliam, Executive Director for Instruction and Finance

Fluvanna County...The heart of Virginia and your gateway to the future!

M FY21 Sheriff Department Insurance Claim –2015 Ford F-150 VIN#4224 – Liz Mclver, Management Analyst

N FY21 Sheriff Department Insurance Claim – 2018 Dodge Charger VIN#3232 – Liz Mclver, Management Analyst

10 – UNFINISHED BUSINESS

O Local Allocations for Federal CARES Coronavirus Relief Funds – Eric Dahl, County Administrator

11 – NEW BUSINESS

TBD

12 – PUBLIC COMMENTS #2 (5 minutes each)

13 – CLOSED MEETING AND DINNER RECESS

RECONVENE AT 7:00 PM

A CALL TO ORDER

B PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

C JOINT WORK SESSION WITH SCHOOL BOARD – FCPS Preliminary Budget Discussion

14 – ADJOURN



County Administrator Review

Fluvanna County...The heart of Virginia and your gateway to the future!

PLEDGE OF ALLEGIANCE

I pledge allegiance, to the flag,
of the United States of America,
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

GENERAL RULES OF ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Board to discuss the matter.
3. No member or citizen shall be allowed to use defamatory or abusive language directed at any member of the Board or other person, to create excessive noise, or in any way incite persons to use such tactics. The Chair shall be the judge of such breaches, however, the Board may by majority vote of the Board members present and voting to overrule the judgment of the Chair.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

RULES OF PROCEDURE FOR PUBLIC HEARINGS

1. PURPOSE
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
 - Speakers should approach the lectern so they may be visible and audible to the Board.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Board.
 - All questions should be directed to the Chairman. Members of the Board are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Board will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

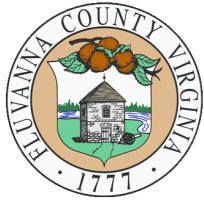
Fluvanna County...The heart of Virginia and your gateway to the future!

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB A

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	Resolution Recommending Appointment to the Board of Equalization				
MOTION(s):	I move the Board of Supervisors adopt a resolution entitled, "A RESOLUTION RECOMMENDING APPOINTMENT TO THE BOARD OF EQUALIZATION."				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		XX			
STAFF CONTACT(S):	Eric Dahl, County Administrator				
PRESENTER(S):	Eric Dahl, County Administrator				
RECOMMENDATION:	Approve				
TIMING:	Current				
DISCUSSION:	<p>The attached Resolution directs submission of the nominees for Circuit Court consideration and formal appointment and provides direction for making admin support available to the BOE.</p> <p>At the October 21, 2020 meeting, the board of supervisors recommended the following applicants for appointment to the 2021 Board of Equalization.</p> <p>Mr. Everett Hannah - Palmyra District – former BOE Member: 2013, 2015, 2017, 2019; former Economic Development Authority appointee Mr. Tom Payne – Palmyra District - Former Chair of Social Services Board; former Board of Supervisors member; former BOE Member: 2019 Mrs. Gloria Vest – Columbia District – former Chief Deputy Treasurer of Fluvanna County; former BOE Member: 2019 Mr. Daniel T. Nunziato– Cunningham District – Former member of Economic Development Authority; former BOE Member: 2019 Mr. Randy White – Member – Cunningham District – Realtor with Monticello County Realtors</p> <p>On November 11, 2020, the County received a resignation letter from Everett Hannah. In addition to replacing Mr. Hannah’s position on the BOE, we feel it would be prudent to recommend an alternate BOE member for appointment. Please see the following list of applicants for consideration to recommend for appointment to the 2021 Board of Equalization position as well as an alternate.</p>				

	<p>Mr. Scott Marshall – Cunningham District – Fluvanna Count Economic Development Authority 2002-2020, Fluvanna County Parks and Recreation 2002-2014, New applicant to serve on the 2021 Board of Equalization</p> <p>Mr. Dean Tistadt – Cunningham District – President of HOA. Deputy Director of Fairfax Police Youth Association; Vice President of condominium association; New Applicant to serve on the 2021 Board of Equalization</p> <p>Mr. Ronald P. Lauziere – Cunningham – former Board member of the Thomas Jefferson Soil and Water Conservation District; former board member of the Thomas Jefferson Housing Improvement Corporation; founding director of the Fluvanna/Louisa Housing Foundation; former board member of the Piedmont Housing Alliance; New Applicant to serve on the 2021 Board of Equalization</p>				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	<ul style="list-style-type: none"> • Resolution • Exhibit A 				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
	X				



BOARD OF SUPERVISORS
 County of Fluvanna
 Palmyra, Virginia

RESOLUTION No. 32-2020

**A RESOLUTION RECOMMENDING APPOINTMENT TO
 THE BOARD OF EQUALIZATION**

WHEREAS, Virginia Code Section 58.1-3370 requires the appointment of a Board of Equalization in each tax year immediately following the year a general reassessment is conducted in the County; and

WHEREAS, it is the desire of the Board of Supervisors of Fluvanna County to request that the Circuit Court of the County appoint such a Board and to suggest to the court the members to be appointed; and

WHEREAS, the Board of Supervisors desires to provide necessary clerical assistance for such Board of Equalization in accordance with Virginia Code Section 58-1-3376; and

WHEREAS, a general reassessment of the County has recently been completed; and

WHEREAS, the Fluvanna County Board of Supervisors requests the Board of Equalization to meet as frequently as necessary to hear all appeals from landowners concerning their reassessment; and

WHEREAS, the Fluvanna County Board of Supervisors encourages the Board of Equalization to meet with the assessors and review and evaluate their method of assessing the value of land in this reassessment.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Fluvanna County, as follows:

- 1) That the County Attorney be, and he is hereby, **DIRECTED** to request the appointment by the Circuit Court of the County of a Board of Equalization as required by law; and that, in so doing, the County Attorney submit to the court a suggested list of members for such Board of Equalization, such list being attached to this resolution as Exhibit A; and
- 2) That the County Administrator be, and he is hereby, **AUTHORIZED AND DIRECTED** to provide necessary clerical assistance for such Board of Equalization, by the hiring of additional personnel or otherwise providing support as may be necessary; and
- 3) That the Commissioner of the Revenue be, and he is hereby, **REQUESTED** to assist such Board of Equalization.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 2nd day of December 2020:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Mozell H. Booker, Fork Union District						
Patricia B. Eager, Palmyra District						
Anthony P. O'Brien, Rivanna District						
John M. Sheridan, Columbia District						
Donald W. Weaver, Cunningham District						

Attest:

 John M. Sheridan, Chair
 Fluvanna County Board of Supervisors



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

BOARD OF SUPERVISORS

John M. "Mike" Sheridan
Chair
Columbia District

Anthony P. "Tony" O'Brien
Vice Chair
Rivanna District

Mozell H. Booker
Fork Union District

Patricia B. Eager
Palmyra District

Donald W. Weaver
Cunningham District

COUNTY ADMINISTRATION

Eric M. Dahl
County Administrator

Caitlin Solis
Clerk to the Board

Exhibit A:

List of Recommended Appointees to the Board of Equalization for 2021

Mr. Scott Marshall – Cunningham District – Fluvanna Count Economic Development Authority 2002-2020, Fluvanna County Parks and Recreation 2002-2014, New applicant to serve on the 2021 Board of Equalization

Mr. Dean Tistadt – Cunningham District – President of HOA. Deputy Director of Fairfax Police Youth Association; Vice President of condominium association; New Applicant to serve on the 2021 Board of Equalization

Mr. Ronald P. Lauziere – Cunningham – former Board member of the Thomas Jefferson Soil and Water Conservation District; former board member of the Thomas Jefferson Housing Improvement Corporation; founding director of the Fluvanna/Louisa Housing Foundation; former board member of the Piedmont Housing Alliance; New Applicant to serve on the 2021 Board of Equalization



APPLICATION TO SERVE ON BOARDS/COMMISSION/COMMITTEES

County of Fluvanna

Name: Ronald P. Lauziere		Election <input type="checkbox"/> Columbia <input checked="" type="checkbox"/> Cunningham <input type="checkbox"/> Fork Union	
		District: <input type="checkbox"/> Palmyra <input type="checkbox"/> Rivanna <input type="checkbox"/> Other	
Mailing Address (including City, State, & ZIP) 2649 Antioch Road Scottsville, VA 24590		Physical Address (if different) N/A	
Years Lived in Fluvanna 32 years +	Cell Phone – preferred? 434-996-3700	Home Phone – preferred? 434-286-4591	Email rlauziere@aol.com or ronlauziere@gmail.com
EXPERIENCE/PROFESSIONAL EXPERTISE/EDUCATION (Please provides dates of education and experience.): Licensed real estate broker, Commonwealth of Virginia; license real estate broker , State of North Carolina; licensed professional land surveyor, State of Maryland, inactive/expired on "retired status"; former licensed land surveyor, Commonwealth of Virginia, inactive/expired status; B.S., Business Administration, Old Dominion University; M.B.A., Colorado State University; A.A.S., Civil Engineering, Northern Virginia Community College; A.S. Business Administration, Northern Virginia Community College			
CURRENT OR PRIOR SERVICE ON BOARDS/COMMISSIONS/OR COMMITTEES: Served as member and chairman of the Fluvanna County Planning Commission			
CIVIC ACTIVITIES AND MEMBERSHIPS (Roles with fraternal, business, church, or social groups – please provide dates): Former board member of the Thomas Jefferson Soil and Water Conservation District; former board member of the Thomas Jefferson Housing Improvement Corporation; founding director of the Fluvanna/Louisa Housing Foundation; former board member of the Piedmont Housing Alliance (organizing member); former board member for Caring For Creatures; Reserve Deputy Sheriff for the FCSO, currently on leave of absense due to risk of covid infection; former committee member, Civil Engineering Advisory Committee, Northern Virginia Community College and adjunct instructor			
REASON(S) FOR WANTING TO SERVE FLUVANNA COUNTY: Always looking for ways to share my experience serving the community			
<p>Applicants are considered as vacancies occur and your application will be kept on file for three years.</p> <p>Fluvanna County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.</p> <p>Submit by email (clerk@fluvannacounty.org) or mail to: Clerk, Board of Supervisors, PO Box 540, Palmyra, VA 22963</p> <p>By signing below you are indicating that you have read and understand the attached Fluvanna County BCC Attendance Policy and that you agree to abide by the Bylaws of any Board, Commission, or Committee to which you may be appointed.</p>			
Applicant's Signature Ronald P. Lauziere		Date November 20, 2020	

PLEASE INDICATE BELOW ANY BOARDS, COMMISSIONS, OR COMMITTEES ON WHICH YOU WISH TO SERVE.

X	Board, Commission, Committee
	Agricultural/Forestral District Advisory Committee
	Audit Committee
X	Board of Equalization (BOE)
	Board of Zoning Appeals (BZA)
	Building Code of Appeals Board
	Central Virginia Regional Jail (CVRJ) Authority
	Columbia Task Force (CARE)
	Community Policy & Management Team (CPMT)
	Economic Development Authority (EDA)
	Economic Develop. & Tourism Advisory Council (EDTAC)
	Family Assessment and Planning Team (FAPT)
	Finance Board
	Fluvanna Partnership for Aging Committee
	Fork Union Sanitary District (FUSD) Advisory Committee
	James River Water Authority (JRWA)
	JAUNT Board

X	Board, Commission, Committee (cont.)
	Jefferson Area Board of Aging (JABA) Advisory Council
	Jefferson Area Board of Aging (JABA) Board of Directors
	Library Board of Trustees
	Monticello Area Community Action Agency (MACAA)
	Palmyra Area Revitalization Committee (PARC)
	Parks & Recreation Advisory Board
	Piedmont Virginia Community College (PVCC) Board
	Planning Commission
	Region Ten Community Services Board
	Rivanna River Basin Commission
	Social Services Board
	Thomas Jefferson Planning District Commission (TJPDC)
	Thomas Jefferson Water Resources Protection Foundation
	Youth Advisory Council (YAC)
	OTHER:

Fluvanna County Board, Committee, and Commission Attendance Policy

(Approved June 17, 2015)

1. BCC members shall attend at least two-thirds of all scheduled meetings in each calendar year while serving.
2. The Chairperson of the board, commission, or committee shall notify the Clerk to the Board of Supervisors of any absences exceeding this policy.
3. The Clerk shall report these findings to the Board of Supervisors, typically in closed session.
4. Appointees who do not meet the attendance requirement without a valid reason(s) may be deemed to have rendered an implied resignation of that appointment.
5. The Board may choose to accept the resignation and appoint another person to fill the appointed position. The Board may also override the implied resignation and extend the appointment, if extenuating circumstances so dictate.
6. This requirement shall apply to all boards, commissions, or committees listed on the attached application form, provided however, that if State or County Ordinance addresses attendance requirements in an alternative manner, such law shall prevail.

Office Use Only		
Application Received On:		Application Received By:
Acknowledgement Sent:		
Renewal Date:		Remarks:
Renewal Date:		
Renewal Date:		
Renewal Date:		



APPLICATION TO SERVE ON BOARDS/COMMISSION/COMMITTEES

County of Fluvanna

Name: Scott Marshall		Election <input type="checkbox"/> Columbia <input checked="" type="checkbox"/> Cunningham <input type="checkbox"/> Fork Union	
		District: <input type="checkbox"/> Palmyra <input type="checkbox"/> Rivanna <input type="checkbox"/> Other	
Mailing Address (including City, State, & ZIP) 38 Bridlewood Drive Palmyra, VA 22963		Physical Address (if different)	
Years Lived in Fluvanna 24	Cell Phone – preferred? 434-953-6812	Home Phone – preferred?	Email bridle-wood@comcast.net
EXPERIENCE/PROFESSIONAL EXPERTISE/EDUCATION (Please provides dates of education and experience.): Bryant College 1991 - BS Business Administration			
CURRENT OR PRIOR SERVICE ON BOARDS/COMMISSIONS/OR COMMITTEES: Fluvanna Economic Development 2002-22020 Fluvanna Parks & Recreation 2002-2014			
CIVIC ACTIVITIES AND MEMBERSHIPS (Roles with fraternal, business, church, or social groups – please provide dates): LMOA BOD 1999-2002 (Vice President / Secretary) LMOA Compliance 2002-Present FYSA Soccer - Coach 2002-2014 Fork Union Masonic Lodge - 2000-present			
REASON(S) FOR WANTING TO SERVE FLUVANNA COUNTY: I like to participate and volunteer for my community.			
<p>Applicants are considered as vacancies occur and your application will be kept on file for three years.</p> <p>Fluvanna County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.</p> <p>Submit by email (clerk@fluvannacounty.org) or mail to: Clerk, Board of Supervisors, PO Box 540, Palmyra, VA 22963</p> <p>By signing below you are indicating that you have read and understand the attached Fluvanna County BCC Attendance Policy and that you agree to abide by the Bylaws of any Board, Commission, or Committee to which you may be appointed.</p>			
Applicant's Signature Scott Marshall		Date 11-17-2020	

PLEASE INDICATE BELOW THE BOARDS, COMMISSIONS, OR COMMITTEES ON WHICH YOU WISH TO SERVE.

X	Board, Commission, Committee
	Agricultural/Forestral District Advisory Committee
x	Board of Equalization (BOE)
	Board of Zoning Appeals (BZA)
	Building Code of Appeals Board
	Central Virginia Regional Jail (CVRJ) Authority
	Columbia Task Force (CARE)
	Community Policy & Management Team (CPMT)
	Economic Development Authority (EDA)
	Economic Develop. & Tourism Advisory Council (EDTAC)
	Family Assessment and Planning Team (FAPT)
	Finance Board
	Fluvanna Partnership for Aging Committee (FPA)
	Fork Union Sanitary District (FUSD) Advisory Committee
	James River Water Authority (JRWA)
	JAUNT Board

X	Board, Commission, Committee (cont.)
	Jefferson Area Board of Aging (JABA) Advisory Council
	Jefferson Area Board of Aging (JABA) Board of Directors
	Library Board of Trustees
	Monticello Area Community Action Agency (MACAA)
	Palmyra Area Revitalization Committee (PARC)
	Parks & Recreation Advisory Board (RAB)
	Piedmont Virginia Community College (PVCC) Board
	Planning Commission
	Region Ten Community Services Board
	Rivanna River Basin Commission
	Social Services Board
	Thomas Jefferson Planning District Commission (TJPDC)
	Thomas Jefferson Water Resources Protection Foundation
	Youth Advisory Council (YAC)
	OTHER:

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Office Use Only	
Application Received On:	Application Received By:
Acknowledgement Sent:	
Renewal Date:	Remarks:
Renewal Date:	
Renewal Date:	
Renewal Date:	



APPLICATION TO SERVE ON BOARDS/COMMISSION/COMMITTEES

County of Fluvanna

Name: Dean A. Tistadt		Election <input type="checkbox"/> Columbia <input type="checkbox"/> Cunningham <input type="checkbox"/> Fork Union	
		District: <input checked="" type="checkbox"/> Palmyra <input type="checkbox"/> Rivanna <input type="checkbox"/> Other	
Mailing Address (including City, State, & ZIP) 47 Bolling Circle, Palmyra, VA 22963		Physical Address (if different)	
Years Lived in Fluvanna 8	Cell Phone – preferred? 703-731-2422	Home Phone – preferred?	Email Deantistadt@gmail.com
EXPERIENCE/PROFESSIONAL EXPERTISE/EDUCATION (Please provides dates of education and experience.): BA George Mason University 1974 MPA George Washington University 1981 Retired from Fairfax County Public Schools in 2012 after 35 years of service. Last position was chief operating officer with responsibility of safety/security, transportation, facilities planning, facilities management, and design and construction.			
CURRENT OR PRIOR SERVICE ON BOARDS/COMMISSIONS/OR COMMITTEES:			
CIVIC ACTIVITIES AND MEMBERSHIPS (Roles with fraternal, business, church, or social groups – please provide dates): President of community pool. President of HOA. Deputy director of Fairfax Police Youth Association. Vice President of condominium association			
REASON(S) FOR WANTING TO SERVE FLUVANNA COUNTY: My wife and I love living here. After taking a break after retiring in 2018 we both believe it is time to give back to this community. She is now the executive director of Habitat for Humanity and I am seeking means by which I can help.			
<p>Applicants are considered as vacancies occur and your application will be kept on file for three years.</p> <p>Fluvanna County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.</p> <p>Submit by email (clerk@fluvannacounty.org) or mail to: Clerk, Board of Supervisors, PO Box 540, Palmyra, VA 22963</p> <p>By signing below you are indicating that you have read and understand the attached Fluvanna County BCC Attendance Policy and that you agree to abide by the Bylaws of any Board, Commission, or Committee to which you may be appointed.</p>			
Applicant's Signature <i>(Typing name below serves as digital signature)</i>		Date	

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X	Board, Commission, Committee
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x	Board of Equalization (BOE)
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	James River Water Authority (JRWA)
	JAUNT Board

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	Palmyra Area Revitalization Committee (PARC)
	Parks & Recreation Advisory Board (RAB)
	Piedmont Virginia Community College (PVCC) Board
	Planning Commission
	Region Ten Community Services Board
	Rivanna River Basin Commission
	Social Services Board
	Thomas Jefferson Planning District Commission (TJPDC)
	Thomas Jefferson Water Resources Protection Foundation
	Youth Advisory Council (YAC)
	OTHER:

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Acknowledgement Sent:	
Renewal Date:	Remarks:
Renewal Date:	
Renewal Date:	
Renewal Date:	

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

TAB B

MEETING DATE:	December 2, 2020																																																										
AGENDA TITLE:	Board of Equalization Member Pay																																																										
MOTION(s):	I move the Board of Supervisors approve an increase in Board of Equalization (BOE) member pay from \$23.00 per hour to \$24.00 per hour.																																																										
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):																																																								
		X																																																									
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other																																																						
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STAFF CONTACT(S):	Eric Dahl, County Administrator																																																										
PRESENTER(S):	Eric Dahl, County Administrator																																																										
RECOMMENDATION:	APPROVAL																																																										
TIMING:	IMMEDIATE																																																										
DISCUSSION:	<p>In July 2017, staff added the Board of Equalization members and the BOEs Administrative Assistant into the MUNIS payroll system. Payroll is now disbursed through the regular pay process, rather than the previous paper checks for without appropriate tax deductions. July 2017 was the last pay increase for the Board of Equalization, when all other board/commission pay was increased effective June 24, 2019.</p> <p>Recommend increase hourly pay rate from \$23.00 per hour worked up to \$24.00 per hour worked.</p> <p>Current:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="background-color: #e1f5fe;">BCC</th> <th style="background-color: #e1f5fe;">Position</th> <th style="background-color: #e1f5fe;">No. of Mbrs</th> <th style="background-color: #e1f5fe;">Annual</th> <th style="background-color: #e1f5fe;">Per Month</th> <th style="background-color: #e1f5fe;">Per Pay Period (26)</th> <th style="background-color: #e1f5fe;">TOTAL ANNUAL COST</th> <th style="background-color: #e1f5fe;">Effective Date</th> <th style="background-color: #e1f5fe;">% Chg</th> </tr> </thead> <tbody> <tr> <td>Board of Equalization</td> <td>Member</td> <td style="text-align: center;">5</td> <td style="text-align: right;">\$920.00</td> <td style="text-align: right;">\$23.00</td> <td style="text-align: center;">per Hour</td> <td style="text-align: right;">\$4,600.00</td> <td style="text-align: center;">1-Jul-19</td> <td style="text-align: center;">0.00%</td> </tr> <tr> <td></td> <td>Admin Ass</td> <td style="text-align: center;">1</td> <td style="text-align: right;">\$3,680.00</td> <td style="text-align: right;">\$23.00</td> <td style="text-align: center;">per Hour</td> <td style="text-align: right;">\$3,680.00</td> <td style="text-align: center;">1-Jul-19</td> <td style="text-align: center;">0.00%</td> </tr> </tbody> </table> <p>Proposed:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #e1f5fe;">BCC</th> <th style="background-color: #e1f5fe;">Position</th> <th style="background-color: #e1f5fe;">No. of Mbrs</th> <th style="background-color: #e1f5fe;">Annual</th> <th style="background-color: #e1f5fe;">Per Month</th> <th style="background-color: #e1f5fe;">Per Pay Period (26)</th> <th style="background-color: #e1f5fe;">TOTAL ANNUAL COST</th> <th style="background-color: #e1f5fe;">Effective Date</th> <th style="background-color: #e1f5fe;">% Chg</th> </tr> </thead> <tbody> <tr> <td>Board of Equalization</td> <td>Member</td> <td style="text-align: center;">5</td> <td style="text-align: right;">\$960.00</td> <td style="text-align: right;">\$24.00</td> <td style="text-align: center;">per Hour</td> <td style="text-align: right;">\$4,800.00</td> <td style="text-align: center;">1-Jul-19</td> <td style="text-align: center;">4.35%</td> </tr> <tr> <td></td> <td>Admin Ass</td> <td style="text-align: center;">0</td> <td style="text-align: right;">\$1,000.00</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: center;">per Hour</td> <td style="text-align: right;">\$1,000.00</td> <td style="text-align: center;">1-Jul-19</td> <td></td> </tr> </tbody> </table>					BCC	Position	No. of Mbrs	Annual	Per Month	Per Pay Period (26)	TOTAL ANNUAL COST	Effective Date	% Chg	Board of Equalization	Member	5	\$920.00	\$23.00	per Hour	\$4,600.00	1-Jul-19	0.00%		Admin Ass	1	\$3,680.00	\$23.00	per Hour	\$3,680.00	1-Jul-19	0.00%	BCC	Position	No. of Mbrs	Annual	Per Month	Per Pay Period (26)	TOTAL ANNUAL COST	Effective Date	% Chg	Board of Equalization	Member	5	\$960.00	\$24.00	per Hour	\$4,800.00	1-Jul-19	4.35%		Admin Ass	0	\$1,000.00	\$0.00	per Hour	\$1,000.00	1-Jul-19	
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FISCAL IMPACT:	Estimated increase in costs will be \$200 per year, which can be covered with Personnel Contingency.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X		X	

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB C

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	Letter of Support for Pharmaceutical Processor				
MOTION(s):	I move to approve the letter of support of YAE Wellness LLC, a pharmaceutical processor, applying to operate a medical cannabis production facility at the county-owned Fork Union Property.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		XX			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		XX			
STAFF CONTACT(S):	Bryan Rothamel, Economic Development Coordinator				
PRESENTER(S):	Bryan Rothamel, Economic Development Coordinator				
RECOMMENDATION:	Approval				
TIMING:	Current				
DISCUSSION:	<ul style="list-style-type: none"> YAE Wellness LLC is applying to operate a medical cannabis production facility in Health Service Area I, the Health Service Area covering Fluvanna County. As a part of the application, YAE Wellness needs to show community support of the operation. The license is very competitive and YAE Wellness locating in Fluvanna is wholly contingent on being awarded the license. YAE Wellness LLC, if awarded the license, will construct a 100,000 sq ft building on the Fork Union Property behind the Fork Union Volunteer Fire Department and Fluvanna Community Center. The company has submitted a Letter of Intent to purchase 15 acres of the property for \$135,000 (\$9,000 per acre). The Letter of Intent also includes community support items including \$100,000 for the fire department, volunteer hours, maintenance of the Petersburg Hill Plantation Slave Cemetery, and donations to Fluvanna nonprofits. YAE Wellness LLC, if awarded the license, would employ 50 employees to cultivate, lab research, process, and dispense medical cannabis. 				
FISCAL IMPACT:	n/a				
POLICY IMPACT:	n/a				
LEGISLATIVE HISTORY:	None.				
ENCLOSURES:	<ul style="list-style-type: none"> Draft letter of support. Letter of Intent from YAE Wellness LLC Informational Sheet 				






REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
XX					

FLUVANNA INFORMATIONAL SHEET




HISTORY OF MEDICAL CANNABIS IN VIRGINIA

From the Virginia Board of Pharmacy

LEGISLATIVE TIMELINE:

- 
2015 Provided an affirmative defense for the possession of CBD oil or THC-A oil, initially to alleviate intractable epilepsy.
- 
2016-17 Authorized the establishment of the 5 pharmaceutical processors to produce and dispense these oils.
- 
2018 Expanded the use of these oils to any diagnosed condition or disease, upon recommendation from any physician.
- 
2019 Expanded authority to issue written certifications to nurse practitioners and physician assistants, created “registered agent” registration category, and authorized wholesale distribution of oils between pharmaceutical processors
- 
2020 Removed the definitions of cannabidiol oil and THC-A oil and replaced them with a definition of cannabis oil, allows for the use of telemedicine for patient care, in compliance with federal requirements for prescribing drugs in Schedules II-V, allows for up to 5 cannabis dispensing facilities per health service area that are owned, at least in part, by the pharmaceutical processor permitted for that health service area, and access to cannabis oils for individuals that temporarily reside in Virginia.

PHARMACEUTICAL PROCESSORS

-  In December 2018 the Board of Pharmacy awarded conditional approval to five pharmaceutical processors for the purpose of cultivating Cannabis plants for the production of CBD oil and/or THC-A oil, and to dispense these oils to patients registered by the Board of Pharmacy.
-  Five pharmaceutical processors were authorized, one in each Health Service Area (HSA). More information about HSAs is on Page 2.
-  As of July 1, 2020, three of the five pharmaceutical processors awarded conditional approval have completed construction and obtained a pharmaceutical processor permit to cultivate cannabis. The fourth pharmaceutical processor anticipated completing construction in July 2020. The conditional approval for the fifth pharmaceutical processor was rescinded in June 2020. The Board opened a Request for Application for awarding conditional approval to a pharmaceutical processor in Health Service Area I in September 2020.

PHARMACEUTICAL PROCESSORS CONTINUED

- As it may take 3-6 months for product to be available once growing begins, cannabis oil products became available for purchase from the processors in Virginia in October 2020. Dharma Pharmaceuticals was the first to dispense cannabis oil to patients.
- CBD products currently available at retail establishments are likely produced from industrial hemp. The Virginia Department of Agriculture and Consumer Services (VDACS) oversees the industrial hemp program. Questions regarding these products may be directed to VDACS.

HEALTH SERVICES AREAS

Why They Are Important

Virginia is divided into five Health Service Areas (HSAs). Each HSA has one licensed provider. In 2018 the Board of Pharmacy awarded licenses to PharmaCann Virginia (HSA I Central Virginia), Dalitso (HSA II Northern Virginia), Dharma Pharmaceuticals (HSA III Southwest Virginia), Green Leaf Medical of Virginia (HSA IV Capitol Region), and Columbia Care (HSA V Hampton Roads).

Fluvanna is located in HSA I. PharmaCann transferred its license to MedMen. The Board of Pharmacy voted in 2020 to rescind MedMen's provisional license and issued a request for application (RFA) for HSA I's license.

The RFA is a highly competitive, highly regulated application process. Companies must demonstrate financial ability, marketing plans, productive expertise, facility information, industry involvement, and site selection. **The license will be awarded to one company on March 30, 2021.**

A production license holder must produce **and** dispense from their chosen site. In the future they will also be able to construct offsite dispensaries. The dispensaries, including the production site one, operate and are regulated, just like a pharmacy.

PATIENT USE OF MEDICAL CANNABIS OIL

How Virginians Get Cannabis

The production, prescribing, and use of medical cannabis is a highly regulated endeavor. Virginia Code § 54.1-3408.3 allows a patient, parent, legal guardian, or registered agent, who has been issued a valid written certification from a Board of Pharmacy-registered practitioner and who maintains a current registration with the Board of Pharmacy, to possess cannabis oil. In order for patients to be dispensed medical cannabis oil, they must first register with the Board of Pharmacy. Registered cannabis patients can only obtain prescriptions from Board of Pharmacy-registered practitioner. Patients can only have prescriptions filled at licensed dispensaries.

WEBSITES TO VISIT

Virginia Board of Pharmacy:
www.dhp.virginia.gov/pharmacy

Board of Pharmacy FAQ Regarding Cannabis Oil:
www.dhp.virginia.gov/pharmacy/PharmaceuticalProcessing/FAQ.htm

Board of Pharmacy Pharmaceutical Processors-Cannabis Oil:
www.dhp.virginia.gov/pharmacy/PharmaceuticalProcessing

Board of Pharmacy RFA for HSA I:
www.dhp.virginia.gov/pharmacy/PharmaceuticalProcessing/docs/RFA_PharmaceuticalProcessors2020.pdf

Who they Are

YAE Wellness LLC, a woman- and minority-owned company, was founded by Ausrine Zagorodna, Yuliya Habib, PharmD., and Eucharia Jackson. YAE Wellness is registered with the State Corporation Commission as of November 3, 2020.

Ausrine Zagorodna, CEO/CFO, has been an entrepreneur for more than 15 years and was part of the successful Green Leaf Medical of Virginia license award in 2018 (HSA IV). She has three years of experience developing, operating, executing, and leading organizations in the Virginia medical cannabis industry. Zagorodna is a founding member of the Virginia Medical Cannabis Coalition and serves as the treasurer. Beyond her efforts in medical cannabis, she is a Class A contractor and involved with OZ Enterprises, a granite company in Richmond.

Yuliya Habib, PharmD., will serve as the Pharmacist-in-Charge for YAE Wellness. Habib is a board-certified, clinical pharmacist with Bon Secours, Richmond, where she has been employed for the last nine years. Habib has over 15 years of hospital, managerial, student preceptorship, and retail pharmacy experience. She earned her Doctor of Pharmacy from the University of Arizona and has a deep understanding of safety standards and regulations set by the FDA. She has knowledge of planning effective drug therapies.

Eucharia Jackson will oversee a qualified group of pharmacists and ensure YAE Wellness operation and products remain safe and in full compliance with local, state, and federal regulations. Jackson has been involved in the pharmaceutical industry including 15 years of experience consulting with both product developers and pharmaceutical researchers. She is a seasoned non-profit leader and serves on numerous Richmond area nonprofit boards including the American Heart Association, the Science Museum of Virginia, the Virginia Museum of Fine Arts, the YWCA of Richmond, and the Collegiate School.

INTENT TO PURCHASE

Fork Union Property - YAE Wellness' purchase of the parcel is wholly contingent on being awarded a license by the Virginia Board of Pharmacy.

YAE Wellness is requesting to purchase a portion of the publicly-owned property in the Fork Union area. The property is located behind the Fluvanna Community Center and the Fork Union Volunteer Fire Department. The property is identified as Tax Map ID 51-A-129A and is approximately 90 acres, zoned I-1 (limited industrial). The parcel includes the fire department.

Recently Fluvanna County purchased a neighboring property (Tax Map ID 51-A-130) and is under contract to purchase two additional parcels (Tax Map ID 51-A-139 and 51-A-138). The three additional properties are approximately 32.8 acres. The additional parcels are currently zoned A-1.

YAE Wellness is interested in purchasing a 15 acre parcel to build a 100,000 sq. ft building to include space for cultivation, a laboratory, administration offices, and pharmacy. YAE Wellness would be responsible for construction of the site including entrance. YAE Wellness would connect to the Fork Union Sanitary District and would have to construct a drain field.

Fluvanna County would continue to the market the remainder of the parcel for additional businesses to locate in the Fork Union area. A preliminary review of the property estimates an additional 400,000 sq ft could be built on the property.

Operating in Fork Union

If **YAE Wellness is awarded the license** by the Virginia Board of Pharmacy (awarded in March 2021), construction would begin immediately with an expectation by the board of Pharmacy to be operational within a year. **YAE Wellness is interested in employing local contractors, where possible, bringing additional jobs and workers into the County.**

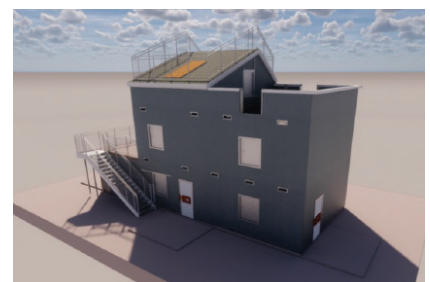
YAE Wellness expects to employ approximately **50 employees at the facility.** Available jobs would range from entry level cultivation to highly skilled lab research. The facility would also push traffic to the Fork Union area as people drive to and through Fork Union, on their way to filling prescriptions at the Fork Union property.

The application process requires a security plan; the facility would be secured including guards and fencing. Levin White will serve as YAE Wellness’ Director of Security and Compliance.

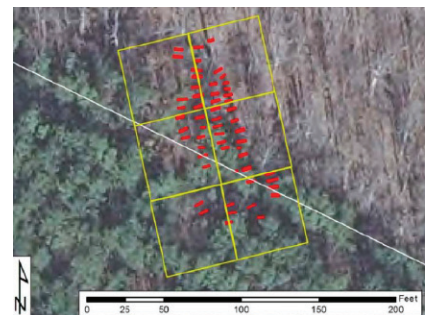
IF AWARDED THE LICENSE, YAE WELLNESS COMMITS TO:

- **Purchasing 15 acres of Tax Map ID 51-A-129A** for \$135,000 (\$9,000 per acre).
- **Dedicating four hours of community service per employee per year.**
- Supporting the Fork Union Fire Department and the proposed training facility to be located in Fork Union with a **pledged donation of \$100,000 (\$20,000 per year for five years).** See *image on the right.*
- **Financial donations to area nonprofits.**
- **Community crime-prevention seminars and training** led by YAE Wellness’ Director of Security and Compliance.
- **Support** the Fluvanna County Parks and Recreation Department.
- **Maintenance and upkeep** of the nearby Petersburg Hill Plantation slave burial site, located behind the Fork Union Fire Department. See *image on the right.*

TRAINING FACILITY



BURIAL SITE



NEXT STEPS:

It is required as part of the Virginia Board of Pharmacy letters of support, showing the community will welcome the winning license holder. The Fluvanna County Board of Supervisors will entertain a letter of support on **December 2, 2020.** YAE Wellness may ask other community members for letters of support to include in its application process.

The application is due to the Board of Pharmacy on **December 4, 2020 at 2 pm.** The license will be announced on **March 30, 2021.**



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

BOARD OF SUPERVISORS

John M. "Mike" Sheridan
Chair
Columbia District

Anthony P. "Tony" O'Brien
Vice Chair
Rivanna District

Mozell H. Booker
Fork Union District

Patricia B. Eager
Palmyra District

Donald W. Weaver
Cunningham District

COUNTY ADMINISTRATION

Eric M. Dahl
County Administrator

Caitlin Solis
Clerk to the Board

December 2, 2020

Annette Kelley, M.S.; C.S.A.C.
Deputy Executive Director
Virginia Department of Health Professions
Virginia Board of Pharmacy
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233

**RE: Letter of Support - YAE Wellness LLC Application for
Pharmaceutical Processor**

Dear Annette Kelley,

On behalf of the Fluvanna County Board of Supervisors, I am writing to express the Board's support for YAE Wellness, LLC's ("YAE Wellness") application for a permit to operate as a pharmaceutical processor in the Commonwealth of Virginia. We are excited that the YAE team has chosen to locate their facility in Fluvanna County and believe their operations to be a good fit for this rural county.

With backgrounds in business, pharmacy, and the pharmaceutical industry, YAE founders seem well-placed to lead the emerging medical cannabis industry in Virginia. As a woman- and minority-owned business, YAE Wellness would further an already-strong presence of woman-owned businesses in the County. YAE Wellness appears committed to being a good neighbor in Fluvanna County and has made significant financial, philanthropic, and community service commitments.

It is apparent that the YAE Wellness team are experienced leaders with extensive professional experience that is crucial to successful medical cannabis operations. Their commitment to community involvement highlights their intention to be a productive, supportive, and long-term member of this community. For these reasons, the Fluvanna County Board of Supervisors fully endorses and supports YAE Wellness, LLC's application for a permit to operate as a pharmaceutical processor.

Sincerely,

John M. Sheridan
Chairman
Fluvanna County Board of Supervisors



Eric M. Dahl
Administrator
County of Fluvanna
132 Main street
Palmyra, VA 22963
(434) 591-1910
edahl@fluvannacounty.org

November 18, 2020

RE: Letter of Intent to Secure Location at [5725 James Madison Hwy]

Dear Eric,

First and foremost, on behalf of the entire YAE Wellness Management Team, thank you for taking the time to learn more about our business.

YAE Wellness is built on a foundation of shared values and an unwavering commitment to Virginia's patients. We are a women and minority-founded company that hopes to change the standards and diversity of this fast-growing medical cannabis industry. We recognize that our ability to bring medical-grade cannabis products to market is improved by forming strategic partnerships with esteemed professionals such as yourself.

As an entrepreneur for more than 15 years, and a recipient of one of the few cannabis licenses issued in Virginia in 2018, I know firsthand how critical it is for our team to partner with medical professionals who can lend professional experience, while operating compassionately. When I set out to form YAE Wellness, I knew from the outset of this endeavor that I wanted to build a company that would operate in alignment with the highest standards set forth by the medical community, in an effort to further legitimize the evolving cannabis industry. I am joined by two remarkably talented women, my Co-Founders Yuliya Habib and Eucharia Jackson.



Yuliya Habib will serve as Pharmacist-in-Charge and possesses the necessary analytical skills needed to determine the best course of action for our valued patients. She will oversee a qualified group of pharmacists and will ensure that our operation and products remain safe, and in full compliance with local, state and federal regulations. Eucharia Jackson hails from the pharmaceutical industry, and has more than 15 years of experience consulting with both product developers and pharmaceutical researchers.

I am confident in our collective ability to build the most scientifically driven cannabis organization in Virginia. We remain interested in purchasing 15 acres portion of the Fork Union Property (Parcel #51-A-129A) located at 5725 James Madison Highway, preferred location in schematics showing as "Building B". On behalf of YAE Wellness, LLC, a company registered in the great state of Virginia, we would like to offer \$9,000.00 per acre. Total property purchase amount would be \$135,000.00. The site will be utilized as a cannabis pharmaceutical processing facility. Our proposed blueprints are nearing completion and I would be happy to share those with you before the end of this week (11/20/2020). We anticipate the facility will provide jobs for at least 50 full time employees once fully operational and intend to hire as many employees from the region as possible, prioritizing veterans and those representing diverse backgrounds.

YAE Wellness employment opportunities:

- Management of 4 full time employees, making roughly between \$65,000- \$110,000 salary per year.
- Cultivation, processing and general labor of 24 full time employees, making roughly between \$29,120- \$80,000 salary per year
- Dispensary direct labor of 20 full time employees, making roughly between \$29,120- \$65,000 salary per year

Upon the winning pharmaceutical processor's license, we are foreseeing construction/CAPEX buildout between \$15-20mln. Currently, we are in the process of obtaining an LOI from KBS construction.

Finally, our Management Team is committed to bettering the Fork Union and greater Fluvanna community by making monetary contributions, as well as contributing volunteering hours. YAE Wellness is prepared to make the following commitments to the region to support community engagement efforts once we fully operational:



- Dedication of four hours of community service per employee/per year volunteering in Fluvanna County in support of area nonprofits and in coordination with Fluvanna County's Community Volunteer Coordinator (i.e. Fork Union Military Academy Foundation, American Red Cross, Assisting Families of Inmates, etc.)
- Support of Fork Union Volunteer Fire Department's James Madison Highway facility and future training center (to be located adjacent to YAE Wellness's proposed real estate) pledge to donate \$20,000.00 per year for 5 years
- Financial donations organized to area groups in concert with Bryan Rothamel, Fluvanna County economic development coordinator
- Community crime-prevention seminars and training led by Levin J. White, a career law enforcement officer who serves as YAE's director of security & compliance
- Supporting Fluvanna County Parks & Recreation cleanup efforts in coordination with Aaron Spitzer, Parks & Recreation Director
- Maintenance and upkeep of the nearby Petersburg Hill Plantation slave burial site located adjacent to the proposed facility off James Madison Highway

While this document shall not itself constitute a binding legal agreement, the parties to this LOI will endeavor to finalize and execute a definitive agreement articulating the terms of this land acquisition if YAE Wellness is awarded a permit to operate a pharmaceutical processor license.

We look forward to working with you.

Sincerely,

Ausrine K. Zagorodna
CEO & Co-Founder
YAE Wellness, LLC
ausrine@yaewellness.com
804-651-5144





Ausrine Zagrodna, CEO and Co-Founder

11/18/2020
Date

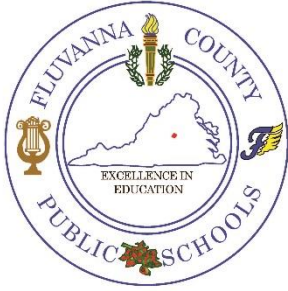
Eric M. Dahl, County Administrator

Date

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB D

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	FCPS FY21 CARES Act Budget Transfer				
MOTION(s):	I move that the Board of Supervisors [approve/deny/defer] a budget transfer of \$150,000 from the FY21 CARES Act Contingency line to the Fluvanna County Public Schools FY21 budget.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Mary Anna Twisdale, Finance Director Liz McIver, Management Analyst Brenda Gilliam, Executive Director for Instruction and Finance				
PRESENTER(S):	Mary Anna Twisdale, Finance Director				
RECOMMENDATION:	Approval				
TIMING:	Effective Immediately				
DISCUSSION:	The Schools have requested a Supplemental Appropriation of \$150,000.00 from the CARES funds to help cover additional technology cost due to the COVID19 Pandemic. These funds would be used to purchase Chromebooks and other needed hardware.				
FISCAL IMPACT:	Distribute CARES Act Funding				
POLICY IMPACT:	NA				
LEGISLATIVE HISTORY:	NA				
ENCLOSURES:	FCPS Supplemental Appropriation Request				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			



FLUVANNA COUNTY PUBLIC SCHOOLS

14455 JAMES MADISON HIGHWAY
PALMYRA, VIRGINIA 22963

Phone: (434) 589-8208 Fax: (434) 589-2248

TO: Mary Anna Twisdale, Finance Director, Fluvanna County

FROM: Brenda Gilliam, Executive Director for Instruction and Finance

Cc: Eric Dahl, County Administrator, Fluvanna County
Chuck Winkler, Superintendent Fluvanna County Public Schools
Liz McIver, Management Analyst

DATE: October 27, 2020

RE: **Revised** Local Carryover and CARES Act Request

Fluvanna County Public Schools is requesting a supplemental appropriation from the County's CARES Act and local carryover funds for the expenses outlined below:

Capital Improvement Funds

\$200,000- Abrams upgrades- bathrooms, windows, ADA accessibility, etc.
\$200,000- Two New School Buses

CARES Act Funds- Supplemental Appropriation

\$150,000- Technology- Chromebooks, and other needed hardware

\$550,000.00- Total Request

We will continue to apply for additional funding opportunities, as they are made available.

The Fluvanna County School Board is committed to nondiscrimination with regard to sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, status as a veteran, genetic information or any other characteristic protected by law. This commitment prevails in all of its policies and practices concerning staff, students, educational programs and services, and individuals and entities with whom the Board does business. Mr. Don Stribling, Executive Director for Human Resources, Operations, and Student Services, is designated as the responsible person (Compliance Officer) regarding assurances of nondiscrimination. Any complaint alleging discrimination based on a disability shall be directed to Ms. Jennifer Valentine, Director of Special Education (the Section 504 Coordinator). Both may be reached at the following address: 14455 James Madison Highway, Palmyra, VA 22963; telephone (434) 589-8208. The Fluvanna County School Board is an Equal Opportunity Employer.

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB E

Meeting Date:	December 2, 2020				
AGENDA TITLE:	FY21 BOS Contingency Budget Transfer- Drug Court County Match				
MOTION(s):	I move the Board of Supervisors approve a budget transfer of \$45,000 from the FY21 BOS Contingency budget to Drug Court budget				
TIED TO STRATEGIC INITIATIVES?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Eric Dahl, County Administrator; Jeff Haislip, Commonwealth's Attorney; Tristana Treadway, Clerk of the Circuit Court; Eric Hess, Sheriff				
PRESENTER(S):	Eric Dahl, County Administrator Liz McIver, Management Analyst				
RECOMMENDATION:	Approval				
TIMING:	Immediate				
DISCUSSION:	<ul style="list-style-type: none"> • During FY21 budget discussions, the Board indicated they would be willing to do a \$45,000 match from Board Contingency to help fund startup cost of the Drug Court program and to provide required Grant matching funds • \$5,000 was budgeted in FY21 to the Circuit Court Judge's budget to make the County cash contribution a total of \$50,000 • The grant requires a 25% cash or in-kind match that would be covered with in-kind services from the Circuit Court Clerk, Sheriff and the Commonwealth's Attorney and \$50,000 in cash funding. 				
FISCAL IMPACT:	<p>The following FY21 budget changes will be made:</p> <ul style="list-style-type: none"> • Decrease: BOS Contingency Budget - \$45,000 • Increase: Drug Court Budget - \$45,000 • The FY21 BOS Contingency balance is \$122,600 prior to this action 				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB F

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	Self-Contained Breathing Apparatus Contract Amendment				
MOTION(s):	I move the Board of Supervisors approve the contract Amendment with Fire & Safety Equipment Co., Inc. for additional Self-Contained Breathing Apparatus (SCBA) and related Equipment totaling \$53,080.15.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		XX			
STAFF CONTACT(S):	Cyndi Toler, Purchasing Officer				
PRESENTER(S):	Cyndi Toler, Purchasing Officer				
RECOMMENDATION:	Approve				
TIMING:	Immediate				
DISCUSSION:	<ul style="list-style-type: none"> • On November 4, 2020 the board approved CARES Funding of \$68,891.25 to be used by Fire and Rescue for additional PPE for volunteers to protect against COVID-19. • The amendment is for part of that equipment that can be purchased on our current contract with Fire & Safety Equipment Co. <ul style="list-style-type: none"> ○ 125 MSA, G1, mask with 40point harness and head net. ○ 125 MSA Single Port APR adaptor ○ 204 Optifilter XL, type HE(original request had been for 200, however product comes in packs of 6) • The remaining equipment requested will be purchased via small purchasing procedures from other vendors. 				
FISCAL IMPACT:	•On November 4, 2020 the board approved Funding of \$68,891.25				
POLICY IMPACT:	None				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	Contract amendment				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
	XX	XX			

COUNTY OF FLUVANNA, VIRGINIA
AMENDMENT NO. 1 TO SELF-CONTAINED BREATHING APPARATUS
CONTRACT WITH FIRE & SAFETY EQUIPMENT CO., INC.

This Amendment No. 1 (the “Amendment”), is made this ___ day of _____, 2020 between the County of Fluvanna, a political subdivision of the Commonwealth of Virginia, (the “County”), and Fire & Safety Equipment Co., Inc., a Virginia corporation (“Contractor”) and amends that Self Contained Breathing Apparatus Contract (including all of the exhibits thereto the “Contract”) between the County and Contractor dated May 2, 2020. When used in this Amendment, any terms defined in the Contract have such defined meaning. The County and the Contractor are referred to herein as the “parties”.

WHEREAS, the COVID-19 pandemic has spread worldwide, causing significant illness, loss of life, and economic disruption around the world;

WHEREAS, the federal government passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, which provides funding for various programs to address the effects of the COVID-19 pandemic;

WHEREAS, part of the CARES Act gives monetary assistance to state and local governments to help address the direct impacts of the COVID-19 pandemic;

WHEREAS, the County has felt the effects of the COVID-19 pandemic in many ways, but the effects and requirements of applicable guidelines and best practices related to COVID-19 require more self-contained breathing apparatus and related equipment;

WHEREAS, the County received certain CARES Act funds and the CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that: (i) are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (ii) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; (iii) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and (iv) meet all other requirements of the CARES Act and applicable law related thereto (the “CARES Act Requirements”);

WHEREAS, as permitted under the Contract, the County wishes to purchase and the Contractor desires to sell certain additional products and additional services (the “Products”) as described in the Quote #225264REV dated November 13, 2020, from the Contractor (the “Quote”) attached hereto as Exhibit 1 and incorporated herein by reference as material part of this Amendment;

WHEREAS, the County desires to purchase the Products to help maintain safety standards and best emergency management practices related to COVID-19 as more specifically set out in this Agreement;

WHEREAS, the parties wish to amend the requirements of the Contract to add the Products and as otherwise set forth in this Amendment; and

WHEREAS, the parties wish to formalize their agreement by this Amendment to the Contract;

THEREFORE, for good and valuable consideration, the parties hereby agree as follows:

1. **Incorporation of Recitals:** The foregoing recitals are incorporated herein as materials parts of this Amendment by reference.
2. **Contract Pricing Requirements:** The Contractor certifies that the pricing for all Products making up its Quote in all respects comply with the pricing requirements of the Contract which include

COUNTY OF FLUVANNA, VIRGINIA
AMENDMENT NO. 1 TO SELF-CONTAINED BREATHING APPARATUS
CONTRACT WITH FIRE & SAFETY EQUIPMENT CO., INC.

without limitation the following: the prices for all of the Products are less than or consistent with the pricing required under the Cooperative Procurement.

3. **Products:** The Contractor will provide the Products to the county including all of equipment, products, items, installation, labor, supervision, support, warranties, tools, and other services related thereto consistent with the requirements of (i) this Amendment; (ii) the Contract including all exhibits thereto, and specifically but without limitation, the Products must comply with the requirements of Section 2(a), (b), (c), and (d) of the Contract; and (iii) the Quote. The Contractor must: (i) communicate in advance and coordinate with the County on the delivery of the Products; and (ii) the Products must meet or exceed all requirements of this Amendment, the Contract and the Quote. In addition, the Contractor shall provide all warranties required by the Contract for the Products and Services for these Products as well, and the date of such warranty shall begin on the date that the County accepts all of the Products without reservation. Any and all applicable manufacturer's warranties shall be assigned to or otherwise granted to the County. The Products must be furnished by Contractor in a good and workmanlike manner using the highest quality new materials and so as to pass without exception in the industry. The Products must be in compliance with Applicable Law (including CARES Act requirements) as otherwise required by this Amendment. Notwithstanding any other provision of this Amendment, the Contractor agrees that COVID-19 is not a force majeure or similar excuse for any default by or delay of Contractor related to this Amendment.
4. **Safety.** Contractor agrees to act in accordance with the rules and regulations administered by Applicable Law, including and without limitation, federal law, the CARES Act and CDC and the Virginia Department of Health guidance related to COVID-19 and OSHA.
5. **Completion Date.** The Products must be delivered to the to the sole satisfaction of the County in strict conformance with this Amendment on or before **December 14, 2020**; time of the essence. The Products are Products and Services as defined in the Contract. The date the Products are delivered, installed and completed to the sole satisfaction of the County in strict conformance with this Amendment is the "Completion Date". The County will be using CARES Act funds to pay for the Services provided under this Agreement, and the Contractor understands the same and agrees to comply with all CARES Act Requirements in providing the Products and in all matters relating to this Agreement. Notwithstanding any provisions to the contrary contained in this Amendment; and the County will not pay for any Products, or portion thereof, not delivered, installed and completed on or prior to December 30, 2020 under any circumstances and the Contractor agrees not to invoice the County for any Products delivered after December 30, 2020.
6. **Payment Amount.** The County agrees to pay the Contractor only for the Products received by the date required under Section 5 *supra*. Where the Contract requires lower pricing than the Quote for the Products, or any part thereof, the Contract controls. **In no event shall the Products Total exceed FIFTY-THREE THOUSAND EIGHTY AND 15/100 (\$53,080.15) (the "Products Total"), being the total set forth in the Quote without taxes. THE COUNTY IS A TAX-EXEMPT ENTITY, THE SALES TAX DOES NOT APPLY TO THE COUNTY.** No invoice may be provided by the Contractor to the County until the Completion Date. The Contractor will be paid within forty-five (45) days of receipt of a proper invoice following the Completion Date. The Products Total includes all fees, costs and charges of delivering the Products and work required by this Amendment, including supplying at its own cost and expense any necessary tools, equipment or materials, necessary or desirable. Any payments shall be made in accordance with Section 47 of the General Terms, and in no event shall Contractor be paid for Products delivered after December 30, 2020.
7. **Conflicts.** Where any of the provisions this Amendment directly conflict with the Quote or the Contract the following shall be the order of preference in resolving such conflict, (i) the Amendment controls over the Contract and Quote; and (ii) the Contract controls over the Quote. Whenever possible the Amendment, Contract and Quote, shall be read together.

**COUNTY OF FLUVANNA, VIRGINIA
AMENDMENT NO. 1 TO SELF-CONTAINED BREATHING APPARATUS
CONTRACT WITH FIRE & SAFETY EQUIPMENT CO., INC.**

- 8. **Entire Amendment.** This Amendment constitutes the entire agreement between the parties to its subject matter and supersedes all prior contemporaneous agreements, representations, and understandings of the parties. No supplement, modification, or amendment of this Amendment shall be binding unless executed in writing by all parties.
- 9. **Other.** Contractor must comply with all Applicable Laws and health directives and best practices related to the COVID-19 pandemic issued by the Federal, State, or local authorities, including without limitation, the Virginia Department of Health and the Centers for Disease Control. If and while best practices recommended by such authorities include the wearing of masks, the Contractor shall insure that all persons at any County location (“Delivery Site”) are in compliance with such best practices. Until further notice, the County requires masks be worn at the Delivery Site, the Contractor will ensure masks are worn at the Delivery Site unless notified in writing by the County that such is no longer required. In addition to any directives or best practices, the Contractor shall institute a policy to screen each person daily prior to access to the Delivery Site to insure that any person who has symptoms or exposure to COVID-19 or who is otherwise recommended or required to quarantine under health directives or best practices does not visit the Delivery Site until it is safe for them to do so as indicated under directives and best practices. Contractor shall immediately send any person home if they develop symptoms of COVID-19 or as otherwise required under the directives or best practices. The Contractor must immediately notify the County of any potential exposure to COVID-19 of County, including its agents, employees, representatives, officers, guests or other persons at the Delivery Site where the work is occurring such that the County can insure notification and compliance with Applicable Laws. When in doubt, Contractor must notify the County. As used herein Contractor means the Contractor its employees, officers, subcontractors, and any person at the Delivery Site under Contractor’s control, supervision or at Contractor’s request or invitation.”
- 10. Except as specifically amended hereby, the Contract remains in full force and effect.

Witness the following duly authorized signatures and seals:

Fire & Safety Equipment Co., Inc.
a Virginia corporation,

Fluvanna County,
a political subdivision of the
Commonwealth of Virginia

BY: _____

BY: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Approved as to Form:

Fluvanna County Attorney

Quote



Phone: 434-993-2425 Fax: 434-993-2679

Date	Quote #
11/13/2020	225264REV

Project

Name / Address
Fluvanna County PO Box 540 Palmyer, VA 22963

Rep	RLL
Terms	Due on receipt

Item	Description	Qty	Cost	Total
FM1M4C1	G-1 Med Face piece 4 point / Neck strap List \$465.00	125	280.00	35,000.00T
10144231-SP	KIT FILTER ADAPT.ASSY G1 FACEPIECE List \$126.56	125	106.33	13,291.25T
496081	Filter, Type H / case of 6 List \$165.70	34	140.85	4,788.90T

Thank you for allowing us to quote this!!		Subtotal	\$53,080.15
QUOTE VALID UNTIL	12/31/20	Sales Tax (5.3%)	\$2,813.25
Signature: _____		Total	\$55,893.40

**P.O. Box 939
Concord, Va. 24538**

Web Site
www.fireandsafety.net

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB G

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	VDOT Quarterly Report				
MOTION(s):	N/A				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			XX		
STAFF CONTACT(S):	Eric Dahl, County Administrator				
PRESENTER(S):	Bethel Kefyalew, Operations Engineer, & Alan Saunders, VDOT Residency Administrator				
RECOMMENDATION:	Information Only				
TIMING:	Routine				
DISCUSSION:	Quarterly VDOT update.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	VDOT Quarterly Report				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other

**Culpeper District, Louisa Residency
Fluvanna County Monthly Report: December 2020**

Fluvanna Mileage, Structures

PRIMARY MILES	SECONDARY MILES	STRUCTURES	TOTAL MILES
102.34	598.62	75	700.96

Fatal Accidents

DATE	LOCATION	ALCOHOL	RESTRAINT
3/3/2020	Rt. 600, South Boston Rd - East of Lake Monticello	No	Yes
4/9/2020	Rt. 761, Branch Rd - 0.8 Miles East of Rock Lane	Yes	Motorcycle
6/8/2020	Rt. 604, Covered Bridge Rd- 0.5 Miles South of Venable Rd	Unknown	No
9/14/2020	Rt. 250, Three Notch Rd -0.4 Miles East of Diamond Road	No	Motorcycle

*Of the 819 fatalities in VA in 2018, 126 were related to distracted driving and 298 were motor vehicle occupants not wearing a seatbelt.

**10% of all drivers do not wear a seatbelt. Of all driver fatalities, 50% are from the 10% that do not wear a seatbelt if the option was available.

[Link to Smart Scale Information](#)

[Link to Smart Scale Projects \(Filter for Fluvanna Co. Projects\)](#)

Fluvanna County Smart Scale Projects:

- Rt. 53/1015 Turkeysag Roundabout
- Rt. 600/618 Lake Monticello Left Turn Lane
- Rt. 250/631 Troy Rd Roundabout

Smart Scale Round 4 Key Dates:

- November 6, 2019, Project Development Workshop
- February 2020, Project Review
- March 1 - April 17, 2020, Pre-application Deadline
- August 17, 2020, Application Deadline



Projects:

PROJECT	LAST MILESTONE	NEXT MILESTONE	AD DATE
Route 53/618 Roundabout, (UPC:96938)	CN Begins	CN Underway	Expected Completion November 17
Route 1001 – PE Study (UPC 115895)	PE Authorization	Study in Development*	
Route 659 – PE Study (UPC 115896)	PE Authorization	Study in Development*	
Route600/618Intersection Improvements (UPC 111739)	Floodplain Analysis	Pursuing Add. SS Funding	Anticipated FEB 2022

*working with Central Office to develop TAP application documents

Additional Road Projects:

- **On-Call Pipe Replacements** PR07-967-255, (UPC 106020)
- **District Wide Guardrail Repair and/or Replacement** GR07-967-269, (UPC 106849)
- **District Wide ADA Compliance** ADA7-967-317, (UPC 108027)
- **On-Call District Wide Pavement Marking** TS07-967-325 (UPC 108282)

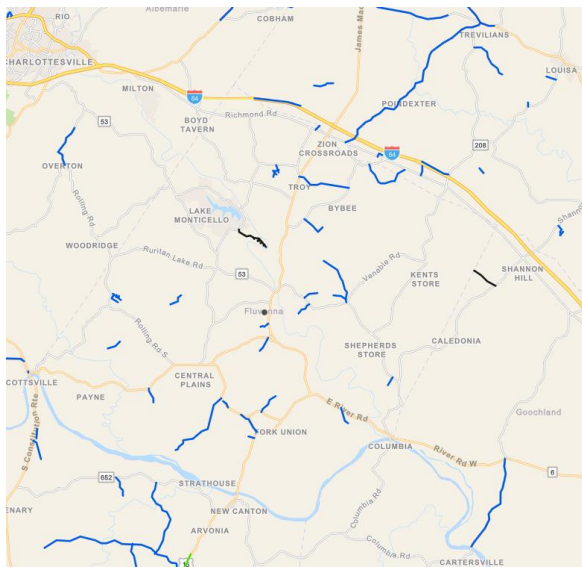
State-Force and District-Wide Bridge Projects:

- **District Wide Bridge Deck Cleaning and Washing** BRDG-967-241, (UPC 105980);
- **District Wide Bridge Maintenance** BRDG-967-240, (UPC 105979);
- **Route 623 over Venable Creek, Completed;**
- **Route 53, .5 miles S of Lake Monticello Rd - Emergency Pipe Replacement; Completed;**
- **Route 616 Soil Nailing Slope Repair; Completed;**
- **Rt. 15 N and S of CVEC – Pipe Replacements; Completed;**
- **Rt. 250 W of Correctional Center – Pipe Replacement; In Development;**

Resurfacing Projects:

VDOT provided the County with a list of routes included in the 2020 resurfacing schedule. Please review the routes listed and let us know if you have any questions or concerns. Customers can view VDOT’s resurfacing schedule and route status on VDOT’s public website via the following link: <http://www.virginiaroads.org/> (Select "Web Maps" and "Statewide Paving Status")

Fluvanna County Resurfacing					
Plant Mix			Surface Treatment		
Schedule	Miles	Cost/Estimate	Schedule	Miles	Cost/Estimate
2019	4.94	\$863.675	2019	43.65	\$590,849
2020	---	---	2020	55.52	\$421,558
2021	---	---	2021	16.07	\$229,394



Legend

Statewide Paving Status Map (Public View) 2020

- Scheduled
- In Progress
- Completed
- Rescheduled

Traffic Engineering

Studies under Review:

- Route 53 High School Speed Limit Reduction
- Route 633, 1079 N.Boston Rd – Chevrons/Curve Warning Signage + edge line consideration
- Route 250 speed study, from Route 631 to Route 15
- Route 656/624: Request for curve warning signage and improvements to visibility
- Route 600 speed study, from Abbey Rd to Broken Island Rd
- Route 1040, Broken Island Rd Centerline Removal due to installment issues

Completed Studies:

- Route 600 speed limit sign review completed, additional signage not recommended
- Route 250/708 Right Turn Lane Warrant Analysis review completed
 - Turn lane not warranted
 - Shoulder Widening project planned for Dec 1, 2020
- Routes 652, 655, 656 Centerline Pavement Markings review completed
 - Routes 655 & 656 do not meet minimum width (18ft) or minimum VPD (500)
 - Route 652 does not meet minimum VPD
- Route 53 shoulder safety improvements (proximity 4800 block +/-); Curve warning signs installed
- Fire Station signs along roadway by Fork Union Fire Station on Route 15 installed
- Speed limit and signage study at intersection of Route 761 and Route 620 installed
- Route 15 at Route 644 Speed Study;
 - Speed limit reduction not warranted
- Centerline Marking on Rt. 613, Bybees Church Rd; Approved, Installation completed, 8/17/2020
- Route 1066, Rosewood Drive- 25 speed limit sign installed 3/31/2020

County Safety and Operational Improvements:

- Route 250 at Route 631 (Troy Rd): grading to improve sight distance is completed
- Route 600 at Broken Island Rd: Request for safety improvements to improve visibility at the curve; Larger chevron signs and puppy track pavement markings have been installed

- Village of Palmyra Traffic Circle: County and VDOT staff plan to simulate EMS response prior to installing pavement markings;
- Route 53 at Route 660 (Cunningham): VDOT continues to evaluate this intersection for interim and long-term safety improvements
- Route 629/631 intersection review and grading work completed
- Digital Speed Display Signs (ongoing)
- Route 1037 Lexie Lane No Outlet Sign to be resized and relocated; completed 7/7/2020
- Route 53 at Turkey Trail white delineator posts replaced on 6/23/2020
- Route 250/Blue Ridge Dr: Design modified to shoulder widening; in development

Area Land Use

Residency Area Land Use Staff have issued **77** permits in 2020.

Fluvanna County Plan/Plat Reviews - Received Oct-Nov 2020						
Project Name	Routes/Address	Submission Type	VDOT Contact	VDOT Received Date	VDOT Comment Date	Status
John & Andileen Gooch Family Subdivision	676-362 OLIVER CREEK RD TROY VA 22974	Final Plat Review,	John Wilson	10/1/2020	10/7/2020	Review Complete - Acceptable
David & Cynthia Partusch Family Subdivision & Boundary	654- 2448 CLOVERDALE RD BREMO BLUFF VA	Preliminary Plat Review,	John Wilson	10/1/2020	10/23/2020	Review Complete - Acceptable
Greenberry's Site Plan Amendment	1021-Zion Station Road	Site Plan,	Mark Wood	10/8/2020	10/14/2020	Review Complete - Acceptable
Megan Harris Minor Subdivision	6-5128 West River Road	Final Plat Review,	Mark Wood	10/16/2020	10/23/2020	Review Complete - Acceptable
Ernest & Rose Butler/National Communication Towers Site Plan	6-TMP 39-A-29	Site Plan,	John Wilson	10/14/2020	10/19/2020	Review Complete - Acceptable
Sun Tribe Solar/West Central Primary	649-3188 Central Plains Rd, Palmyra, VA	Site Plan,	John Wilson	10/16/2020	10/23/2020	Review Complete - Acceptable
Quigley Properties LLC	601-TMP 31-A-9	Special Exception,	John Wilson	10/7/2020	10/15/2020	Review Complete - Acceptable
Ballinger Bluffs Subdivision	601-TMP 31-A-9	Preliminary Plan,	John Wilson	10/7/2020	10/15/2020	Review Complete - Acceptable
Fluvanna Firearms	15-6690 James Madison Hwy, Fork Union Va 23033	Site Plan,	John Wilson	10/21/2020	10/30/2020	Review Complete - Acceptable

- [Zion Crossroads Corridor Improvement Study \(link\)](#) – The webpage is live for the Zion Crossroads Corridor Improvement Study (Routes 15 and 250), Fluvanna & Louisa Counties. This small area study, which is supported by stakeholders from VDOT, Fluvanna and Louisa counties and the Thomas Jefferson Planning District Commission. The study's goals are to improve safety, operations and access management along Routes 15 and 250 and assess the potential for transit in the area. Study goals and map are available on VDOT's public website at the link above. An online meeting is planned for late October and a survey will be released for public feedback.

Maintenance Activities

- VDOT crews in Palmyra and Zion Crossroads Area HQ have responded to **257** Work Orders in FY21. Top activities have been dead animal removal and fallen tree/limb clearing.

BOS Manual:

http://www.virginiadot.org/business/resources/local_assistance/BOSmanual.pdf

Alan Saunders, P.E.
Residency Engineer

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB H

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	Compensation Board Funded Bonus for Sworn Personnel in the Sheriff's Office				
MOTION(s):	N/A				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			X		
STAFF CONTACT(S):	Jessica Rice, Human Resources Manager; Mary Anna Twisdale, Finance Director				
PRESENTER(S):	Jessica Rice, Human Resources Manager				
RECOMMENDATION:	N/A				
TIMING:	Routine				
DISCUSSION:	The 2020 Special Session of the General Assembly approved for the Compensation Board to issue notice of funding for a \$500 Bonus for Sworn Personnel in the Sheriff's Office, effective December 1, 2020. The Sheriff's Office has 36 sworn personnel and 20 of them are Compensation Board funded positions. This bonus would only apply to the 20 Compensation Board funded sworn positions.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X		X	



TYRONE NELSON
CHAIRMAN

CRAIG BURNS
MARTHA MAVREDES
EX-OFFICIO MEMBERS

ROBYN DE SOCIO
EXECUTIVE SECRETARY

COMMONWEALTH OF VIRGINIA

Compensation Board

P.O. Box 710
Richmond, Virginia 23218-0710

November 20, 2020

MEMORANDUM

TO: Sheriffs and Regional Jail Superintendents
City Managers and County Administrators

FROM: Robyn M. de Socio, Executive Secretary

SUBJECT: FY21 Supplemental Budget Approval for 12/1/2020 Bonus Payments

I am writing in follow up to letters sent October 29, 2020 (related to Conference Report Action by the General Assembly) and November 9, 2020 (providing estimates of bonus funding), to notify you that the Governor has signed the budget of the 2020 Special Session I of the General Assembly, and the Compensation Board has approved the allocation of additional funding to support the costs of providing the General Assembly approved bonus payment of \$500 on December 1, 2020 for Compensation Board funded sheriffs, sheriffs' deputies, superintendents, and regional jail officers.

The Compensation Board has approved the amounts included in the estimates provided to you on November 9, 2020, subject to revision in accordance with personnel actions that may occur that would change incumbents in positions on December 1, 2020. As noted in the previous communication, individuals that leave an eligible Compensation Board funded position prior to December 1 will not be eligible to receive the bonus and the locality cannot be reimbursed for a bonus paid to those individuals; individuals that are hired into an eligible Compensation Board funded position on or before December 1, 2020 will be eligible to receive the \$500 bonus payment and the locality will be reimbursed by the Compensation Board for those individuals. Please refer to the information and estimate provided on November 9, 2020, and communications between the sheriff's office and locality to identify changes to incumbents in positions that may impact the bonuses to be paid and total funding approved for which the locality can be reimbursed. The Compensation Board will provide an updated amount to each office/locality once sheriffs' offices and regional jails have entered personnel changes into the COIN reimbursement system confirming incumbents in eligible Compensation Board funded positions on December 1, 2020 and identifying total bonus reimbursement amounts approved.

Some offices and localities have asked questions regarding the implementation of the bonus, and I provide the following guidance based upon discussions and confirmation from legislative money committee staff to ensure legislative intent:

MEMO: Sheriffs and Regional Jail Superintendents,
City Managers and County Administrators
November 20, 2020
Page 2 of 3

- Legislative intent provides that this is a one-time bonus to be paid on December 1, 2020 to these employees and does not represent base salary funding, and consequently is in addition to and does not supplant local salary supplements or any recent local salary increases. Like all funding for salaries and expenses in constitutional offices, the locality will be responsible for paying these expenses and the Compensation Board will reimburse actual expenses incurred with the monthly payroll and expense reimbursement.
- While the budget language related to the bonus indicates it is to be paid on December 1, 2020, the Compensation Board recognizes that flexibility is needed to comply with local appropriation requirements and local payroll processes and cycles. Each locality should pay the bonus as close as possible to December 1 in keeping with legislative intent, but is provided flexibility to pay the bonus with a regular payroll cycle (which may reduce tax withholding to the employee), if possible, but in no case later than December 31, 2020.
- Similarly to how salary increases have been handled in recent years, if a **one-time bonus** of at least \$500 has been paid to sheriffs, deputy sheriffs or regional jail officers with **local funds** in FY21 during or prior to December, 2020, the Compensation Board will consider that the locality has met the intent of the legislature and can be reimbursed for the \$500 bonus cost with the December payroll reimbursement. This means that the sheriff or the locality may turn down the bonus for sheriffs' deputies and regional jail officers and not provide it only if a **one-time bonus** of at least \$500 has already been provided **using local funds** in FY21 during or prior to December, 2020. However, any employee hired after the date of the locally provided bonus in FY21 that is in a deputy or regional jail position on December 1, 2020 is entitled to the \$500 bonus, payable by the locality and reimbursable by the Compensation Board, if they have not already received the locality provided bonus.
- The use of the locality's allocation of Coronavirus Relief Funds (CRF) to provide for a hazardous duty payment to sheriffs, sheriffs' deputies, and/or regional jail officers does **not** meet legislative intent that the \$500 bonus be provided to these Compensation Board funded sworn positions; consequently the locality may not turn down the bonus for sheriffs, sheriffs' deputies and regional jails officers. Additionally, Compensation Board funding may not be used to reimburse expenses paid by the locality with CRF.

MEMO: Sheriffs and Regional Jail Superintendents,
 City Managers and County Administrators
 November 20, 2020
 Page 3 of 3

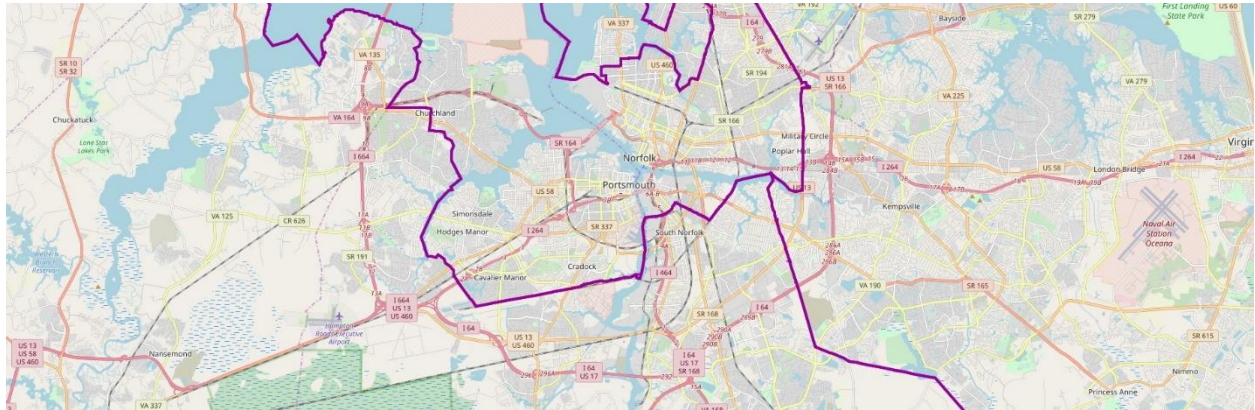
Please review this information and the bonus funding estimate provided on November 9th carefully, or notify the appropriate member of your staff of the availability of this information for review. If you have any questions or need additional information, please contact us.

Compensation Board Staff:	Contact (click for email):	Telephone:
Bill Fussell, Senior Fiscal Technician	William.fussell@scb.virginia.gov	804-225-3435
Joan Bailey, Senior Fiscal Technician	Joan.bailey@scb.virginia.gov	804-225-3351
Charlene Rollins, Customer Service Manager	Charlene.rollins@scb.virginia.gov	804-225-3321
Charlotte Lee, Budget Manager	Charlotte.lee@scb.virginia.gov	804-225-3366
Robyn de Socio, Executive Secretary	Robyn.desocio@scb.virginia.gov	804-225-3439

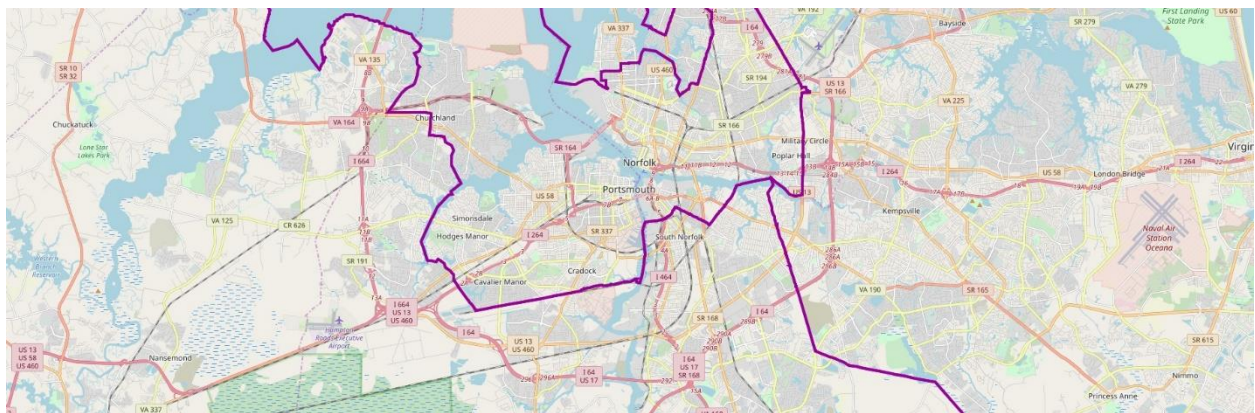
**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB I

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	Redistricting 2021				
MOTION(s):	N/A				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		XX			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			XX		
STAFF CONTACT(S):	Kelly Belanger Harris, Assistant County Administrator				
PRESENTER(S):	Kelly Belanger Harris, Assistant County Administrator				
RECOMMENDATION:	N/A				
TIMING:	N/A				
DISCUSSION:	Redistricting is due to take place next year, following the 2020 Decennial Census. Much of the timeline for redistricting is dependent on the release of data from the Census Bureau. Data is expected to be released to States on April 1, 2021, with localities receiving adjusted data around May 1, 2021.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	Article VII, Section 5 of the Constitution of Virginia specifically requires any locality that conducts elections by district to change its district boundaries every 10 years in the year ending in one. Virginia Code § 24.2-304.1 requires local governments use the most recent decennial population figures for such county, city, or town for the purposes of redistricting and reapportioning representation.				
ENCLOSURES:					
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other



Guide to Local Redistricting for 2021

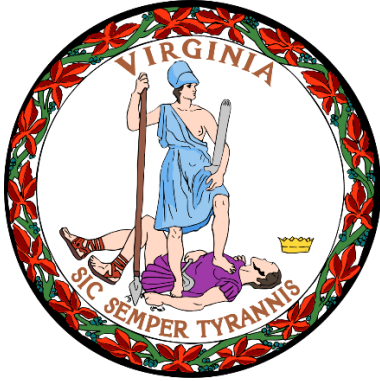


Guide to Local Redistricting for 2021

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This Guide and its description of the law and schedule for redistricting are current as of the date of publication. However, the law and schedule are always changing in response to new developments. Each locality must pay close attention to developments at the 2021 Regular Session, and any special sessions, of the General Assembly, on the national scene concerning the 2020 census, and in case law.



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*For Jack Austin, my mentor and friend.
He would want you to know that the precincts listed
in the district descriptions in the Code of Virginia are just a snapshot in time.
- M.L.*



Guide to Local Redistricting for 2021

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Guide to Local Redistricting for 2021

1. Introduction to Redistricting

1.1. What Is Redistricting?

Redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. Redistricting occurs every 10 years following the United States decennial census and is the responsibility of state and local governments. It is governed by federal and state constitutional and statutory laws.

1.2. Basic Principles of Redistricting

While the laws governing redistricting are vast, complex, and ever evolving, here are a few basic principles that guide the process:

Redistricting must be done every 10 years in the year ending in one. Prior to the 1960s, many states did not redraw their election district boundaries on a regular basis despite the occurrence of shifts in population, which often led to districts with wide variations in population numbers. Due to a series of rulings by the U.S. Supreme Court in this matter, states must redistrict every 10 years following the United States decennial census.

Article VII, Section 5 of the Constitution of Virginia specifically requires any locality that conducts elections by district to change its district boundaries every 10 years in the year ending in one.

Districts must be drawn using census data. The United States decennial census is the primary data source on population, age, and race used in redistricting. While there is no federal requirement that census data be used for redistricting, § ***24.2-304.1*** of the Code of Virginia requires local governments to use the most recent decennial population figures for such county, city, or town for the purposes of redistricting and reapportioning representation.

During the 2011 cycle, this Code section required the use of those “figures [that were] identical to those from the actual enumeration conducted by the United States Census Bureau (the Census Bureau) for the apportionment of representatives in the United States House of Representatives.” However, the 2020 Regular Session of the General Assembly amended this requirement so that in the 2021 redistricting cycle the data to be used will be the census data as adjusted by the Division of Legislative Services to reflect the reallocation of prison populations. See **Section 4.2** for more about this reallocation process.

Districts must be equal in population. The same U.S. Supreme Court cases that require districts be redrawn every 10 years also require those districts to be equal in population. This is the “one-person, one-vote” principle. For congressional districts, this means that the population of one congressional district must be essentially equal to another. For other districts, the standard is not as strict, instead requiring “substantially” equal populations in like districts. The Constitution of Virginia requires local election districts to use the substantially equal population standard.



Districts cannot be drawn to discriminate based on race. One of the most complicated and, as a result, frequently litigated areas of redistricting law relates to race-based redistricting. See **Section 5.4** for more detail on this issue. Generally, though, the Equal Protection Clause of the ***Fourteenth Amendment*** to the Constitution of the United States has been interpreted as prohibiting districts from being drawn to segregate citizens into districts based on race. This is racial gerrymandering. In addition, the Voting Rights Act of 1965 (P.L. 89-110), as amended, prohibits districts from being drawn in such a way that the result is a denial or abridgement of the right to vote on account of race, color, or status as a member of a language minority group.

A proposed amendment to the Constitution of Virginia will be submitted to the voters at the November 2020 general election and, if approved, ***Article II, Section 6*** will include a requirement for racial and ethnic fairness:

Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the ***Fourteenth Amendment*** to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.

This addition to the Constitution of Virginia, if approved at the November 2020 general election, will become effective January 1, 2021.

Districts must be contiguous and compact. ***Article VII, Section 5*** of the Constitution of Virginia requires local election districts to “be composed of contiguous and compact territory.”

1.3. Introduction to the Guide to Local Redistricting for 2021

For the four previous redistricting cycles, the Division of Legislative Services has published a Guide to Local Redistricting like this to assist local governing bodies in understanding and preparing for the redistricting process.

While every possible issue and question cannot be predicted or addressed, this Guide provides a thorough introduction to the fundamental aspects and foundational principles of redistricting to equip the localities of Virginia as they begin the redistricting process.

The Guide to Local Redistricting for 2021 is organized into the following sections:

- Section 1. Introduction to Redistricting
- Section 2. Local Election Districts
- Section 3. Precincts and Polling Places
- Section 4. The 2020 Census
- Section 5. Legal Standards Applicable to Local Redistricting
- Section 6. After Redistricting



Additionally, Appendices A and B set out the relevant constitutional and statutory provisions:

- Appendix A. Relevant Constitutional Provision
- Appendix B. Relevant Code of Virginia Sections

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This Guide and its description of the law and schedule for redistricting are current as of the date of publication. However, the law and schedule are always changing in response to new developments. Each locality must pay close attention to developments at the 2021 Regular Session, and any special sessions, of the General Assembly, on the national scene concerning the 2020 census, and in case law.





Guide to Local Redistricting for 2021

2. Local Election Districts

2.1. Introduction

The Constitution of Virginia requires popular elections for the members of a locality's governing body. How these elections happen—at large or by district—is left to the governing bodies, but if the members are elected by district, the Constitution of Virginia requires:

1. That a county, city, or town must redistrict in 2021 if it elects any members of its governing body from districts;
2. That the districts must be drawn to comply with the one-person, one-vote standard;
3. That the districts must be contiguous and compact; and
4. That any citizen of a locality can go to court to compel the governing body to redraw its district boundaries if the governing body fails to do so.

For the constitutional language, see *Article VII, Section 5* as set out in full in **Appendix A**.

2.2. Code of Virginia Requirements for Local Redistricting

Just as the General Assembly is responsible for the reapportionment and redistricting of congressional and state legislative districts, local governing bodies are responsible for the local election districts. While *Article VII, Section 5* of the Constitution of Virginia sets forth the basic principles of this responsibility, the Code of Virginia expands on it with additional requirements and necessary details for the reapportionment and redistricting of local election districts. All local governing bodies undertaking this important endeavor should understand the following key provisions:

Reapportionment and redistricting is required every 10 years for certain localities.

Subsection A of § *24.2-304.1* authorizes local governing bodies to provide by ordinance for single-member districts, multi-member districts, at-large districts, or any combination of such districts. Any locality that does not elect its governing body entirely at large is subject to the provisions of subsection B of § *24.2-304.1*, which repeats the constitutional requirement that any county, city, or town that elects members of its governing body from districts must reapportion and redraw the election district boundaries every 10 years in the year ending in one.

Local election districts must comply with certain criteria. Subsection B of § *24.2-304.1* repeats the constitutional requirement that local election districts be composed of contiguous and compact territory and give, “as nearly as is practicable, representation in proportion to the population of the district or ward.” This is the equal population standard. Section *24.2-305* restates the contiguous and compact requirement and further provides that each election district must have clearly defined and clearly observable boundaries. See the defined term, “clearly observable boundary,” in § *24.2-305* as set out in full in **Appendix B**. For further discussion regarding equal population, contiguity, and compactness, see **Section 5**.



The most recent decennial population figures for each locality, as adjusted by the Division of Legislative Services, are to be used. Subsection C of § [24.2-304.1](#) requires the use of adjusted census data for reapportionment and redistricting purposes. This is a new requirement, the result of legislation enacted by the 2020 Regular Session of the General Assembly. Beginning with the 2021 redistricting, any person incarcerated in a federal, state, or local correctional facility within the Commonwealth is to be counted as a resident of the locality where his address at the time of incarceration is located. Because the Census Bureau counts such persons at the facilities in which they are incarcerated and reports the population as such, this requires the population data received from the census to be adjusted. By law, the Division of Legislative Services is tasked with adjusting this data and making it available within 30 days of receipt of the census data.

Local decennial redistricting measures take effect immediately but do not cut short the term of any governing body member. Subsection B of § [24.2-311](#) provides that ordinances adopted by local governing bodies to accomplish the decennial redistricting required by [Article VII, Section 5](#) of the Constitution of Virginia take effect immediately. It further provides that governing body members in office on the effective date of a decennial redistricting measure are to complete their terms of office. As provided by § [24.2-304.6](#), local officials, including members of school boards or planning commissions, complete their terms of office regardless of loss of residency in their districts due to the redistricting measure.

Each locality is responsible for determining its obligations from multiple sources. It's important for each locality to review the sections of the Code of Virginia set out in full in [Appendix B](#), as there are many requirements and provisions in addition to those addressed in this Guide.

For example, § [24.2-304.3](#) requires a copy of the ordinance adopting the redistricting plan to be recorded in the official minutes of the governing body, along with a description of the boundaries and a map showing the boundaries of the districts. A requirement new for the 2021 redistricting is that a Geographic Information System (GIS) map that shows the district boundaries must be sent to the local elected board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services.

Additionally, each city and town should review its charter in order to determine whether it contains provisions related to redistricting. Any county with a charter or an optional form of government should review its charter or the statutes applicable to its form of government for possible special provisions applicable to redistricting.

2.3. Elected School Boards

For the localities that have made the switch from appointed to elected school boards, the dates of elections, terms of office, and election districts for school board members will generally mirror those for members of the governing body. As such, most of the counties and cities that elect their governing bodies from districts will be redrawing those district lines for both their governing bodies and their school boards. Section [22.1-57.3](#) provides in pertinent part:

Elections of school board members in a county, city, or town shall be held to coincide with the elections for members of the governing body of the county, city, or town at the regular general election in November or the regular general election in May, as the case may be . . .



. . . The terms of the members of the elected school board for any county, city, or town shall be the same as the terms of the members of the governing body for the county, city, or town. In any locality in which both the school board and the governing body are elected from election districts, as opposed to being elected wholly on an at-large basis, the elections of the school board member and governing body member from each specific district shall be held simultaneously except as otherwise provided . . .

. . . In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

Each locality is responsible for determining whether any applicable charter provision, special law, or optional form of government provision applies to the redrawing of elected school board districts during this decennial process of redistricting.





Guide to Local Redistricting for 2021

3. Precincts and Polling Places

3.1. Introduction

While the establishment of election districts is provided for specifically in the Constitution of Virginia, the establishment of precincts is not. However, precincts do show up in the Constitution in a significant way: the qualification of voters.

Article II, Section 1 of the Constitution of Virginia sets forth the qualifications of voters. One such qualification is to fulfill the residence requirements set forth in that section, which are residency in the Commonwealth and the precinct where one votes. In this way, precincts are a foundational element of democracy.

So what is a precinct? The Code of Virginia defines a “precinct” to be the territory designated by the governing body of a county, city, or town to be served by one polling place.¹ A “polling place” is defined as the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.²

Precincts are subject to a number of statutory provisions, present a variety of issues in elections administration, and are a key part of the redistricting process.

3.2. Code of Virginia Requirements for Precincts and Polling Places

First, a few basic points from the Code of Virginia about precincts:

The establishment of precincts is the responsibility of local governing bodies. Section *24.2-307* directs the governing body of each county and city to establish by ordinance as many precincts as the governing body deems necessary. These governing bodies are also authorized to increase or decrease the number of precincts and to alter the boundaries of precincts, subject to requirements and restrictions in the Code of Virginia. Section *24.2-308* directs the establishment of one precinct for each town unless the town council establishes more than one precinct by ordinance.

Precincts must comply with certain criteria. Section *24.2-305* requires precincts to “be composed of compact and contiguous territory” and to “have clearly defined and clearly observable boundaries.” See **Section 5** for further discussion regarding contiguity and compactness and see the defined term, “clearly observable boundary,” set out in full in **Appendix B**.

Precincts are subject to requirements for minimum and maximum numbers of registered voters.³ Section *24.2-307* provides that at the time a precinct is established, it cannot have more

¹ VA. CODE § *24.2-101*.

² *Id.*

³ For the purposes of this requirement, “registered voter” includes only persons maintained on the Virginia voter registration system with active status. See VA. CODE § *24.2-101*.



than 5,000 registered voters. The general registrar is responsible for notifying the governing body whenever the number of voters who actually voted in a precinct in a presidential election exceeds 4,000, and the governing body must then revise the precinct boundaries. Additionally, § 24.2-307 sets a minimum number of registered voters for precincts. At the time a precinct is established, it can have no fewer than 100 registered voters for a county precinct and no fewer than 500 registered voters for a city precinct.

Precincts must be wholly contained within certain types of election districts. Section 24.2-307 requires each county and city precinct to be wholly contained within a single congressional district, state Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board. Section 24.2-308 provides that each town precinct must be wholly contained within any election district used for the election of one or more town council or school board members. See the following **Section 3.3** for more discussion on this “wholly contained” requirement and the issue of split precincts.

3.3. Split Precincts

A split precinct is one in which not all voters in the precinct have the same candidates for a particular type of office on their ballots. Split precincts create confusion for voters and headaches for election officials.

The law has long required precincts to be wholly contained within a single local election district. This was easily attainable since the same authority was responsible for establishing both. Precincts split among congressional and state legislative districts, on the other hand, were inevitable. While the General Assembly was drawing the congressional and state legislative districts, using the previous decade’s precincts as the basis for the maps, local governing bodies were making changes to those very precinct lines. When those new precinct boundaries were then laid on top of the congressional and state legislative districts, the result was often a split precinct. The common practice to address these split precincts was by adopting legislation in the following legislative sessions to make technical adjustments to the congressional or state legislative district lines so that the district lines and precinct boundaries aligned. This is no longer viewed to be an option, so other efforts to address the split precinct issue have been made.

The 2020 Regular Session of the General Assembly passed legislation⁴ amending § 24.2-307 to require county and city precincts to be wholly contained within a single congressional district, state Senate district, and House of Delegates district, in addition to local election districts. Recognizing the practical realities of how the redistricting process unfolds, the law requires the governing body to establish precincts to be consistent with those election districts adopted by the appropriate authority by June 15 in the year ending in one. However, if congressional or state legislative districts have not been adopted by that date, the governing bodies may use the districts as they existed on June 15 of that year as the basis for establishing the precinct boundaries for the November elections held that year. Precinct boundaries must be established to be consistent with any subsequent changes to the congressional, state Senate, House of Delegates, and local election districts and such new boundaries will apply to future elections.

If the governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct, the State Board of Elections may grant a waiver

⁴ Chapter 1268 of the Acts of Assembly of 2020.



to administer a split precinct or direct the governing body to establish a precinct with fewer than the minimum number of voters.

3.4. Precinct Boundaries and the Census Bureau's Voting District Project

Section *24.2-305* requires precincts to have clearly defined and clearly observable boundaries. This standard was adopted in the 1980s so that (i) precinct boundaries can be readily identified by voters, candidates, and those administering elections and (ii) census population counts can be reported for each individual precinct. The Census Bureau will not give a population count for a precinct unless the boundaries of the precinct meet the Bureau's standards for census blocks and can be used as the boundaries of a census tabulation block.

In preparing for the 2020 census, Virginia participated in the Voting District Project, Phase II of the 2020 Census Redistricting Data Program.⁵ The state worked with the Census Bureau to identify, update, and verify the precinct boundaries of Virginia's 2,465 active precincts on the census maps. This work was done through the nonpartisan census liaisons with the Division of Legislative Services in consultation with general registrars and other local officials and personnel. The precinct boundaries in place at the end of this project are the precincts used to provide census population counts for use in redistricting.

This project is the reason for the "precinct freeze" enacted every 10 years in preparation for redistricting. The current precinct freeze set out in § *24.2-309.2* prohibits the creation, division, abolishment, or consolidation of any precinct or any change to the boundaries of a precinct between February 1, 2019, and May 15, 2021, except in certain circumstances.

At the conclusion of this precinct freeze, localities should review their precincts. During the nearly 2.5-year period in which the precincts are frozen, population shifts may have occurred, resulting in precincts that are now oversized or undersized, and it may be necessary to increase or decrease the number of precincts in the locality, as permitted by § *24.2-307*.

3.5. Polling Places

The requirements for polling places are provided in §§ *24.2-310* and *24.2-310.1*. There must be one polling place for each precinct. The polling place for a county, city, or town precinct must (i) be located in the precinct or within one mile of the precinct boundary, (ii) meet accessibility requirements, and (iii) be located in a public building whenever practicable. It is important to consider the availability of appropriate polling place facilities when drawing local election district and precinct boundaries. For towns holding elections in November, the town uses the county's polling places.

⁵ This project provides states the opportunity to submit their voting districts, or precincts, for inclusion in the 2020 Census Redistricting Data Program tabulation, in addition to submitting suggested legal boundary updates and updates to their geographic areas. More information on this project and the Census Redistricting Data Program can be found at <https://www.census.gov/programs-surveys/decennial-census/about/rdo/program-management.html> [last visited October 19, 2020].





Guide to Local Redistricting for 2021

4. The 2020 Census

4.1. Introduction

The 2020 census, conducted by the U.S. Department of Commerce through the Census Bureau, is the twenty-fourth census in U.S. history, and it will provide the basis for the reapportionment among the states of the 435 seats in the United States House of Representatives. It will also be used to redraw congressional, state legislative, and local election districts.

Legal Basis

The decennial census is a constitutional requirement. *Article I, Section 2, Clause 3* of the Constitution of the United States requires an “actual Enumeration” of all people in the United States. This enumeration is then used to determine the number of seats each state will have in the United States House of Representatives for the upcoming decade. Currently, Virginia has 11 seats, and it is predicted that Virginia will hold onto those seats.

Federal law requires that the census data be reported to the states in order for it to be used by the states to establish congressional, state legislative, and local election districts.⁶ How that census data is used, however, is left to the states. Subsection C of § *24.2-304.1* of the Code of Virginia requires the use of the census data, as adjusted by the Division of Legislative Services, in the drawing of local election districts.

Developments for the 2020 Census

Like the 2010 census, the 2020 census is short form, collecting only basic information. The 2020 census is, however, the first to use the Internet as the primary response method.

The 2020 questions regarding race and ethnicity are different from previous years. Multiple Hispanic ethnicities, such as Mexican and Puerto Rican, are collected within the broader category. There is also a write-in option for the White racial and Black racial categories.

Because the census collects protected personal information, the Census Bureau must take steps to protect that data from disclosure in a way that allows individuals and their information to be identified while still providing data that can be used by states to conduct accurate redistricting. The 2020 census will utilize an algorithmic approach to privacy protection called *differential privacy*.⁷ Differential privacy allows the Census Bureau to determine a mathematically precise balance between privacy protection and data accuracy and to ensure that that balance will stay constant into the future. The Census Bureau has continued to develop this Disclosure Avoidance System ahead of the release of redistricting data, with a focus on improving the accuracy of population data.

⁶ P.L. 94-171 (1975).

⁷ More information on the Disclosure Avoidance System and the 2020 census can be found at https://www.census.gov/about/policies/privacy/statistical_safeguards/disclosure-avoidance-2020-census.html [last visited October 19, 2020].



In response to the COVID-19 pandemic, the Census Bureau has announced it is seeking permission from Congress to delay its 2020 census data delivery by 120 days. See **Section 4.4** for further discussion concerning this delay and its potential impact on Virginia’s redistricting process.

There are two basic pieces of information needed to redraw election district lines: population data (**Section 4.2**) and maps (**Section 4.3**). The Census Bureau provides both.

4.2. Population Data

P.L. 94-171 Data

Public Law 94-171 is the federal law directing the Census Bureau to provide redistricting data needed by the states. P.L. 94-171 data, or redistricting data, is the data the localities will use to redistrict in 2021, just as the General Assembly will use the data to redraw congressional and state legislative districts.⁸ This data gives total and voting age population counts and Hispanic and racial data for each geographic unit.

Under federal law, the Census Bureau is required to report this data to the 50 states by April 1, 2021. However, in light of the COVID-19 pandemic and its impact on the 2020 census operations, it is unclear when this data may be received in 2021 (see **Section 4.4** for further discussion).

Residence Criteria and Situations

A perennial question regarding the decennial census is “who is counted where.” As a general rule, people are counted at their usual residence, the place where they live and sleep most of the time. Persons who live in “group quarters” are counted at that facility, and persons who do not have a usual residence are counted where they are on Census Day, or April 1, 2020. The Census Bureau has detailed guidance for determining where people should be counted.⁹ A few examples:

- United States military personnel assigned to a United States military vessel with a United States homeport on Census Day are counted at the onshore United States residences where they live and sleep most of the time. If the personnel do not have onshore United States residences, they are counted at their vessel’s homeport.
- Any person incarcerated in a federal, state, or local correctional facility is counted at the facility where he is incarcerated.
- A college student living away from his parent’s or guardian’s home while attending college in the United States, living either on-campus or off-campus, is counted at the on-campus or off-campus residence where he lives and sleeps most of the time.
- A baby born on Census Day is counted at the residence where he will live and sleep most of the time, even if he is still in a hospital on Census Day.

⁸ As adjusted by the Division of Legislative Services to reflect the reallocation of prison populations; see subsection C of § [24.2-304.1](#) of the Code of Virginia.

⁹ *Federal Register*, Vol. 83, No. 27 (February 8, 2018).



Reallocation of Prison Populations

The 2020 Regular Session of the General Assembly enacted legislation that will adjust the P.L. 94-171 data to reflect the reallocation of the prison populations in the Commonwealth.¹⁰ Any person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located within the Commonwealth will be deemed to reside at such address. Any incarcerated person whose address at the time of incarceration was located outside of the Commonwealth or cannot be determined will be deemed to reside at the location of the facility in which he is incarcerated. The Division of Legislative Services is responsible for adjusting the P.L. 94-171 data to reflect this reallocation based on residency and is required to make the adjusted data available within 30 days of receipt of the P.L. 94-171 data from the Census Bureau.

Race and Ethnicity

Questions about race and ethnicity are included in the decennial census in order to gather data necessary to facilitate enforcement of the Voting Rights Act, which prohibits the enactment of redistricting plans that result in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color or membership in a language minority group.

The U.S. Office of Management and Budget standards¹¹ specify five minimum categories for data on race: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. It also provides two categories for data on ethnicity: Hispanic or Latino and Not Hispanic or Latino.

Total and Voting Age Population

As in 2011, the Census Bureau will report the total population and the voting age population for each geographic unit.

4.3. Census Geography and Maps

Geographic Units

The Census Bureau will report the state's population data using the following geographic units, meaning each geographic unit will have population data assigned to it. The geographic units used are a combination of legal/administrative geography and Bureau-defined geography.

- **Counties, cities, and towns**—the primary legal subdivision of Virginia; the geography of these governmental units is defined by the state and local governments and reported to the Census Bureau. See **Getting the Geography Right** later in this section for further discussion.
- **Voting tabulation districts or VTDs**—precincts and wards; these are defined by the state and local governments and reported to the Census Bureau. Each precinct will be coded with a six-digit number that represents the census locality census code and the Virginia Department of Elections precinct code. See **Getting the Geography Right** later in this section for further discussion.

¹⁰ VA. CODE § 24.2-314.

¹¹ *Federal Register*, Vol. 62, No. 210 (October 30, 1997).



- **Census tract**—a combination of census block tracts that is a statistical and relatively permanent subdivision of a locality. Census tract boundaries typically follow visible features but may follow governmental unit boundaries. Census tracts always nest within counties and cities.
- **Census block group**—a combination of census blocks that is a subdivision of a census tract. These are defined by the Census Bureau.
- **Census block**—Census blocks are king; they are the smallest entity for which the Census Bureau collects and tabulates decennial census information. The Census Bureau defines census blocks, using only visible or nonvisible boundaries shown on census maps as the blocks' boundaries.

Additionally, the Census Bureau will make population data available by congressional and state legislative districts.

TIGER/Line Shapefiles

A shapefile is a geospatial data format for use in geographic information system (GIS) software. The TIGER/Line Shapefiles are the fully supported core geographic product from the Census Bureau. They are extracts of selected geographic and cartographic information from the Census Bureau's Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) database. These shapefiles include polygon boundaries of geographic areas and features, but they do not contain any demographic data from the decennial census. Instead, the shapefiles contain a standard geographic identifier for each geographic entity that links to the geographic identifier in the census data.

To use these shapefiles, a user must have mapping or GIS software that can import the TIGER/Line Shapefiles. The shapefiles are not provided by the Census Bureau in any vendor-specific format. With the appropriate software, a user can produce maps ranging in detail from a neighborhood street map to a map of the United States. To date, many local governments have used the TIGER data in applications requiring digital street maps. Software companies have created products for the personal computer that allow consumers to produce their own detailed maps. Localities will want to work with their planning departments and local planning commissions to use TIGER data.

Getting the Geography Right

Because redistricting done by both the General Assembly and local governments will use population data assigned by geographic unit, it is vitally important that the geography that the Census Bureau uses reflects what the state and each local government understands it to be. Fortunately, there are opportunities throughout each decade to get the geography right. For the 2021 redistricting cycle, two such opportunities are the Boundary and Annexation Survey and the 2020 Census Redistricting Data Program.

Boundary and Annexation Survey. The Census Bureau conducts the Boundary and Annexation Survey (the BAS) annually to collect information about select legally defined geographic areas.¹² The BAS is used to update information about legal boundaries and names of all governmental units in the United States. It provides local governments the opportunity to

¹² More information on the Boundary and Annexation Survey can be found at <https://www.census.gov/programs-surveys/bas.html> [last visited October 19, 2020].



review the Census Bureau's boundary data to ensure that the Bureau has the correct legal boundary, name, and status information of the various geographic areas. The legal boundaries collected through the BAS are used by the Census Bureau to tabulate data for the decennial census.

Each year, the Census Bureau sends the BAS Annual Response email to key contacts in local government. This includes:

- The government's highest elected official, such as the mayor or county executive; and
- A GIS staff person, planner, clerk, or other contact.

By responding to the BAS, local governments are able to ensure that the legal boundaries of the various geographic units for which the Census Bureau reports population data are correct. For example, if the Census Bureau uses the boundary between two counties as the boundary of several census blocks and, as a result, several VTDs, it is important that that boundary be what those two counties understand it to be.

The 2020 Census Redistricting Data Program. The first two phases of the 2020 Census Redistricting Data Program¹³ also present opportunities for state and local governments to review and submit changes to various geographic and governmental area boundaries. As opposed to the BAS, which is conducted annually, this program is conducted in the run-up to the decennial redistricting.

- Phase 1 was the Block Boundary Suggestion Project. It provided states the opportunity to submit suggested legal boundary updates as well as updates to other geographic areas. Participation in Phase 1 was conducted for Virginia through the Division of Legislative Services in two stages, the first being the initial identification (December 2015 through May 31, 2016) and the second being the verification of updates (December 2016 through May 31, 2017).
- Phase 2 was the Voting District Project. It provided states the opportunity to submit their voting districts for inclusion on the P.L. 94-171 Redistricting Data, in addition to allowing states to submit suggested legal boundary updates as well as updates to other geographic areas. Participation in Phase 2 was conducted for Virginia through the Division of Legislative Services in three stages, the first being an initial identification (December 2017 through May 31, 2018), the second and third being verification of updates (December 2018 through May 31, 2019, and December 2019 through March 31, 2020). During these stages, local government officials were contacted by the Division of Legislative Services to provide shapefiles or GIS maps of the locality's precinct boundaries and to review any errors or mismatches identified by the Census Bureau.

4.4. P.L. 94-171 Data Delivery Delay: Let's Panic!

On April 13, 2020, the Census Bureau announced it was delaying its census field operations due to the COVID-19 pandemic and, at the same time, requested from Congress the authority to delay the delivery of census data.

¹³ More information on the 2020 Census Redistricting Data Program management and each of these two stages can be found at <https://www.census.gov/programs-surveys/decennial-census/about/rdo/program-management.html#P1> [last visited October 19, 2020].



Under current law, the data used to reapportion the number of congressional seats among the 50 states is required to be delivered to the President of the United States by December 31, 2020, and the data used by the states to redraw congressional and state legislative districts is due to the states no later than March 31, 2021. The Census Bureau's request was for an additional 120 days, delaying delivery of data to the President until April 30, 2021, and delivery of data to the states until July 31, 2021. This delay would obviously have a major impact on Virginia and its ability to redistrict in time for the elections scheduled for November 2021.

However, later in the summer, the Administration requested additional funding to complete the census on time, in lieu of the deadline delay, and on August 3, 2020, the Secretary of Commerce approved a new schedule that would end field operations by September 30, 2020, and the initial data processing stage by December 31, 2020.

A lawsuit was soon filed in a federal district court and that court ordered the 2020 census count to continue through October 31, 2020. The Administration, in response, filed with the U.S. Supreme Court an application for a stay pending an appeal, and on October 13, 2020, the Court granted the stay pending disposition of the appeal in the U.S. Court of Appeals for the Ninth Circuit, meaning the Court granted the Administration's request to discontinue the census count.

This information is current as of the date of publication. For more up-to-date information, please refer to the *Ross v. National Urban League* case page on the SCOTUS blog website¹⁴.

¹⁴ See <https://www.scotusblog.com/case-files/cases/ross-v-national-urban-league/> [last visited November 2, 2020].





Guide to Local Redistricting for 2021

5. Legal Standards Applicable to Local Redistricting

5.1. Introduction

There are a number of legal tests and standards that are used to measure the validity of redistricting plans. The following sections outline and provide a general overview of those standards that should be kept in mind when drawing plans and that will be used to evaluate the plans after the fact.

5.2. Equal Population

Equal population is the most fundamental requirement of redistricting for congressional, state legislative, and local election districts, rooted in the Constitution of the United States and the Constitution of Virginia.

Congressional Districts

The equal population requirement for congressional districts is based on *Article 1, Section 2* of the Constitution of the United States and is a strict standard of equality. The U.S. Supreme Court first articulated the “one-person, one-vote” principle in its ruling in *Wesberry v. Sanders*¹⁵, determining that the language of *Article 1, Section 2* that says representatives in the United States House of Representatives are to be chosen “by the people of the several States” means that one person’s vote in a congressional district should carry the same weight as another’s.

State Legislative Districts

The equal population requirement for state legislative districts is based on the Equal Protection Clause of the *Fourteenth Amendment* to the Constitution of the United States and requires “substantial equality” among legislative districts. The U.S. Supreme Court distinguished the population standards for state legislative districts from congressional districts in *Reynolds v. Sims*.¹⁶

Local Election Districts

The U.S. Supreme Court has held that the substantially equal population requirement of the Equal Protection Clause applies to local election districts, as well.¹⁷ *Article VII, Section 5* of the Constitution of Virginia also contains an equal population requirement for local election districts, requiring districts to be constituted to give “as nearly as is practicable, representation in proportion to the population of the district.” This requirement is repeated in subsection B of § *24.2-304.1* of the Code of Virginia.

¹⁵ *Wesberry v. Sanders*, 376 U.S. 1 (1964).

¹⁶ *Reynolds v. Sims*, 377 U.S. 533 (1964).

¹⁷ *Avery v. Midland County*, 390 U.S. 474 (1968).



Substantial equality and permitted deviations. The U.S. Supreme Court has held that local election districts are subject to the substantially equal population standard, meaning the populations of local election districts do not have to be precisely equal. With this standard of substantial equality and permitted deviations, the question is, then, how much deviation is permitted and under what circumstances. Case law answering this question has evolved over the decades and, in 2016, the U.S. Supreme Court provided a clear and concise summation of where the standard stands now:

States must draw congressional districts with populations as close to perfect equality as possible. But, when drawing state and local legislative districts, jurisdictions are permitted to deviate somewhat from perfect population equality to accommodate traditional districting objectives, among them, preserving the integrity of political subdivisions, maintaining communities of interest, and creating geographic compactness. When the maximum population deviation between the largest and smallest district is less than 10 percent, the Court has held, a state or local legislative map presumptively complies with the one-person, one-vote rule. Maximum deviations above 10 percent are presumptively impermissible.¹⁸

Therefore, the answer to the question is that local election districts should have populations that are substantially equal to each other, with a plus or minus five percent deviation from the ideal district population. For example, if the ideal district population is 1,000 persons, a district may have as many as 1,050 persons or as few as 950 persons in it.

Local election district plans with an overall deviation of 10 percent or less are presumptively constitutional, but that does not mean the plans are immune from challenge and invalidation. The U.S. Supreme Court has specifically rejected both (i) regional protectionism, versus protection of political subdivisions, and (ii) incumbent protection when not applied in a consistent and neutral way as rational state policies when invalidating legislative district maps in Georgia that had an overall deviation of less than 10 percent.¹⁹

On the other hand, local election district plans with an overall deviation of more than 10 percent are presumed to violate the Equal Protection Clause, but that does not mean such plans will not be upheld. In these types of challenges, the local governing body has the burden of proving that there was a rational policy that was advanced by this higher deviation.

5.3. Contiguity and Compactness

Article VII, Section 5 of the Constitution of Virginia requires local election districts to be composed of contiguous and compact territory. This requirement is repeated in subsection B of § 24.2-304.1 and in § 24.2-305 of the Code of Virginia.

Two cases related to state legislative districts and the identical requirement that they be contiguous and compact²⁰ provide guidance on what this requirement means for local election

¹⁸ *Evenwel v. Abbott*, 136 S. Ct. 1120 (2016).

¹⁹ *Larios v. Cox*, 542 U.S. 947 (2004).

²⁰ See VA. CONST. *Art. II, § 6*.



districts. In *Jamerson v. Womack*, the Supreme Court of Virginia held that the constitutional requirement of compactness is limited to spatial restrictions and does not mean that the districts must be compact in content as well.²¹ A decade later, in *Wilkins v. West*, the Supreme Court of Virginia found that while a voting district that contains two sections completely severed by another land mass would not satisfy the constitutional requirement of contiguity and compactness, the geography and population of Virginia necessitates that some electoral districts include water.²² Significantly, the Court held that landmasses separated by water may still meet the contiguity requirement.

Compactness Measures

There are several statistical methods to measure the comparative compactness of districts. These measures may produce different results and are offered by expert witnesses in litigation. The courts have not agreed on one single measure of compactness and have often relied on the appearance of a district—a visual or “eyeball” evaluation.

5.4. Race and Redistricting

And then there is the thorniest of issues: race and redistricting. As stated in the introduction to this Guide, this is the most complex area of redistricting law and, as such, is frequently litigated.

There are two primary bodies of law when it comes to race and redistricting, one constitutional and one statutory: the Equal Protection Clause of the *Fourteenth Amendment* to the Constitution of the United States and the Voting Rights Act of 1965, as amended.

Please note: In previous redistricting cycles, Virginia and most of its localities were subject to preclearance under Section 5 of the Voting Rights Act, meaning that any change to an election law, practice, or procedure, and all redistricting plans, had to be submitted for approval by the U.S. Department of Justice or a special U.S. District Court for the District of Columbia. However, in 2013, the U.S. Supreme Court found that the coverage formula used to determine which specific jurisdictions were subject to the preclearance requirement was unconstitutional.²³ As a result of this ruling, the Section 5 preclearance requirement is no longer enforceable.

5.4.1. Equal Protection Clause and Racial Gerrymandering

The Equal Protection Clause of the *Fourteenth Amendment* states, in relevant part, that no state shall deny to any person within its jurisdiction the equal protection of the laws. In the context of redistricting, this means a state cannot, without sufficient justification, separate its citizens into different voting districts on the basis of race.²⁴ To do so would be an impermissible racial gerrymander.

Prior to 1993, the concept of racial gerrymandering surfaced in cases against minority groups. In *Shaw v. Reno*, however, the U.S. Supreme Court held that plaintiffs could challenge a North Carolina congressional plan as an impermissible racial gerrymander under the Equal

²¹ *Jamerson v. Womack*, 423 S.E.2d 180 (Va. 1992)

²² *Wilkins v. West*, 571 S.E.2d 100 (Va. 2002)

²³ *Shelby County v. Holder*, 570 U.S. 529 (2013).

²⁴ *Bethune-Hill v. Virginia State Board of Elections*, 137 S. Ct. 788 (2017).



Protection Clause.²⁵ The plaintiffs were residents of the challenged district but did not sue as members of a minority or protected class. Racial gerrymandering took on a completely new meaning.

Standing

To challenge a race-based redistricting plan as an impermissible racial gerrymander, an individual must have standing. This requires the plaintiff to be a resident of the challenged district.

Where a plaintiff resides in a racially gerrymandered district, however, the plaintiff has been denied equal treatment because of the legislature’s reliance on racial criteria, and therefore has standing to challenge the legislature’s action.²⁶

An individual who lives outside of a racially gerrymandered district will not have standing unless he is able to present specific supporting evidence that he personally has been subjected to a racial classification.

Once standing has been established, the burden is on the plaintiff to prove a racial gerrymandering claim.

Race May Be Considered

The U.S. Supreme Court has recognized that race may be considered in the redistricting process. The Court has made it clear that it “never has held that race-conscious state decision making is impermissible in all circumstances,” and has recognized that a legislature will always be aware of race when it draws district lines, just as it is aware of other demographic factors, like age and economic status.²⁷ That race was considered in and of itself does not mean an impermissible racial gerrymander has occurred.

Race Cannot Predominate

Proving a racial gerrymander requires proof that race was the predominant consideration in the drawing of the districts.

A plaintiff pursuing a racial gerrymandering claim must show that “race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.” To do so, the “plaintiff must prove that the legislature subordinated traditional race-neutral districting principles . . . to racial considerations.”²⁸

In *Bethune-Hill v. Virginia State Board of Elections*, the U.S. Supreme Court cautioned that a plan is not required to conflict with traditional redistricting principles as a threshold issue, but it also stated that a conflict or inconsistency could be persuasive circumstantial evidence in showing racial predomination.²⁹

²⁵ *Shaw v. Reno*, 509 U.S. 630 (1993).

²⁶ *United States v. Hayes*, 515 U.S. 737 (1995).

²⁷ *Shaw v. Reno*, 509 U.S. 630 (1993).

²⁸ *Alabama Legislative Black Caucus v. Alabama*, 135 S. Ct. 1257 (2015).

²⁹ *Bethune-Hill v. Virginia State Board of Elections*, 137 S. Ct. 788 (2017).



In *Alabama Legislative Black Caucus v. Alabama*, the U.S. Supreme Court addressed how equal population requirements factor into a racial gerrymander challenge.

[A]n equal population goal is not one factor among others to be weighed against the use of race to determine whether race “predominates.” Rather, it is part of the redistricting background, taken as a given, when determining whether race, or other factors, predominate in a legislator’s determination as to how equal population objectives will be met.³⁰

Any analysis of whether race was a predominant factor must be made on a district-by-district basis, rather than the state as a whole, and should not be limited to only those parts of a district line that conflict with traditional redistricting principles.

Racial predominance can be proven through circumstantial evidence of a district’s shape and demographics, direct evidence of legislative intent, or a combination of both.

An informative example of direct evidence of legislative intent is highlighted in Virginia’s own *Bethune-Hill*, in which the U.S. Supreme Court found the state had employed a mandatory black voting-age population (BVAP) floor of 55 percent in constructing the challenged districts and that, in doing so, race had predominated over traditional districting factors.³¹

If a plaintiff is able to prove that race was the predominant motive of the legislature in drawing a district, a racial gerrymander has been proven, but that does not mean the district will be invalidated.

Strict Scrutiny, Narrowly Tailored To Achieve a Compelling Governmental Interest

If a plaintiff shows that race predominated in the drawing of a district, the plan will be subject to a strict scrutiny analysis. This means the defendant (the state) must demonstrate that the plan was narrowly tailored to achieve a compelling interest if the district is to be upheld. This can be demonstrated by a showing that the mapmakers had a “strong basis in evidence” supporting their decision to make race-based choices.³² This standard does not demand the state’s actions be “actually necessary” for statutory compliance to constitute a compelling state interest; the legislature just must have had “good reasons” to believe such use was required at the time.³³ This means, the U.S. Supreme Court has said, a functional analysis of the specific district is necessary.³⁴ The U.S. Supreme Court has previously held Virginia performed a sufficient inquiry under this standard when the state legislature’s “primary mapdrawer ‘discussed the [challenged] district with incumbents from other majority-minority districts . . . [and] considered turnout rates, the results of the recent contested primary and general elections,’ and the district’s large prison population.”³⁵ This analysis contrasts with the North Carolina legislature’s actions during the 2011 redistricting process, where the U.S. Supreme Court determined the state did not perform a sufficient analysis because it could “point to no meaningful legislative inquiry” into

³⁰ *Alabama* at 1270.

³¹ *Bethune-Hill*.

³² *Alabama* at 1274.

³³ *Id.*

³⁴ *Id.* at 1272.

³⁵ *Abbott v. Perez*, 138 S. Ct. 2305 (2018). (quoting *Bethune-Hill*).



whether the use of race was required to prevent liability under Section 2 of the Voting Rights Act for a district.³⁶

The Supreme Court has never held that compliance with the Voting Rights Act is a sufficiently compelling state interest to satisfy strict scrutiny. Rather, it has consistently “assumed” that compliance with Section 2 (or Section 5) of the Voting Rights Act was a compelling state interest and struck down redistricting plans on narrow tailoring grounds.

5.4.2. Section 2 of the Voting Rights Act and Minority Vote Dilution

The Voting Rights Act was enacted by Congress in 1965 to give teeth to the *Fifteenth Amendment* to the Constitution of the United States, which provides that the right to vote is not to be denied or abridged by the United States or any state on account of race. Unlike Section 5 of the Voting Rights Act, Section 2 applies to all jurisdictions and remains in effect today. It prohibits any state or political subdivision from imposing any voting qualification, standard, practice, or procedure that results in the denial or abridgement of any U.S. citizen’s right to vote on account of race, color, or status as a member of a language minority group. In the context of redistricting, Section 2 prohibits minority vote dilution.

Plaintiffs filing a Section 2 challenge do not need to prove an intent to discriminate; rather, these claims are dependent on a showing of discriminatory *effects*.

Section 2(b) establishes the requirements for proving a Section 2 claim:

A violation . . . is established if based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a [protected] class of citizens . . . in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

These requirements break down into two primary elements. First, the plaintiffs must prove that their minority group is eligible to bring a Section 2 claim. Second, the plaintiffs must prove that their votes were diluted under the totality of circumstances test.

Gingles Preconditions

In *Thornburg v. Gingles*³⁷, the U.S. Supreme Court established three factors, or preconditions, that must be proven by plaintiffs as a threshold matter in establishing a preliminary vote dilution claim under Section 2. These preconditions establish whether the plaintiffs are members of a class of citizens protected by Section 2.

1. The racial or language minority group “is sufficiently numerous and compact to form a majority in a single-member district”;
2. The minority group is “politically cohesive,” meaning its members tend to vote similarly; and

³⁶ *Cooper v. Harris*, 137 S. Ct. 1455, 1471 (2017).

³⁷ *Thornburg v. Gingles*, 478 U.S. 30 (1986).



3. The “majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.”

The U.S. Supreme Court has offered some guidance on how these preconditions are to be applied in subsequent cases:

- These preconditions for a vote dilution claim apply to single-member districts, as well as multi-member and at-large districts.³⁸
- The majority required by the first precondition means that the minority group be large enough to constitute at least half of the voting-age population in that district.³⁹
- The minority group must be “culturally compact.” Connecting two disparate communities of the same race that otherwise constitute separate communities of interest is not sufficient to satisfy the first precondition.⁴⁰

Totality of Circumstances Test

If plaintiffs are able to prove each of the three *Gingles* factors, the court then examines the “totality of the circumstances” to determine whether the minority group’s opportunity to participate in the electoral process or elect its candidates of choice have been denied or abridged. The following factors that the court will consider have evolved from several cases and a United States Senate report accompanying the 1982 amendments to Section 2:

- The extent of the history of official discrimination touching on the minority group participating in the democratic process;
- Racially polarized voting;
- The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single-shot provisions, or other voting practices that enhance the opportunity for discrimination;
- Denial of access to the candidate slating process for members of the group;
- The extent to which the members of the minority group bear the effects of discrimination in areas such as education, employment, and health that hinder effective participation;
- Whether political campaigns have been characterized by racial appeals;
- The extent to which members of the protected class have been elected;
- Whether there is a significant lack of responsiveness by elected officials to the particular needs of the group; and
- Whether the policy underlying the use of the voting qualification, standard, practice, or procedure is tenuous.

Racially Polarized Voting

Proof of legally significant racially polarized voting is a crucial element of a Section 2 vote dilution claim. Racially polarized voting, or racial bloc voting, is found where the race of a

³⁸ *Grove v. Emison*, 507 U.S. 25 (1993).

³⁹ *Bartlett v. Strickland*, 556 U.S. 1 (2009).

⁴⁰ *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S. 399 (2006).



candidate determines how a voter votes. Expert evidence is frequently offered to prove or disprove a history of racially polarized voting and whether the majority votes as a bloc to the detriment of the minority. Evidence on racial bloc voting patterns is directed at proving or disproving the proposition that minority voters vote for minority candidates and white voters vote for white candidates—that racial voting patterns make it more difficult for minority groups to elect the candidates of their choice. There are a number of methods used to evaluate racial bloc voting patterns, and they can be complicated. The two most commonly used statistical methods for measuring racially polarized voting are homogeneous precinct analysis and bivariate regression analysis. The U.S. Supreme Court has avoided establishing any mathematical formula for determining when racial polarization exists, instead making clear that each challenged district has to be evaluated on its own, with a number of various factors considered.

Majority-Minority Districts.

The U.S. Supreme Court’s Section 2 cases do not specify an exact percentage required to constitute a majority-minority district as required in a *Gingles* analysis. The courts conduct a fact-specific inquiry and weigh the facts concerning total population, voting age population, and other factors. No single percentage can be said to be the number needed to create a majority-minority district. The U.S. Supreme Court has rejected the proposition that a redistricting plan must “maximize” the number of majority-minority districts in Section 2 cases.⁴¹

5.5. Traditional and Emerging Districting Principles

The U.S. Supreme Court first articulated the concept of “traditional districting principles” in *Shaw v. Reno*, when it specifically recognized contiguity and compactness as traditional principles.⁴² In the years that have followed, case law has recognized additional criteria as traditional districting principles. Today, there are six principles or criteria that are considered by the courts as race-neutral, traditional principles:

1. Contiguity;
2. Compactness;
3. Preservation of counties and other political subdivisions;
4. Preservation of communities of interest;
5. Preservation of cores of prior districts; and
6. Protection of incumbents.

There are also a number of emerging criteria being added to the districting landscape in states across the country. Some such criteria include:

- Prohibition on favoring or disfavoring an incumbent, candidate, or political party;
- Prohibition on the use of partisan data; and
- Competitiveness.

⁴¹ *Johnson v. De Grandy*, 512 U.S. 997 (1994).

⁴² *Shaw v. Reno*, 509 U.S. 630 (1993).



Additionally, the 2020 Regular Session of the General Assembly enacted legislation setting out the standards and criteria to be followed when drawing congressional and state legislative districts. While § *24.2-304.04* of the Code of Virginia does not specifically apply these criteria to local election districts, it merits review and is set out in full in **Appendix A**.

5.6. Balancing Competing Legal Interests

The difficult reality of redistricting is that there are a number of legal requirements that are not always compatible and it is only through litigation after the fact that the flaws in how those requirements were balanced are revealed. Traditional districting principles must be considered. Race may be considered but cannot predominate in map drawing. While localities are not subject to the Voting Rights Act Section 5 preclearance this time around, Section 2 does apply. Careful and thorough consideration of multiple factors, evidence-based decision making, and comprehensive records and documentation are keys to a successful redistricting effort at the local level.





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6. After Redistricting

6.1. Preparing for Elections

Once redistricting and any related reprecincting have been completed, the State Board of Elections, working with local registrars, must update the Virginia voter registration system to reflect such changes. Registrars are responsible for updating records to ensure that registered voters are assigned to their proper precincts and election districts. Registrars must notify voters affected by a precinct or district change at least 15 days before the next primary, special, or general election.⁴³

The State Board of Elections will work with general registrars to schedule the large volume of work that must be completed to be ready to conduct orderly elections in 2021. Local officials involved in the redistricting process should keep in mind the time and resource requirements of local election officials who are responsible for notifying voters of the effects of the redistricting process.

6.2. Voting Rights Act Section 5 Preclearance No Longer Required

In previous redistricting cycles, Virginia and most of its localities were subject to preclearance under Section 5 of the Voting Rights Act, meaning that any change to an election law, practice, or procedure, and all redistricting plans, had to be submitted for approval by the U.S. Department of Justice or a special U.S. District Court for the District of Columbia. However, in 2013, the U.S. Supreme Court found that the coverage formula used to determine which specific jurisdictions were subject to the preclearance requirement was unconstitutional.⁴⁴ As a result of this ruling, the Section 5 preclearance requirement is no longer enforceable and, as such, no longer required.

⁴³ VA. CODE § 24.2-306.

⁴⁴ *Shelby County v. Holder*, 570 U.S. 529 (2013).





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Appendix A: Relevant Constitutional Provision

Constitution of Virginia

Article VII. Local Government.

Section 5. County, city, and town governing bodies.

The governing body of each county, city, or town shall be elected by the qualified voters of such county, city, or town in the manner provided by law. If the members are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. When members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law. Whenever the governing body of any such unit shall fail to perform the duties so prescribed in the manner herein directed, a suit shall lie on behalf of any citizen thereof to compel performance by the governing body. Unless otherwise provided by law, the governing body of each city or town shall be elected on the second Tuesday in June and take office on the first day of the following September. Unless otherwise provided by law, the governing body of each county shall be elected on the Tuesday after the first Monday in November and take office on the first day of the following January.





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Appendix B: Relevant Code of Virginia Sections

Title 2.2. Administration of Government.

Chapter 5. Department of Law.

§ 2.2-508. Legal service in certain redistricting proceedings.

Upon notification by a county, city or town of a pending civil action challenging the legality of its election district boundaries as required by § 24.2-304.5, the Attorney General shall review the papers in the civil action and may represent the interests of the Commonwealth in developing an appropriate remedy that is consistent with requirements of law, including but not limited to *Article VII, Section 5* of the Constitution of Virginia, Chapter 3 (§ 24.2-302.2 et seq.) of Title 24.2, or Chapter 39 (§ 30-263 et seq.) of Title 30.

Title 15.2. Counties, Cities and Towns.

Chapter 12. General Powers and Procedures of Counties.

Article 1. Miscellaneous Powers.

§ 15.2-1211. Boundaries of magisterial and election districts.

A. County magisterial district boundary lines and names shall be as the governing bodies may establish. Subject to the provisions of § 24.2-304.1, whenever the boundaries of a county have been altered, the governing body shall, as may be necessary, redistrict the county into magisterial districts, change the boundaries of existing districts, change the name of any district, or increase or diminish the number of districts.

B. Whenever redistricting of magisterial or election districts is required as a result of annexation, the governing body of such county shall, within a reasonable time from the effective date of such annexation, not to exceed ninety days, commence the redistricting process which shall be completed within a reasonable time thereafter, not to exceed twelve months.

C. A county may by ordinance provide that the magisterial districts of the county shall remain the same, but that representation on the governing body shall be by election districts, in which event all sections of this Code providing for election or appointment on the basis of magisterial districts shall be construed to provide for election or appointment on the basis of election districts, including appointment to a school board as prescribed by §§ 22.1-36 and 22.1-44.



Chapter 14. Governing Bodies of Localities.

Article 1. General Provisions.

§ 15.2-1400. Governing bodies.

A. The qualified voters of every locality shall elect a governing body for such locality. The date, place, number, term and other details of the election shall be as specified by law, general or special. Qualification for office is provided in Article 4 (§ 15.2-1522 et seq.) of Chapter 15 of Title 15.2.

B. The governing body of every locality shall be composed of not fewer than three nor more than eleven members.

C. Chairmen, mayors, supervisors and councilmen are subject to the prohibitions set forth in §§ 15.2-1534 and 15.2-1535.

D. A governing body may punish or fine a member of the governing body for disorderly behavior.

§ 15.2-1414. Governing bodies may have a legal enumeration of the population.

Any locality wishing to have a legal enumeration of the population of the locality, or part thereof, may make application therefor to the circuit court for the locality. When the application is made, the judge shall forthwith divide the locality, or part thereof, into such districts, with well-defined boundaries, as may appear advisable and shall appoint for each of the districts one enumerator. Before entering on their duties, such appointees shall take an oath before a notary public or other officer qualified to administer oaths under the laws of this Commonwealth, for the faithful discharge of their duties. The enumerators shall at once proceed to enumerate the actual bona fide inhabitants of their respective districts. They shall report to the judge the result of their enumeration and a list of the persons enumerated by them within a reasonable time after their appointment, and a copy of the list of persons so enumerated by them shall be furnished by the enumerators to the clerk of the court, who shall receive the list and keep it open to public inspection. Upon evidence produced before him, the judge may add to the list the name of any person improperly omitted and may strike from the list the name of any person improperly listed. If it appears advisable to the judge, he may order that the enumeration for any or all of the districts be retaken under all the provisions of this section by other enumerators, who shall be forthwith appointed by him. The judge shall cause to be tabulated and consolidated the lists and return to the governing body the results thereof, in accordance with the application of the governing body. The judge shall allow each enumerator a reasonable fee for each day actually employed by him in making the enumeration. He shall certify the allowance and costs to the governing body for payment out of the local treasury, and the allowance shall be a legal charge upon the governmental unit requesting the enumeration.



Title 22.1. Education.

Chapter 5. School Boards; Selection, Qualification and Salaries of Members.

Article 7. Popular Election of School Board.

§ 22.1-57.3. Election of school board members; election of tie breaker.

A. If a majority of the qualified voters voting in such referendum vote in favor of changing the method of selecting school board members to direct election by the voters, then the members of the school board shall be elected by popular vote. Elections of school board members in a county, city, or town shall be held to coincide with the elections for members of the governing body of the county, city, or town at the regular general election in November or the regular general election in May, as the case may be.

B. The initial elected board shall consist of the same number of members as the appointed school board it replaces, and the members shall be elected from the established county or municipal election districts, at large, or a combination thereof, on the same basis as the school board previously was appointed. If the appointed school board being replaced has not been appointed either on an at-large basis or on the basis of the established county or municipal election districts, or a combination thereof, the members shall be elected at large unless the governing body of the county, city, or town provides for the election of school board members on the basis of the established county or municipal election districts. If the appointed school board being replaced has been appointed at large, the governing body of the county, city, or town may establish school election districts for the election of school board members. The governing body may provide for a locality-wide district, one or more districts comprised of a part of the locality, or any combination thereof, and for the apportionment of one or more school board members to any district.

The terms of the members of the elected school board for any county, city, or town shall be the same as the terms of the members of the governing body for the county, city, or town. In any locality in which both the school board and the governing body are elected from election districts, as opposed to being elected wholly on an at-large basis, the elections of the school board member and governing body member from each specific district shall be held simultaneously except as otherwise provided in §§ [22.1-57.3:1](#), [22.1-57.3:1.1](#), and [22.1-57.3:1.2](#).

At the first election for members of the school board, so many members shall be elected as there are members to be elected at the regular election for the governing body. At each subsequent regular election for members of the governing body, the same number of members of the school board shall be elected as the number of members to be elected at the regular election to the governing body. However, if the number of members on the school board differs from the number of members of the governing body, the number of members elected to the school board at the first and subsequent general election shall be either more or less than the number of governing body members, as appropriate, to the end that the number of members on the initial elected school board is the same as the number of members on the appointed board being replaced.

Except as provided in §§ [22.1-57.3:1](#), [22.1-57.3:1.1](#), and [22.1-57.3:1.2](#), the terms of the members of the school board shall be staggered only if the terms of the members of the governing body are staggered. If there are more, or fewer, members on the school board than on the governing body, the number of members to be elected to the school board at the first and



subsequent election for school board members shall be the number required to establish the staggered term structure so that (i) a majority of the members of the school board is elected at the same time as a majority of the members of the governing body; (ii) if one-half of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected; (iii) if one-half of the governing body is being elected and the school board has an odd number of members, the majority by one member of the school board is elected at the first election and the remainder of the school board is elected at the second election; or (iv) if a majority of the members of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected.

If the school board is elected at large and the terms of the members of the school board are staggered, the school board members to be replaced at the first election shall include all appointed school board members whose appointive terms are scheduled to expire on December 31 or on June 30, as the case may be, next following the first election of county, city or town school board members. If the number of school board members whose appointive terms are so scheduled to expire is zero or less than the number of school board members to be elected at the first election, the appointed school board members to be replaced at the first election shall also include those whose appointive terms are scheduled to expire next subsequent to the date on which the terms of office of the first elected school board members will commence. If the appointive terms of more than one school board member are scheduled to expire simultaneously, but less than all of such members are to be replaced at the first election, then the identity of such school board member or members to be replaced at the first election shall be determined by a drawing held by the county or city electoral board at least ten days prior to the last day for a person to qualify as a candidate for school board member.

In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

C. The terms of office for the school board members shall commence on January 1 or July 1, as the case may be, following their election. On December 31 or June 30, as the case may be, following the first election of county, city or town school board members, the terms of office of the members of the school board in office through appointment shall expire and the school board selection commission, if there is one, shall be abolished. If the entire school board is not elected at the first election of school board members, only the terms of the appointed members being replaced shall so expire and the terms of the appointed members being replaced at a subsequent election shall continue or be extended to expire on December 31 or June 30, as appropriate, of the year of the election of the school board members replacing them.

D. Except as otherwise provided herein, a vacancy in the office of any elected school board member shall be filled pursuant to §§ 24.2-226 and 24.2-228. In any county that has adopted the urban county executive form of government and that has adopted an elected school board, any vacancy on the elected school board shall be filled in accordance with the procedures set forth in § 15.2-802, mutatis mutandis. Notwithstanding any provision of law or charter to the contrary, if no candidates file for election to a school board office and no person who is qualified to hold the office is elected by write-in votes, a vacancy shall be deemed to exist in the office as of January



1 or July 1, as the case may be, following the general election. For the purposes of this subsection and Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2, local school boards comprised of elected and appointed members shall be deemed elected school boards.

E. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506.

F. For the purposes of this section, the election and term of the mayor or chairman of the board of supervisors shall be deemed to be an election and term of a member of the governing body of the municipality or county, respectively, whether or not the mayor or chairman is deemed to be a member of the governing body for any other purpose.

G. No employee of a school board shall be eligible to serve on the board with whom he is employed.

H. Any elected school board may have a position of tie breaker for the purpose of casting the deciding vote in cases of tie votes of the school board as provided in § 22.1-75. The position of tie breaker, if any, shall be held by a qualified voter who is a resident of the county, city, or town and who shall be elected in the same manner and for the same length of term as members of the school board and at a general election at which members of the school board are elected. A vacancy in the position of tie breaker shall be filled pursuant to §§ 24.2-226 and 24.2-228.

Title 24.2. Elections.

Chapter 1. General Provisions and Administration.

Article 1. Applicability; Definitions.

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.



"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in *Article VII, Section 4* of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § *24.2-106* to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § *24.2-110* to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then fed into and scanned by a separate counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § *24.2-115* to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ *51.5-1* et seq.).



"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.



"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

Article 2. State Board of Elections.

§ 24.2-103.1. Duties of Department of Elections related to redistricting.

A. Upon receipt of any ordinance and Geographic Information System (GIS) map sent pursuant to § 24.2-304.3 or 24.2-306, the Department shall promptly review the ordinance and map and compare the boundaries contained within with the information in the voter registration system in order to ensure voters have been assigned to the correct districts. The Department shall notify the locality of any corrections that may be necessary.

B. The Department shall maintain and make available on its official website maps showing the current election district and precinct boundaries of each county and city.

Chapter 2. Federal, Commonwealth, and Local Officers.

Article 5. Constitutional and Local Officers.

§ 24.2-218. Election and term of county supervisors.

The qualified voters of each county election district shall elect one or more supervisors at the general election in November 1995, and every four years thereafter for terms of four years, except as provided in § 24.2-219 or as provided by law for those counties having the optional form of government under the provisions of Article 2 (§ 15.2-702 et seq.) of Chapter 7 of Title 15.2.

§ 24.2-219. Alternative for biennial county supervisor elections and staggered terms.

A. The governing body of any county may by ordinance provide that the county board of supervisors be elected biennially for staggered four-year terms.

In lieu of an ordinance by the board of supervisors, the registered voters of the county may file a petition with the circuit court of the county requesting that a referendum be held on the question of whether the county board of supervisors should be elected biennially for staggered four-year terms. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the county on the January 1 preceding its filing.

The court pursuant to §§ 24.2-682 and 24.2-684 shall order the election officials on a day fixed in the order to conduct a referendum on the question. The clerk of the court shall publish



notice of the referendum in a newspaper having general circulation in the county once a week for four consecutive weeks and shall post a copy of the notice at the door of the courthouse of the county. The question on the ballot shall be:

"Shall the members of the county board of supervisors be elected biennially for staggered four-year terms?

Yes

No"

The referendum shall be held and the results certified as provided in § 24.2-684.

B. If a majority of the voters voting in the referendum voted for biennial election of the members of the board of supervisors for staggered four-year terms, or if the governing body has so provided by ordinance, then the terms of supervisors elected at the next general election for supervisors shall be as follows:

1. If the number of supervisors elected in the county is an even number, half of the successful candidates shall be elected for terms of four years and half of the successful candidates shall be elected for terms of two years; or

2. If the number of supervisors in the county is an odd number, the smallest number of candidates which creates a majority of the elected supervisors shall be elected for terms of four years and all other successful candidates shall be elected for terms of two years.

Unless the number of members who volunteer to take two-year terms exactly equals the number of two-year terms to be assigned, the electoral board of the county shall assign the individual terms of members by lot at its meeting on the day following the election and immediately upon certification of the results. However, the electoral board may assign individual terms of members by election district in a drawing at a meeting held prior to the last day for a person to qualify as a candidate, if the governing body of the county so directs by ordinance or resolution adopted at least thirty days prior to the last day for qualification and members are elected by district. In all elections thereafter all successful candidates shall be elected for terms of four years.

In any county where the chairman of the board is elected from the county at large pursuant to § 15.2-503 or § 15.2-802, the provisions of this section shall not affect that office. The chairman of the board shall be elected for a term of four years in 1995 and every four years thereafter.

C. If the representation on the board of supervisors among the election districts is reapportioned, or the number of districts is diminished or the boundaries of the districts are changed, elections shall be held in each new district at the general election next preceding the expiration of the term of the office of the member of the board representing the predecessor district of each new district. If the number of districts is increased, the electoral board shall assign a two-year or four-year term for each new district so as to maintain as equal as practicable the number of members to be elected at each biennial election.

§ 24.2-220. Reversion to quadrennial elections.

The governing body of any county, by ordinance, may repeal an ordinance previously adopted to provide for the election of the board of supervisors biennially for staggered four-year terms and provide for the election of the board of supervisors quadrennially for four-year terms.



The qualified voters of the county, by petition and referendum in accordance with the requirements and procedures set forth in § 24.2-219, may repeal an ordinance of the board or a referendum previously adopted which authorized the election of the board of supervisors biennially for four-year terms. The question in the referendum to rescind shall be:

"Shall the members of the county board of supervisors be elected quadrennially for four-year terms?

Yes

No"

If a majority of the voters voting in the referendum voted for quadrennial election of the members of the board of supervisors for four-year terms, or if the governing body has so provided by ordinance, then the successors to those supervisors whose terms expire in 1995 or any fourth year thereafter shall be elected for a four-year term and immediate successors to those supervisors whose terms expire in 1993 or any fourth year thereafter shall be elected for a two-year term and all subsequent successors for a four-year term.

§ 24.2-221. Time and frequency of referenda on election and term of supervisors.

A referendum as provided in § 24.2-219 or § 24.2-220 shall be held only in the year preceding the year in which a general election for supervisors is to be held. Once a referendum on either question is held, no further referendum on either question may be held in the county for a period of four years.

§ 24.2-222. Election and terms of mayor and council for cities and towns.

The qualified voters of each city and town shall elect a mayor, if so provided by charter, and a council for the terms provided by charter. Except as provided in § 24.2-222.1, and notwithstanding any other provision of law, general or special: (i) any election of mayor or councilmen of a city or town whose charter provides for such elections at two-year or four-year intervals shall take place at the May general election of an even-numbered year and (ii) any election of mayor or councilmen of a city or town whose charter provides for such elections at one-year or three-year intervals shall take place at the general election in May of the years designated by charter. The persons so elected shall enter upon the duties of their offices on July 1 succeeding their election and remain in office until their successors have qualified.

§ 24.2-222.1. Alternative election of mayor and council at November general election in cities and towns.

A. Notwithstanding the provisions of § 24.2-222, and notwithstanding any contrary provisions of a city or town charter, the council of a city or town may provide by ordinance that the mayor, if an elected mayor is provided for by charter, and council shall be elected at the November general election date of any cycle as designated in the ordinance, for terms to commence January 1. No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.

B. Alternatively, the registered voters of a city or town may file a petition with the circuit court of the city or of the county within which the town is located asking that a referendum be held on the question of whether the city or town should elect the mayor, if an elected mayor is provided for by charter, and council members at the November general election date of any cycle



as designated in the petition. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the city or town on the January 1 preceding the filing.

The court, pursuant to § 24.2-684, shall order the election officials on a day fixed in the order to conduct a referendum on the question, provided that no such referendum shall be scheduled between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein. The clerk of the court shall publish notice of the referendum once a week for the three consecutive weeks prior to the referendum in a newspaper having general circulation in the city or town, and shall post a copy of the notice at the door of the courthouse of the city or county within which the town is located. The question on the ballot shall be:

"Shall the (city or town) change the election date of the mayor (if so provided by charter) and members of council from the May general election to the November general election (in even-numbered or odd-numbered years or as otherwise designated in the petition)?"

If members of the school board in the city or town are elected by the voters, the ballot question also shall state that the change in election date applies to the election of school board members.

The referendum shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the referendum vote in favor of the change, the mayor and council thereafter shall be elected at the November general election date for terms to commence January 1.

C. Except as provided in subsection D, no term of a mayor or member of council shall be shortened in implementing the change to the November election date. Mayors and members of council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

D. In any city or town that elects its council biennially or quadrennially and that changes to the November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

§ 24.2-223. Election and term of school board members.

In any county, city or town wherein members of the school board are elected, pursuant to Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1, elections shall be held to coincide with the election of members of the governing body at the regular general election in November or the regular general election in May, as the case may be. Elected school board members shall serve terms which are the same as those of the governing body, to commence on January 1 following their election or July 1 following their election, as the case may be.

§ 24.2-224. Local elections not otherwise provided for.

The election to any public office required to be filled by the qualified voters of any county, city, town, or election district for which an election time is not provided by law shall be held at



the general election immediately preceding the time provided for the term of such office to commence.

Chapter 3. Election Districts, Precincts, and Polling Places.

Article 2. Congressional, Senatorial, and House of Delegates Districts.

§ 24.2-304.04. Standards and criteria for congressional and state legislative districts.

Every congressional and state legislative district shall be constituted so as to adhere to the following criteria:

1. Districts shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. A deviation of no more than five percent shall be permitted for state legislative districts.
2. Districts shall be drawn in accordance with the requirements of the Constitution of the United States, including the Equal Protection Clause of the *Fourteenth Amendment*, and the Constitution of Virginia; federal and state laws, including the federal Voting Rights Act of 1965, as amended; and relevant judicial decisions relating to racial and ethnic fairness.
3. No district shall be drawn that results in a denial or abridgement of the right of any citizen to vote on account of race or color or membership in a language minority group. No district shall be drawn that results in a denial or abridgement of the rights of any racial or language minority group to participate in the political process and to elect representatives of their choice. A violation of this subdivision is established if, on the basis of the totality of the circumstances, it is shown that districts were drawn in such a way that members of a racial or language minority group are dispersed into districts in which they constitute an ineffective minority of voters or are concentrated into districts where they constitute an excessive majority. The extent to which members of a racial or language minority group have been elected to office in the state or the political subdivision is one circumstance that may be considered. Nothing in this subdivision shall establish a right to have members of a racial or language minority group elected in numbers equal to their proportion in the population.
4. Districts shall be drawn to give racial and language minorities an equal opportunity to participate in the political process and shall not dilute or diminish their ability to elect candidates of choice either alone or in coalition with others.
5. Districts shall be drawn to preserve communities of interest. For purposes of this subdivision, a "community of interest" means a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests. A "community of interest" does not include a community based upon political affiliation or relationship with a political party, elected official, or candidate for office.
6. Districts shall be composed of contiguous territory, with no district contiguous only by connections by water running downstream or upriver, and political boundaries may be considered.
7. Districts shall be composed of compact territory and shall be drawn employing one or more standard numerical measures of individual and average district compactness, both statewide and district by district.



8. A map of districts shall not, when considered on a statewide basis, unduly favor or disfavor any political party.

9. The whole number of persons reported in the most recent federal decennial census by the United States Bureau of the Census shall be the basis for determining district populations, except that no person shall be deemed to have gained or lost a residence by reason of conviction and incarceration in a federal, state, or local correctional facility. Persons incarcerated in a federal, state, or local correctional facility shall be counted in the locality of their address at the time of incarceration, and the Division of Legislative Services shall adjust the census data pursuant to § *24.2-314* for this purpose.

Article 2.1. Reapportionment of Local Election Districts.

§ 24.2-304.1. At-large and district elections; reapportionment and redistricting of districts or wards; limits.

A. Except as otherwise specifically limited by general law or special act, the governing body of each county, city, or town may provide by ordinance for the election of its members on any of the following bases: (i) at large from the county, city, or town; (ii) from single-member or multi-member districts or wards, or any combination thereof; or (iii) from any combination of at-large, single-member, and multi-member districts or wards. A change in the basis for electing the members of the governing body shall not constitute a change in the form of county government.

B. If the members are elected from districts or wards and other than entirely at large from the locality, the districts or wards shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district or ward. In 1971 and every 10 years thereafter, the governing body of each such locality shall reapportion the representation among the districts or wards, including, if the governing body deems it appropriate, increasing or diminishing the number of such districts or wards, in order to give, as nearly as is practicable, representation on the basis of population.

C. For the purposes of redistricting and reapportioning representation in 2021 and every 10 years thereafter, the governing body of a county, city, or town shall use the most recent decennial population figures for such county, city, or town from the United States Bureau of the Census, as adjusted by the Division of Legislative Services pursuant to § *24.2-314*. The census data for these redistricting and apportionment purposes will not include any population figure that is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

D. Notwithstanding any other provision of general law or special act, the governing body of a county, city, or town shall not reapportion the representation in the governing body at any time other than that required following the decennial census, except as (i) provided by law upon a change in the boundaries of the county, city, or town that results in an increase or decrease in the population of the county, city, or town of more than one percent, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of districts or wards other than at-large districts or wards. The foregoing provisions notwithstanding, the governing body subsequent to the decennial redistricting may adjust district or ward boundaries in order that the boundaries might coincide with state legislative or congressional district boundaries; however, no adjustment shall affect more than



five percent of the population of a ward or district or 250 persons, whichever is lesser. If districts created by a reapportionment enacted subsequent to a decennial reapportionment are invalid under the provisions of this subsection, the immediately preexisting districts shall remain in force and effect until validly reapportioned in accordance with law.

§ 24.2-304.2. Governing body authorized to expend funds for reapportionment.

The governing body of each county, city, or town is authorized to expend funds and employ persons as it may deem necessary to carry out the responsibilities relating to reapportionment provided by law.

§ 24.2-304.3. Recording reapportionment ordinance; notice requirements.

A copy of the ordinance reapportioning representation in the governing body of a county, city, or town, including a description of the boundaries and a map showing the boundaries of the districts or wards, shall be recorded in the official minutes of the governing body.

The clerk of the county, city, or town shall send a certified copy of the ordinance, including a description of the boundaries and a Geographic Information System (GIS) map showing the boundaries of the districts or wards, to the local electoral board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the districts or wards as set out in the ordinance, and the Department of Elections shall create such a map.

§ 24.2-304.4. Mandamus action for failure to reapportion districts or wards.

Whenever the governing body of any county, city or town fails to perform the duty of reapportioning the representation on the governing body among the districts or wards of the county, city, or town, or fails to change the boundaries of districts or wards, as prescribed by law, mandamus shall lie in favor of any citizen of such county, city, or town, to compel the performance of such duty.

Whenever the governing body of any county, city or town changes the boundaries, or increases or diminishes the number of districts or wards, or reapportions the representation in the governing body as prescribed by law, the action shall not be subject to judicial review, unless it is alleged that the representation is not proportional to the population of the district or ward. If such allegation is made in a bill of complaint filed in the circuit court for the county, city or town, the court shall determine whether the action of the governing body complies with the constitutional requirements for redistricting and reapportionment. Appeals from the court's decision shall be as in any other suit.

§ 24.2-304.5. Notification of certain civil actions.

Any county, city, or town made a defendant in any civil action challenging the legality of its election district boundaries shall immediately notify the Attorney General of the pending civil action for review pursuant to § 2.2-508.

§ 24.2-304.6. Effect of reapportionment on appointments and terms of local officers, school board and planning commission members.

County, city, or town officers, including members of the school board or planning commission, in office on the effective date of a reapportionment or redistricting ordinance, shall



complete their terms of office, regardless of loss of residency in a particular district due to reapportionment or redistricting.

Article 3. Requirements for Election Districts, Precincts, and Polling Places.

§ 24.2-305. Composition of election districts and precincts.

A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.

B. A "clearly observable boundary" shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, primary, or secondary state highway system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.

B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 15 days prior to the next general, special, or primary election in which the voters will be voting in the changed election district, town, precinct, or polling place. Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of enacted changes, including a Geographic Information System (GIS) map showing the new boundaries of the districts or precincts, to the local electoral board, the Department, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the new districts or precincts, and the Department of Elections shall create such a map.



§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city. In each year ending in one, the governing body of each county and city shall establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year. If congressional districts, Senate districts, House of Delegates districts, or local election districts have not been adopted by the appropriate authority by June 15 of a year ending in one, the governing body may use the congressional districts, Senate districts, House of Delegates districts, or local election districts as such districts existed on June 15 of that year as the basis for establishing the precinct boundaries to be used for the elections to be held in November of that year. Such governing body shall establish precinct boundaries to be consistent with any subsequent changes to the congressional districts, Senate districts, House of Delegates districts, or local election districts. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § 24.2-309. A governing body granted a waiver to administer a split precinct or directed to establish a precinct with fewer than the minimum number of registered voters may use such a precinct for any election held that year.

The governing body shall establish by ordinance one polling place for each precinct.

§ 24.2-308. Requirements for town precincts.

There shall be one precinct for each town unless the council by ordinance establishes more than one precinct.

Each town precinct shall be wholly contained within any election district used for the election of one or more council or school board members.

The council shall establish by ordinance one polling place for each precinct.



§ 24.2-309. Establishment of precinct with less than minimum number of voters; conduct of elections where all voters do not have same choice of candidates.

A precinct may be established with fewer than the minimum number of registered voters required by this article if a larger precinct cannot be established in which all persons are voting at any general election for the same candidates for the governing body and school board of the county or city, House of Delegates, state Senate, and United States House of Representatives. The governing body may select a polling place within one mile of the boundaries of that precinct if a suitable polling place is not available within that precinct.

The State Board shall make regulations setting procedures by which elections may be conducted in precincts in which all voters do not have the same choice of candidates at a general election.

§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, 2019, to May 15, 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § 24.2-307 shall be adopted on or before February 1, 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries after January 1, 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2021.

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and



Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ 24.2-307, 24.2-308, and 24.2-310, including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.



Article 4. Effective Dates of Redistricting Measures.

§ 24.2-311. Effective date of decennial redistricting measures; elections following decennial redistricting.

A. Legislation enacted to accomplish the decennial redistricting of congressional and General Assembly districts required by *Article II, Section 6* of the Constitution of Virginia shall take effect immediately. Members of Congress and the General Assembly in office on the effective date of the decennial redistricting legislation shall complete their terms of office. The elections for their successors shall be held at the November general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the legislation to accomplish the decennial redistricting. However, (i) if the decennial redistricting of congressional districts has not been enacted and approved for implementation pursuant to § 5 of the United States Voting Rights Act of 1965 before January 1 of the year of the election for statewide office, the previously enacted congressional districts shall remain in effect for the purpose of meeting the petition signature requirements set out in §§ *24.2-506, 24.2-521, 24.2-543, and 24.2-545* and (ii) any reference on a petition to the usual primary date of the second Tuesday in June shall not be cause to invalidate the petition even though the date of the primary may be altered by law.

B. Ordinances adopted by local governing bodies to accomplish the decennial redistricting of districts for county, city, and town governing bodies required by *Article VII, Section 5* of the Constitution of Virginia shall take effect immediately. Members of county, city, and town governing bodies in office on the effective date of a decennial redistricting measure shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the decennial redistricting.

C. If a vacancy in any such office occurs after the effective date of a decennial redistricting measure and a special election is required by law to fill the vacancy, the vacancy shall be filled from the district in the decennial redistricting measure which most closely approximates the district in which the vacancy occurred.

D. If a decennial redistricting measure adopted by a local governing body adds one or more districts and also increases the size of the governing body, an election for the additional governing body member or members to represent the additional district or districts for the full or partial term provided by law shall be held at the next November general election in any county or in any city or town that regularly elects its governing body in November pursuant to § *24.2-222.1*, or at the next May general election in any other city or town, which occurs at least 120 days after the effective date of the redistricting measure.

E. In the event of a conflict between the provisions of a decennial redistricting measure and the provisions of the charter of any locality, the provisions of the redistricting measure shall be deemed to override the charter provisions to the extent required to give effect to the redistricting plan.



§ 24.2-312. Effective date of other redistricting measures; elections following annexation.

A. Any redistricting, other than the decennial redistricting, of any county, city, or town shall be effective at midnight December 31 of the year in which the redistricting occurs.

B. Members of county, city, and town governing bodies in office when any such redistricting measure is adopted shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the redistricting.

C. When a county has been redistricted as a result of annexation and the redistricting occurs in the year of a regularly scheduled November general election for members of the county's board of supervisors, the November general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to March 15 of the year of the election.

D. When a city or town has been redistricted as a result of annexation and the redistricting occurs prior to a regularly scheduled May general election for members of the city's or town's governing body, the May general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to the November 15 immediately preceding the election.

§ 24.2-313. Rescheduling of certain local elections following the decennial redistricting of districts for the governing body.

A. Notwithstanding any other provision of law to the contrary, elections for members of the governing body or school board of any county, city, or town that would be held on a regularly scheduled date for a general election, but are delayed because the decennial redistricting plan of such county, city, or town is not precleared by the Attorney General of the United States pursuant to § 5 of the federal Voting Rights Act at least thirty days prior to the general election, shall be held as provided in this section, unless otherwise provided by a court of competent jurisdiction. In the event the Attorney General grants preclearance at least thirty days prior to the general election, the election shall be held as scheduled and shall be conducted from the newly established districts. The provisions of this section shall not apply to any county, city, or town election scheduled to be held entirely on an at-large basis.

B. In each such county, city, or town, such election shall be held on the first Tuesday (i) that is more than sixty days after the Attorney General of the United States issues a letter stating that he interposes no objection to a decennial redistricting plan approved and submitted by the county, city, or town; (ii) that is not the scheduled date of a primary election; and (iii) that is not within the sixty days before or the thirty-five days after a primary or general election.

C. Independent candidates for such rescheduled elections shall qualify in the manner provided by §§ 24.2-505 and 24.2-506, and party nominees shall be nominated and certified at least thirty days before the new election date.

D. All candidates shall file the statements required by §§ 24.2-501 and 24.2-502 at least thirty days before the new election date.



E. Notwithstanding the provisions of subsections C and D, any candidate who qualified to have his name printed on the ballot for the original election date, pursuant to § 24.2-504, shall be automatically qualified to have his name printed on the ballot for the delayed election date and shall not have to refile the required documents, provided that the boundaries of the district in which he is seeking office are the same as when he was originally qualified. In any district in which the boundaries have been changed, candidates shall requalify for the ballot; however, at the request of any candidate who filed as an independent, his original petitions shall be reviewed by the registrar, previously verified signatures of voters who reside in the new district shall be counted toward the number needed to qualify to run in the new district, and the candidate may supplement such petitions when he refiles under § 24.2-505.

F. Notwithstanding any provision of law to the contrary, the term of members of any governing body or school board elected under the provisions of this act shall commence on the first day of the second month following the election and shall terminate on the day on which the term would have expired had the general election been held on its regularly scheduled day.

G. The term of members of any governing body affected by this act that would otherwise expire prior to the commencement of the term of their successors elected pursuant to this section shall be extended until the date that the term of members elected pursuant to this section commences, notwithstanding any provision of law to the contrary.

Article 5. Population Data.

§ 24.2-314. Population data; reallocation of prison populations.

A. Persons incarcerated in federal correctional facilities and in state and local correctional facilities, as those terms are defined in § 53.1-1, shall be counted and reallocated for redistricting and reapportionment purposes in accordance with the provisions of this section and the following:

1. A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located within the Commonwealth shall be deemed to reside at such address.
2. A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located outside of the Commonwealth or whose address at the time of incarceration cannot be determined shall be deemed to reside at the location of the facility in which he is incarcerated.

B. By July 1 of any year in which the decennial census is taken, the Department of Corrections and the State Board of Local and Regional Jails shall provide to the Division of Legislative Services, in a format specified by the Division of Legislative Services, the following information for each person who was incarcerated in a state or local correctional facility on April 1 of that year:

1. A unique identifier, other than his name or offender identification number, assigned by the Department of Corrections or the State Board of Local and Regional Jails for this purpose;
2. His residential street address at the time of incarceration, or other legal residence, if known;
3. His race, his ethnicity as identified by him, and whether he is 18 years of age or older; and



4. The street address of the correctional facility in which he was incarcerated on April 1 of that year.

C. The Division of Legislative Services shall request each agency operating a federal correctional facility in the Commonwealth that incarcerates persons convicted of a criminal offense to provide to the Division of Legislative Services by July 1 of any year in which the decennial census is taken a record containing the information specified in subsection B for each person who was incarcerated in the facility on April 1 of that year. Any person incarcerated in a federal correctional facility for whom a record is not received by the Division of Legislative Services shall be deemed to have an address at the time of incarceration that cannot be determined.

D. The Division of Legislative Services shall prepare adjusted population data, including race and ethnicity data, in a manner that reflects the inclusion of incarcerated persons in the population count of the locality in which he is deemed to reside pursuant to subdivision A 1 or 2.

This adjusted population data shall be used for purposes of redistricting and reapportionment and shall be the basis for congressional, state Senate, House of Delegates, and local government election districts. This adjusted population data shall not be used in the distribution of any federal or state aid.

E. The Division of Legislative Services shall make the adjusted population data available no later than 30 days following receipt of population data from the United States Bureau of the Census pursuant to P.L. 94-171. In making this data available, the Division of Legislative Services shall ensure no information regarding a specific incarcerated person's address at the time of incarceration is made public.

Title 30. General Assembly.

Chapter 39. Joint Reapportionment Committee.

§ 30-264. Staff to Joint Reapportionment Committee; census liaison.

A. The Division of Legislative Services (the Division) shall serve as staff to the Joint Reapportionment Committee. The Director of the Division, or his designated representative, shall serve as the state liaison with the United States Bureau of the Census on matters relating to the tabulation of the population for reapportionment purposes pursuant to United States Public Law 94-171. The governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with the Division in the exchange of all statistical and other information pertinent to preparation for the census.

B. The Division shall maintain the current election district and precinct boundaries of each county and city as a part of the General Assembly's computer-assisted mapping and redistricting system. Whenever a county or city governing body adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division.

C. The provisions of Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2, including the statistical reports referred to in that article, shall be controlling in any legal determination of a district boundary.



**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB J

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	Adoption of the Fluvanna County Board of Supervisors November 18, 2020 Meeting Minutes.				
MOTION(s):	I move the meeting minutes of the Fluvanna County Board of Supervisors Regular Meeting on Wednesday, November 18, 2020, be adopted.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				XX	
STAFF CONTACT(S):	Caitlin Solis, Clerk to the Board				
PRESENTER(S):	Eric Dahl, County Administrator				
RECOMMENDATION:	Approve				
TIMING:	Routine				
DISCUSSION:	None.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	Draft Minutes for November 18, 2020.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Fluvanna County Library, 214 Commons Blvd.
Palmyra, VA 22963
November 18, 2020
Regular Meeting 7:00pm**

MEMBERS PRESENT:

John M. (Mike) Sheridan, Columbia District, Chair
Tony O’Brien, Rivanna District, Vice Chair *(entered the meeting at 7:08pm)*
Mozell Booker, Fork Union District
Patricia Eager, Palmyra District*
Donald W. Weaver, Cunningham District

ABSENT:

None.

ALSO PRESENT:

Eric M. Dahl, County Administrator
Fred Payne, County Attorney
Caitlin Solis, Clerk for the Board of Supervisors

**Due to health concerns, Mrs. Eager is attending the meeting virtually/by telephone*

- *Patricia Eager, (Calling from 1107 Mechunk Creek Drive)*

1 - CALL TO ORDER, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE

At 7:02pm Chair Sheridan called to order the Regular Meeting of November 18, 2020. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

- *Mr. Dahl informed the Board that Item 1 – Compensation Board Funded Bonus for Sworn Personnel in the Sheriff’s Office would need to be deferred until a later date.*

MOTION:	Accept the Agenda, for the November 18, 2020 Regular Meeting of the Board of Supervisors, as amended.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second		Absent		Motion
VOTE:	Yes	Yes		Yes	Yes
RESULT:	4-0				

4 - COUNTY ADMINISTRATOR’S REPORT

Mr. Dahl reported on the following topics:

- Happy Belated Birthday, Mrs. Booker
- Congratulations Mr. Sheridan on being appointed as 2020/2021 VACo Region 5 Board Member.
 - Region 5 includes: Albemarle, Buckingham, Cumberland, Fluvanna, Nelson and Powhatan counties

Governor Northam released his New Statewide Measures to Contain COVID-19

- The following measures will take place effective Sunday, November 15:
 - Reduction in public and private gatherings – limited to 25 individuals down from 250
 - Expansion of mask mandate – all Virginians over the age of five are required to wear face coverings in indoor public spaces
 - Strengthened enforcement within essential retail businesses – violations will now be enforceable through the Virginia Department of Health as a Class One misdemeanor.
 - On-site alcohol curfew - The on-site sale, consumption, and possession of alcohol is prohibited after 10:00 p.m. All restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, and tasting rooms must close by midnight.
- Virginia is averaging 1,500 newly-reported COVID-19 cases per day, up from a statewide peak of approximately 1,200 in May.

2020 Election Statistics – Fluvanna County

- General Election Results by District
 - President and Vice President
 - House of Representatives, 5th District
 - Constitutional Amendment 1
 - Constitutional Amendment 2
- Voter Turnout
 - 19,840 Registered Voters
 - 15,933 (80%) Registered Voters cast ballots

Board of Supervisors Minutes

- 10,581 (53%) Voted Early/Absentee

Quad County Business Summit

- Fluvanna County hosted the 5th Annual Quad County Business Summit.
- The virtual Summit had business owners from Greene, Orange, Louisa and Fluvanna. This year included special guests Madison County business owners.
- The Summit included a keynote speaker and six breakout sessions.
- Hope Lawrence, of Hudson Henry Baking Co, a business #fromFluvanna, was the Business Success Story.

Spotlight on Business

Reliable Rides

- Winner of the 2020 QuadTank!
- Trustworthy and affordable transportation
- General transportation and wine tours.
- www.ReliableRidesVA.com



Next BOS Meetings:

Day	Date	Time	Purpose	Location
Wed	Dec 2	4:00 PM	Regular Meeting	Library
Wed	Dec 2	7:00pm	Work Session – FCPS Preliminary Budget Discussion	Library
Wed	Dec 16	4:00pm	Work Session – Non Profits	Library
Wed	Dec 16	7:00pm	Regular Meeting	Library

5 - PUBLIC COMMENTS #1

At 7:13pm Chair Sheridan opened the first round of Public Comments.

- Tap Pace, 695 Meadowbrook Ln, Expressed his concerns with gunfire towards the Meadowbrook subdivision that came close to residents and struck a house. Mr. Pace recited ordinances put in place to protect both hunters and non-hunting citizens.
- David Caron, 32 Turkeysag Trl, spoke against the increased restrictions put in place by Governor Northam.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 7:18pm.

6 - PUBLIC HEARING

None.

7 - ACTION MATTERS

Pleasant Grove Wildlife Meadows Maintenance: Prescribed Burn – Aaron Spitzer, Director of Parks and Recreation

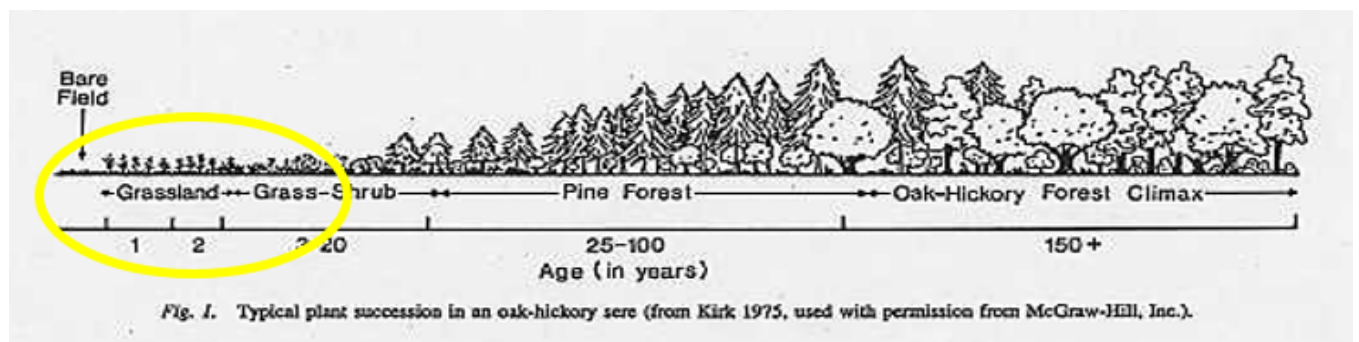
- Project approved by BOS in 2014
- Created by a significant investment of time, energy and money by:
 - Large groups of volunteers and school children
 - Grants and donations
- Provides enhanced Park visitor natural experience by promoting a diverse population of native plants and wildlife in the meadows
 - Used by large groups of school children for outdoor activities and wildlife education
 - Trails in meadows are preferred by hikers, cross country runners, and equestrians due to opportunities for wildlife viewing
 - Citizen science activities include monitoring blue bird nesting boxes for DWR
 - Selected as a travel destination by the Chesapeake Bay Journal for wildlife views
 - Environmental Achievement Award, Virginia Association of Counties
 - Awarded Volunteer of the Year Project by the Governor, Commonwealth of Virginia
- Maintenance of what has been created largely performed by many citizen volunteers involving thousands of hours of work
 - Care of over 1,000 tree seedlings and tree tubes
 - Removal of invasive, alien plants
 - Arrest of natural progression of wildlife meadows to forest by intensive manual cutting of pine and cedar saplings
- Prescribed (Rx) Controlled Burn is next step in maintaining, and improving upon, what has been created

Natural Progression of Plants over Time

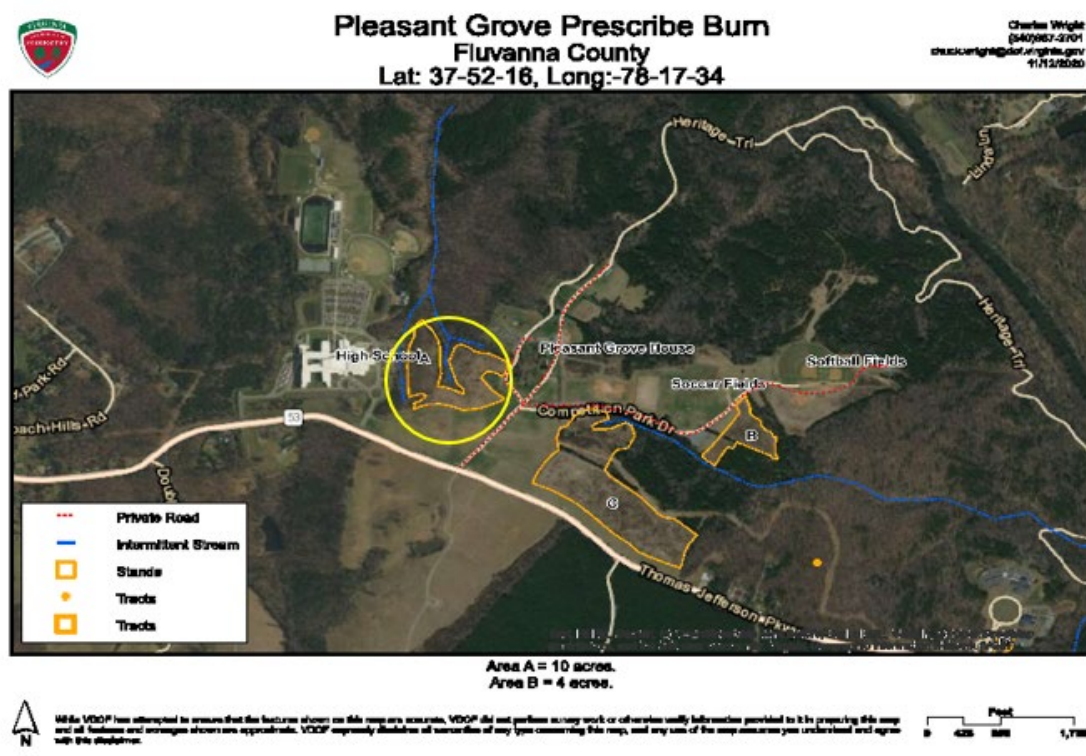
- Untended Grassy Field (0 to 5 years)

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- Maximum wildlife value
- Little to no trees/ saplings/ woody plants
- Largely grasses, wildflowers and brambles
- Cottontails, voles, field mice use cover
- Hawks, falcons and foxes feed on small mammals
- Sparrows, indigo buntings, quail, turkeys and other field birds feed on seeds and use grasses as cover
- Shrubs and Small Trees (5 to 25 years)
- Transition Forest (25 to 60 years)
- Mature Forest (60 years plus)



- What is a Prescribed (Rx) Burn
 - Controlled burn by fire experts (VDOF) under specific weather conditions to maintain and restore health of wildlife meadows
 - Replicates what was done by Native Americans and early European settlers
 - Burn plan prepared by VDOF:
 - Includes request for waiver to 4PM burn law
 - Conducted by VDOF
 - Conducted when wildlife and native plant and other adverse impacts are minimum
 - Late winter, e.g. January, February, when native grasses are dormant and wildlife nesting has not yet begun
 - Minimizes impact to Park visitors
 - Better control of fire due to wetter ground conditions



- Why Rx Burn?
 - Grasses, legumes, and other herbaceous plants germinate, and flower following a fire. They harbor insects and produce seeds beneficial to quail, turkeys, and songbirds while providing cover for small mammals, young turkeys and quail.
 - Fire burns away much of the debris on the field floor, gets rid of saplings, and exposes insects and seeds. Many wildlife species, such as quail, move into recently burned areas to feed on these newly available foods.

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- Low ground cover and patches of shrubs, typical of burned areas results in a varied vegetation pattern providing protective cover and abundant insects for songbirds, young turkeys and quail.
- Reduces risk of unplanned, severe wildfire

- Cost of Rx Burn
 - \$25/ acre
 - \$65/ hour for VDOF dozer
 - Total likely between \$1,000 to \$1,500 for a Pleasant Grove field
 - PAR has monies in budget to support
- Next Steps
 - BOS Concurrence
 - VDOF develops Burn Plan and request for exemption to 4PM burn laws
 - VDOF presents standard burn contract to County
 - VDOF coordinates with FluCo Fire Departments
 - PAR coordinates with school (adjacent property), DOT and prepares press release to inform public
 - VDOF conducts burn
- Alternatives to Rx Burn
 - Mowing
 - Labor intensive
 - Frequent mowing required
 - Debris inhibit native plant regrowth as well as wildlife usage
 - Limited native plant regrowth allows nonnative, invasive plants to proliferate
 - Detriment to ground birds such as the return of quail, etc.
 - Herbicide application
 - Indiscriminate killing of natives/ nonnatives
 - Does not remove debris
 - Debris inhibit native plant regrowth as well as wildlife usage
 - Large area poses:
 - Environmental concerns
 - Health concerns
- Expected Outcomes
 - Raising awareness of nature
 - Enhance the Park’s natural experience
 - Enhancing Park visitors’ nature experience
 - Manage Park natural resources for the benefit of park visitors
 - Increasing wildlife diversity and populations
 - Create wildlife friendly environments
 - Promoting nature friendly practices
 - Develop demonstration projects
 - Educating the Public
 - Conduct nature programs and events

MOTION:	Approve the Parks and Recreation department to move forward with the prescribed burn plan for the wildlife meadows at Pleasant Grove Park as discussed in the presentation.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second	Motion			
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Deer Hunt for Handicapped Hunters at Pleasant Grove – Frederick W. Payne, Esquire

- The sheriff’s office continues to believe that it is necessary to reduce the numbers of deer on Pleasant Grove and that the best means of such control is through a managed hunt under the auspices of Wheelin Sportsmen, a group affiliated with the National Wild Turkey Federation.
- The proposal is to permit a small (7-10) group of hunters to take deer during the current hunting season. The hunt will be confined to carefully selected areas of Pleasant Grove on Friday, January 1, 2021.
- Like the events held in recent years past, it is proposed that the hunt be scheduled for the afternoon only (beginning around 2 p.m.). This reflects the success rate of the afternoon period of past years and is intended to minimize the closing of the Park as well as the time devoted by volunteers and maximizing the safety at the high school.
- Security will be provided by the sheriff’s office, and portions of the property west of the dog park will be closed to public access during that day only.

Board of Supervisors Minutes

- Primary access for hunters will be at the sheriff’s office and the main entrance to the Pleasant Grove house.
- All hunters will be wheel-chair bound or otherwise handicapped, will be duly licensed and will escorted by qualified volunteers from the community.
- Wheelin Sportsmen organizes similar hunts at numerous locations in Virginia, including state parks and other similar properties as well as selected private properties and has done so for many years. It is a qualified charitable organization which maintains a \$2 million liability insurance policy. The County enjoys sovereign immunity.
- Similar shoots were held in January of 2013-2020 with safety and success. It is expected that, if approved, this hunt will be similar, with minor changes based on previous years’ experience.

MOTION:	Authorize the sheriff to conduct a deer hunt at Pleasant Grove for the purpose of controlling deer numbers, such hunt to be managed by Wheelin Sportsmen, a non-profit organization providing outdoor recreation opportunities for handicapped hunters.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Motion				Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

FY20 to FY21 Carryover Request – Sheriff’s Office – Mary Anna Twisdale, Finance Director

- These funds are predominately for the Explorer Program run by the Sheriff’s Office. Due to COVID19, this program was not able to expend these funds in FY20. This revenue is the main source of funding for the Explorer Program.
- This request would authorize staff to carry forward \$3,575 of expenditure authority to the FY21 Sheriff’s Office Volunteer line.

MOTION:	Approve a \$3,575 carryover request of the FY20 unexpended Sheriff’s Office Volunteer budget line to be reappropriated to the FY21 Sheriff’s Office Volunteer line.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

FY21 CARES Act Budget Transfer – Fluvanna County Ambulance 49 Power Cot – Mary Anna Twisdale, Finance Director

- Acquiring Power Loads allows Fire and Rescue to limit provider exposure during calls. This allows patients to be loaded and unloaded with minimal staffing decreasing exposure to infectious diseases.
- The Board previously approved \$52,022.68 for power loads for Ambulances 45 and 49. Ambulance 45 is currently equipped with a power cot. An additional power cot will be necessary in conjunction with the power load for ambulance 49.

MOTION:	Approve a budget transfer of \$18,153.67 from the FY21 CARES Act Contingency line to the FY21 CARES Act vehicle line for a Power Cot for Ambulance 49.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second		Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Adult Drug Court (ADC) and Veterans Treatment Court (VTC) Discretionary Grant Program Award – Liz McIver, Management Analyst

- The grant is for a total of \$499,871 for a period of 36 months beginning October 1, 2020 for Adult Drug Court
- Grant would provide funds for OAR (Offender Aid & Restoration) to hire and supervise a Drug Court Coordinator for Fluvanna County Drug Court

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- In addition, it would provide funds for client recovery support and to purchase drug testing supplies
- The goal of the program is to serve 25 adults who have been charged with a felony in Circuit Court and to divert them out of the criminal justice system by providing a comprehensive, fully evidence-based program that combines criminal case processing with treatment, intensive supervision, and intensive judicial oversight.
- The grant requires a 25% cash or in-kind match that would be covered with in-kind services from the Circuit Court Clerk, Sheriff and the Commonwealth's Attorney.
- During budget discussions the Board indicated they would be willing to do a \$45,000 match from Board Contingency to help fund startup cost of the program
- \$5,000 budgeted for drug court in FY20 will carry forward to FY21 to make the County cash contribution a total of \$50,000.

MOTION:	Accept the grant award for the Adult Drug Court (ADC) and Veterans Treatment Court (VTC) Discretionary Grant Program Grant in the amount of \$499,871 to fund startup cost of Fluvanna County Drug Court.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second	Motion			
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION:	Approve a supplemental appropriation of \$499,871 to the Circuit Court Judge FY21 Adult Drug Court budget for funds received from the Department of Justice – Office of Justice Programs.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second				Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Authorization to Advertise a Right of Way Agreement for Dominion – Eric Dahl, County Administrator

- In November 2018, VDOF leased a parcel from the County in order to build a storage building; VDOF and the County has requested the Dominion utility lines on the leased property be buried
- Dominion must be granted an easement across County property in order to bury the utility lines
- Pursuant to Section 15.2-1800 of the Code of Virginia, 1950, the Board cannot convey an easement until a Public Hearing is held
- This Right of Way allows Dominion electric transmission lines and equipment to be placed in the easement area that travels across County property to the VDOF storage building
- VDOF, Dominion, and the County Attorney have approved the Right of Way Agreement; there is no cost to the County
- Pursuant to authorization, staff will advertise a Public Hearing to be held on December 16, 2020

MOTION:	Authorize staff to advertise for a Public Hearing on December 16, 2020, for consideration and approval of a proposed Right of Way Agreement for conveyance by the County of Fluvanna to Virginia Electric and Power Company, a Virginia public service corporation, doing business in Virginia as Dominion Energy Virginia, of a non-exclusive 15 foot in width easement over Fluvanna County Tax Map Parcel 42-1-4A in the location shown on the plat numbered 63-20-0068 which plat is attached to the Right of Way Agreement for the purposes of transmitting and distributing electric power and for such other uses as more specifically set out in the Right of Way Agreement.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second		Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

7A – BOARDS AND COMMISSIONS

None.

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8 - PRESENTATIONS

Virginia Department of Health COVID-19 Update – Dr. Denise Bonds, VDH Director

Denise Bonds, MD, MPH, Health Director, Thomas Jefferson Health District presented an update on COVID-19 to the Board of Supervisors.

Year to Date:

Total Cases District: 4885

Total Cases Fluvanna: 466

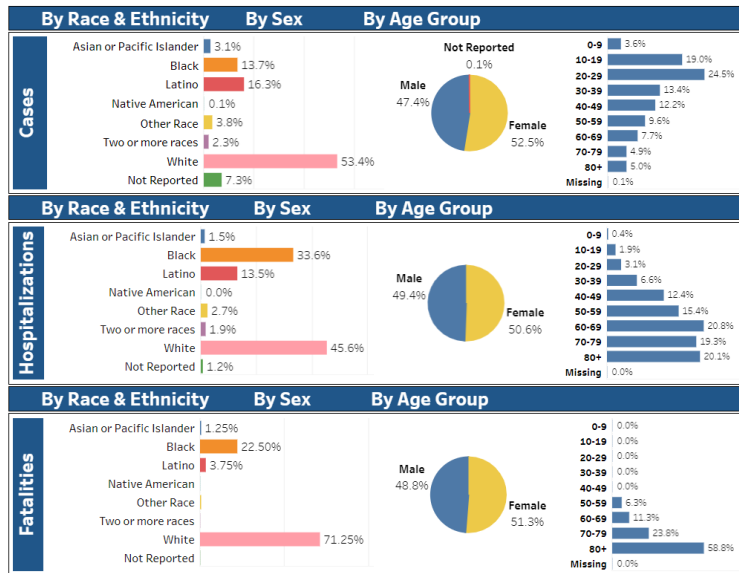
Total Hospitalizations District: 259

Total Hospitalizations Fluvanna: 44

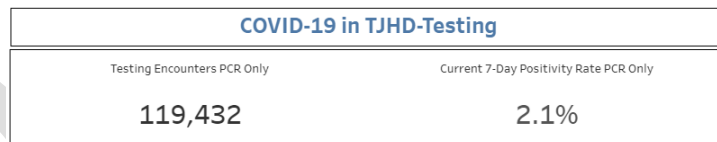
Total Fatalities District: 80

Total Fatalities Fluvanna: 9

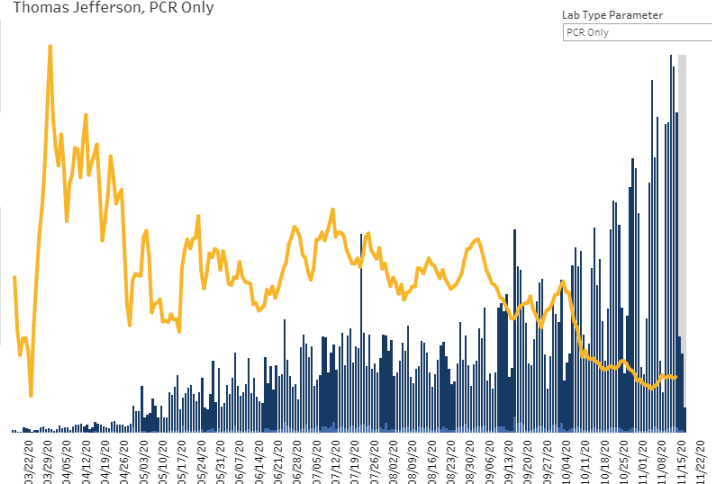
District population by race/ethnicity:



COVID-19 in Thomas Jefferson Health District Testing:



Number of Testing Encounters, Number of Positive Tests, and Percent Positivity** by Lab Report Date - Thomas Jefferson, PCR Only

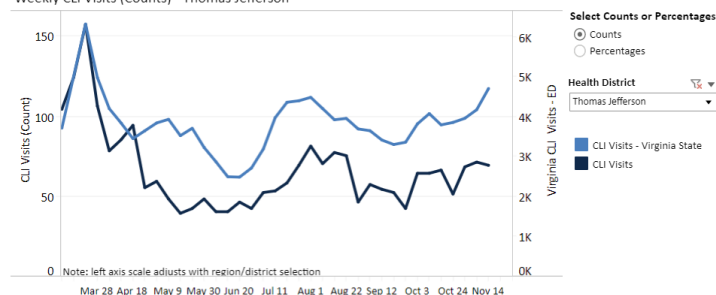


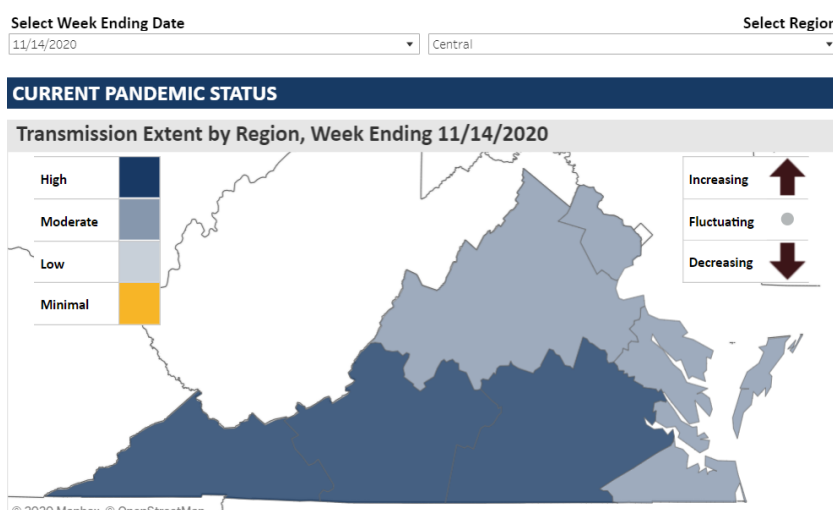
Emergency Department Visits for COVID-Like Illness

ED Visits for COVID-Like Illness (CLI)

VDH monitors ED visits to measure the number of patients seeking care for a COVID-like illness (CLI). Visits for CLI include visits noting symptoms of fever/viral infection with a respiratory complaint (e.g. cough, shortness of breath, difficulty breathing), those with a coronavirus or severe respiratory diagnosis, or visits that mention COVID-19 as the reason for visit. These data do not represent confirmed cases of COVID-19, but they can assist with understanding the burden on healthcare systems and the community.

Weekly CLI Visits (Counts) - Thomas Jefferson





Criminal Justice Planner's Report 2010-2019 – Neal S. Goodloe, MPA, Criminal Justice Planner, Thomas Jefferson Area Community Criminal Justice Board

Mr. Goodloe presented the Board of Supervisors with an overview of the Jefferson Ares Criminal Justice Planner's Report from 2011 to 2019. Data included Crimes against person, crimes against property, crimes against society, Virginia Department of Forensic Science Data and Central Virginia Regional Jail Data.

- Fluvanna County's general population grew modestly (5.73%) from 2010 to 2019.
- Reported crimes against persons rose slightly, and crimes against society increased substantially in Fluvanna County over the past decade. Reported crimes against property fell. Specifically, narcotics violations grew by 64% per capita.
- The number of Fluvanna County felony drug cases that produced a Department of Forensic Science Certificate of Analysis increased 104% from 2001 to 2019, greater than three times the rate of general population growth. Certificates on felony drugs increased from 14 in 2013 to 62 in 2018.
- Much of this increase can be linked to increases in certificates produced for opioids and methamphetamine. Opioids were the most prevalent drug certified by DFS in Fluvanna County in 2019.
- Fluvanna County booking volume dropped at CVRJ from 2011 to 2019. Drops in felony bookings were entirely responsible for the overall decrease.
- In 2019, Fluvanna County accounted for 10.6% of booking volume at CVRJ, compared to 15.3% in 2011.
- Fluvanna booking volume fell 19% for Black arrestees, compared to 11% for White arrestees.
- Booking volume rose 10% for female arrestees, offset by a drop in bookings of male arrestees of 19%.
- DWI, probation violations, larcenies, narcotics offenses and assaults topped Fluvanna
- 2019 (10% per capita).
- 19% fewer Black inmates were taken into CVRJ on Fluvanna charges, while 10% more White inmates were.
- 8% fewer male inmates were taken into CVRJ on Fluvanna charges, while 22% more female inmates were.
- 41% fewer young inmates (18-24) were taken in, while 52% more age 50+ inmates were.
- Consequently, the average age of a Fluvanna jail inmate at intake into CVRJ rose 5% from 2011 to 2019.
- The average number of charges (bookings) per intake event dropped 10%, from 2.9 to 2.5.
- 14% fewer Fluvanna County inmates were released to bond, recognizance or pretrial supervision in 2019 than in 2011.
- The average length of a Fluvanna-responsible inmate's jail stay rose modestly (4%).
- Average length of stay rose 8% for Black inmates and 2% for White inmates.
- In 2019, Black inmates served an average of 38.61 days, compared to 24.92 days for White inmates. In only one year (2014) did ALOS for White inmates exceed that of Black inmates.
- Average length of stay rose more sharply for women (up 24%) compared to men (up 2%).
- Inmates age 50 or older experienced a 100% increase in their average length of stay.
- Fluvanna County's bed day expenditures rose slightly from 2012 to 2019 (6%).
- Fluvanna County's share of bed day expenditures at CVRJ dropped from 10.5% to 7.6% over the last eight years.
- Bed day expenditures for White inmates rose 10%, while increasing 4% for Black inmates.
- Bed day expenditures for female inmates rose 59%, while falling 2% among male inmates.
- Bed day expenditures for Fluvanna inmates age 50+ increased 187%.
- The most bed day-intensive crime categories from 2012 to 2019 were felony probation violations, property felonies, traffic offenses, violent felonies and drug felonies.
- The most significant increases in bed day expenditures from 2012 to 2019 were associated with felony probation violations (up 63%) and violent felonies (up 69%, but down sharply in 2019).
- The most significant decreases in bed day expenditures were associated with property felonies (down

Board of Supervisors Minutes

60%) and property misdemeanors (down 52%).

- Jail bed day costs rose 87% from 2012 to 2019, due to an increase in the cost per bed day (from \$55.34 in 2011 to \$93.96 in 2018), along with a modest rise in Fluvanna bed day expenditures of 6%. Much of the increase in bed day cost occurred in 2017, just after CVRJ opened and staffed its expansion wing.

Compensation Board Funded Bonus for Sworn Personnel in the Sheriff's Office – Jessica Rice, Human Resources Manager – DEFERRED

Qualified Immunity for Law Enforcement Officials – Eric Hess, Fluvanna County Sheriff

The Virginia Sheriffs Association asked each Sheriff to present the proposed qualified immunity resolution to their governing bodies. Qualified immunity is a legal immunity that balances holding public officials accountable for inappropriate behavior and shields official from harassment and liability when they perform their jobs correctly. Legislation coming forward is aiming to take away qualified immunity, which will allow trial lawyers to come after officers individually and threaten future retention and recruitment of police officers,

- The Board of Supervisors asked to revisit this agenda item at the December 16 agenda as an action item.

9 - CONSENT AGENDA

The following items were discussed before approval:

M - *Additional Security for Evidence Storage Unit* – Cyndi Toler, Purchasing Officer

N - *FY21 FCPS Grants Supplemental Appropriation* – Brenda Gilliam, Executive Director for Instruction and Finance

The following items were approved under the Consent Agenda for November 18, 2020:

- *Minutes of November 4, 2020* – Caitlin Solis, Clerk to the Board
- *VDOT Secondary Street Acceptance Request* – Venable Creek Lane – Caitlin Solis, Clerk to the Board
- *Additional Security for Evidence Storage Unit* – Cyndi Toler, Purchasing Officer
- *FY21 FCPS Grants Supplemental Appropriation* – Brenda Gilliam, Executive Director for Instruction and Finance
- *Open Space Contract (Campagna)* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Open Space Contract (Graff)* – Andrew M. Sheridan, Jr., Commissioner of the Revenue

MOTION:	Approve the consent agenda, for the November 18, 2020 Board of Supervisors meeting.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second				Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

10 - UNFINISHED BUSINESS

Local Allocations for Federal CARES Coronavirus Relief Funds – Eric Dahl, County Administrator

11 - NEW BUSINESS

None.

12 - PUBLIC COMMENTS #2

At 9:19pm Chair Sheridan opened the second round of Public Comments.

With no one wishing to speak, Chair Sheridan closed the second round of Public Comments at 9:19pm.

13 - CLOSED MEETING

MOTION:	At 9:20pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.5, A.6, & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Prospective Industry, Investment of Funds and Legal Matters.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second		Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION:	At 10:52pm, move Closed Meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session and “BE IT RESOLVED, the Board of Supervisors does hereby certify to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting.”				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:			Motion		Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

14 - ADJOURN

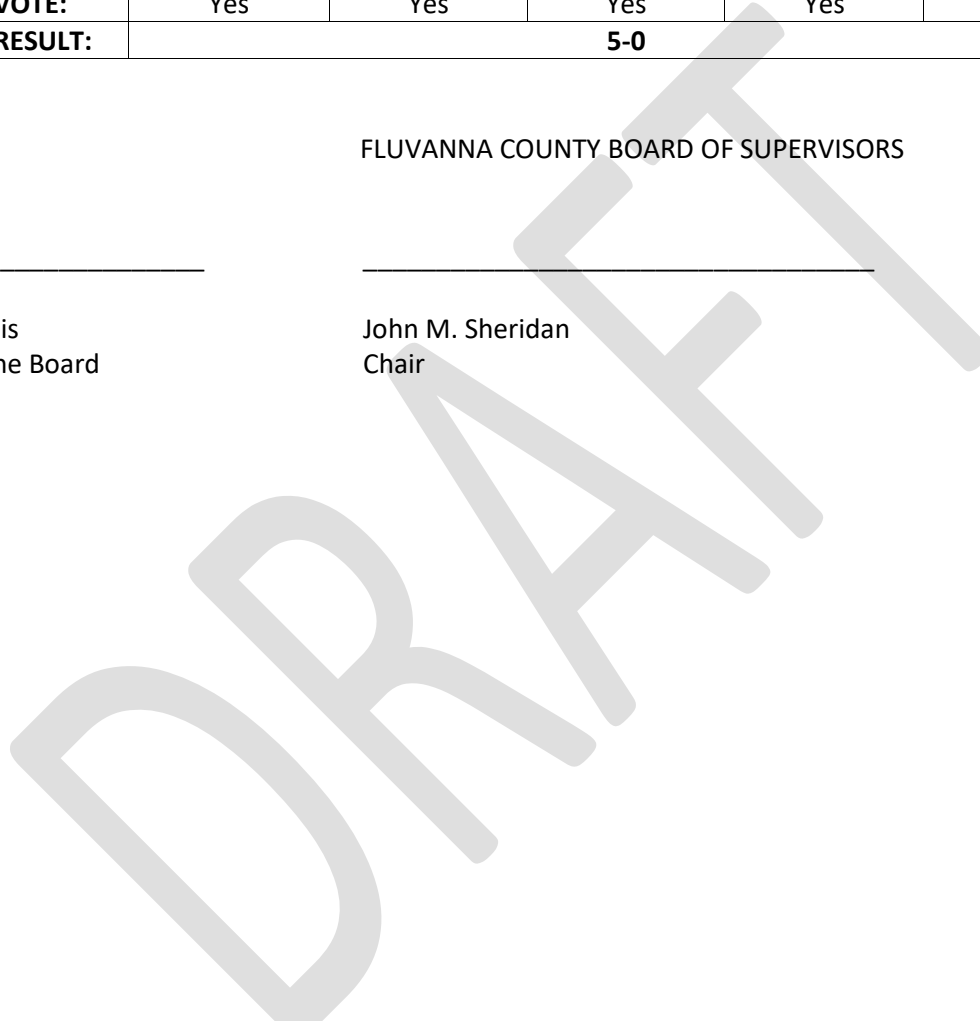
MOTION:	Adjourn the regular meeting of Wednesday, November 18, 2020 at 10:52pm.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Motion		Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

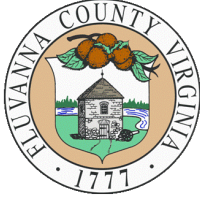
ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Caitlin Solis
Clerk to the Board

John M. Sheridan
Chair





BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 31-2020

A Resolution to Take Streets in the Venable Creek Subdivision into the Secondary System of Highways in Fluvanna County, Virginia

At a regular meeting of the Board of Supervisors of Fluvanna County held in the Fluvanna County Library at 7:00 PM on Wednesday, November 18, 2020, at which the following members were present, the following resolution was adopted by a majority of all members of the Board of Supervisors, the vote being recorded in the minutes of the meeting as shown below:

WHEREAS, the eligible streets described on the attached VDOT AM-4.3 form, fully incorporated herein by reference, are shown on plats recorded in the clerk’s office of the Circuit Court of Fluvanna County; and

WHEREAS, the streets described in the Venable Creek Subdivision have been developed in Fluvanna County and the developer has constructed the streets in accordance with the plans submitted to and approved by the Virginia Department of Transportation and the streets have been inspected by the Office of the Land Development Engineer and found to be acceptable in the State Highway System; and

NOW, THEREFORE BE IT RESOLVED, on this 18th day of November, 2020, that the Fluvanna County Board of Supervisors hereby requests that the Virginia Department of Transportation add the described roads listed on the attached VDOT AM-4.3 form to the Secondary System of State Highways of Fluvanna County pursuant to Section 33.2-705 of the Code of Virginia, as amended, and the Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, that the Fluvanna County Board of Supervisors guarantees a clear and unrestricted right-of-way, and any necessary easements for cuts, fills, and drainage; and

BE IT YET FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Land Development Engineer for the Virginia Department of Transportation.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a regular meeting of the Board held on the 18th day of November 2020:

SUPERVISORS	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Mozell H. Booker, Fork Union District	X					X
Patricia B. Eager, Palmyra District	X					
Anthony P. O’Brien, Rivanna District	X					
John M. Sheridan, Columbia District	X					
Donald W. Weaver, Cunningham District	X				X	

Attest:

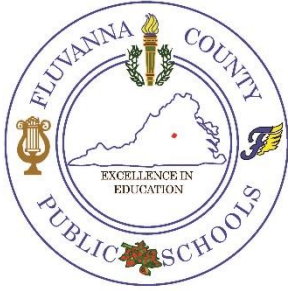
John M. Sheridan, Chair
Board of Supervisors
Fluvanna County, Virginia

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB K

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	FY21 FCPS Grants Supplemental Appropriation				
MOTION(s):	I move the Board of Supervisors approve a supplemental appropriation of \$21,163.59 to the Fluvanna County Public Schools FY21 budget for funds received from Federal revenue sources.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Liz McIver, Management Analyst Brenda Gilliam, Executive Director for Instruction and Finance				
PRESENTER(S):	Brenda Gilliam, Executive Director for Instruction and Finance				
RECOMMENDATION:	I recommend approval of the motion as stated above.				
TIMING:	Routine				
DISCUSSION:	Fluvanna County Public Schools has received \$21,163.59 in new FY21 grant funding from Federal revenue sources that were not included in the FY21 budget. The supplemental appropriation breakdown is provided on the FCPS request enclosed. The below tables show the change in the FY21 FCPS budget:				
		FY21 Adopted	FY21 Revised	FY21 Request	FY21 Revised (NEW Total)
	Revenue Category				
	Local - County	18,064,800	18,110,790.00	-	18,110,790.00
	Other Local	450,000	809,607.06	-	809,607.06
	State	22,641,257	22,962,125.78	-	22,962,125.78
	Federal	1,254,200	1,598,523.33	21,163.59	1,619,686.92
	TOTAL	42,410,257	43,481,046.17	21,163.59	43,502,209.76
FISCAL IMPACT:	Approval of this supplemental appropriation will authorize staff to increase the Revenue and Expenditures by \$21,163.59 as outlined in the above table. There is no local County match required for these funds.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				

ENCLOSURES:	FCPS Supplemental Appropriation Request				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			



FLUVANNA COUNTY PUBLIC SCHOOLS

14455 JAMES MADISON HIGHWAY
PALMYRA, VIRGINIA 22963

Phone: (434) 589-8208 Fax: (434) 589-2248

TO: Mary Anna Twisdale, Finance Director, Fluvanna County

FROM: Brenda Gilliam, Executive Director for Instruction and Finance

Cc: Eric Dahl, County Administrator, Fluvanna County
Chuck Winkler, Superintendent Fluvanna County Public Schools
Liz McIver, Management Analyst

DATE: November 12, 2020

RE: Supplemental Appropriation Request- Federal Funds

Fluvanna County Public Schools has received grants from Federal revenue sources that were not included in the FY2021 budget. We were notified of this appropriation on October 30, 2020.

It is requested the funds be appropriated to the Schools as an increase in funds as outlined below:

State- -0-
Federal- \$21,163.59
Other Local- -0-
Total= \$21,163.59

Funding Source	Year	Type	Category	Amount	Expiration
Title I	2020	Federal	Instruction	\$21,163.59	09/30/2021

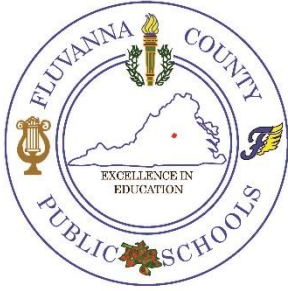
The Fluvanna County School Board is committed to nondiscrimination with regard to sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, status as a veteran, genetic information or any other characteristic protected by law. This commitment prevails in all of its policies and practices concerning staff, students, educational programs and services, and individuals and entities with whom the Board does business. Mr. Don Stribling, Executive Director for Human Resources, Operations, and Student Services, is designated as the responsible person (Compliance Officer) regarding assurances of nondiscrimination. Any complaint alleging discrimination based on a disability shall be directed to Ms. Jennifer Valentine, Director of Special Education (the Section 504 Coordinator). Both may be reached at the following address: 14455 James Madison Highway, Palmyra, VA 22963; telephone (434) 589-8208. The Fluvanna County School Board is an Equal Opportunity Employer.

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB L

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	FY21 FCPS Grants Supplemental Appropriation				
MOTION(s):	I move the Board of Supervisors approve a supplemental appropriation of \$34,264.55 to the Fluvanna County Public Schools FY21 budget for funds received from Other Local sources.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Liz McIver, Management Analyst Brenda Gilliam, Executive Director for Instruction and Finance				
PRESENTER(S):	Brenda Gilliam, Executive Director for Instruction and Finance				
RECOMMENDATION:	I recommend approval of the motion as stated above.				
TIMING:	Routine				
DISCUSSION:	Fluvanna County Public Schools has received \$34,264.55 in insurance claim reimbursements from VACORP that were not included in the FY21 budget. The supplemental appropriation breakdown is provided on the FCPS request enclosed. The below tables show the change in the FY21 FCPS budget:				
		FY21 Adopted	FY21 Revised	FY21 Request	FY21 Revised (NEW Total)
	Revenue Category				
	Local - County	18,064,800	18,110,790.00	-	18,110,790.00
	Other Local	450,000	809,607.06	34,264.55	843,871.61
	State	22,641,257	22,962,125.78	-	22,962,125.78
	Federal	1,254,200	1,619,686.92	-	1,619,686.92
	TOTAL	42,410,257	43,502,209.76	34,264.55	43,536,474.31
FISCAL IMPACT:	Approval of this supplemental appropriation will authorize staff to increase the Revenue and Expenditures by \$34,265.55 as outlined in the above table. There is no local County match required for these funds.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				

ENCLOSURES:	FCPS Supplemental Appropriation Request				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			



FLUVANNA COUNTY PUBLIC SCHOOLS

14455 JAMES MADISON HIGHWAY
PALMYRA, VIRGINIA 22963

Phone: (434) 589-8208 Fax: (434) 589-2248

TO: Mary Anna Twisdale, Finance Director, Fluvanna County

FROM: Brenda Gilliam, Executive Director for Instruction and Finance

Cc: Eric Dahl, County Administrator, Fluvanna County
Chuck Winkler, Superintendent Fluvanna County Public Schools
Liz McIver, Management Analyst

DATE: November 17, 2020

RE: Supplemental Appropriation Request

Fluvanna County Public Schools has received an insurance claim reimbursement that was not included in the FY2021 budget. This was in response to a broken toilet in Central causing flooding of several classrooms and a car hitting a deer.

It is requested the funds be appropriated to the Schools as an increase in funds as outlined below:

State- -0-
Federal- 0-
Other Local- \$34,264.55
Total= \$34,264.55

Funding Source	Year	Type	Category	Amount	Expiration
VACORP Claim Payment	2021	Other Local	Instruction	\$12,342.36	None
VACORP Claim Payment	2021	Other Local	Operations	\$17,492.24	None
VACORP Claim Payment	2021	Other Local	Transportation	\$4,429.95	None
TOTAL				\$34,264.55	

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**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB M

MEETING DATE:	December 02, 2020				
AGENDA TITLE:	FY21 Sheriff Department Insurance Claim –2015 Ford F-150 VIN#4224				
MOTION(s):	I move the Board of Supervisors approve a supplemental appropriation of \$2,247.20 to the FY21 Sheriff Vehicle Repair & Maintenance Budget to reflect reimbursement from a VACORP insurance claim.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Liz Mclver, Management Analyst				
PRESENTER(S):	Liz Mclver, Management Analyst				
RECOMMENDATION:	Recommend approval of the following action.				
TIMING:	Routine.				
DISCUSSION:	<p>A 2015 Ford F-150 (VIN# 4224) was in an accident and was declared to have body damage by VACORP. The recovered amount for the vehicle after the \$500 deductible is \$2,247.20.</p> <p>This supplemental appropriation would authorize staff to appropriate the additional revenue and expense.</p>				
FISCAL IMPACT:	This action will increase the FY21 Sheriff Budget by \$2,247.20.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB N

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	FY21 Sheriff Department Insurance Claim – 2018 Dodge Charger VIN#3232				
MOTION(s):	I move the Board of Supervisors approve a supplemental appropriation of \$933.18 to the FY21 Sheriff Vehicle Repair & Maintenance Budget to reflect reimbursement from a VACORP insurance claim.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Liz Mclver, Management Analyst				
PRESENTER(S):	Liz Mclver, Management Analyst				
RECOMMENDATION:	Recommend approval of the following action.				
TIMING:	Routine.				
DISCUSSION:	<p>A 2018 Dodge Charger (VIN# 3232) was in an accident and was declared to have body damage by VACORP. The recovered amount for the vehicle after the \$500 deductible is \$933.18.</p> <p>This supplemental appropriation would authorize staff to appropriate the additional revenue and expense.</p>				
FISCAL IMPACT:	This action will increase the FY21 Sheriff Budget by \$933.18.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB O

MEETING DATE:	December 2, 2020				
AGENDA TITLE:	Local Allocations for Federal CARES Coronavirus Relief Funds				
MOTION(s):	N/A				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
					X
STAFF CONTACT(S):	Eric Dahl, County Administrator				
PRESENTER(S):	Eric Dahl, County Administrator				
RECOMMENDATION:	N/A				
TIMING:	N/A				
DISCUSSION:	<ul style="list-style-type: none"> • Congress passed and the President recently signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. • This Act provides funding for a number of different programs to address the COVID-19 pandemic. • A primary component of the CARES Act is \$150 billion in assistance to state, local, territorial, and tribal governments for the direct impact of the COVID-19 pandemic through the establishment of the Coronavirus Relief Fund (CRF). <p>These funds may be used for qualifying expenses of state and local governments. The CARES Act provides that payments from the CRF only may be used to cover costs that:</p> <ol style="list-style-type: none"> 1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); 2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and 3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. <ul style="list-style-type: none"> • Each locality's allocation will be based on the proportion that the locality's population represents of the statewide total population. • Fluvanna County's allocation is <u>\$4,758,404</u> 				

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:

- COVID-19-related expenses of public hospitals, clinics, and similar facilities.
- Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
- Costs of providing COVID-19 testing, including serological testing.
- Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
- Expenses for establishing and operating public telemedicine capabilities for COVID-19- related treatment.

2. Public health expenses such as:

- Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
- Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.

3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID- 19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:

- Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
- Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
- Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
- COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
- Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:

- Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.

	<ul style="list-style-type: none"> • Expenditures related to a State, territorial, local, or Tribal government payroll support program. • Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise. <p>6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund’s eligibility criteria.</p> <p><u>Nonexclusive examples of ineligible expenditures</u></p> <p>The following is a list of examples of costs that would not be eligible expenditures of payments from the Fund.</p> <ol style="list-style-type: none"> 1. Expenses for the State share of Medicaid.³ 2. Damages covered by insurance. 3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency. 4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds. 5. Reimbursement to donors for donated items or services. 6. Workforce bonuses other than hazard pay or overtime. 7. Severance pay. 8. Legal settlements. 				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:					
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
	X	X			

**FLUVANNA COUNTY BOARD OF SUPERVISORS
MEETING PACKAGE ATTACHMENTS**

Incl?	Item
<input checked="" type="checkbox"/>	BOS Contingency Balance Report
<input type="checkbox"/>	Building Inspections Report
<input checked="" type="checkbox"/>	Capital Reserve Balances Memo
<input checked="" type="checkbox"/>	CARES Fund Balance Memo
<input type="checkbox"/>	Fluvanna County Bank Balance and Investment Report
<input checked="" type="checkbox"/>	Unassigned Fund Balance Report
<input type="checkbox"/>	VDOT Monthly Report & 2020 Resurfacing List
<input checked="" type="checkbox"/>	CARES Act Memo to Localities - 1st Round
<input checked="" type="checkbox"/>	CARES Act Memo to Localities - 2nd Round
<input checked="" type="checkbox"/>	Updated CARES Act US Treasury Guidance
<input type="checkbox"/>	



COUNTY OF FLUVANNA

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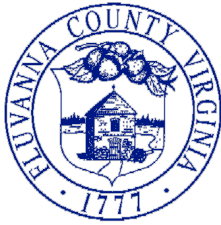
BOS2020-12-02 p.155/224
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(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

MEMORANDUM

Date: December 04, 2020
From: Liz McIver – Management Analyst
To: Board of Supervisors
Subject: FY21 BOS Contingency Balance

The FY21 BOS Contingency line balance is as follows:

Beginning Original Budget:	\$150,000
Less: Registrar's Office Relocation – 07.01.20	-\$20,000
Less: Registrar's Office Relocation – 08.19.20	-\$5,400
Less: Fluvanna Hiring Event – 11.04.20	-\$2,000
Available:	\$122,600



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MEMORANDUM

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Date: December 04, 2020
From: Liz McIver - Management Analyst
To: Board of Supervisors
Subject: FY21 Capital Reserve Balances

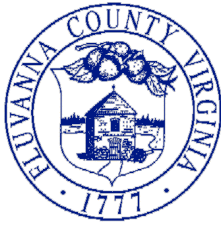
The FY21 Capital Reserve account balances are as follows:

County Capital Reserve:

FY21 Budget Allocation:	\$200,000
FY20 Carryover	\$267,970
Total FY21 Budget:	\$467,970
Add: FY20 Closed CRM Projects -06-26-20	\$11,308
Less: SCADA System Room HVAC – 07.01.20	-\$30,300
Less: Public Safety Building HVAC – 07.01.20	-\$9,325
FY21 Available:	\$439,653

Schools Capital Reserve:

FY21 Budget Allocation:	\$200,000
FY20 Carryover	\$224,903
Total FY21 Budget:	\$424,903
Less: FCCH Compressor Replacement – 07.01.20	-\$6,000
Less: FCCH HVAC Condenser Replacement – 08.05.20	-\$24,000
Less: FCCH Cooling Tower – 08.19.20	-\$10,975
Add: Closed CRM Projects -09.24.20	\$1,231
FY21 Available:	\$385,159



COUNTY OF FLUVANNA

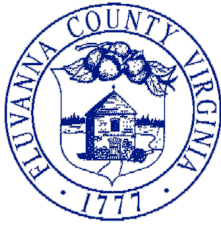
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MEMORANDUM

Date: December 02, 2020
From: Liz McIver – Management Analyst
To: Board of Supervisors
Subject: CARES Fund Balance

CARES Fund Original Appropriation:	\$2,379,202
Less: Overtime Pay 06.17.20	-\$1,000
Less: Full-Time Salaries 06.17.20	-\$20,000
Less: Janitorial Supplies 06.17.20	-\$15,000
Less: Chemical Supplies 06.17.20	-\$2,000
Less: ADP Supplies 06.17.20	-\$2,000
Less: Emergency Supplies 06.17.20	-\$25,000
Less: General Material and Supplies 06.17.20	-\$5,000
Less: EDP Equipment 06.17.20	-\$20,000
Less: Site Improvements 06.17.20	-\$1,000
Less: Economic Development Grant – Local Business 06.17.20	-\$350,000
Less: Printing and Binding 06.17.20	-\$5,000
Less: Advertising 06.17.20	-\$1,000
Less: Economic Development Grant – Non-Profits 07.01.20	-\$100,000
Less: Machinery and Equipment (Clorox 360 machines) 07.01.20	-\$46,500
Less: FY20 Contract Services 08.05.20	-\$5,110
Less: FY20 Advertising 08.05.20	-\$530
Less: FY20 Chemical Supplies 08.05.20	-\$3,650
Less: FY20 Other Operating Supplies 08.05.20	-\$250
Less: FY20 Site Improvements 08.05.20	-\$8,675

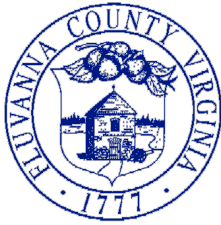


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Less: FY21 Emergency Supplies for Fire & Rescue 08.05.20	-\$15,000
Less: FY21 FCPS Supplies for Opening Prep 08.05.20	-\$301,017
Less: FY21 Advertising of COVIDWISE App 08.05.20	-\$5,000
Less: FY21 Economic Development Grant – Local Business Hand Sanitizer	-\$3,000
Less: FY21 Economic Development Grant – Local Business 08.05.20	-\$350,000
Less: FY21 Economic Development Grant – Non-Profits 08.05.20	-\$100,000
Add: CARES Funds Second and Final Round Funding – 08.12.20	\$2,379,202
Less: FY21 FCPS Verizon Hotspots & 4 Months Data Plan – 08.19.20	-\$45,990
Less: FY21 Site Improvements & Furniture – 08.19.20	-\$31,300
Less: FY21 Fork Union Broadband Expansion – 08.19.20	-\$520,000
Less: FY21 Admin Building Basement Reno A&E – 08.19.20	-\$68,210
Add: FY21 Admin Building Basement Reno A&E – 10.07.20 (not funding with CARES)	\$68,210
Less: FY21 Municode Intranet Implementation – 08.19.20	-\$7,200
Less: FY21 Admin Building Basement Renovation – 09.02.20	-\$663,592
Add: FY21 Admin Building Basement Renovation - 10.07.21 (project cancelled)	\$663,592
Less: FY21 Sheriff Prisoner Transport Van - 09.16.20	-\$64,677
Less: FY21 Patrol Car Vinyl Seat Replacement - 9.16.20	-\$24,542
Less: FY21 Sheriff Spare Vehicle - 09.16.20	-\$41,000
Less: FY21 Additional Cleaning Services	-\$21,000
Less: FY20 Public Safety, Public Health & Human Services Salaries (March - June)	-\$1,008,196
Less: FY21 Public Safety, Public Health & Human Services Salaries (July - September)	-\$502,066



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Less: FY21 Public Safety, Public Health & Human Services Salaries (October - December)	-\$505,000
Add: FY21 Economic Development Grant - Unspent funds	\$300,000
Less: FY21 Scottsville Area Broadband Expansion - 10.21.20	-\$60,000
Less: FY21 Ambulance Power Loads - 11.4.20	-\$52,023
Less: FY21 Fire & Rescue PPE - 11.4.20	-\$68,891
Less: FY21 Sheriff's Office X-Ray Scanner - 11.4.20	-\$16,047
Less: FY21 TJPCS Regional Affordable Housing Search Tool - 11.04.20	-\$2,612
Less: FY21 Duct Cleaning Services - 11.04.20	-\$70,150
Less: FY21 Sheriff's Office Respirators - 11.04.20	-\$14,540
Less: FY21 Tru-up for day to day operational cost due to COVID19	-\$43,795
Less: FY21 Power Cot - 11.18.20	-\$18,154
Add: FY21 Interest Earned	\$3,000
Add: FY21 EMS CARES Funds	\$24,944
Current CARES Fund Balance	\$583,434



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MEMORANDUM

Date: November 18, 2020
From: Liz McIver – Management Analyst
To: Board of Supervisors
Subject: Unassigned Fund Balance

*FY20 Year End (Unaudited) Total Unassigned Fund Balance:	*\$5,274,084
Add: FY21 Reassessment Budget Transfer	\$66,515
Less: FY20-21 County Carryover Request – 11.04.20	\$153,447
Less: FY20-21 Schools Carryover Request – 11.04.20	\$400,000
Less: FY20-21 Sheriff's Office Volunteer Funds Carryover – 11.18.20	\$3,575
Current (Unaudited) Unassigned Fund Balance	*\$4,783,577

*Audited FY20 Year End Unassigned Fund Balance will be available upon completion of the FY20 CAFR



COMMONWEALTH of VIRGINIA

Aubrey L. Layne, Jr., MBA, CPA
Secretary of Finance

P.O. Box 1475
Richmond, Virginia 23218

May 12, 2020

To: County and City Elected Officials

Delivered Via: Chief Executive Officer, Manager, or Administrator

From: Aubrey L. Layne, Jr.
Secretary of Finance

Subject: Local Allocations for Federal CARES Coronavirus Relief Funds

Background

As most of you are aware, Congress passed and the President recently signed the *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020*. This Act provides funding for a number of different programs to address the COVID-19 pandemic. A primary component of the CARES Act is \$150 billion in assistance to state, local, territorial, and tribal governments for the direct impact of the COVID-19 pandemic through the establishment of the Coronavirus Relief Fund (CRF).

Allocations were sent to states based on population. Each state received 55 percent of its share based on total state population and the remaining 45 percent was based on the local populations of each state's cities and counties. Localities with populations greater than 500,000 could apply to receive funds directly. All other CRF funds were distributed to the states to determine the allocations to localities.

Virginia has received approximately \$3.1 billion as its share of the CRF total. This amount does not include approximately \$200 million that went directly to Fairfax County since it qualified to receive its funding directly.

These funds may be used for qualifying expenses of state and local governments. The CARES Act provides that payments from the CRF only may be used to cover costs that:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

County and City Elected Officials and Administrators
Cabinet Secretaries
May 12, 2020
Page 2

At this point, federal guidance indicates that the CRF funds can only be used for the direct costs associated with the response to the COVID-19 pandemic and cannot be used to make up for revenue shortfalls. State and local government officials have requested that this restriction be lifted or that additional federal funds be provided to address the loss of state and local revenue. To date, no action has been taken by Congress to allow that flexibility or to provide funding for that purpose.

Allocation of CRF Funds to Localities

While the federal CARES Act does not require that states distribute funding to local governments with populations less than 500,000 residents, the Governor recognizes that localities are experiencing the same COVID-19 related expenses as the Commonwealth. Therefore, fifty (50) percent of the locally-based allocations will be distributed to counties and cities on or around June 1, 2020, by the Department of Accounts (DOA) after receipt of a signed certification from the locality. This distribution will be made to the local treasurer in the same manner that Car Tax Relief Payments are made.

Each locality's allocation will be based on the proportion that the locality's population represents of the statewide total population. Appendix A reflects the population used by US Treasury to allocate CRF funds to the states. This population data is the basis for determining the allocations to each locality.

This table also reflects each locality's share of the current distribution based on the population data displayed. Please note that the population data for each county includes the populations of the towns within its borders. Consequently, the allocation indicated for each county includes any allocations based on residents that live in the towns located within that county.

CRF funds should be considered "one time" monies and should not be used for ongoing services and/or base operations. Because the funds must be expended by December 30, localities are advised not to create services with expenses beyond that period. Any expenses beyond December 30, 2020, must be paid entirely by the locality from local funds.

Requirements for Use of Funds and Certifications

General

The amounts listed in Appendix A reflect the funds that will be transferred to each locality after receipt of a certification form (Appendix D) from the locality signed by the chief executive officer, the chief financial officer, and the chief elected officer. Before signing the certification, I recommend that you read and understand the federal guidance and the frequently asked questions contained in Appendix B and Appendix C, respectively. The most recent information on this guidance and the frequently asked questions can be obtained at: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

County and City Elected Officials and Administrators
Cabinet Secretaries
May 12, 2020
Page 3

Please note that the certification statement includes an acknowledgment that you may be required to return funds to the federal government if it is determined that those funds were spent for purposes that do not qualify. Since these funds are being provided to you “up front” rather than on a reimbursement basis, it is important for you to understand that the burden of ensuring that all CRF funds are spent for qualifying purposes falls to the local government. You are responsible for maintaining all necessary documentation to ensure compliance with the federal requirements.

If the federal government determines that you have used CRF funds for purposes that do not qualify, you must return those funds to the state promptly so that they may be returned to the federal government. As a condition of receiving CRF funds, you are agreeing that the state can use state aid intercept to recover any funds necessary for expenses that were not for a qualifying purpose or that were unexpended as of December 30, 2020.

For Counties Only

As previously stated, the population data for each county includes the populations of the towns within its borders. Consequently, the allocation indicated for each county includes any allocations based on residents that live in the towns located within that county.

Counties must ensure that an equitable share of the CRF funds it receives are shared with and granted to each town within its jurisdiction. Just as with the funds retained by the county, the funds granted to towns must be spent in accordance with the same requirements and the same documentation must be retained for audit purposes. The county issuing the grant is responsible for the ensuring compliance with the documentation requirements and must ensure that the use of the funds meets the requirements set forth by the federal government.

Submission of Certification

The certification in Appendix D contains more specific details on the responsibilities of the local governing body. A fillable .pdf form can be downloaded from the Secretary of Finance’s Website under “Recent News” at: <http://finance.virginia.gov/>

In order to receive your locality’s allocation, the signed certification form must be submitted no later than **May 22, 2020**, to the Department of Accounts in electronic or hard copy form:

By Email to: GACCT@DOA.Virginia.gov

By US Mail to: Department of Accounts
Attention: Local CRF Certification
P.O. Box 1971
Richmond, VA 23218-1971

If you have any questions about this process, you may contact my office at (804) 786-1148. If you have technical questions about the certification form or the distribution of the funds, please contact Melinda Pearson, Director, General Accounting, Department of Accounts, at Melinda.Pearson@DOA.Virginia.gov or by phone at 804-225-2376.

Appendix A – Local Allocations

Annual Estimates of the Resident Population for Counties in Virginia: as of July 1, 2019	Statewide Total = 8,535,519	% of Total ¹	Current Allocation Base = \$744,691,122
Locality	Population		
.Accomack County, Virginia	32,316	0.3786%	\$2,819,446
.Albemarle County, Virginia	109,330	1.2809%	\$9,538,621
.Alleghany County, Virginia	14,860	0.1741%	\$1,296,478
.Amelia County, Virginia	13,145	0.1540%	\$1,146,851
.Amherst County, Virginia	31,605	0.3703%	\$2,757,414
.Appomattox County, Virginia	15,911	0.1864%	\$1,388,173
.Arlington County, Virginia	236,842	2.7748%	\$20,663,551
.Augusta County, Virginia	75,558	0.8852%	\$6,592,144
.Bath County, Virginia	4,147	0.0486%	\$361,810
.Bedford County, Virginia	78,997	0.9255%	\$6,892,184
.Bland County, Virginia	6,280	0.0736%	\$547,906
.Botetourt County, Virginia	33,419	0.3915%	\$2,915,679
.Brunswick County, Virginia	16,231	0.1902%	\$1,416,092
.Buchanan County, Virginia	21,004	0.2461%	\$1,832,518
.Buckingham County, Virginia	17,148	0.2009%	\$1,496,097
.Campbell County, Virginia	54,885	0.6430%	\$4,788,505
.Caroline County, Virginia	30,725	0.3600%	\$2,680,638
.Carroll County, Virginia	29,791	0.3490%	\$2,599,150
.Charles City County, Virginia	6,963	0.0816%	\$607,495
.Charlotte County, Virginia	11,880	0.1392%	\$1,036,484
.Chesterfield County, Virginia	352,802	4.1333%	\$30,780,614
.Clarke County, Virginia	14,619	0.1713%	\$1,275,451
.Craig County, Virginia	5,131	0.0601%	\$447,660
.Culpeper County, Virginia	52,605	0.6163%	\$4,589,583
.Cumberland County, Virginia	9,932	0.1164%	\$866,529
.Dickenson County, Virginia	14,318	0.1677%	\$1,249,190
.Dinwiddie County, Virginia	28,544	0.3344%	\$2,490,354
.Essex County, Virginia	10,953	0.1283%	\$955,607
.Fairfax County, Virginia	1,147,532	13.4442%	N/A
.Fauquier County, Virginia	71,222	0.8344%	\$6,213,845
.Floyd County, Virginia	15,749	0.1845%	\$1,374,040
.Fluvanna County, Virginia	27,270	0.3195%	\$2,379,202
.Franklin County, Virginia	56,042	0.6566%	\$4,889,448

.Frederick County, Virginia	89,313	1.0464%	\$7,792,215
.Giles County, Virginia	16,720	0.1959%	\$1,458,756
.Gloucester County, Virginia	37,348	0.4376%	\$3,258,469
.Goochland County, Virginia	23,753	0.2783%	\$2,072,358
.Grayson County, Virginia	15,550	0.1822%	\$1,356,678
.Greene County, Virginia	19,819	0.2322%	\$1,729,131
.Greensville County, Virginia	11,336	0.1328%	\$989,022
.Halifax County, Virginia	33,911	0.3973%	\$2,958,604
.Hanover County, Virginia	107,766	1.2626%	\$9,402,168
.Henrico County, Virginia	330,818	3.8758%	\$28,862,595
.Henry County, Virginia	50,557	0.5923%	\$4,410,903
.Highland County, Virginia	2,190	0.0257%	\$191,069
.Isle of Wight County, Virginia	37,109	0.4348%	\$3,237,617
.James City County, Virginia	76,523	0.8965%	\$6,676,337
.King and Queen County, Virginia	7,025	0.0823%	\$612,904
.King George County, Virginia	26,836	0.3144%	\$2,341,338
.King William County, Virginia	17,148	0.2009%	\$1,496,097
.Lancaster County, Virginia	10,603	0.1242%	\$925,071
.Lee County, Virginia	23,423	0.2744%	\$2,043,566
.Loudoun County, Virginia	413,538	4.8449%	\$36,079,596
.Louisa County, Virginia	37,591	0.4404%	\$3,279,670
.Lunenburg County, Virginia	12,196	0.1429%	\$1,064,054
.Madison County, Virginia	13,261	0.1554%	\$1,156,971
.Mathews County, Virginia	8,834	0.1035%	\$770,732
.Mecklenburg County, Virginia	30,587	0.3583%	\$2,668,598
.Middlesex County, Virginia	10,582	0.1240%	\$923,239
.Montgomery County, Virginia	98,535	1.1544%	\$8,596,799
.Nelson County, Virginia	14,930	0.1749%	\$1,302,585
.New Kent County, Virginia	23,091	0.2705%	\$2,014,601
.Northampton County, Virginia	11,710	0.1372%	\$1,021,652
.Northumberland County, Virginia	12,095	0.1417%	\$1,055,242
.Nottoway County, Virginia	15,232	0.1785%	\$1,328,933
.Orange County, Virginia	37,051	0.4341%	\$3,232,557
.Page County, Virginia	23,902	0.2800%	\$2,085,357
.Patrick County, Virginia	17,608	0.2063%	\$1,536,230
.Pittsylvania County, Virginia	60,354	0.7071%	\$5,265,654
.Powhatan County, Virginia	29,652	0.3474%	\$2,587,023
.Prince Edward County, Virginia	22,802	0.2671%	\$1,989,387
.Prince George County, Virginia	38,353	0.4493%	\$3,346,151
.Prince William County, Virginia	470,335	5.5103%	\$41,034,915
.Pulaski County, Virginia	34,027	0.3987%	\$2,968,725
.Rappahannock County, Virginia	7,370	0.0863%	\$643,004
.Richmond County, Virginia	9,023	0.1057%	\$787,222
.Roanoke County, Virginia	94,186	1.1035%	\$8,217,365

.Rockbridge County, Virginia	22,573	0.2645%	\$1,969,407
.Rockingham County, Virginia	81,948	0.9601%	\$7,149,647
.Russell County, Virginia	26,586	0.3115%	\$2,319,526
.Scott County, Virginia	21,566	0.2527%	\$1,881,550
.Shenandoah County, Virginia	43,616	0.5110%	\$3,805,328
.Smyth County, Virginia	30,104	0.3527%	\$2,626,458
.Southampton County, Virginia	17,631	0.2066%	\$1,538,237
.Spotsylvania County, Virginia	136,215	1.5959%	\$11,884,234
.Stafford County, Virginia	152,882	1.7911%	\$13,338,365
.Surry County, Virginia	6,422	0.0752%	\$560,295
.Sussex County, Virginia	11,159	0.1307%	\$973,580
.Tazewell County, Virginia	40,595	0.4756%	\$3,541,757
.Warren County, Virginia	40,164	0.4706%	\$3,504,154
.Washington County, Virginia	53,740	0.6296%	\$4,688,608
.Westmoreland County, Virginia	18,015	0.2111%	\$1,571,739
.Wise County, Virginia	37,383	0.4380%	\$3,261,523
.Wythe County, Virginia	28,684	0.3361%	\$2,502,568
.York County, Virginia	68,280	0.8000%	\$5,957,167
.Alexandria city, Virginia	159,428	1.8678%	\$13,909,478
.Bristol city, Virginia	16,762	0.1964%	\$1,462,420
.Buena Vista city, Virginia	6,478	0.0759%	\$565,181
.Charlottesville city, Virginia	47,266	0.5538%	\$4,123,776
.Chesapeake city, Virginia	244,835	2.8684%	\$21,360,910
.Colonial Heights city, Virginia	17,370	0.2035%	\$1,515,466
.Covington city, Virginia	5,538	0.0649%	\$483,169
.Danville city, Virginia	40,044	0.4691%	\$3,493,685
.Emporia city, Virginia	5,346	0.0626%	\$466,418
.Fairfax city, Virginia	24,019	0.2814%	\$2,095,565
.Falls Church city, Virginia	14,617	0.1712%	\$1,275,277
.Franklin city, Virginia	7,967	0.0933%	\$695,090
.Fredericksburg city, Virginia	29,036	0.3402%	\$2,533,279
.Galax city, Virginia	6,347	0.0744%	\$553,751
.Hampton city, Virginia	134,510	1.5759%	\$11,735,479
.Harrisonburg city, Virginia	53,016	0.6211%	\$4,625,442
.Hopewell city, Virginia	22,529	0.2639%	\$1,965,568
.Lexington city, Virginia	7,446	0.0872%	\$649,635
.Lynchburg city, Virginia	82,168	0.9627%	\$7,168,841
.Manassas city, Virginia	41,085	0.4813%	\$3,584,508
.Manassas Park city, Virginia	17,478	0.2048%	\$1,524,888
.Martinsville city, Virginia	12,554	0.1471%	\$1,095,288
.Newport News city, Virginia	179,225	2.0998%	\$15,636,690
.Norfolk city, Virginia	242,742	2.8439%	\$21,178,304
.Norton city, Virginia	3,981	0.0466%	\$347,327
.Petersburg city, Virginia	31,346	0.3672%	\$2,734,818

.Poquoson city, Virginia	12,271	0.1438%	\$1,070,597
.Portsmouth city, Virginia	94,398	1.1059%	\$8,235,862
.Radford city, Virginia	18,249	0.2138%	\$1,592,155
.Richmond city, Virginia	230,436	2.6997%	\$20,104,653
.Roanoke city, Virginia	99,143	1.1615%	\$8,649,844
.Salem city, Virginia	25,301	0.2964%	\$2,207,415
.Staunton city, Virginia	24,932	0.2921%	\$2,175,221
.Suffolk city, Virginia	92,108	1.0791%	\$8,036,068
.Virginia Beach city, Virginia	449,974	5.2718%	\$39,258,497
.Waynesboro city, Virginia	22,630	0.2651%	\$1,974,380
.Williamsburg city, Virginia	14,954	0.1752%	\$1,304,679
.Winchester city, Virginia	28,078	0.3290%	\$2,449,697
Total Funds Distributed (excludes Fairfax County)			\$644,573,383
Source: U.S. Census Bureau, Population Division			
Release Date: March 2020			

¹ **Note:** Percentages are displayed as rounded numbers, however, the distributions are calculated using the full values.

Appendix B - Guidance From U.S. Treasury

Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government

officials responsible for spending Fund payments.

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19- related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in

- connection with the COVID-19 public health emergency.
- Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
 4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
 5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

¹ The Guidance is available at: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

Appendix C - Frequently Asked Questions

The content below was provided by the US Department of the Treasury.

Coronavirus Relief Fund Frequently Asked Questions April 22, 2020

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Inspector General of the Department of the Treasury of amounts received from the Coronavirus Relief Fund (the “Fund”) that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Inspector General if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May governments retain assets purchased with these funds?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of May 4, 2020**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).¹ Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county’s borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to

the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contact tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax

requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a “payroll support program” for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

¹ The Guidance is available at: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

Appendix D - Certification for Use of Coronavirus Relief Fund

Note: Provided for reference only - download a fillable .pdf copy of this form from the Secretary of Finance's Website under "Recent News" at: <http://finance.virginia.gov/>

**CERTIFICATION for RECEIPT of
CORONAVIRUS RELIEF FUND PAYMENTS
by
INSERT NAME OF LOCAL GOVERNMENT**

We the undersigned represent insert name of local government (the locality), and we certify that:

1. we have the authority to request direct payment on behalf of the locality from the Commonwealth of Virginia of revenues from the Coronavirus Relief Fund (CRF) pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).
2. we understand that the Commonwealth of Virginia will rely on this certification as a material representation in making a direct payment to the locality.
3. the locality's proposed uses of the funds received as direct payment from the Commonwealth of Virginia under section 601(b) of the Social Security Act will be used only to cover those costs that:
 - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. were not accounted for in the budget most recently approved as of March 27, 2020, for the locality; and
 - c. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
4. any funds that are not expended or that will not be expended on necessary expenditures on or before December 30, 2020, by the locality or its grantee(s), must be returned to Commonwealth of Virginia no later than December 30, 2020, and that the Commonwealth of Virginia is entitled to invoke state aid intercept to recover any such unexpended funds that have not been returned to the Commonwealth within 30 days of December 30, 2020.
5. we understand that the locality will not receive continued funding beyond December 30, 2020, from any source to continue paying expenses or providing services that were initiated or previously supported from CRF funds prior to December 30, 2020.
6. funds received as a direct payment from the Commonwealth of Virginia pursuant to this certification must adhere to official federal guidance issued or to be issued regarding what constitutes a necessary expenditure.
7. any CRF funds expended by the locality or its grantee(s) in any manner that does not adhere to official federal guidance shall be returned to the Commonwealth of Virginia within 30 days of a finding that the expenditure is disallowed, and that the Commonwealth of Virginia is entitled to

invoke state aid intercept to recover any and all such funds that are not repaid within 30 days of a finding that the expenditure is disallowed.

8. as a condition of receiving the CRF funds pursuant to this certification, the locality shall retain documentation of all uses of the funds, including but not limited to payroll time records, invoices, and/or sales receipts. Such documentation shall be produced to the Commonwealth of Virginia upon request.
9. the locality must maintain proper accounting records to segregate these expenditures from those supported by other fund sources and that all such records will be subject to audit.
10. any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected revenue collections from taxes, fees, or any other revenue source.
11. any CRF funds received pursuant to this certification will not be used for expenditures for which the locality has received funds from any other emergency COVID-19 supplemental funding (whether state, federal, or private in nature) for that same expense nor may CRF funds be used for purposes of matching other federal funds unless specifically authorized by federal statute, regulation, or guideline.

For counties only

12. an equitable share of CRF funds received pursuant to this certification shall be shared with and granted to each town within its jurisdiction. Such grant(s) shall be used solely for necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), that were not accounted for in the budget most recently approved as of March 27, 2020, and that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. The county issuing the grant is responsible for the ensuring compliance with the documentation requirements required by this certification and shall ensure that the use of the funds meets the requirements set forth in this certification.

We certify that we have read the above certification and our statements contained herein are true and correct to the best of our knowledge.

By: _____	By: _____	By: _____
Signature: _____	Signature: _____	Signature: _____
Title: _____	Title: _____	Title: _____
Date: _____	Date: _____	Date: _____



COMMONWEALTH of VIRGINIA

Aubrey L. Layne, Jr., MBA, CPA
Secretary of Finance

P.O. Box 1475
Richmond, Virginia 23218

July 28, 2020

To: County and City Elected Officials

Delivered Via: Chief Executive Officer, Manager, or Administrator

From: Aubrey L. Layne, Jr.
Secretary of Finance

Subject: Second and Final Allocation of Federal Coronavirus Relief Funds

Overview

On May 12, 2020, I advised you of Governor Northam's decision to provide the first round of allocations to local governments from the federal Coronavirus Relief Fund (CRF) authorized pursuant to the federal *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act). On June 1, 2020, each locality received its share of the first half, or fifty (50) percent, of the locally-based allocations (not including Fairfax County that received its funds directly).

While the federal CARES Act does not require that states distribute funding to local governments with populations less than 500,000 residents, the Governor recognizes that localities continue to experience the same COVID-19 related expenses as the Commonwealth.

Therefore, the Governor recently announced the second and final round to allocate the remaining fifty (50) percent of the locally-based allocations from the CRF to local governments. When completed, the state will have distributed 100 percent of the local allocations the Commonwealth received under the CARES Act providing a total of \$1.3 billion for local governments.

Just like the first round, the second round will be based on population. Consequently, the second round of allocations will be for the same amount that you received in the first round on June 1, 2020. In order to receive the second allocation, localities are required to submit a new certification form and complete an online survey regarding the use of the CRF funds.

As soon as these two documents are fully completed and submitted, the Department of Accounts will initiate the transfer of funds to the local Treasurer. Localities may expect to receive the transfer by the state Comptroller within five business days following confirmation of receipt of these completed documents.

County and City Elected Officials and Administrators

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Guidance

It is extremely important for you to know that all of the same conditions that existed for the first round of CRF allocations continue for the second round of allocations. To that end, I encourage you to refer to my May 12, 2020, memorandum and to the federal guidance and frequently asked questions located at: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

This information is routinely updated and has been revised several times since my May 12, 2020, memorandum. Compliance with the federal guidance is your responsibility and failure to do so could result in disallowed expenses requiring you to repay the associated funds to the federal government. As stated previously, if you fail to repay any funds spent for nonqualifying expenses as required by the federal government, the state Comptroller will recover such amounts from future state payments to your locality via the State Aid Intercept Program.

In addition to the revised federal guidance, on July 2, 2020, the U.S. Treasury's Office of the Inspector General issued information related to reporting and audit requirements that had not been published at the time of my original communication to you. Information regarding the audit and reporting requirements can be found at the same link provided above. Further, the State Comptroller's office has subrecipient monitoring responsibilities that will necessitate evaluation and additional correspondence with localities regarding the use of funds.

As a reminder, the overarching federal guidance states that these funds must be used for qualifying expenses of state and local governments. Specifically, the CARES Act provides that payments from the CRF only may be used to cover costs that:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The federal guidance continues to state that the CRF funds can be used only for the direct costs associated with the response to the COVID-19 pandemic and cannot be used to address revenue shortfalls. State and local government officials have requested that this restriction be lifted or that additional federal funds be provided to address the loss of state and local revenue. To date, no action has been taken by Congress to allow that flexibility or to provide funding for that purpose.

CRF funds should be considered "one time" monies and should not be used for ongoing services and/or base operations. Because the funds must be expended by December 30, localities are advised not to create services with expenses beyond that period. Any expenses beyond December 30, 2020, must be paid entirely by the locality from local funds.

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Allocation of CRF Funds to Localities

The remaining fifty (50) percent of the locally-based allocations will be distributed to counties and cities by the Department of Accounts (DOA) after receipt from the locality of a new, signed certification form and after completion of a survey on the locality's actual and planned uses of the CRF funds. This distribution will be made to the local treasurer in the same manner that the first round of funds were distributed within five business days following receipt of the completed documents.

Each locality's allocation will be based on the proportion that the locality's population represents of the statewide total population. Appendix A reflects the population used by U.S. Treasury to allocate CRF funds to the states. This population data is the basis for determining the allocations to each locality.

This table also reflects each locality's share of the remaining distribution based on the population data displayed. Please note that the population data for each county includes the populations of the towns within its borders. Consequently, the allocation indicated for each county includes any allocations based on residents that live in the towns located within that county.

Requirements: Survey on the Use of Funds and Certifications

General

The amounts listed in Appendix A reflect the funds that will be transferred to each locality after:

1. completion of an online survey located at: (NOTE: *the link to this survey will be provided by separate communication later this week*), and
2. receipt of a certification form (Appendix D) from the locality signed by the chief executive officer, the chief financial officer (Treasurer), and the chief elected officer.

Before signing the certification, I recommend that you read and understand the federal guidance and the frequently asked questions contained in Appendix B and Appendix C, respectively. The most recent information on this guidance and the frequently asked questions can be obtained at: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

Please note that the certification statement includes an acknowledgment that you may be required to return funds to the federal government if it is determined that those funds were spent for purposes that do not qualify. Since these funds are being provided to you "up front" rather than on a reimbursement basis, it is important for you to understand that the burden of ensuring that all CRF funds are spent for qualifying purposes falls to the local government.

You are responsible for maintaining all necessary documentation to ensure compliance with the federal requirements. The State Comptroller is responsible for all subrecipient monitoring and may require additional information in the future from each locality to address that responsibility.

If the federal government determines that you have used CRF funds for purposes that do not qualify, you must return those funds to the state promptly so that they may be returned to the federal government. As a condition of receiving CRF funds, you are agreeing that the state can use state aid intercept to recover any funds necessary for expenses that were not for a qualifying purpose or that were unexpended as of December 30, 2020.

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For Counties Only

As previously stated, the population data for each county includes the populations of the towns within its borders. Consequently, the allocation indicated for each county includes any allocations based on residents that live in the towns located within that county.

Counties must ensure that an equitable share of the CRF funds it receives are shared with and granted to each town within its jurisdiction. Just as with the funds retained by the county, the funds granted to towns must be spent in accordance with the same requirements and the same documentation must be retained for audit purposes. The county issuing the grant is responsible for the ensuring compliance with each town's documentation requirements and must ensure that the use of the funds meets the requirements set forth by the federal government.

Completion of Survey

The Commonwealth has partnered with Accenture to create a survey to collect data on how each locality has used or plans to use its allocation of CRF funds. The survey instrument, which must be completed online, will be made available later this week by separate communication. This communication will include instructions regarding access to and completion of the survey. For questions about completion of the survey, please contact Jason Saunders, General Government Coordinator, Department of Planning and Budget, at jason.saunders@dpb.virginia.gov.

We are requesting that this survey be completed no later than **5:00pm, Monday, August 10, 2020**, so that we may provide a report on the use of the CRF by locality to the General Assembly when it convenes for a special session beginning on August 18, 2020. For surveys that are not received by this due date, this report will reflect that the survey results were not received from that locality by the requested due date. More importantly, the survey must be completed, along with submission of the certification form, in order to receive the second distribution of CRF funds.

Submission of Certification

The certification in Appendix D contains more specific details on the responsibilities of the local governing body. A fillable .pdf form can be downloaded from the Secretary of Finance's Website under "Recent News" at: <http://finance.virginia.gov/>

The signed certification form should be submitted no later than **August 10, 2020**, to the Department of Accounts in electronic or hard copy form:

By Email to: GACCT@DOA.Virginia.gov

By US Mail to: Department of Accounts
Attention: Local CRF Certification
PO Box 1971
Richmond, VA 23218-1971

If you have any questions regarding the appropriate use of CRF funds, please refer to the U.S. Treasury Website and guidance. For questions about this process, you may contact my office at (804) 786-1148. If you have technical questions about the certification form or the distribution of

County and City Elected Officials and Administrators

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the funds, please contact Melinda Pearson, Director, General Accounting, Department of Accounts, at melinda.pearson@doa.virginia.gov or by phone at 804-225-2376.

Appendix A – Local Allocations

Annual Estimates of the Resident Population for Counties in Virginia: as of July 1, 2019	Statewide Total = 8,535,519	% of Total ¹	Current Allocation Base ²= \$744,691,122
Locality	Population		
.Accomack County, Virginia	32,316	0.3786%	\$2,819,446
.Albemarle County, Virginia	109,330	1.2809%	\$9,538,621
.Alleghany County, Virginia	14,860	0.1741%	\$1,296,478
.Amelia County, Virginia	13,145	0.1540%	\$1,146,851
.Amherst County, Virginia	31,605	0.3703%	\$2,757,414
.Appomattox County, Virginia	15,911	0.1864%	\$1,388,173
.Arlington County, Virginia	236,842	2.7748%	\$20,663,551
.Augusta County, Virginia	75,558	0.8852%	\$6,592,144
.Bath County, Virginia	4,147	0.0486%	\$361,810
.Bedford County, Virginia	78,997	0.9255%	\$6,892,184
.Bland County, Virginia	6,280	0.0736%	\$547,906
.Botetourt County, Virginia	33,419	0.3915%	\$2,915,679
.Brunswick County, Virginia	16,231	0.1902%	\$1,416,092
.Buchanan County, Virginia	21,004	0.2461%	\$1,832,518
.Buckingham County, Virginia	17,148	0.2009%	\$1,496,097
.Campbell County, Virginia	54,885	0.6430%	\$4,788,505
.Caroline County, Virginia	30,725	0.3600%	\$2,680,638
.Carroll County, Virginia	29,791	0.3490%	\$2,599,150
.Charles City County, Virginia	6,963	0.0816%	\$607,495
.Charlotte County, Virginia	11,880	0.1392%	\$1,036,484
.Chesterfield County, Virginia	352,802	4.1333%	\$30,780,614
.Clarke County, Virginia	14,619	0.1713%	\$1,275,451
.Craig County, Virginia	5,131	0.0601%	\$447,660
.Culpeper County, Virginia	52,605	0.6163%	\$4,589,583
.Cumberland County, Virginia	9,932	0.1164%	\$866,529
.Dickenson County, Virginia	14,318	0.1677%	\$1,249,190
.Dinwiddie County, Virginia	28,544	0.3344%	\$2,490,354
.Essex County, Virginia	10,953	0.1283%	\$955,607
.Fairfax County, Virginia	1,147,532	13.4442%	N/A
.Fauquier County, Virginia	71,222	0.8344%	\$6,213,845
.Floyd County, Virginia	15,749	0.1845%	\$1,374,040
.Fluvanna County, Virginia	27,270	0.3195%	\$2,379,202
.Franklin County, Virginia	56,042	0.6566%	\$4,889,448
.Frederick County, Virginia	89,313	1.0464%	\$7,792,215
.Giles County, Virginia	16,720	0.1959%	\$1,458,756

Appendix A – Local Allocations

.Gloucester County, Virginia	37,348	0.4376%	\$3,258,469
.Goochland County, Virginia	23,753	0.2783%	\$2,072,358
.Grayson County, Virginia	15,550	0.1822%	\$1,356,678
.Greene County, Virginia	19,819	0.2322%	\$1,729,131
.Greensville County, Virginia	11,336	0.1328%	\$989,022
.Halifax County, Virginia	33,911	0.3973%	\$2,958,604
.Hanover County, Virginia	107,766	1.2626%	\$9,402,168
.Henrico County, Virginia	330,818	3.8758%	\$28,862,595
.Henry County, Virginia	50,557	0.5923%	\$4,410,903
.Highland County, Virginia	2,190	0.0257%	\$191,069
.Isle of Wight County, Virginia	37,109	0.4348%	\$3,237,617
.James City County, Virginia	76,523	0.8965%	\$6,676,337
.King and Queen County, Virginia	7,025	0.0823%	\$612,904
.King George County, Virginia	26,836	0.3144%	\$2,341,338
.King William County, Virginia	17,148	0.2009%	\$1,496,097
.Lancaster County, Virginia	10,603	0.1242%	\$925,071
.Lee County, Virginia	23,423	0.2744%	\$2,043,566
.Loudoun County, Virginia	413,538	4.8449%	\$36,079,596
.Louisa County, Virginia	37,591	0.4404%	\$3,279,670
.Lunenburg County, Virginia	12,196	0.1429%	\$1,064,054
.Madison County, Virginia	13,261	0.1554%	\$1,156,971
.Mathews County, Virginia	8,834	0.1035%	\$770,732
.Mecklenburg County, Virginia	30,587	0.3583%	\$2,668,598
.Middlesex County, Virginia	10,582	0.1240%	\$923,239
.Montgomery County, Virginia	98,535	1.1544%	\$8,596,799
.Nelson County, Virginia	14,930	0.1749%	\$1,302,585
.New Kent County, Virginia	23,091	0.2705%	\$2,014,601
.Northampton County, Virginia	11,710	0.1372%	\$1,021,652
.Northumberland County, Virginia	12,095	0.1417%	\$1,055,242
.Nottoway County, Virginia	15,232	0.1785%	\$1,328,933
.Orange County, Virginia	37,051	0.4341%	\$3,232,557
.Page County, Virginia	23,902	0.2800%	\$2,085,357
.Patrick County, Virginia	17,608	0.2063%	\$1,536,230
.Pittsylvania County, Virginia	60,354	0.7071%	\$5,265,654
.Powhatan County, Virginia	29,652	0.3474%	\$2,587,023
.Prince Edward County, Virginia	22,802	0.2671%	\$1,989,387
.Prince George County, Virginia	38,353	0.4493%	\$3,346,151
.Prince William County, Virginia	470,335	5.5103%	\$41,034,915
.Pulaski County, Virginia	34,027	0.3987%	\$2,968,725
.Rappahannock County, Virginia	7,370	0.0863%	\$643,004
.Richmond County, Virginia	9,023	0.1057%	\$787,222

Appendix A – Local Allocations

.Roanoke County, Virginia	94,186	1.1035%	\$8,217,365
.Rockbridge County, Virginia	22,573	0.2645%	\$1,969,407
.Rockingham County, Virginia	81,948	0.9601%	\$7,149,647
.Russell County, Virginia	26,586	0.3115%	\$2,319,526
.Scott County, Virginia	21,566	0.2527%	\$1,881,550
.Shenandoah County, Virginia	43,616	0.5110%	\$3,805,328
.Smyth County, Virginia	30,104	0.3527%	\$2,626,458
.Southampton County, Virginia	17,631	0.2066%	\$1,538,237
.Spotsylvania County, Virginia	136,215	1.5959%	\$11,884,234
.Stafford County, Virginia	152,882	1.7911%	\$13,338,365
.Surry County, Virginia	6,422	0.0752%	\$560,295
.Sussex County, Virginia	11,159	0.1307%	\$973,580
.Tazewell County, Virginia	40,595	0.4756%	\$3,541,757
.Warren County, Virginia	40,164	0.4706%	\$3,504,154
.Washington County, Virginia	53,740	0.6296%	\$4,688,608
.Westmoreland County, Virginia	18,015	0.2111%	\$1,571,739
.Wise County, Virginia	37,383	0.4380%	\$3,261,523
.Wythe County, Virginia	28,684	0.3361%	\$2,502,568
.York County, Virginia	68,280	0.8000%	\$5,957,167
.Alexandria city, Virginia	159,428	1.8678%	\$13,909,478
.Bristol city, Virginia	16,762	0.1964%	\$1,462,420
.Buena Vista city, Virginia	6,478	0.0759%	\$565,181
.Charlottesville city, Virginia	47,266	0.5538%	\$4,123,776
.Chesapeake city, Virginia	244,835	2.8684%	\$21,360,910
.Colonial Heights city, Virginia	17,370	0.2035%	\$1,515,466
.Covington city, Virginia	5,538	0.0649%	\$483,169
.Danville city, Virginia	40,044	0.4691%	\$3,493,685
.Emporia city, Virginia	5,346	0.0626%	\$466,418
.Fairfax city, Virginia	24,019	0.2814%	\$2,095,565
.Falls Church city, Virginia	14,617	0.1712%	\$1,275,277
.Franklin city, Virginia	7,967	0.0933%	\$695,090
.Fredericksburg city, Virginia	29,036	0.3402%	\$2,533,279
.Galax city, Virginia	6,347	0.0744%	\$553,751
.Hampton city, Virginia	134,510	1.5759%	\$11,735,479
.Harrisonburg city, Virginia	53,016	0.6211%	\$4,625,442
.Hopewell city, Virginia	22,529	0.2639%	\$1,965,568
.Lexington city, Virginia	7,446	0.0872%	\$649,635
.Lynchburg city, Virginia	82,168	0.9627%	\$7,168,841
.Manassas city, Virginia	41,085	0.4813%	\$3,584,508
.Manassas Park city, Virginia	17,478	0.2048%	\$1,524,888
.Martinsville city, Virginia	12,554	0.1471%	\$1,095,288

Appendix A – Local Allocations

.Newport News city, Virginia	179,225	2.0998%	\$15,636,690
.Norfolk city, Virginia	242,742	2.8439%	\$21,178,304
.Norton city, Virginia	3,981	0.0466%	\$347,327
.Petersburg city, Virginia	31,346	0.3672%	\$2,734,818
.Poquoson city, Virginia	12,271	0.1438%	\$1,070,597
.Portsmouth city, Virginia	94,398	1.1059%	\$8,235,862
.Radford city, Virginia	18,249	0.2138%	\$1,592,155
.Richmond city, Virginia	230,436	2.6997%	\$20,104,653
.Roanoke city, Virginia	99,143	1.1615%	\$8,649,844
.Salem city, Virginia	25,301	0.2964%	\$2,207,415
.Staunton city, Virginia	24,932	0.2921%	\$2,175,221
.Suffolk city, Virginia	92,108	1.0791%	\$8,036,068
.Virginia Beach city, Virginia	449,974	5.2718%	\$39,258,497
.Waynesboro city, Virginia	22,630	0.2651%	\$1,974,380
.Williamsburg city, Virginia	14,954	0.1752%	\$1,304,679
.Winchester city, Virginia	28,078	0.3290%	\$2,449,697
Total Funds Distributed (excludes Fairfax County)			\$644,573,383
Source: U.S. Census Bureau, Population Division			
Release Date: March 2020			

¹ **Note:** Percentages are displayed as rounded numbers, however, the distributions are calculated using the full values.

² **Note:** The total allocation base includes Fairfax County in order to correctly calculate the allocation for the remaining localities.

Appendix B: Coronavirus Relief Fund – Guidance from U.S. Treasury

Guidance for State, Territorial, Local, and Tribal Governments Updated June 30, 2020¹

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.²

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the

¹ This version updates the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020”.

² See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

Appendix B: Coronavirus Relief Fund – Guidance from U.S. Treasury

cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period, but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, *e.g.*, the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient’s control.

Appendix B: Coronavirus Relief Fund – Guidance from U.S. Treasury

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

Appendix B: Coronavirus Relief Fund – Guidance from U.S. Treasury

- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

*Nonexclusive examples of ineligible expenditures*³

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.⁴
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

³ In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

⁴ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

The content below was provided by the U.S. Department of the Treasury.

Coronavirus Relief Fund Frequently Asked Questions Updated as of July 8, 2020

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).¹ Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

¹ The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contact tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a “payroll support program” for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

May a State impose restrictions on transfers of funds to local governments?

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

May recipients use Fund payments to provide loans?

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

May funds be used to satisfy non-federal matching requirements under the Stafford Act?

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

Are Fund payments to State, territorial, local, and tribal governments considered grants?

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Are Fund payments subject to other requirements of the Uniform Guidance?

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?

Yes. The CFDA number assigned to the Fund is 21.019.

If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

Appendix D: Certification for Use of Coronavirus Relief Fund

Note: Provided for reference only - download a fillable .pdf copy of this form from the Secretary of Finance's Website under "Recent News" at: <http://finance.virginia.gov/>

**CERTIFICATION for RECEIPT of
CORONAVIRUS RELIEF FUND PAYMENTS
by
INSERT NAME OF LOCAL GOVERNMENT**

We the undersigned represent insert name of local government (the locality), and we certify that:

1. we have the authority to request direct payment on behalf of the locality from the Commonwealth of Virginia of revenues from the Coronavirus Relief Fund (CRF) pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).
2. we understand that the Commonwealth of Virginia will rely on this certification as a material representation in making a direct payment to the locality.
3. the locality 's proposed uses of the funds received as direct payment from the Commonwealth of Virginia under section 601(b) of the Social Security Act will be used only to cover those costs that:
 - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. were not accounted for in the budget most recently approved as of March 27, 2020, for the locality; and
 - c. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
4. any funds that are not expended or that will not be expended on necessary expenditures on or before December 30, 2020, by the locality or its grantee(s), must be returned to Commonwealth of Virginia no later than December 30, 2020, and that the Commonwealth of Virginia is entitled to invoke state aid intercept to recover any such unexpended funds that have not been returned to the Commonwealth within 30 days of December 30, 2020.
5. we understand that the locality will not receive continued funding beyond December 30, 2020, from any source to continue paying expenses or providing services that were initiated or previously supported from CRF funds prior to December 30, 2020.
6. funds received as a direct payment from the Commonwealth of Virginia pursuant to this certification must adhere to official federal guidance issued or to be issued regarding what constitutes a necessary expenditure.
7. any CRF funds expended by the locality or its grantee(s) in any manner that does not adhere to official federal guidance shall be returned to the Commonwealth of Virginia within 30 days of a finding that the expenditure is disallowed, and that the Commonwealth of Virginia is entitled to

invoke state aid intercept to recover any and all such funds that are not repaid within 30 days of a finding that the expenditure is disallowed.

8. as a condition of receiving the CRF funds pursuant to this certification, the locality shall retain documentation of all uses of the funds, including but not limited to payroll time records, invoices, and/or sales receipts. Such documentation shall be produced to the Commonwealth of Virginia upon request.
9. the locality must maintain proper accounting records to segregate these expenditures from those supported by other fund sources and that all such records will be subject to audit.
10. any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected revenue collections from taxes, fees, or any other revenue source.
11. any CRF funds received pursuant to this certification will not be used for expenditures for which the locality has received funds from any other emergency COVID-19 supplemental funding (whether state, federal, or private in nature) for that same expense nor may CRF funds be used for purposes of matching other federal funds unless specifically authorized by federal statute, regulation, or guideline.

For counties only

12. an equitable share of CRF funds received pursuant to this certification shall be shared with and granted to each town within its jurisdiction. Such grant(s) shall be used solely for necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), that were not accounted for in the budget most recently approved as of March 27, 2020, and that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. The county issuing the grant is responsible for the ensuring compliance with the documentation requirements required by this certification and shall ensure that the use of the funds meets the requirements set forth in this certification.

We certify that we have read the above certification and our statements contained herein are true and correct to the best of our knowledge.

By: _____	By: _____	By: _____
Signature: _____	Signature: _____	Signature: _____
Title: _____	Title: _____	Title: _____
Date: _____	Date: _____	Date: _____

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of August 10, 2020¹**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).² Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

A. Eligible Expenditures

1. *Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

2. *The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. *The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?*

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

¹ On August 10, 2020, these Frequently Asked Questions were revised to add Questions 49–52. The previous revision was made on July 8.

² The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

4. *May a State receiving a payment transfer funds to a local government?*

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

5. *May a unit of local government receiving a Fund payment transfer funds to another unit of government?*

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

6. *Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?*

No. For example, a county recipient is not required to transfer funds to smaller cities within the county’s borders.

7. *Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?*

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

8. *Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?*

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

9. *Are States permitted to use Fund payments to support state unemployment insurance funds generally?*

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

10. *Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?*

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

11. *The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?*

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

12. *In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?*

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

13. *If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?*

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

14. *May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?*

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

15. *May Fund payments be used for COVID-19 public health emergency recovery planning?*

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

16. *Are expenses associated with contact tracing eligible?*

Yes, expenses associated with contact tracing are eligible.

17. *To what extent may a government use Fund payments to support the operations of private hospitals?*

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

18. *May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?*

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

19. *May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?*

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

20. *Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?*

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

21. *May recipients create a “payroll support program” for public employees?*

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

22. *May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?*

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

23. *May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?*

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

24. *The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?*

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

25. *The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?*

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

26. *May Fund payments be used to assist impacted property owners with the payment of their property taxes?*

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

27. *May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?*

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

28. *Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?*

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

29. *The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?*

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

30. *The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?*

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

31. *May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?*

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

32. *Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?*

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

33. *Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?*

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

34. *May a State impose restrictions on transfers of funds to local governments?*

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

35. *If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?*

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

36. *May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?*

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

37. *Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?*

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

38. *May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?*

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

39. *May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?*

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

40. *May recipients use Fund payments to provide loans?*

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

41. *May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?*

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

42. *May funds be used to satisfy non-federal matching requirements under the Stafford Act?*

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

43. *Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?*

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

44. *May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?*

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

45. *May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?*

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. *May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?*

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. *The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?*

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. *May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?*

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

49. *Are States permitted to use Coronavirus Relief Fund payments to satisfy non-federal matching requirements under the Stafford Act, including “lost wages assistance” authorized by the Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019 (August 8, 2020)?*

Yes. As previous guidance has stated, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund’s eligibility criteria and the Stafford Act. States are fully permitted to use payments from the Fund to satisfy 100% of their cost share for lost wages assistance recently made available under the Stafford Act.

50. *At what point would costs be considered to be incurred in the case of a grant made by a State, local, or tribal government to cover interest and principal amounts of a loan, such as might be provided as part of a small business assistance program in which the loan is made by a private institution?*

A grant made to cover interest and principal costs of a loan, including interest and principal due after the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”), will be considered to be incurred during the covered period if (i) the full amount of the loan is advanced to the borrower within the covered period and (ii) the proceeds of the loan are used by the borrower to cover expenses incurred during the covered period. In addition, if these conditions are met, the amount of the grant will be considered to have been used during the covered period for purposes of the requirement that expenses be incurred within the covered period. Such a grant would be analogous to a loan provided by the Fund recipient itself that incorporates similar loan forgiveness provisions. As with any other assistance provided by a Fund recipient, such a grant would need to be determined by the recipient to be necessary due to the public health emergency.

51. *If governments use Fund payments as described in the Guidance to establish a grant program to support businesses, would those funds be considered gross income taxable to a business receiving the grant under the Internal Revenue Code (Code)?*

Please see the answer provided by the Internal Revenue Service (IRS) available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

52. *If governments use Fund payments as described in the Guidance to establish a loan program to support businesses, would those funds be considered gross income taxable to a business receiving the loan under the Code?*

Please see the answer provided by the IRS available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

B. Questions Related to Administration of Fund Payments

1. *Do governments have to return unspent funds to Treasury?*

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

2. *What records must be kept by governments receiving payment?*

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

3. *May recipients deposit Fund payments into interest bearing accounts?*

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

4. *May governments retain assets purchased with payments from the Fund?*

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

5. *What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?*

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

6. *Are Fund payments to State, territorial, local, and tribal governments considered grants?*

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

7. *Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?*

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

8. *Are Fund payments subject to other requirements of the Uniform Guidance?*

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

9. *Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?*

Yes. The CFDA number assigned to the Fund is 21.019.

10. *If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?*

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

11. *Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?*

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

12. *If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?*

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.