

**AMHERST TOWN COUNCIL
REVISED AGENDA
WEDNESDAY, JULY 8, 2020
Meeting at 7:00 p.m.
Town Hall, 174 S. Main Street, Amherst, VA 24521**

- A. Call to Order for the Town Council– 7:00 p.m. - Mayor Tuggle**
- B. 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.*
- C. Invocation-** *Any invocation that may be offered before the official start of the Amherst Town Council meeting shall be the voluntary offering to, and for, the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the audience is required to attend or participate in the invocation, and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure by which a volunteer may deliver an invocation are available upon request at the Town Hall.*
- D. Public Hearings and Presentations – Canceled at Request of Applicant**
- ~~**1. Public Hearing for Lease of Property in Brockman Industrial Park for a temporary RV park**—A public hearing has been set and advertised for a lease of Town owned property in Brockman Industrial Park for a temporary RV park for purpose of housing workers during Dominion’s work on the ACP in the area. The draft lease for this proposal was not published in time to meet required deadlines, therefore staff requests that the hearing be held on July 8 and continued to Council’s August 12 meeting.~~
- E. Citizen Comments** – *This time is set aside on the agenda for Town citizens to address Council regarding items not on the agenda for public hearing or presentations. Individual comment time is limited to three minutes, and groups are limited to five minutes. This time is for citizens to address Council, and not designed to be a question and answer session or a discussion time. If follow-up is requested, that will occur after the meeting. Citizen comments must be submitted in advance of the meeting, no later than 6:45 pm. Comments have been solicited via Facebook and the Town’s website.*
- F. Consent Agenda** – *Items on the consent agenda can be voted on as a block if all are in agreement with the recommended action or discussed individually.*
- 1. Town Council Minutes (Pgs. 1-25)** – *Draft of the June 10, 2020 meeting minutes are **attached**. Please let Vicki Hunt know of any concerns by Wednesday morning such that any needed corrections can be presented at the meeting.*
- G. Correspondence and Reports**
- 1. Staff Reports (Pgs. 26-41)**
- a. Town Manager Monthly Report - **attached**
 - b. Police Chief Monthly Report - **attached**
 - c. Office Manager Monthly Report - **attached**
 - d. Clerk of Council Monthly Report- **attached**
 - e. Public Works Monthly Reports- **attached**
 - f. Town Attorney Monthly Report – **attached**
- 2. Council Committee Reports**
- a. Finance Committee – *Mrs. Carton*
 - b. Community Relations – *Mrs. Ogden*
 - c. Utilities Committee – *Mr. Watts*

3. Other Reports (Pgs. 42-49)

- a. Planning Commission, met, July 1, 2020, minutes attached
- b. Industrial Development Authority, no meeting
- c. Robert E. Lee SWCD, minutes attached

H. Discussion Items

- 1. Acceptance of CARES funding and authorization to execute County agreement- (Pgs. 50-51)- Sara Carter-** *Per the Federal CARES act, and the State's decision to direct a portion of the funds to local governments, the Town will receive \$190,633 for use related to Coronavirus impacts. This money is being directed to the Town through the County. The County has requested that the Town accept the payment with the attached certification which affirms the Town's responsibility for following guidance for the use of these funds and appropriate documentation.*
- 2. Use of CARES Act funding- (Pgs. 52-66)- Sara Carter-** *Staff has developed a recommendation for the use of the CARES Act funding that includes provisions to reimburse the Town budget for expenditures related to PPE and telework, a set-aside for hazard pay for public safety personnel, and a small business grant program.*
- 3. Go Virginia Grant and Authorization to Proceed-** *Sara Carter- Staff recommends proceeding with the GO Virginia grant for engineering services at Brockman Park. The maximum Town contribution would be \$51,900 for \$155,000 worth of services. That amount will be reduced, based upon the contribution from the regional business alliance and from current projects in Brockman.*
- 4. Update on Police Accreditation Process-** *Bobby Shiflett- Chief Shiflett will update Council about the process to achieve accreditation for the Town's police department.*
- 5. Amendment to Comprehensive Plan for conservation easement at the Amherst Milling Company-** *Sara Carter- Action on this item has been deferred since the December meeting. The last deferral request by the applicant was to the April meeting.*

I. Matters from Staff

J. Matters from Town Council

K. Anticipated Town Council Agenda Items for Next Month

L. Citizen Comments

M. Closed session- Pursuant to §2.2-3711A.1 of the Code of Virginia, as it relates to assignment, appointment, promotion, performance of specific public officers, appointees, or employees.

N. Adjournment

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on June 10, 2020, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street.

As a result of COVID-19 cautionary restrictions and limited space the below council members and staff met in person and electronically via virtual meeting in the event persons wishing to avoid attending could still address Council from home as part of a public meeting.

It was noted that a quorum was present as follows:

| | | | |
|---|---------------------------|---|-------------------|
| P | D. Dwayne Tuggle | A | Kenneth G. Bunch |
| P | Rachel A. Carton | P | Sarah B. Ogden |
| P | Kenneth S. Watts (Remote) | P | Janice N. Wheaton |

Also present were the following staff members:

| | | | |
|-----------------|---------------|------------------------|---------------------|
| Sara E. Carter | Town Manager | Vicki K. Hunt | Clerk of Council |
| W. Thomas Berry | Town Attorney | Becky L. Cash (Remote) | Lead Water Operator |

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Sarah B. Ogden.

There being no one listed to speak on the citizen comment sign-in sheet or otherwise, no comments were made.

Ms. Ogden made a motion that was seconded by Ms. Carton to approve the minutes from the May 13, 2020, meeting. There being no discussion, the motion 4-0-1 via the roll call method carried as follows:

| | | | |
|------------------|-----|-------------------|--------|
| D. Dwayne Tuggle | | Kenneth G. Bunch | Absent |
| Rachel A. Carton | Aye | Sarah B. Ogden | Aye |
| Kenneth S. Watts | Aye | Janice N. Wheaton | Aye |

Ms. Carton, on behalf of the Finance Committee, gave a brief report on the findings of the committee pertaining to the revisions made to the FY20/21 Town of Amherst budget with a recommendation to accept the revised budget as presented. After Town Manager Carter gave a brief report on substantive changes made in the proposed budget subsequent to the public hearing on April 8, 2020, continued to May 13, 2020, accommodating a decrease in projected revenues and expenditures due to COVID-19, and discussion, on recommendation of the Finance Committee, Council voted 3-1-1 to adopt an ordinance that would have the effect of establishing the FY20/21 Town of Amherst budget, with revisions, as recommended by staff, via roll the call method as follows:

| | | | |
|------------------|-----|-------------------|--------|
| D. Dwayne Tuggle | | Kenneth G. Bunch | Absent |
| Rachel A. Carton | Aye | Sarah G. Ogden | Aye |
| Kenneth S. Watts | Aye | Janice N. Wheaton | Nay |

A copy of the ordinance is attached and made a part of these minutes.

After a brief report by Town Manager Carter, Mr. Watts made a motion that was seconded by Ms. Carton to hold a public hearing on July 8, 2020, on an application to lease property at Brockman Industrial Development Park for the purpose of having a temporary RV park for housing workers associated with the Atlantic Coast Pipeline.

There being no discussion, the motion 4-0-1 via the roll call method carried as follows:

| | | | |
|------------------|-----|-------------------|--------|
| D. Dwayne Tuggle | | Kenneth G. Bunch | Absent |
| Rachel A. Carton | Aye | Sarah B. Ogden | Aye |
| Kenneth S. Watts | Aye | Janice N. Wheaton | Aye |

After a brief report by Town Manager Carter, Ms. Carton made a motion that was seconded by Mr. Watts that subject to Code Section 18.1-707.1.02, a temporary RV park be found to be an appropriate use in the E-1 district, Class II section, for the purpose of leasing property at Brockman Industrial Development Park for a temporary RV park for housing workers associated with the Atlantic Coast Pipeline.

After discussion, the motion 3-1-1 via the roll call method carried as follows:

| | | | |
|------------------|-----|-------------------|--------|
| D. Dwayne Tuggle | | Kenneth G. Bunch | Absent |
| Rachel A. Carton | Aye | Sarah B. Ogden | Aye |
| Kenneth S. Watts | Aye | Janice N. Wheaton | Nay |

After a report by Town Manager Carter, Ms. Ogden made a motion that was seconded by Mr. Watts to approve the 2020 Amendment to the May 1, 2017 Mutual Aid Agreement by and between the Sheriffs of the Counties of Amherst, Appomattox, Bedford, Campbell, Lynchburg, Nelson, Pittsylvania, and the Towns of Altavista, Amherst, Bedford, Brookneal, Chatham and Hurt, and the City of Lynchburg, authorizing Town Manager Carter to execute same.

There being no discussion, the motion 4-0-1 via the roll call method carried as follows:

| | | | |
|------------------|-----|-------------------|--------|
| D. Dwayne Tuggle | | Kenneth G. Bunch | Absent |
| Rachel A. Carton | Aye | Sarah B. Ogden | Aye |
| Kenneth S. Watts | Aye | Janice N. Wheaton | Aye |

A copy of the May 1, 2017 Mutual Aid Agreement, and 2020 Amendment is attached and made a part of these minutes.

After a brief report by Town Manager Carter, Ms. Carton made a motion that was seconded by Ms. Ogden to adopt and approve an amendment to the Town of Amherst Personnel Policy VI. Employee Compensation to include section F. Hazard Pay, as recommended by staff.

After discussion, the motion 4-0-1 via the roll call method carried as follows:

| | | | |
|------------------|-----|-------------------|--------|
| D. Dwayne Tuggle | | Kenneth G. Bunch | Absent |
| Rachel A. Carton | Aye | Sarah B. Ogden | Aye |
| Kenneth S. Watts | Aye | Janice N. Wheaton | Aye |

A copy of the policy is attached and made a part of these minutes.

After a report by Town Manager Carter on the following current member's willingness to continue to serve on the following board and noting that there are two vacancies to be filled on the Board of Zoning Appeals that will require replacement, Mr. Watts made a motion that was seconded by Ms. Ogden to appoint the following individual to the following board and for the term listed below.

| Board | Appointed | Term of Office |
|----------------------------------|------------------|-----------------------|
| Industrial Development Authority | Jacob Bailey | 6/10/20 – 6/30/24 |

There being no discussion, the motion via roll call method carried 4-0-1 as follows:

| | | | |
|------------------|-----|-------------------|--------|
| D. Dwayne Tuggle | | Kenneth G. Bunch | Absent |
| Rachel A. Carton | Aye | Sarah B. Ogden | Aye |
| Kenneth S. Watts | Aye | Janice N. Wheaton | Aye |

By consensus of Council action on the proposed amendment to the Town’s Comprehensive Plan to change the designated land use for Tax Map parcels 96-4-A and 96-1-1-7, totaling 76+/- acres from Planned Development-Residential to Agricultural to allow a request for a conservation easement by Dave McCormack, Owner, Lazy River LTD, that would, if approved by Town Council, allow land between the developed portion of the Mill Race subdivision and the Amherst Milling Company to be changed from planned development areas to conservation and would allow Mr. McCormick to complete a conservation easement process for the property was deferred to a future meeting with a date uncertain due to the current covid-19 crisis, as recommended by staff.

After a report by Council Member Rachel Carton and there being no discussion, by consensus of Council, Council voted 3-1-1 to support Mayor D. Dwayne Tuggle’s application to sit on the Virginia Planning Commission Board of Directors, via the roll call method as follows:

| | | | |
|------------------|-----|-------------------|--------|
| D. Dwayne Tuggle | | Kenneth G. Bunch | Absent |
| Rachel A. Carton | Aye | Sarah B. Ogden | Aye |
| Kenneth S. Watts | Aye | Janice N. Wheaton | Nay |

There being no one listed to speak on the citizen comment sign-in sheet or otherwise, no comments were made.

There being no further business, the meeting adjourned until July 8, 2020, at 7:43 pm on motion by Ms. Ogden seconded by Ms. Carton.

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE TOWN OF AMHERST, VIRGINIA FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021 MAKING REVENUE ESTIMATES AND APPROPRIATIONS FOR SAME.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF AMHERST, VIRGINIA:

A. SOURCES OF FUNDS

That for the support of the Town Government and its General Fund, for the tax year beginning on January 1, 2020, all taxes, fees, charges and penalties shall remain as heretofore set out by Ordinance, Resolution or other appropriate action of the Town Council except as the Town Council may establish or amend herein.

B. FUND ACCOUNTING

That the following projected sources and use of funds are hereby approved as the FY21 Town of Amherst budget and approved appropriations for the respective funds.

Estimated Revenues

| | |
|--------------|-------------|
| General Fund | \$1,094,098 |
| Water Fund | \$1,239,536 |
| Sewer Fund | \$922,623 |
| Garbage Fund | \$141,298 |
| IDA Fund | \$334,857 |

Estimated Expenditures

| | |
|-------------------------------------|-------------|
| General Fund | \$1,094,098 |
| Water Fund | \$1,239,536 |
| - Operations | \$787,174 |
| - Debt Service and Capital Projects | \$452,362 |
| Sewer Fund | \$922,623 |
| - Operations | \$637,043 |
| - Debt Service and Reserve | \$285,580 |
| Garbage Fund | \$141,298 |
| IDA Fund | \$334,857 |

C. TAX RATES

The proposed budget includes a continuation of the real estate tax rate at \$0.00/\$100.00 of assessed value and the personal property tax rate at \$0.00/\$100.00 of assessed value.

The proposed budget includes a continuation of the meals and beverage tax included in the Town Code at 6%.

The annual vehicle license fee for passenger motor vehicles, trucks and

motorcycles shall be \$25/year for cars, 11.00/year for motorcycles and 8.00 for trailers

The rate for Business and Professional Occupational License Taxes shall be set at:

- Contractors: \$0.16 per \$100 of gross receipts
- Financial, Real Estate and/or Professional Services: \$0.50 per \$100 of gross receipts
- Retailers: \$0.10 per \$100 of gross receipts
- Wholesalers: \$0.04 per \$100 of gross receipts
- Repair, Personal, Business and other services: \$0.31 per \$100 of gross receipts
- The rate for Itinerant Merchants and Peddlers shall be set at \$20/year for door to door peddlers, \$200/month for itinerant merchants (\$500/yr max) and peddler of fresh produce \$50/year

D. UTILITY RATES AND CHARGES

See attached Utility Rate and Fee Policy for rates related to water and sewer. The FY 21 budget holds all water and sewer rates and fees at the same level as fiscal years 18-20. There is a decrease in fees associated with new services.

E. DONATIONS

That donations to the following organizations are hereby authorized for the purposes listed subject to the conditions noted. These funds are to be disbursed on a reimbursement basis upon delivery of appropriate receipts:

| Amount | Organization | Purpose/Conditions |
|-----------------|-------------------------|---|
| \$10,000 | Amherst Fire Department | Operating Costs, including water, sewer, electric, training, equipment. |
| \$3000 | Village Garden Club | Civic Beautification |
| \$13,000 | Total Donations | |

F. FUND BALANCE REQUIREMENTS

The Town of Amherst maintains a Fund Balance Policy to ensure that the Town has adequate funds to address emergency situations and ensure the Town’s credit worthiness. Required balances for the FY21 fiscal year are as follows:

| | | |
|-----------------------------|--|------------|
| General Fund Permanent Fund | | \$ 273,525 |
| General Fund Contingency | | \$ 32,823 |

| | | |
|---------------------------|--|------------|
| Water Fund Permanent Fund | | \$ 649,156 |
| Sewer Fund Permanent Fund | | \$ 405,761 |

G. PERSONNEL

In order to maintain the work that has been done to keep salaries fair and competitive, the budget originally included a Cost of Living increase for all employees of 2.12%, consistent with the cost of the consumer price index as shown by the 2019 calendar year and a step increase of 2% for employees that have met their yearly performance goals. Due to the economic impacts of the Coronavirus, these raises have been eliminated.

Health insurance costs went up by approximately 9% and plan choices remain the same this year from last year.

H. CONDITIONS

The intent being to authorize spending according to this budget, all appropriations articulated herein are declared to be maximum and conditional such that outlay shall be made only in the event the aggregate revenues collected and other resources available to the Town in the respective funds are sufficient. All debts of the Town shall be paid in full when due and payable. All expenditures shall be made in accordance with the Ordinance, the Town Charter, Town Code and Purchasing Policy and administrative rules and procedures.

This Ordinance was passed by a vote of the Amherst Town Council on the 10th of June and shall become effective on July 1, 2020.

Mayor

Attest:

Clerk of Council

THIS AGREEMENT, made and entered into this 1st day of May, 2017, by and between E.W. VIAR, SHERIFF, COUNTY OF AMHERST, VIRGINIA; BARRY E. LETTERMAN, SHERIFF, COUNTY OF APPOMATTOX, VIRGINIA; MICHAEL J. BROWN, SHERIFF, COUNTY OF BEDFORD, VIRGINIA; STEVE A. HUTCHERSON, SHERIFF, COUNTY OF CAMPBELL, VIRGINIA; DAVID HILL, SHERIFF, COUNTY OF NELSON, VIRGINIA; RONALD L. GILLISPIE, SHERIFF, CITY OF LYNCHBURG, VIRGINIA; MICHAEL W. TAYLOR, SHERIFF, COUNTY OF PITTSYLVANIA, VIRGINIA; THE TOWN COUNCIL OF THE TOWN OF ALTAVISTA, VIRGINIA, a municipal corporation of the Commonwealth of Virginia (Town of Altavista); THE TOWN COUNCIL OF THE TOWN OF AMHERST, VIRGINIA, a municipal corporation of the Commonwealth of Virginia (Town of Amherst); THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA, a municipal corporation of the Commonwealth of Virginia (Town of Bedford); THE TOWN COUNCIL OF THE TOWN OF BROOKNEAL, VIRGINIA, a municipal corporation of the Commonwealth of Virginia (Town of Brookneal); THE TOWN COUNCIL OF THE TOWN OF CHATHAM, VIRGINIA, a municipal corporation of the Commonwealth of Virginia (Town of Chatham); THE TOWN COUNCIL OF THE TOWN OF HURT, VIRGINIA, a municipal corporation of the Commonwealth of Virginia (Town of Hurt); and THE CITY COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, a municipal corporation of the Commonwealth of Virginia (City of Lynchburg);

WITNESSETH:

WHEREAS, the parties hereto are the Sheriffs of counties where no police department has been established, the Sheriff of the City of Lynchburg, or are the governing bodies of cities and towns within the Commonwealth of Virginia where police departments are established; and

WHEREAS, it is the desire of the parties hereto to enter into a Mutual Aid Agreement in accordance with the provisions of §15.2-1736, and any successor statute, of the Code of Virginia; and

1. **WHEREAS**, §15.2-1736 of The Code of Virginia authorizes such Mutual Aid Agreements; and
2. **WHEREAS**, the Sheriffs and local governments who are parties to this Agreement, have determined that the provision of police aid across jurisdictional lines, and the ability of police

officers and sheriffs and their deputies to make arrests across jurisdictional lines, will increase their ability to maintain peace and good order throughout the entire area; and

3. **WHEREAS**, it is deemed to be mutually beneficial to the parties hereto to enter into an Agreement concerning mutual aid and cooperation and with regard to law enforcement; and

4. **WHEREAS**, the parties desire that the terms and conditions of this Mutual Aid Agreement be established; NOW, THEREFORE,

WITNESSETH:

That for and in consideration of the mutual benefits to be derived from this police Mutual Aid Agreement, the parties hereto covenant and agree as follows:

1. Each party will endeavor to provide police support to the jurisdictions which are parties to this Agreement with the capabilities available at the time the request for such support is made and within the terms of this Agreement.

2. The term "law-enforcement officer" as used in this Agreement shall mean any full-time or part-time employee of a police department or sheriff's office who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth or of a city, town, or county of this Commonwealth, including any auxiliary police officers and auxiliary deputy sheriffs lawfully appointed. The police support provided under this Agreement by the Sheriff of the City of Lynchburg shall be limited to the Sheriff and such deputies who have law enforcement certification from the Virginia Department of Criminal Justice Services and comply with minimum qualifications of §15.2-1705 and §15.2-1706 of the Code of Virginia.

3. Requests for assistance pursuant to the terms and conditions of this Agreement may be made in person or by radio, telephone or any other method of communication, directly by and between supervisory law-enforcement officers on duty, or indirectly through supervisory administrative or dispatch personnel of any of the parties to this Agreement.

4. The personnel of the requested jurisdiction shall render such assistance under the direction of the Chief of Police or Sheriff or their respective designee of the requesting jurisdiction. Responding personnel should report to the person and/or location identified in the initial request for assistance. Supervision of the incident will be determined by the requesting agency. Once the mutual aid request is

made, the requesting agency should determine the best method of communication. If the agencies have common radio channels, they should utilize the best appropriate frequency. If there is no common frequency between the agencies, arrangements should be made so communication is available to the requested agency. This can be done in person, by cell phone, or by issuing a radio with the necessary frequency.

5. Law enforcement support provided pursuant to this Agreement may include, but not be limited to the following resources: uniformed officers, canine officers, aerial support when maintained, forensic support, plainclothes officers, special operations personnel and related equipment.

6. Nothing contained in this Agreement shall in any manner be construed to compel any of the parties hereto to respond to a request for police support when the law enforcement officers of the jurisdiction to whom the request is made are, in the opinion of the requested jurisdiction, needed or are being used within the boundaries of that jurisdiction, nor shall any such request compel the requested jurisdiction to continue to provide police support to another jurisdiction when its law enforcement officers or equipment, in the opinion of the requested jurisdiction, are needed for other duties within the boundaries of its own jurisdiction.

7. In those situations not involving the provision of mutual aid upon request, law enforcement officers may also enter any of the other jurisdictions that are parties of this Agreement in furtherance of law enforcement purposes, concerning any offense in which the entering police department or sheriff's office may have a valid interest; provided, that the entering law enforcement officers shall, as soon as practical, make such presence known to the police department or sheriff's office of the entered jurisdiction.

8. The responsibility for investigation and subsequent actions concerning any criminal offense shall remain with the police department or sheriff's office of the locality whose court has original jurisdiction over the offense. Entering law-enforcement officers shall promptly notify the police department or sheriff's office of the entered locality upon discovery of a crime which a court of the entered locality has original jurisdiction.

9. All law enforcement officers of the parties to this Agreement who are acting pursuant to this

Agreement shall be granted authority to enforce the laws of the Commonwealth of Virginia and laws and ordinances of the locality within which they are present and to perform the other duties of a law enforcement officer in each jurisdiction subscribing to this Agreement; such authority shall be in conformance with §15.2-1736, and any successor statute, of the Code of Virginia and any other section of the Code of Virginia that may be applicable; however, law enforcement officers of any jurisdiction or sheriff's office who are casually present in any other jurisdiction shall have power to apprehend and make arrests only in such instances wherein an apparent, immediate threat to public safety precludes the option of deferring action to the police department or sheriff's office of that jurisdiction, or when such law enforcement officer observes a person known to be wanted and subject to arrest, or for whom a warrant of arrest or capias exists.

10. All law enforcement officers of the parties to this Agreement who are acting pursuant to this Agreement shall have the same powers, rights, benefits, privileges, and immunities in each jurisdiction subscribing to this Agreement, including the authority to make arrests in each such jurisdiction subscribing to this Agreement, as he has within the locality where he is employed.

11. The services performed and expenditures made under this Agreement shall be deemed to be for public and governmental purposes and all immunities from liability enjoyed by the local government within its boundaries shall extend to its participation in rendering assistance outside its boundaries. It is understood that for the purpose of this Agreement, the responding party is rendering aid once it has entered the jurisdictional boundaries of the party receiving assistance.

12. All pension, relief disability, worker's compensation, life and health insurance, and other benefits enjoyed by said employees shall extend to the services they perform under this Agreement outside their respective jurisdictions. Each party agrees that provisions of these benefits shall remain the responsibility of the primary employing jurisdiction.

13. Each party agrees that, in activities involving the rendering of assistance to a requesting jurisdiction pursuant to this Agreement, each party shall (i) waive any and all claims against all other parties hereto which may arise out of their activities outside their respective jurisdictions; and (ii) indemnify hold and save harmless to the extent it is legal to do so the other parties from all claims by

third parties for property damage or personal injury which may arise out of the activities of the other parties outside their respective jurisdictions. It is expressly understood that the provisions of this paragraph shall not apply to the entry of law enforcement officers into another jurisdiction pursuant to paragraph 7 of this Agreement. This Agreement does not constitute a waiver of any parties' right to sovereign immunity or any other form of immunity any party may enjoy or be entitled to.

14. The parties shall not be liable to each other for reimbursement for injuries to personnel or damage to equipment incurred when going to or returning from another jurisdiction. Neither shall the parties be liable to each other for any other costs associated with, or arising out of, the rendering of assistance pursuant to this Agreement.

15. This Agreement amends and replaces the previous written Agreement by these parties pursuant to §15.2-1736 of the Code of Virginia dated July 1, 2014. All other written or oral Agreements between all or any of the parties to this Agreement shall remain in full force and effect.

16. Withdrawal. Any party of this Agreement shall have the right to withdraw from this Agreement, with or without cause, by giving written notice to the other parties by certified mail, return receipt requested. Any withdrawal shall be effective thirty (30) days after receipt of notice of withdrawal. This Agreement shall be presumed to be in full force and effect unless and until notice of withdrawal shall be produced in the event the question of continuing effect of this Agreement shall arise in any judicial or administrative proceeding. In the event one or more parties withdraws, this Agreement shall continue in full force and effect as to the remaining parties.

17. Succession of Sheriffs. It is the intention of the parties that this Agreement shall be of a continuous duration and remain in effect even if any of the Sheriffs who are in the parties to this Agreement leave office. Should any of the Sheriffs who are parties to this Agreement leave office, this Agreement shall continue and remain in full force and effect in the jurisdiction of the Sheriff who has left office, provided that his successor shall within thirty (30) days of taking office, give written notice to the Clerk of the City Council of Lynchburg stating his intention to remain a part of this Agreement. Should such written notice not be provided within (30) days of taking office, the successor Sheriff shall be deemed to have withdrawn from this Agreement.

18. Completeness of Agreement. This Agreement represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, or representations, either oral or written. This Agreement may be amended only by written instruments signed by authorized representatives of the participating jurisdictions.

19. Gender. Any word importing the masculine gender used in this Agreement may extend to and be applied to females as well as males.

20. Agreement Custodian. The Clerk of the City Council of the City of Lynchburg shall retain the original signed copy of this Agreement and shall be the custodian thereof and authorized to make and distribute attested or authenticated copies of the Agreement.

21. Effective Date and Duration of Agreement. This Agreement shall be in effect for a period of five (5) years beginning at 12:01 a.m. May 1, 2017, or at such later time as all of the parties have endorsed this Agreement, and shall terminate at 11:59 p.m. on April 30, 2022.

TOWN OF AMHERST

The undersigned party hereby agrees to and enters into this Mutual Aid Agreement dated May 1, 2017, by and between the Sheriffs of the Counties of Amherst, Appomattox, Bedford, Campbell, Lynchburg, Nelson, Pittsylvania; the Towns of Altavista, Amherst, Bedford, Brookneal, Chatham and Hurt; and the City of Lynchburg, Virginia.

Commonwealth of Virginia
Town of Amherst

The forgoing instrument was acknowledged before me this 28 day of March, 2017.

By *Jack Hobbs*
Jack Hobbs
Town Manager, Town of Amherst

Tracie L. Wright
Notary Public

My Commission expires: 1/31/2020
Notary Number: 7692035



A RESOLUTION TO APPROVE AN AMENDED REGIONAL LAW ENFORCEMENT MUTUAL AID AGREEMENT

WHEREAS, for a number of years the cities, counties and towns in Central Virginia and their law enforcement agencies have participated in mutual aid agreements; and,

WHEREAS, these mutual aid agreements have (a) helped promote regional cooperation among law enforcement agencies (b) helped participating jurisdictions provide necessary law enforcement services during emergencies and (c) helped enhance the overall quality of law enforcement services in Central Virginia; and,

WHEREAS, by resolutions adopted on July 3, 2002; February 7, 2007; and July 8, 2009 Town Council authorized the Town of Amherst to enter into a written mutual aid agreement, with the Amherst County Sheriff's Department, Appomattox County Sheriff's Department, the Bedford County Sheriff's Department, the Campbell County Sheriff's Department, the Lynchburg Sheriff's Department, the City of Lynchburg, the Town of Altavista, the Town of Amherst, and the City of Bedford; and,

WHEREAS, these mutual aid agreements must be amended from time to time to reflect amendments to the Virginia Code, to add new parties, etc.; and,

WHEREAS, the Sheriff's Departments for Nelson County and Pittsylvania County and the Town of Chatham have requested that they be allowed to participate in the mutual aid agreement along with the cities, counties, and towns and other law enforcement agencies in Central Virginia who are currently parties to the said mutual aid agreement;


NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst hereby authorizes the Town to enter into a written mutual aid agreement with the Amherst County Sheriff's Department, the Appomattox County Sheriff's Department, the Bedford County Sheriff's Department, the Campbell County Sheriff's Department, the Lynchburg Sheriff's Department, the City of Lynchburg, the Nelson County Sheriff's Department, the Pittsylvania County Sheriff's Department, the Town of Altavista, the Town of Brookneal, the Town of Bedford, the Town of Chatham and such other cities, counties, and towns and law enforcement agencies in the Central Virginia area as may be appropriate for the joint use of law enforcement forces, both regular and auxiliary, equipment and materials, in order to maintain the peace and good order, and the Town Manager is authorized to execute such an agreement on behalf of the Town of Amherst.

BE IT FURTHER RESOLVED the Town Council of the Town of Amherst hereby approves the Town's participation in future law enforcement mutual aid agreements with the cities, counties, and towns in Central Virginia and their law enforcement agencies and at such times as those mutual aid agreements must be updated and amended, the Town Council of the Town of Amherst authorizes the Town Manager to sign such future law enforcement mutual aid agreements on behalf of the Town of Amherst.

This resolution was adopted on June 11, 2014.

ATTEST:


Clerk of Council


Mayor

2020 AMENDMENT TO MUTUAL AID AGREEMENT

This Amendment is made to the Mutual Aid Agreement dated May 1, 2017 and effective until April 30, 2022 (hereinafter the 2017 Agreement), the original of which is maintained in the Office of the Clerk of the Lynchburg City Council.

It is agreed that the Sheriffs of the Counties of Appomattox, Bedford and Campbell Counties who were elected in 2019, shall from the date of the signature of the Clerk of the Lynchburg City Council acknowledging and accepting custody of this Amendment, shall be parties to the 2017 Agreement. All other terms and conditions of the 2017 Agreement shall remain in full force and effect.

TOWN OF BROOKNEAL

The undersigned party hereby agrees to this 2020 Amendment to the Mutual Aid Agreement dated May 1, 2017, by and between the Sheriffs of the Counties of Amherst, Appomattox, Bedford, Campbell, Lynchburg, Nelson, and Pittsylvania; the Towns of Altavista, Amherst, Bedford, Brookneal, Chatham, and Hurt; and the City of Lynchburg, Virginia.

Commonwealth of Virginia
Town of Brookneal

The foregoing instrument was acknowledged before me this ____ day of _____, 2020.

By

Bobbie Waller
Town Clerk, Town of Brookneal

Russell Thurston
Town Manager, Town of Brookneal

Notary Public

My Commission expires: _____

Notary Number: _____

TOWN OF CHATHAM

The undersigned party hereby agrees to this 2020 Amendment to the Mutual Aid Agreement dated May 1, 2017, by and between the Sheriffs of the Counties of Amherst, Appomattox, Bedford, Campbell, Lynchburg, Nelson, and Pittsylvania; the Towns of Altavista, Amherst, Bedford, Brookneal, Chatham, and Hurt; and the City of Lynchburg, Virginia.

Commonwealth of Virginia
Town of Chatham

The foregoing instrument was acknowledged before me this ____ day of _____, 2020.

By

Timothy D. Hammell
Town Clerk, Town of Chatham

Richard G. Cocke
Town Manager, Town of Chatham

Notary Public

My Commission expires: _____

Notary Number: _____

TOWN OF BEDFORD

The undersigned party hereby agrees to this 2020 Amendment to the Mutual Aid Agreement dated May 1, 2017, by and between the Sheriffs of the Counties of Amherst, Appomattox, Bedford, Campbell, Lynchburg, Nelson, and Pittsylvania; the Towns of Altavista, Amherst, Bedford, Brookneal, Chatham, and Hurt; and the City of Lynchburg, Virginia.

Commonwealth of Virginia
Town of Bedford

The foregoing instrument was acknowledged before me this ____ day of _____, 2020.

By

Debra Anderson
Town Clerk, Town of Bedford

Bart Warner
Town Manager, Town of Bedford

Notary Public

My Commission expires: _____

Notary Number: _____

TOWN OF AMHERST

The undersigned party hereby agrees to this 2020 Amendment to the Mutual Aid Agreement dated May 1, 2017, by and between the Sheriffs of the Counties of Amherst, Appomattox, Bedford, Campbell, Lynchburg, Nelson, and Pittsylvania; the Towns of Altavista, Amherst, Bedford, Brookneal, Chatham, and Hurt; and the City of Lynchburg, Virginia.

Commonwealth of Virginia

Town of Amherst

The foregoing instrument was acknowledged before me this ____ day of _____, 2020.

By _____

Sara E. Carter

Town Manager, Town of Amherst

Notary Public

My Commission expires: _____

Notary Number: _____

VI. EMPLOYEE COMPENSATION

The total compensation of employees consists of the regular pay and authorized overtime pay for full-time employees, the employer's contributions to employee benefits, holiday pay, and various forms of leave with pay. Part-time and temporary employees may also receive leave in certain circumstances. Leave policies, found in Section VI, should be reviewed.

A. Pay and Classifications; Compensation Plan

1. The compensation plan for employees of the Town shall consist of:
 - a. A classification system for all classified jobs.
 - b. A pay grade that sets a pay range for each classified position.
2. The rates of pay for each employee within a pay grade shall be set by the manager, upon recommendation from the subordinate supervisor (if any) and subject to approval by the Town Council. The normal entrance rate of pay for new employees shall be at the lower end of the pay grade for the position.
3. The Town Council shall consider updating the compensation plan annually concurrently with the Town budget process.

B. Hours of Work

1. The employee's supervisor shall establish the hours of work for all Town employees under his direction. The standard scheduled workweek for full time employees for which pay is paid consists of 40 hours, generally Monday through Friday.
2. Employees shall have two 15-minute rest breaks per day, which are included within the total required hours of work. Such breaks may not accumulate from one shift or one day to another. Flexible work scheduling may be used for the purpose of extending a meal break with the employee's start time being advanced or end time being extended as approved by his supervisor. Certain employees as approved by the manager have their meal break(s) included as a part of their regularly scheduled workday if required to stay on premises or duty during scheduled lunch breaks.
3. Flexible work scheduling may be considered within the standard workweek so long as the standard hours in a workweek, normally 40, are not altered. Some examples are:
 - a. Arrive earlier in the morning and leave earlier in the afternoon.
 - b. Arrive later in the morning and leave later in the afternoon.
 - c. Work four 10-hour days.
 - d. Work four 9-hour days and one 4-hour day.
 - e. Work some other similar permanent or seasonal scheduling option(s)
 - f. Add time to meal break and arrive earlier and leave later.

Other temporary or occasional flexible work schedules may include some combination of altered work start and stop times to allow employees to have medical appointments or take care of personal business during work hours without being charged leave. If flexible work

scheduling or compressed workweeks are instituted on an ongoing basis, the supervisor may approve such only after consultation with the manager.

4. If an employee is unable to report for work or expects to be late, the employee must contact his supervisor as soon as possible but no later than the beginning of his or her scheduled work period, giving the reason for his absence or tardiness. Paid leave may or may not be approved. If an employee has difficulty reaching his supervisor, he should leave a message reporting his absence but continue to attempt to contact with his supervisor. The responsibility to notify a supervisor(s) about absences or about tardiness always rests with the employee.
5. Hours of work, schedules, and duty assignments of short duration of individual employees or work units may be altered under authorization of the supervisor or manager within the established workweek as conditions warrant. Schedules may also be adjusted to meet FMLA and ADA requirements.
6. All Town employees are expected to be available for duty in the event of a weather emergency or civil crisis. In the event of a significant local weather emergency or civil crisis, it is the duty of each employee to (a) contact his supervisor for instruction on emergency work scheduling and (b) to maintain appropriate transportation to and from his residence and the Town/work site.
7. An employee's contact with his supervisor is to be either in person or by telephone. Calls from other individuals (such as family members) or to other individuals (such as co-workers) will not suffice except in the most extreme circumstances. If an employee cannot contact his supervisor, the employee is to leave a voice mail on his supervisor's mobile telephone and follow up with a call to either to the supervisor or the Town Hall to ensure that the supervisor knows the circumstances of the employee's situation and can react accordingly. Failure to adhere to this policy will be considered leave without approval and is therefore subject to an interruption in pay.

C. Performance Increases

The Town promotes excellence in its workforce. Pay increases within budget constraints may be given to that end. Each employee's performance will be reviewed at least annually concurrently with the budget process by his supervisor, and based on satisfactory performance and contributions to the organization pay increases may be given. In exceptional circumstances an employee's pay may be increased in less than a year for meritorious service or enhanced responsibilities. Pay increases are not automatic or guaranteed.

D. Overtime

For the purposes of computing overtime under the Fair Labor Standards Act, the work period shall begin at midnight on Friday.

Unless authorized by their supervisor to do so, employees should not work over 40 hours per week. Full-time employees who are not exempt under the Fair Labor Standards Act will accrue compensatory time at the rate of time and a half for all hours actually worked

in excess of 40 hours in a week during any work period except for non-exempt full-time police officers who will accrue compensatory time at the rate of time and a half for all hours actually worked in excess of 80 hours in any 14-day work period.

It is the policy of the Town of Amherst to give compensatory time off instead of paying for overtime. Exempt employees who are required to work beyond normal hours or on weekends and holidays shall be given compensatory time off at the discretion of the manager. The manager is responsible for limiting compensatory time accrual and shall report the accrual of any employee's compensatory time above 80 hours to the Town Council. Employees shall be paid for the value of the accrued compensatory time upon termination of their Town employment at their final rate of pay concurrent with the final paycheck. As part of a supervisor's responsibility for meeting departmental budgetary limitations, he is also responsible for limiting compensatory time accrual to that end.

However, when approved full-time staff positions are vacant and increased work hours are required of non-exempt full-time employees due to such full-time staff vacancies, the manager may approve monetary compensation for overtime work subject to limits of the annual operating budget. A written report of any overtime work involving monetary compensation shall be provided to the Town Council at its next regular meeting. The Town Council must approve all other instances of monetary compensation for overtime worked.

Note: The accrual of compensatory time is limited to 240 hours by the Fair Labor Standards Act except for public safety, emergency response and seasonal activity which is limited to 480 hours (Reference 29 U.S.C. § 207(a), (k) and (o)3A) and § 9.1-701 of the Code of Virginia).

E. Bonuses

The Town Council may grant a bonus to an employee to recognize superior service to the Town.

F. Hazard Pay

The Town Manager may authorize supplemental Hazard Pay for employees that are subject to working in hazardous conditions during a declared state of emergency (either State or Local). The supplement is subject to budget constraints and the nature of the emergency and shall not be considered for duties under conditions that are a regular part or hazard of the job.

G. Retirement

The Town participates in the Virginia Retirement System for all employees eligible for retirement benefits pursuant to the rules and policies of VRS.

H. Time Cards

All employees shall complete a timesheet in the form required by the Town Manager with actual time for arrival at work and departure from work, including "clocking in" and "clocking out" for lunch and non-work activities.

Emergency or on-call work is to be noted on the timesheet as emergency/on-call work, along with vacation time, holiday, and sick leave. All non-scheduled and overtime hours are to be approved by the appropriate supervisor in advance.

Each employee is responsible for accurately completing his timesheet and turning it in to his supervisor the Monday following the end of the two-week time card cycle. Any timesheets turned in to the supervisor late will not be processed until the following pay cycle.

Each supervisor is responsible for reviewing the timesheets delivered to him by the employee and approving them. The supervisor is responsible for maintaining his own time sheet and for delivering all time sheets for his department to the payroll clerk by 5 P.M. on the Tuesday following the end of the two-week time card cycle.

OTHER THAN SUPERVISORS FOR EMPLOYEES IN HIS DEPARTMENT DUE TO EXTRAORDINARY CIRCUMSTANCES, NO EMPLOYEE MAY COMPLETE A TIME SHEET FOR ANOTHER EMPLOYEE.

I. Protective Clothing and Uniforms

The appearance of the Town of Amherst's employees is a major factor in how the Town is perceived by the residents, non-residents and business operators of the community. All Town employees are expected to maintain a clean, neat and professional appearance while on duty.

It is recognized that the style of the protective clothing and uniform worn may necessarily vary dependent on the location of the employee and the type of work that employee does. The wearing of uniforms and protective clothing for some staff employed by the Town is relative to their working environment, and so the impact on employees may vary. If the employee normally works away from a fixed location (i.e. away from the Town Hall, water plant or sewer plant) that employee should be clearly identifiable as a Town employee.

This policy addresses the clothing to be worn by employees and the financial subsidy provided by the Town of Amherst towards the cost of purchase and maintenance of such clothing. This section applies to all clothing purchased by the Town of Amherst and sets out ownership, maintenance, and replacement requirements.

Application

- A. For the purposes of this section, clothing shall be defined as anything that is worn, including but not limited to the components of a uniform, protective clothing, safety equipment and hats.
- B. The Town of Amherst will furnish every employee appropriate safety equipment required by the work that employee does, in accordance with usual and customary workplace safety standards, as per the provisions of this section.
- C. The Town of Amherst will furnish any employee required to wear a uniform in the performance of his/her usual work responsibilities clothing with accessories as per the provisions of this section.

- D. All clothing purchased by the Town is the property of the Town. Nonserviceable clothing may be replaced on a one-for-one basis by turning in the nonserviceable item. All lost or negligently damaged clothing is to be replaced at the employee's expense.
- E. Employees will be responsible for exercising reasonable care of such items and when requesting replacements due to wear or damage, are required to return the original item. Where damage to such items is a result of the employee's deliberate misconduct or is due to the employee's gross or willful negligence, the employee will be responsible for cost of replacing the item.
- F. All uniform clothing worn by Town employees shall be neat, clean in appearance and free of rips, tears, and holes and shall not be missing any required parts such as buttons, patches, and accessories and free from obvious stains and other defects. The employee's supervisor shall be responsible for ensuring that the employee is appropriately dressed while on duty.
- G. Town uniforms and protective clothing are to be worn only while going to and coming from work and while actually at work for the Town of Amherst. Under no circumstances will Town employees wear Town uniforms or Town protective clothing while not working for the Town.
- H. Employees are responsible for laundering and other normal cleaning and maintenance tasks for uniform clothing.
- I. Supervisors are responsible for inventorying all uniform items and protective clothing and procuring needed items. This responsibility may be delegated to a subordinate employee.
- J. Uniform clothing within a Town department shall be consistent in color and style as specified by the departmental supervisor.
- K. Generally, the Town of Amherst will furnish normal clothing and safety gear to all full-time water and sewer employees up to the following limits. Part-time employees shall be furnished uniforms according to their specific circumstances.

| Item Provided | Initial Issue | Replacement Policy | Style |
|---------------------------|----------------------|---------------------------|-----------------|
| Gloves | 2 | As worn | Latex |
| Dust mask | 1 | Return of worn out item | |
| Rainwear | 1 | Return of worn out item | |
| Ear protection | 1 | Return of worn out item | |
| Hard hats | 1 | Return of worn out item | |
| Hip waders | 1 | Return of worn out item | |
| Safety goggles or glasses | 1 | Return of worn out item | |
| Gloves | 2 | Return of worn out item | Rubber, Leather |
| Identification Badge | 1 | Return of worn out item | Picture card |
| Light Coveralls | 1 | Return of worn out item | |
| Insulated Coveralls | 1 | Return of worn out item | |
| Safety Boots | 1 | Annual \$125 allowance | |
| Pants | 6 | Return of worn out item | |
| Short Sleeved Shirt or | 12Total | Return of worn out item | |

| | | |
|--------------------|---|-------------------------|
| Long Sleeved Shirt | | |
| T-shirt | | |
| Jacket | 1 | Return of worn out item |

L. During inclement weather (heavy rain, sleet, snow, etc.) or during emergency or extraordinary situations, the supervisor may permit personal clothing appropriate for the situation, including turn-out gear, to be worn.

Upon leaving the employ of the Town of Amherst, uniform clothing shall be returned to the employee's supervisor.

Town Manager's Report for the July 8, 2020 Town Council Meeting

Committee

Report

| | |
|---|---|
| A. Industrial Development Authority | No meeting/no report |
| B. Planning Commission | Meeting July 1 st , minutes attached |
| C. Board of Zoning Appeals | No meeting/no report |
| D. Property Maintenance Investigation Board | No meeting/no report |
| E. Community Relations Committee | No meeting/no report |
| F. Finance Committee | No meeting/no report |
| G. Utilities Committee | No meeting/no report |
| H. Town/Sweet Briar Sewer Use Advisory Commission | No meeting/no report |
| I. Lynchburg Regional Business Alliance | No meeting/no report |
| J. Central Virginia Planning District Commission | Executive committee meeting June 29 th |
| K. Amherst County Chamber of Commerce | No meeting/no report |



AMHERST POLICE DEPARTMENT



MONTHLY REPORT

June 2020

| | |
|-------------------------|-----------------------|
| Month: | SHIFT WORKING: |
| OFFICER: | VEHICLE: |
| MILEAGE START OF SHIFT: | MILEAGE END OF SHIFT: |

| CALLS FOR SERVICE | NUMBER |
|------------------------|--------|
| MOTORIST ASSIST | 18 |
| ALARM | 13 |
| PHONE COMPLAINT | 134 |
| BOLO | 7 |
| MISSING PERSON | |
| SHOPLIFTING | |
| PROBLEM WITH OTHERS | 12 |
| DOMESTIC | 2 |
| CHECK WELFARE | 4 |
| NOISE OR DOG COMPLAINT | |
| TRAFFIC CRASH | 6 |
| EMS CALLS | 1 |
| SUDDEN DEATH | |
| SUSPICIOUS PERSON | 3 |
| CALLA AT AMBRIAR | |
| OTHER | 27 |

| OFFICER INITIATED | NUMBER |
|-----------------------|--------|
| BUILDING CHECKS | 83 |
| BUSINESS VISIT | 46 |
| BUILDING SEARCH | 4 |
| TRAFFIC SUMMONS | 2 |
| DRUNK IN PUBLIC | |
| EXTRA PATROLS/ Parks | 245/55 |
| WARRANT SERVICE | |
| PROPERTY WALK AROUNDS | 43 |
| WARRANTS OBTAINED | 5 |
| PARKING TICKETS | |
| MISD. INVESTIGATION | 2 |
| FELONY INVESTIGATION | 2 |
| NARCOTICS INV. | 4 |
| SEARCH WARRANT | |
| PUBLIC RELATIONS | 2 |
| CITIZEN CONTACT | 142 |

| WARNINGS | NUMBER |
|-------------------------|--------|
| SPEEDING | 1 |
| EQUIPMENT VIOLATION | 2 |
| RECKLESS DRIVING | |
| SUSPENDED LICENSE | |
| INSPECTION/REGISTRATION | |
| SEAT BELT / TEXTING | |
| ALL OTHER VIOLATIONS | 1 |

| TRAFFIC STOPS TICKETED | NUMBER |
|-------------------------|--------|
| SPEEDING | |
| EQUIPMENT VIOLATION | |
| RECKLESS DRIVING | |
| SUSPENDED LICENSE | |
| INSPECTION/REGISTRATION | |
| SEAT BELT / TEXTING | |
| ALL OTHER VIOLATIONS | 1 |

| ARREST | NUMBER |
|---------------------|--------|
| MISDEMEANOR | 2 |
| FELONY | 2 |
| EPO/PPO | 2 |
| ECO | |
| NARCOTICS VIOLATION | 1 |
| DUI / DUID | 1 |

| OTHER | NUMBER |
|-----------------------|--------|
| ASSIST OTHER OFFICER | 12 |
| ASSIST OTHER AGENCY | 21 |
| COURT | 6 |
| REPORTS | 6 |
| SCHOOL / TRAINING | 1 |
| MEETINGS | 22 |
| TOWED / IMPOUNDED VEH | |



AMHERST POLICE DEPARTMENT



MONTHLY REPORT

PLEASE LIST ALL PASS ON'S, INVESTIGATIONS, ARREST, IMPOUNDED VEHICLES WITH REASON AND LOCATION, AND BUSINESSES WITH OPEN DOORS OR ANY OTHER SIGNIFICANT COMPLAINTS.

Calls for service: 147.

Miles patrolled: 4765.

County Assists:

Unruly subject-Patrick Henry Hwy. Cleared advice

Suspicious incident- Boxwood Farm Rd.

Traffic stop- S. Amherst Hwy. cleared advice

Suspicious person- Dreaming Creek Rd. GOA

Run Breath Test- BRRJ. Arrest

Reckless driver- Boxwood Farm Rd. Cleared advice.

Missing Juvenile- Tusculum Rd. Juvenile found

Domestic Strangulation- Braxton Ridge Rd. Warrant obtained

Problems with others- Partridge Creek Rd. Unfounded

Warrant service- Amherst Cemetary. Served

Assist EMS with intoxicated person. Assist EMS.



AMHERST POLICE DEPARTMENT



MONTHLY REPORT

Department Projects: Month of June 2020

-All officers have been given flash drives with all new policies. A hard copy has been printed and is available for review. A sign off manual has been created and is now in use. Officers are required to review each policy and sign off after reading and understanding each policy. They have taken notes and asked questions for clarification as necessary.

-In addition to updating policies already in place, in light of current events, new policies have been added. I have been in contact with our VRSA representative to make sure we are getting proper policies in place concerning recent events.

-All evaluations for the department have been completed and reviewed.

-We are continuing the upgrade to Windows 10 which will make our office more efficient. This has been a work in progress.

-We have worked to create new forms, which are now required by the state for any traffic stops.

-Vehicle inspections were implemented this month. All officers were in compliance.

-Numerous hours by department staff has been put towards working on the range this month.

-Alison (Ali) Davis, from Liberty University started her internship with the department. She is a pleasure to work with and is very capable and knowledgeable. Ali will be assisting with the accreditation process.

-Officer Caleb Martin has been assigned the role of accreditation manager. Officer Brandon Payne will be the assistant accreditation manager.

-Officer Robinson has completed negotiation school and is now part of the negotiation team that consists of the Police Department and the Sheriff's Department. Our conference room was used this month for their quarterly training.

-The accreditation for the department process has started. I am happy to report that we are further along in the process than I anticipated. We will be submitting paperwork for application to become state accredited. Meetings with accreditation officials have been scheduled for July.



AMHERST POLICE DEPARTMENT



MONTHLY REPORT

- There are two active investigations.
- Helped with June 27 fireworks. Everyone seemed to enjoy the event and we received positive feedback.
- All academy schools were cancelled for the month of June due to COVID-19.
- All officers received legal update training in our conference room from the commonwealth attorney in reference to all law changes that went into effect July 1, 2020.
- Sara and I attended a VRSA webinar titled, Arrestee Restraint: Positional/Compression Asphyxia. There will be future webinars due to recent events.



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council
From: Tracie Wright
Date: July 1, 2020
Re: June 2020 Monthly Report

Utilities – 1162 bills were cut totaling \$172,082.21.

A/P – A total of 53 checks were cut totaling \$243,028.11 for June 2020 bills.

Meals and Beverage Tax – 15 Businesses paid \$35,976.39 in Meals and Beverage Tax for the month of May. This is back up roughly \$7,000 from the April 2020 payments. If June's payments go up like they did for May then I would predict approximately a \$15,000 revenue shortage for Meals and Beverage for FY20.

Taxes – As of June 3, 2020 we have a total of \$3,932.25 in outstanding 2019 bills. Therefore, we received \$2,000 as a result of the bank lien process.

New Financial Software – We will have our first "live" payroll July 9, 2020. Utility conversion started on July 1 and we will start running our accounts payable in the new program with our first FY2021 check run.

Business License – As of July 1, 2020 we have received a total of \$108,687.90 in Business License payments. We are only \$16,312.10 short of meeting our FY20 budget. I would expect by the time I accrue back July and August payments we will still meet our budgeted amount.

Upcoming Items –

- Coronavirus updates weekly.

Front Office – We opened to the public June 25, 2020. We have not been too busy so far, and people have been understanding about wearing a mask.

**CLERK OF COUNCIL REPORT
JUNE 2020**

COMMITTEE MEETINGS

Planning Commission

Receive and review agenda packet for 6-3-20 meeting; post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website

Town Council

Receive and review agenda packet for 6-10-20 meeting; post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website

Quorums: Planning Commission and Town Council meetings; Confirm/notify cancellation of meeting with members of Industrial Development Authority.

TOWN WEBSITE DESIGN AND CONTENT MANAGEMENT

Administration of website generating and continuously revising website pages with new information and links to documents and/or outside sites; examining traffic through the site; design for overall look and feel of the site, including photos, color, graphics and layout; creating, editing, posting, updating, and cleaning up outdated content.

TOWN FACEBOOK ADMINISTRATOR

- Create content and/or design and post on Facebook and Website:
 - Notice: Procedures for Amherst Town Council Meeting during Covid-19 pandemic restrictions for June Town Council Meeting with link to YouTube
 - Notice: DMV Connect service dates at Town Hall with link to DMV appointment page
 - Update Notice for Night of Fireworks
 - Notice of Closing for Juneteenth Observance
 - Notice of Regional Hazard Mitigation Plan Public Meeting Webinar on Zoom
- Share links to community events and news; Monitor feedback

BANNER PERMIT

FARMERS MARKET- Correspond with Secondstage; edit artwork per Secondstage specifications for permit application purposes; prepare permit application package/documents and correspond with VDOT; receive permit; attention to detail.

OTHER:

- Advise IDA board member of reappointment to office; prepare oath and correspond with Court Clerk and board member re same
- Miscellaneous Correspondence including but not limited to: Circuit Court Judge re Board of Zoning vacancy; interested party concerning possible parade; Kelly Hitchcock re town pictures;
- Set up and run livestreaming for connection from virtual meeting to YouTube
- Prepare, send, post Legal Ads/Public Hearing Notice: Town Council PH 7/10/20; Ad Hoc Committee on Personnel Performance Evaluation Forms 6/25/20; Legal Ad for Board of Zoning Vacancies
- Prepare miscellaneous purchase orders

Town of Amherst Committees as of June 30, 2020 Update; See Attached.

Town of Amherst Committees as of June 30, 2020

Appointed/Term Expires

TOWN COUNCIL

| | | |
|------------------------------|----------|----------|
| D. Dwayne Tuggle, Mayor | 01/01/19 | 12/31/22 |
| Rachel A. Carton, Vice Mayor | 01/01/19 | 12/31/20 |
| Kenneth S. Watts | 01/01/19 | 12/31/22 |
| Sarah B. Ogden | 01/01/19 | 12/31/20 |
| Kenneth G. Bunch | 01/01/19 | 12/31/20 |
| Janice N. Wheaton | 11/12/19 | 12/31/22 |

PLANNING COMMISSION

| | | |
|----------------------------|----------|-------------------|
| June Driskill, Chairperson | 05/13/20 | 06/30/24 |
| Janice N. Wheaton | 12/11/10 | 12/31/20 (TC rep) |
| William Jones | 07/01/19 | 06/30/23 |
| Ted Finney | 07/01/17 | 06/30/21 |
| Kevin Belcher | 07/01/18 | 06/30/22 |
| Clifford Hart | 07/01/19 | 06/30/23 |
| Anne Webster Day | 03/13/19 | 06/30/22 |

BOARD OF ZONING APPEALS

| | | | |
|-----------------------|----------|----------|--------------------|
| Gary Mays, Chairman | 04/08/15 | 08/31/20 | Vacancy Advertised |
| Ed Carton | 09/01/19 | 08/31/24 | |
| Teresa Tatlock | 07/10/16 | 08/31/21 | |
| Marvin Hensley | 08/31/17 | 08/31/22 | |
| Kevin James Akershoek | 09/01/18 | 08/31/23 | Vacancy Advertised |

INDUSTRIAL DEVELOPMENT AUTHORITY

| | | |
|---------------------|----------|----------|
| Clifford Hart | 07/01/19 | 08/31/23 |
| Sharon Watts Turner | 07/01/18 | 06/30/22 |
| Gary Jennings | 05/10/17 | 06/30/21 |
| Jacob Bailey | 06/10/20 | 06/30/24 |
| Manly Rucker | 05/10/17 | 06/30/21 |
| Kim Odell Stein | 07/11/18 | 06/30/22 |
| Richard Wydner | 07/01/19 | 06/30/23 |

PROPERTY MAINTENANCE INVESTIGATION BOARD

| | | |
|----------------------|----------|----------|
| C. Manly Rucker, III | 05/13/20 | 06/30/24 |
| Bessie H. Kirkwood | 07/01/18 | 06/30/22 |
| Glenda Hash | 05/13/20 | 06/30/24 |

REGION 2000 REGIONAL COMMISSION/MPO

| | | |
|------------------|----------|----------|
| D. Dwayne Tuggle | 01/01/19 | 12/31/20 |
| Sara Carter | 01/01/19 | 12/31/20 |

Appointed/Term Expires

CENTRAL VIRGINIA TRANSPORTATION COUNCIL (MPO)

| | | |
|------------------|----------|----------|
| D. Dwayne Tuggle | 01/01/19 | 12/31/20 |
| Sara E. Carter | 01/01/19 | 12/31/20 |

TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION

| | | |
|------------------|----------|----------|
| Clifford Hart | 01/01/19 | 12/31/20 |
| Kenneth S. Watts | 01/01/19 | 12/31/20 |

JOINT COMMITTEE ON COOPERATION

| | | |
|------------------|----------|----------|
| Kenneth S. Watts | 01/01/19 | 12/31/20 |
| Kenneth G. Bunch | 01/01/19 | 12/31/20 |
| Sarah B. Ogden | 01/01/19 | 12/31/20 |

(3 Appointments from Amherst County)

| |
|--|
| TOWN COUNCIL COMMITTEES (FOR THE 01/01/19-12/31/20TERM) |
|--|

FINANCE COMMITTEE

- Rachel A. Carton (Chairman) and Kenneth S. Watts
- Monitor the budget development process.
 - Review accounting procedures, budgets, and bookkeeping activities.
 - Interface with auditors.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

- Sarah B. Ogden (Chairman) and Rachel A. Carton
- Monitor and review implementation of the Town's bike trails and public parks
 - Review the Town's beautification efforts and programs.
 - Interface with citizens, business operators, Sweet Briar College and VDOT

UTILITIES COMMITTEE

- Kenneth S. Watts (Chairman) and Kenneth G. Bunch
- Monitor the development and construction of capital improvement projects.
 - Review proposed utility system upgrades and extensions.
 - Interface and assist developers in coordinating Town policies with proposed new developments.

RECODIFICATION COMMITTEE

- Kenneth G. Bunch (Chairman) and Kenneth S. Watts
- Monitor the recodification of Town Code process
 - Review proposed proof and edits

AD HOC COMMITTEE – PERSONNEL PERFORMANCE EVALUATION FORMS

- Kenneth G. Bunch (Chairman) and Rachel A. Carton
- Review and make revisions to the Town's Personnel Employee Performance Evaluation and Employee Self-Performance Evaluation Forms

Utility/Town Maintenance and Construction Report

Jun-20

| | |
|-----------------------------------|------|
| Water Meter Read | 1150 |
| Water Meter Re-Read | 38 |
| Disconnects | 0 |
| VA-811 Service locations | 23 |
| Vehicle PM Work Orders | 14 |
| Pump Station/Plant Work Orders | 24 |
| Banners Installed/Dismantled | 0 |
| Water Services Installed/Replaced | 3 |
| Sewer Services Installed/Replaced | 0 |
| Minor Leaks ks Repaired | 2 |
| Major Leaks Repaired | 0 |
| Minor Sewer Problems Resolved | 8 |
| Major Sewer Problems Resolved | 6 |

10

Man Hours

| | |
|-----------------------------|-----|
| Meter Reading | 56 |
| Street/Sidewalk Maintenance | 120 |
| Safety Training | 4 |
| Bush Hogging | 0 |
| Flushing Water | 0 |
| Equipment Maintenance | 60 |
| Xmas decorations | 0 |

Major Issues & Comments

Routine/Annual Work

Projects/Unusual Work

| | |
|---|--|
| Service Work Orders Meter Reading Prev-Maint Work Orders Disconnects Re-connects Flushing Program in Select Locations | Locating Un-marked/Unknown Water & Sewer System Assets Continue Safety and Shop/Yard Clean-up Staff has been working on finding water valves and addressing issues Working on clearing water right of ways. |
|---|--|



TOWN OF AMHERST
DEPARTMENT OF PLANTS

MONTHLY PRODUCTION AND OPERATIONAL REPORT
 June -- 2020

SUBMITTED BY: GARY S. WILLIAMS,
 DIRECTOR OF PLANTS

SUBMISSION DATE: July 1, 2020

Grandview Water Filtration Plant,

Daily Water Withdrawal and Production:

| | Total, million gallons | Average, million gal. | Max, million gallons | Min, million gallons |
|-----------|------------------------|-----------------------|----------------------|----------------------|
| Raw Water | 9.180 | 0.340 | 0.510 | 0.130 |
| Produced | 8.080 | 0.300 | 0.460 | 0.100 |
| Delivered | 7.700 | 0.290 | 0.450 | 0.100 |

Rutledge Creek Wastewater Treatment Plant,

Daily Received and Treated Waste Stream:

| | Total, million gallons | Average, million gal. | Max, million gallons | Min, million gallons |
|----------------|------------------------|-----------------------|----------------------|----------------------|
| Raw Influent | 6.182 | 0.206 | 0.296 | 0.155 |
| Final Effluent | 6.063 | 0.202 | 0.284 | 0.150 |

- No major weather associated impacts on either facility in June.
- Staff with the assistance of the Maintenance Department has been working on climbing growth removal on property line fencing and in front of the settling basins at the Water Plant on Grandview Drive.
- Minimal work on Wastewater Plant upgrade project has begun.
- Wastewater Plant Staff has continued to work on old lab building remodel project.

W. THOMAS BERRY
ATTORNEY AT LAW
TAN BARK PROFESSIONAL BUILDING, COURT STREET
P.O. BOX 354 * 402 COURT STREET
LOVINGSTON, VIRGINIA 22949

W. THOMAS BERRY
KYLE D. HUGHES

OFFICE PHONE
434-263-4886
Fax: 434-263-4285

July 1, 2020

Town of Amherst
P.O. Box 280
Amherst, VA 24521

Attn: Sara Carter- Town Manager

Re: Monthly Report to Town Council
(June 2020)

Dear Ms. Carter and Council,

My report on work regarding the following matters:

1. Town Council Meeting: Attended the monthly scheduled meeting on June 10, 2020.
2. Business:
 - A. Work on survey and deed.
 - B. Maple Lane property Taze Crowder/Surveyor
 - C. First Property Solution Lease.
3. Upcoming Work:
 - A. Review Brockman Park requirements.
 - B. Review July 1, 2020 Legislative updates.
4. Access to Town Attorney: My email address is dawn@tomberrylaw.com. Please feel free to use this email access provided, and I will promptly return any communication. My home phone (434) 946-9501; office phone (434) 263-4886.

Respectfully Submitted,


W. Thomas Berry

WTB/tpg

W. THOMAS BERRY, LLC
 ATTORNEY-AT-LAW
 P.O. BOX 354/ 402 COURT STREET
 LOVINGSTON, VA 22949
 PHONE: (434) 263-4886

Invoice

| | |
|----------|-----------|
| Date | Invoice # |
| 7/1/2020 | 9375 |

| |
|---|
| Bill To |
| Town of Amherst c/o Sara Carter P.O. Box 280 Amherst, VA 24521 |

| Description | Qty | Rate | Terms |
|---|-----|------|----------------|
| | | | Due on receipt |
| | | | Amount |
| 6/10/2020 TOWN MEETING | 175 | 1.30 | 227.50 |
| 6/8/2020 REVIEW PACKAGE CARES ACT | 175 | 1.00 | 175.00 |
| 6/9/2020 TOWN CODE ON BROCKMAN | 175 | 1.00 | 175.00 |
| 6/11/2020 PREP TO DISCUSS SURVEY | 175 | 0.80 | 140.00 |
| 6/17/2020 MAPLE LANE REVIEW | 175 | 1.00 | 175.00 |
| 6/19/2020 DEED ON MAPLE RUN | 175 | 1.00 | 175.00 |
| 6/22/2020 BACKGROUND TEMPORARY RV ORDINANCE | 175 | 1.50 | 262.50 |
| 6/24/2020 ROUGH DRAFT FIRST OPTION LEASE | 175 | 1.50 | 262.50 |
| Total | | | \$1,592.50 |
| Payments/Credits | | | \$0.00 |
| Balance Due | | | \$1,592.50 |

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LOVINGSTON, VIRGINIA 22949

W. THOMAS BERRY
KYLE D. HUGHES

PHONE: (434) 263-4886
FAX: (434) 263-4285

July 1, 2020

Sara Carter, Town Manager,
Town of Amherst
sara.carter@amherstva.gov

Re: Town of Amherst – Memo Legal Duties

Dear Ms. Carter and Town Council:


I have been requested to provide a summary of my role as the Attorney for the Town of Amherst. §15.2-1542 of the Code of Virginia, 1950, as amended, authorizes towns to create the office of town attorney. Section A. of this statute reads in part:

Every county, city or town, not otherwise authorized to create the office, may create the office of county, city or town attorney. Such attorney shall be appointed by the governing body to serve at the pleasure of the governing body.... In the event of the appointment of such attorney, the attorney for the Commonwealth for such locality shall be relieved of any duty imposed upon him by law in civil matters of advising the governing body and all boards, departments, agencies, officials and employees of the locality, of drafting or preparing ordinances, of defending or bringing actions in which the local government or any of its boards, departments or agencies, or officials or employees, thereof, shall be a party, and in any other manner advising or representing the local government, its boards, departments, agencies, officials and employees, and all such duties shall be performed by the local government attorney.

The position and parameters of the Amherst Town Attorney are further set forth in the Code of the Town of Amherst, Virginia, Part II, Chapter 2, Article III, Division II, Sec. 2-91, which reads, "*The town attorney shall be appointed and supervised by the town council.*"

As indicated by these Code sections, my duties and obligations are with the governing bodies of the Town of Amherst, not with the individual members of the governing bodies.

Respectfully,


W. Thomas Berry,
Attorney for the Town of Amherst

WTB/dmc

Cc: Town Council members

Code of Virginia

Title 15.2. Counties, Cities and Towns

Chapter 15. Local Government Personnel, Qualification for Office, Bonds, Dual Office Holding and Certain Local Government Officers

§ 15.2-1542. Creation of office of county, city or town attorney authorized; appointment, salary and duties.

A. Every county, city or town, not otherwise authorized to create the office, may create the office of county, city or town attorney. Such attorney shall be appointed by the governing body to serve at the pleasure of the governing body. He shall serve at a salary or at an hourly rate to be fixed by the governing body and shall be allowed to recover his reasonable costs expended. Any such attorney serving at an hourly rate shall provide the locality with an itemized list of fees and expenses. In the event of the appointment of such attorney, the attorney for the Commonwealth for such locality shall be relieved of any duty imposed upon him by law in civil matters of advising the governing body and all boards, departments, agencies, officials and employees of the locality, of drafting or preparing ordinances, of defending or bringing actions in which the local government or any of its boards, departments or agencies, or officials or employees, thereof, shall be a party, and in any other manner advising or representing the local government, its boards, departments, agencies, officials and employees, and all such duties shall be performed by the local government attorney. Nothing herein, however, shall relieve such attorney for the Commonwealth from any of the other duties imposed on him by law including those imposed by § 2.2-3126. *No release*

B. The county attorney may prosecute violations of the Uniform Statewide Building Code, the Statewide Fire Prevention Code and all other ordinances as may be agreed upon with the attorney for the Commonwealth. Such attorney shall be accountable to the governing body in the performance of his duties.

C. The county attorney of Montgomery, Fairfax or Prince William Counties may prosecute violations of county ordinances, except those ordinances which regulate, in a manner similar to State statute, the operation of motor vehicles on the highway.

D. City and town attorneys, if so authorized by their local governing bodies, and with the concurrence of the attorney for the Commonwealth for the locality, may prosecute criminal cases charging either the violation of city or town ordinances, or the commission of misdemeanors within the city or town, notwithstanding the provisions of § 15.2-1627.

1968, c. 695, § 15.1-9.1:1; 1974, c. 305; 1977, c. 584; 1979, c. 328, § 15.1-9.1:01; 1981, c. 122; 1982, c. 30; 1994, c. 357; 1995, c. 740, § 15.1-9.1:3; 1997, c. 587; 2002, c. 802.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

7/1/2020

Virginia Law Library

The Code of Virginia, Constitution of Virginia, Charters, Ordinances, Compacts and Uncodified Acts are now available in both EPub and MOBI eBook formats.

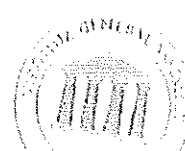
Helpful Resources

Virginia Code Commission
Virginia Register of Regulations
U.S. Constitution

For Developers

The Virginia Law website data is available via a web service.

Follow us on Twitter



Amherst

Sec. 2-91. - *Town attorney.*

(a)

Subject to agreement with the town council, the *town attorney* may designate an assistant *town attorney*, who shall be a member in good standing of the bar of the county, to perform the duties of *town attorney* when the *town attorney* is absent, ill or otherwise disabled or unavailable. If, at any time, the *town attorney* retained pursuant to this section is the same person who is the commonwealth's attorney for the county, this shall not be deemed to be a conflict of interests per se; and if, at any time, the assistant *town attorney* designated pursuant to this section is the assistant commonwealth's attorney for the county, this shall not be deemed to be a conflict of interests per se.

(b)

The *town attorney* shall attend all town council meetings.

(c)

In addition to the annual retainer paid to the *town attorney* by way of salary, he shall have additional compensation for all special services rendered to the town in such amount as may be agreed upon by the *town attorney* and the town council.

(d)

From time to time, the *town attorney* shall present for payment any actual outlay or expense which the performance of his duties have entailed.

(e)

The *town attorney* shall be appointed and supervised by the town council.

**Town of Amherst
Planning Commission Minutes
July 1, 2020**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of Town Hall at 174 S. Main Street at 7:00 PM on July 1, 2020.

It was noted that a quorum was present as indicated below:

| | | | |
|---|-------------------|---|------------------|
| P | June Driskill | A | William Jones |
| A | Kevin Belcher | P | Anne Webster Day |
| A | Ted Finney | P | Clifford Hart |
| P | Janice N. Wheaton | | |

Town Manager Sara Carter and Clerk of Council Vicki Hunt, in her capacity as Secretary to the Commission, were present.

The minutes from the June 3, 2020, Commission meeting were approved on a motion by Mr. Hart, seconded by Ms. Day, and carried according to the following:

| | | | | |
|----------------|--------|--|------------------|--------|
| June Driskill | Aye | | Clifford Hart | Aye |
| Kevin Belcher | Absent | | Anne Webster Day | Aye |
| Ted Finney | Absent | | William Jones | Absent |
| Janice Wheaton | Aye | | | |

Sign Ordinance

A revised proposed amendment of the Town of Amherst Zoning Ordinance (Article IX. Special Provisions, Section 18.1-908.06 Signs), the purpose of which is to allow works of art to be displayed in the Town without a sign permit, was provided to the Commission.

After a report by Town Manager Carter, and discussions concerning size limitations and locations, the Commissioners decided that, if allowed, the amendment to the Town of Amherst Zoning Ordinance (Article IX. Special Provisions, Section 18.1-908.06 Signs) should be as follows:

Works of Art. Works of art that do not contain any commercial messages or references and are constructed or displayed under the auspices of a locally based government agency. Size is limited to a square footage that is equal to the linear road frontage of the parcel the sign is placed on multiplied by 0.5. Works of art can only be on commercially zoned property on Routes 29 bypass, 29 business, or Route 60. All other ordinance requirements apply.

After further discussion, Mr. Hart made a motion seconded by Ms. Day not to amend the Town of Amherst Zoning Ordinance (Article IX. Special Provisions, Section 18.1-908.06 Signs), which would allow works of art to be displayed in the Town without a sign permit. The motion carried 3-1 as follows:

| | | | | |
|---------------|--------|--|------------------|-----|
| June Driskill | Aye | | Clifford Hart | Aye |
| Kevin Belcher | Absent | | Anne Webster Day | Aye |

| | | | |
|----------------|--------|---------------|--------|
| Ted Finney | Absent | William Jones | Absent |
| Janice Wheaton | Nay | | |

After further discussion, Ms. Day made a motion seconded by Mr. Hart that should Town Council remand the matter back to the Commission to hold a public hearing, a public hearing will be held at its next meeting on August 5, 2020, on the proposed amendment of the Town of Amherst Zoning Ordinance (Article IX. Special Provisions, Section 18.1-908.06 Signs). The motion carried 4-0 according to the following:

| | | | |
|----------------|--------|------------------|--------|
| June Driskill | Aye | Clifford Hart | Aye |
| Kevin Belcher | Absent | Anne Webster Day | Aye |
| Ted Finney | Absent | William Jones | Absent |
| Janice Wheaton | Aye | | |

There being no further business, the meeting adjourned at 7: 47 PM.

June Driskill, Chairperson

Attest: _____
Secretary

Robert E. Lee Soil & Water Conservation District

7631-A Richmond Hwy.
Appomattox, VA 24522
Phone 434-352-2819 FAX 434-352-9405
www.releeconservation.com

Board of Directors Regular Meeting Minutes

7631-A Richmond Hwy.
Appomattox, VA 24522

May 28, 2020 – 6:00 p.m.

Directors: Jeff Floyd, Chairman
(Present) Doug Perrow, Treasurer
Bruce Jones
Karen Angulo
Brandon Schmitt
Chad Barrett
Charles Smith
Brandon Payne

Directors: Mary Lund
(Absent)

Staff/Partners: Jonathan Wooldridge, RELSWCD District Manager/Sr. Ag BMP Cons. Spec.
(Present) Cindy Miller, RELSWCD Office Administrator

Call to order: The regular meeting of the Robert E. Lee Soil and Water Conservation District Board of Directors was called to order May 28, 2020, at 6:02 p.m., by Jeff Floyd, Chairman, at Robert E Lee Soil & Water Conservation District Office 7631-A Richmond Hwy Appomattox VA 24522.

Acknowledgement of Guests: None

Adopting the Agenda: Jeff Floyd, Chairman, asked if there were any changes to the agenda. There being none, motion was made to approve the agenda as presented. (Perrow, Schmitt, passed 7-0)

Reading and Approving the February 27, 2020 Minutes: Jeff Floyd, Chairman, asked if there were any corrections to the minutes (copy filed with the minutes). There being none, the February 27, 2020 minutes were approved as read.

REPORT OF OFFICERS/PARTNERS/STAFF

1-Treasurer's Report - April- Doug Perrow, Treasurer, gave the report (copy filed with minutes). All bank statements were reconciled to the respective ledgers and QuickBooks program. The April treasurer's report will be filed in the District Office. Doug Perrow, presented information that was reviewed at the Budget Committee meeting for the Boards.

Motion - approve the budget for FY 2020/2021. (Perrow, Smith, passed 7-0)

Motion - approve the FY 2019/2020 budget to adjust Director Meal cost for March thru May to be applied to the Mileage budget for Jonathan for these months. (Angulo, Barrett, passed 7-0)

2-DCR Conservation District Coordinator Report - Mark Hollberg, CDC, Submitted a written copy of the May report (copy filed with minutes).

- Administration: EOY reporting due July 31, 2020.
- FY 20 Grant Assessment questionnaire will be emailed to SWCD in June. Measure changes for deliverables have been adjusted due to Covid.
- DCR is cutting expenditures where it can and must accommodate a 7% cut in Bay Grant funding for FY21.
- Audit results are looking well with no major issues. Final reports will be to the Districts soon.
- VACS- Carryovers need to be approved by SWCD boards by June 30, 2020.
- FY21 secondary Considerations need to be submitted to DCR by June 30.
- June in person VAVS update sessions are cancelled and are to be replaced by two identical webinars (8:30 to noon) June 11 and June 16.
- Dates for meetings noted on attached report.

3-USDA Natural Resources Conservation Service Report - Don Yancey, District Conservationist, submitted a written report for May 2020 (copy filed with minutes)

- EQIP –11 applications are preapproved for FY20 pending contracts with a deadline of July 17, 2020. Practices continue to be installed on existing EQIP contracts.
- CRP/GRP/WRP –Some projects are under review. FSA is offering additional programs in the CRP category including CRP grasslands and CRP Clear 30.
- CSP –New applications are under review with a deadline of May 29, 2020. DCR is working on estimating applications over the next couple of weeks.
- Outreach, Training and Upcoming Events – training and meetings continue thru webinar and/or teleconference due to Covid-19 outbreak.

4-Virginia Department of Forestry Report – Rick Butler, Appomattox Forester – submitted a written report for May 2020 (copy filed with minutes).

- 5 fires for spring fire season totaling 10 acres, low amount due to wet spring.
- Planted over 1300 acres in county this year.
- Working on new cost share agreements for next season.
- No Public relation work due to Covid-19.

5-Virginia Cooperative Extension Report – Bruce Jones, Appomattox VCE Agent - oral report.

- Using Zoom meeting platform conduct educational webinars: Meet the Specialist
- Handling increase in calls on varies topics related to landscaping, gardening and pond weed control.
- Cold weather caused damage to species not normally damaged in the past
- Central VA Youth livestock sale was successfully done virtually and youth were very creative with videos of livestock submitted.

6-RELSWCD District Manager/Sr. Ag BMP Conservation Specialist Report: Jonathan Wooldridge gave the May report (copy filed with minutes).

- **Projects: Needing Board approval**
 - Cost-Share transfer of \$250,000.00 in CB C/S and \$35,011.15 T/A to the Three Rivers SWCD. (Perrow, Payne, passed 7-0)

| <u>Contract/ Instance#</u> | <u>Prac</u> | <u>Co.</u> | <u>Est. Cost</u> | <u>CS amt.</u> | <u>Fund</u> | <u>TC</u> |
|---|---------------|------------|------------------|---|-------------------|------------|
| 10-20-0011 / 375683 (Perrow, Schmitt, passed 7-0) | WP-4 B | CB/CAM | \$395,867.31 | \$219,891.48 | CB VACS PY2020 | \$17,500 |
| 10-20-0016 / 386769 (Perrow, Schmitt, passed 7-0) | SL-6W | CB/AP | \$98,782.00 | \$100,000.00 Includes: \$1,218.00 Buffer payment | CB VACS PY2020 | |
| 10-20-0017 / 389594 (Perrow, Schmitt, passed 7-0) | SL-6W | CB/AP | \$90,739.60 | \$100,000.00 Includes: \$9,260.40 | CB VACS PY2020 | |
| 10-20-0018 / 389595 (Schmitt, Payne passed 7-0) | CCI-SL- 6W | CB/AP | \$8,472.50 | \$8472.50 | CB VACS PY2020 | |
| 10-20-0019 / 389596 (Perrow, Schmitt, passed 7-0) | CCI-SL- 6N | CB/AP | \$3,383.25 | \$3,383.25 | CB VACS PY2020 | |
| 10-20-0020 / 389597 (Schmitt, Jones, Passed 7-0) | WP-4 | CB/AP | \$135,000.00 | \$100,000.00 | CB VACS PY2020 | \$8,750.00 |

| | | | | | | |
|---|----------------|---------|-------------|--|--------------------|------------|
| 10-20-0021 / 389600 (Schmitt, Perrow, passed 7-0) | SL-6W | CB/AP | \$88,000.00 | \$82,480.00 Includes: \$3,280.00 Buffer Payment | CB VACS PY2020 | \$1,380.00 |
| 10-20-0022 / 389601 (Perrow, Schmitt, passed 7-0) | CCI- SL- 6W | CB/ AM | \$22,500.00 | \$22,500.00 | CB VACS PY2020 | |
| 10-20-0023 / 389627 (Schmitt, Payne, Passed 7-0) | SL-6N | CB/AM | \$81,860.00 | \$53,209.00 | CB VACS PY2020 | \$7,142.50 |
| 10-20-0024 (Perrow, Jones, passed 7-0) | SL-15A | OCB/CAM | \$18,953.90 | \$18,953.90 | OCB VACS PY2020 | |

Year to date totals: CB = \$780,139.00 OCB = 236,057.90 Total cost-share allocated = \$1,016,196.90

Total VACS allocation for RE Lee = 784,711 (CB) plus 243,440 (OCB) = \$1,028,951.

This accounts for the \$250K CB transfer out to Three Rivers. So, 90% of \$1,028,951 is \$925,336. 75% = \$771,713.

- **Watershed Dams:**
 - Dams are checked as rain events happen.
 - DCR Engineering inspections with Charles Wilson DCR of all 6 watershed dams occurred on March, 18 2020. Updated all 6 watersheds EAP's and sent to Charles Wilson DCR on April, 30 2020.
- **Conservation Easements:**
 - Documents that give the co-holding ability back to VOF have been signed by Bruce Jones and notarized. Ruth Babylon of VOF has been notified of the of the completion of the documents and she picked those documents up on March 10th at the district office.
- **Attended Meetings:**
 - District Audit. Office. 3-3-2020
 - Area V Meeting. Buckingham. 3-4-2020
 - Upper and Middle James Riparian Consortium. Scottsville. 3-9-2020
 - Numerous webinars and updates from DCR, VCE, VASWCD, VRS. March-May 2020
- **Future meetings:**
 - VACS update webinar, June 11th or June 16th 2020. District Office.

7-RELSWCD Ag BMP Conservation Technician Report – Kyle Bolt submitted a written report for May (copy filed with minutes).

- Completed Practices –

| <u>Contract#</u> | <u>Prac</u> | <u>Co</u> | <u>C/S</u> | <u>Fund</u> | <u>Date</u> |
|--|-------------|-----------|-------------|------------------------|-------------|
| -10-15-0072 | SL-6 | Camp. | \$38,780 | 2019 SL-6 Supplemental | 4/30/20 |
| Project Totals- 5,520' Stream exclusion fence, 3 water troughs, 2,850' pipeline and 1 well. | | | | | |
| -10-15-0057 | SL-6 | Camp. | \$79,880.70 | 2019 SL-6 Supplemental | 4/29/20 |
| Project Totals- 14,140' Stream exclusion fence & cross fence, 3 water troughs, 2,615' pipeline and 1 well. Two SL-6 Instances- #207037, #363678. | | | | | |

- Completed Not-Paid-
 - 10-15-0036 SL-6 Camp. N/A 2019 SL-6 Supplemental 5/26/20
Project Totals- 10,737' Stream exclusion fence & cross fence, 4 water troughs, 4,065' pipeline and 1 well refurbished.
 - 10-19-0012 SL-6 Appo. N/A 2019 OCB VACS N/A
- Contracts- 10-15-0102, 10-15-0071, 10-19-0013, 10-19-0014, 10-20-0005, 10-15-0079, 10-15-0092, 10-15-0086, 10-15-0099; Farm visits, construction designs, and conservation plans. 10-15-0072, 10-15-0057, 10-15-0036, 10-19-0012; measuring and inspecting completed practices.
- Ongoing BMP Contracts (Including complete not-Paid)
 - PY 2015- 16 SL-6 Practices.
 - PY 2019- 3 SL-6 Practices.

8-RELSWCD Office Administrator Report – Cindy Miller gave the May report (copy filed with minutes).

- Distributed the approved January minutes.
- Prepared the Employee time report and distributed to directors for Feb, March and April.
- Prepared the draft minutes of the February RELSWCD BOD meeting and distributed for review.
- Updated the Cost Share ledger with approved practices.
- Prepared the Feb thru April Treasurer's and Budget report and forwarded to Jonathan Wooldridge, District Manager/Sr. Ag BMP Conservation Specialist, for review.
- Processed payroll, taxes, and retirement.
- Updated QuickBooks to 2019 version and added budgets to system for FY 2019/2020 for computer generated budget report to replace current excel report starting FY 2020/2021.
- Prepared the draft agenda for the May 28th regular BOD meeting and forwarded to Jonathan Wooldridge, District Manager/Sr. Ag BMP Conservation Specialist, and Bruce Jones, acting chairman, for review.
- Monitored the monthly internet usage.
- Prepared Draft Budget for the FY 2021/2022 and presented to Budget Committee for approval.
- Meetings attended: Multiple webinars on VRS, DCR, QuickBooks and Agricultural topics.
- Audit results are still pending, but no exceptions expected. DCR to provide final report in June.

9-RELSWCD Conservation Education Specialist Report – Hannah Tillotson provided a written report (copy filed with minutes).

Meetings:

- 3/4/2020: Area V meeting in Buckingham
- 3/11/2020: Lynchburg Water Resources, Claytor Nature Center, Bedford Water Resources, postponed
- 3/12/2020: Education Committee Meeting, to decide on scholarship recipients. Both were awarded RELSWCD's \$2,000 scholarship and invited to June's board meeting (if everything opens back up)
- 3/13/2020: Walking Camp Sacagawea in Lynchburg, canceled.
- 4/9/2020: SWCD Educator Conference Call
- 5/13/2020: VAEE Educator Conference Call
-

Education Program Log:

| <u>Date/Location</u> | <u>Program</u> | <u># people reached</u> |
|----------------------|--------------------------|-------------------------|
| 3/10/2020 | Brookville Reality Store | |

Other:

Teleworking started 3/24/2020, working on online assignments; i.e. Facebook, website, webinars. Whenever we had a program get cancelled, I called or emailed anyone involved (YCC for example).
Researching VCAP, and to implement this in our district I will need to meet with Kevin from VASWCD to understand more of the technical parts.
I have worked on our Strategic Plan and personnel policy.

10. Timberlake WID report- George Schrader provided a written report (copy filed with minutes).

Update provided by Doug Perrow that Bids for the dredging project are anticipated in June of 2020 with updated cost data available in July 2020.

Upcoming

Hannah is creating a video to send to Holiday Lake 4-H Center for their online camp.
June 1st Amherst High School - video series with the Enviroscape.

REPORT OF COMMITTEES See above, under Treasurer's report .

UNFINISHED BUSINESS None to report


NEW BUSINESS None to report

ANNOUNCEMENTS None to report

ADJOURNMENT - The Chairman adjourned the meeting at 7:10 p.m.



Jeff Floyd, Chairman



Cindy Miller, Office Administrator

**CERTIFICATION FOR RECEIPT OF
CORONAVIRUS RELIEF FUND PAYMENTS**

By

The Town of Amherst

We the undersigned represent the Town of Amherst (the Town), and we acknowledge that:

1. We have the authority to request direct payment on behalf of the Town from the County of Amherst (the “County”) of revenues from the Coronavirus Relief Fund (CRF) pursuant to section 601 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 (March 27, 2020).
2. We understand that the County will rely on this certification as a material representation in making a direct payment to the Town in the amount of \$190,633.
3. The Town's proposed uses of the funds received as direct payment from the County pursuant to section 601 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 Town; and
 - c. Were or will be 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 Town or its grantee(s), must be returned to the County no later than January 8, 2021, so that the County may return the unexpended funds to the Commonwealth of Virginia by January 29, 2020, and we understand 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 after December 30, 2020.
5. We understand that the Town 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 County pursuant to this certification must adhere to official federal guidance issued or to be issued regarding what constitutes a necessary expenditure.¹
7. Any CRF funds expended by the Town or its grantee(s) in any manner that does not adhere to official federal guidance shall be returned to the County within 15 days so that the County may return these funds within 30 days of finding that a 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 Town shall retain documentation of all uses of the funds, including but not limited to payroll time records, invoices, and/or

¹ Official Guidance for the use of funds may be found at: <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Answers to Frequently asked questions may be found at: <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>.

sales receipts. Such documentation shall be provided to the County by close of business on September 1, 2020 and final documentation shall be provided no later than January 8, 2021, or upon request.

9. The Town must maintain proper accounting records to segregate these expenditures from those supported by other funding 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 Town 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.
12. The Town will receive an equitable share of CRF funds received by the County from the Commonwealth of Virginia and that such grant shall be used by the Town solely for necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), as prescribed in this certification.
13. We acknowledge that the County is responsible for ensuring the Town's compliance with the documentation requirements of this certification, and for ensuring that the Town's use of the CRF funds meets the requirements set forth in this certification. Accordingly, we certify that the Town will comply, in a timely fashion, with all requests made by the County for the purpose of ensuring compliance with the requirements of this certification and Section 601 of the Social Security Act.

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: _____ |



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council
From: Sara Carter
Date: July 1, 2020
Re: Use of CARES Act money

The Town will receive \$190,633 in CARES Act funding from Amherst County for the Town's portion. Attached, please find a summary from VML that gives guidance related to the uses of the funds as constrained by the federal government. Staff recommends the following allocations of the funds:

- Reimburse the Town \$3,414.97 in direct expenses related to COVID-19. This includes expenses for PPE, Zoom for Council meetings, cleaning and a new laptop for telework for one employee.
- Set aside \$5,000 for additional direct expenses for the rest of the year to December 30th.
- Authorize the use of up to \$18,000 for hazard pay for police officers if staff is able to confirm that this cost would be eligible under the CARES Act. There is competing information regarding this question, and staff is continuing to research this question.
- Utilize \$120,000 for a small business grants program. Broadly, the outline of the program would be for businesses of up to 20 employees, in Town, for the purposes of replacing revenue lost during required closures or changes in operations based upon COVID-19 requirements (EO 53 or 55). Businesses would need to be current with their business licenses and have been in business for at least a year prior to March 1, 2020. The maximum grant would be \$5,000.
- Utilize \$40,000 for a program to assist residents who are at risk for utility cut-offs when these are reinstated. Staff will work on additional details and information on this program to report to the Council.

These items would total \$186,414.97, leaving \$4,218.03 for future purposes to December 30, 2020 or to expand on either of the existing uses.

Staff seeks an affirmative motion from Council to proceed with the above actions and would work with the Industrial Development Authority as the reviewing authority to issue the small business grants.



CORONAVIRUS RELIEF FUND

ABSTRACT

Analysis of Questions Raised by Local Governments
about Eligible Spending Purposes

VML Task Force

June 9, 2020

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CARES Act Funding

An Analysis of Questions on Eligible Spending

Introduction:

The information below is VML’s analysis of questions raised by localities. These questions were specifically asked by City and Town Managers, local elected officials, local government attorneys, local Finance and Budget Directors, and others all concerned about the spending of federal CARES Act money appropriated to the Coronavirus Relief Fund (CRF) and possible post-spending audits undertaken by either the federal government or the Commonwealth of Virginia. The analysis does not address other provisions of the CARES Act that appropriated additional money for existing federal programs like CDBG, Public Education, FEMA, etc. *Information on these appropriations can be found in a recent [presentation](#) (beginning on page 16) made by Secretary of Finance Aubrey Layne, Jr. to the Senate Finance Committee.*

The analysis does not constitute a legal opinion but does represent the reasonable judgement of a special VML Task Force and VML policy staff. The analysis itself is based on the guidelines and FAQs issued thus far by the U.S. Department of the Treasury and by actions taken by the Commonwealth. *The Treasury Department’s guidelines and other materials can be found [here](#).*

As a first-step in tracking and documenting the expenditure of federal CARES Act money, VML recommends that member localities review the work done by the [City of Falls Church](#), specifically the Excel spreadsheets dealing with COVID-19 payroll expenses and COVID-19 supply expenses. Other COVID-19 information can be found on the [VML website](#).

If you have questions or comments, or wish to share or post to the Internet, please respond to Neal Menkes at nmenkes@vml.org or to Jessica Ackerman at jackerman@vml.org. This document will be updated as new information becomes available.

In General:

There are two rules that are hard and fast regarding the use of CARES Act money. The *first rule* is that **“a cost is incurred when the responsible unit of government has expended funds to cover the cost.”** Signing a contract for goods or services that extends beyond the December 30 eligibility period means the contractual obligations due after the cutoff date cannot be paid from CARES Act funds. Think of this rule as cash accounting and not accrual or modified accrual accounting.

The *second rule* is that CARES Act funds **cannot be used to make up for local revenue shortfalls**. To do so could result in the loss of state dollars for your locality. Virginia Secretary

of Finance Aubrey Layne warned localities of this rule in his [May 12, 2020 memorandum](#) to local Chief Executive Officers, Managers, or Administrators.

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. Fairfax County as the sole locality with a population greater than 500,000 receives funds directly. All other CRF funds were distributed to the states to determine the allocations to localities. Gov. Northam used a per capita methodology for distributing roughly half of the money that can potentially be set aside for localities.

Virginia received approximately \$3.1 billion as its share of the CRF total. This amount does not include the \$200.0 million for Fairfax County.

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 local governments;
3. were 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.); and
4. are used for the direct costs associated with the response to the COVID-19 pandemic and **cannot be used to make up for revenue shortfalls.**

The questions and analysis are organized into eleven broad categories:

| | | |
|-------------------------|-------------------------|----------------|
| Business Support | Spending Prioritization | Utilities |
| Crossed Funding Streams | Public Buildings | Wages/Benefits |
| Documentation | Technical Assistance | Work from Home |
| Nonprofit Support | Timeline | |

BUSINESS SUPPORT

From federally issued guidance:

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

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.”

Question – Small Business Support: Does CARES money have to be used toward loans, or can the funds simply be grants?

In general, CARES money can be used as either loans or grants to support small businesses. However, not all small business expenses would be eligible. The questions and answers below are from the most recent federal guidance issued May 28, 2020.

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.

UTILITIES

“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.”

Question – Lost Penalty and Interest Income: Can CARES money be used to cover lost penalty and interest income for utilities?

The no revenue replacement rule applies to utilities as well as to state and local governments. This would extend to penalties and lost interest.

However, the federal guidance specifically approves subsidy grants for certain individuals to allow them to pay their utility fees and receive essential services. Although the federal guidance identifies only electricity accounts, VML believes that it is reasonable to assume that the federal guidance would apply to water, wastewater, and broadband services. [Action taken by the Virginia Department of Health](#) to require the City of Petersburg to restore water service to accounts that had been shut off indicates that utilities other than electricity are also essential in fighting COVID-19.

Question – Waste Management Costs: Can CARES money be used to support increased waste management costs resulting from increased tonnage, increased safety precautions for employees, etc.?

The Federal Guidance recognizes waste management costs as eligible expenses. It also appears that if a local government designates employees who have certain waste management duties as essential workers or as performing hazardous duty, then CRF money could be used for payroll expenses. Localities should document how the pandemic has affected/increased waste management workload, costs and operations/maintenance. The passages below are from the Federal Guidance.

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.

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.

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.

WAGES/BENEFITS

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.

Question – Eligible Hazardous Pay: What constitutes hazard pay? What positions qualify for it, and is there a limit to the amount that can be paid per person that would be reimbursable under CARES?

The federal guidance issued in early and late May does not specify a limit to the amount of hazardous pay a person can earn. It does provide a sense of who is eligible. See below.

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 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.

Question – Using CRF Dollars to Replace Lost Local Dollars: Can localities eliminate public health and safety positions in their proposed FY 2021 budgets due to revenue shortages, then re-fill those positions using CARES money after the local governing body passes the budget?

No, if those positions are not substantially dedicated to fighting the COVID-19 pandemic. If those positions are substantially dedicated to responding to the health crisis, then payroll expenses for those positions would be eligible for CARES Act funding. Here is what the federal guidance says about *ineligible expenses*:

- Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
- 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.
- A local government 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.
- 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.
- *The federal terminology “most recently approved budget” based on a date of March 27 is confusing. In Virginia, eligible expenses will overlap two separate fiscal years (FY20 and FY21). VML believes it would be prudent to treat FY21 in the same manner as FY20. In other words, don’t use the CRF money to replace local dollars, do use CRF money for eligible expenditures in FY21 as in FY20, do record expenditures and document as necessary through December 30, and do not expect CRF reimbursements for costs that are paid after December 30.*

NONPROFITS

Question – Paying for Homeless Facilities: Can CARES Act funds be used to house the homeless?

Yes. Federal guidance answers the question.

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.

Question – Housing Assistance for Undocumented Immigrants: If CARES funding is provided to a nonprofit for housing support, does the nonprofit have to limit availability of housing to documented residents/citizens?

The answer is far from clear-cut. Under the 1996 federal Personal Responsibility and Work Opportunity Reconciliation Act, it is [illegal to give public funds to undocumented immigrants](#), establishing comprehensive restrictions on immigrant eligibility for federal public benefits

because — according to the act — “It is a compelling government interest to remove the incentive for illegal immigration provided by the availability of public benefits.”

However, the law does spell out [exceptions to the policy](#), including exceptions for medical assistance under Title XIX of the Social Security Act for care that is necessary for the treatment of an emergency medical condition and public health assistance for immunizations or for testing or treatment of communicable disease symptoms. And Section 1903(v)(3) of the Social Security Act provides that the term “emergency medical condition” means a medical condition manifesting itself with acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in —

- placing the patient’s health in serious jeopardy;
- serious impairment to bodily functions; or
- serious dysfunction of any bodily organ or part.

Whether the exception can be leveraged to include housing assistance or to provide housing assistance for the undocumented parents of children who are citizens will have to be [sorted out in federal courts](#) unless Congress acts.

To avoid an unfavorable audit, a locality may want to explore using local dollars to pay for housing services for the undocumented and CRF money for citizens and legal residents.

WORK FROM HOME

Question – Local Employees Working from Home: Can CARES Act funds be used to pay salaries or expenses of local government employees who are assigned to work from home?

The answer is probably not. Let’s review the Federal Guidance. Although the guidance does not provide a direct answer to the question, it does make clear that payroll expenses for public employees are restricted to those whose duties are substantially dedicated to mitigating the COVID-19 pandemic and that across-the-board hazard pay for local employees working during the state of emergency apply to public safety, public health, health care, human services, and similar employees. Work from home local employees are not included.

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.

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 example of an ineligible expenditure relates to public employees.

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.

CROSSED FUNDING STREAMS

Question – CARES Act Money and Third-Parties: Can recipients of SBA, CDBG, etc. funds also receive CARES money?

Yes, but such allocations are not mandated by the federal legislation or guidance. Transfers are permissive and permitted if the requirements of the CARES Act and Federal Guidance are met, meaning the third-party provides services that respond to either the impacts of the public health emergency related to COVID-19 or to the pandemic's economic consequences. Services can include, but would not be limited to, housing for those in need of quarantine or who are without shelter, food drives, grants or loans to small businesses, etc.

The key item to remember is that the locality will still be responsible for any audit finding that shows transferred funds were not spent in accordance with the federal legislation. Localities should make sure that third-party spending is tracked and documented.

ATTACHMENT

Tracking COVID-19 Related Salary Expenses

The U.S. Treasury Department guidance on the CARES Act states 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.” The first and most important element in determining payroll eligibility for meeting CARES Act guidelines is to carefully track and describe employee time actually spent on COVID-related activities. Only then can each activity be examined to determine whether federal guidelines for reimbursement have been met. A timesheet tracking system is needed for this purpose.

The City of Virginia Beach uses a payroll tracking system to monitor time spent on COVID-related activities. Their Public Safety and Human Services Department employees are required to enter into the system their COVID-related activities on a daily basis.

The City of Newport News appears to use an even more comprehensive and flexible Leave and Timesheet System to track COVID-19 related work time spent by its employees some of whom may not be currently recognized under the CARES Act as eligible for hazard pay. All Newport News government employees are required to use the system and input their work data on a daily basis. Newport News uses their time and leave system to tie into and populate the payroll system. It is important to note that their system has the ability to capture explanatory notes to describe the COVID-related work activity time entered. Basically, the hours entered and described by Newport News employees are non-routine, non-regular duties that they expect could be eligible for CARES reimbursement. These are generally actions that staff needed to take to address any level of COVID responses, from the initial steps, to sustained control and containment processes, and recovery to reopening, as well as preparation for a potential next late 2020 pandemic wave. Some common themes are preparation and planning meetings, cleaning/social distancing/containment actions, staffing review and alignment, financial reviews and purchasing actions, vulnerable population actions, business grant development and recovery planning. Newport News management expects to carefully review all timesheet submissions to determine which will be submitted for final CARES Act reimbursement.

To address the need for detailed COVID-related employee activity monitoring, the city added two lines to their existing timesheet system as seen below:

- 1) COVID-19 time worked
- 2) Modified Schedule

The modified schedule timeline refers to employees who cannot do their normal work, but were still being paid, due to the COVID-19 crisis. An example would be street construction workers kept home because social distancing guidelines would not allow them to work in their normal size crew, but still being paid.

Example of Employee Weekly Timesheet (daily explanatory notes omitted)

| Work Period May 25th thru May 31st | | | | | | | |
|---|--------|--------|--------|--------|--------|--------|--------|
| Day of Week | Mon | Tue | Wed | Thu | Fri | Sat | Sun |
| Date | 25-May | 26-May | 27-May | 28-May | 29-May | 30-May | 31-May |
| Scheduled Work | | 8 | 8 | 8 | 3 | | |
| Modified Schedule | | | | | | | |
| Training | | | | | | | |
| Covid-19 Time Worked | | 1 | 2 | 2 | 2 | | |
| Paid Personal Leave | | | | | 4 | | |
| Holiday Granted | 8 | | | | | | |
| Total Hours | 8 | 9 | 10 | 10 | 9 | 0 | 0 |
| Notes | | | | | | | |

The following chart details the hours charged to COVID-related activities by employee department category through June 2. Detailed descriptions of these hours worked by employee and date are available in an excel spreadsheet.

COVID-19 Time Worked (Prep/Response)

City of Newport News Employee Hours Charged to COVID-19 Prep/Response

Total Hours by Department through 6/2/2020

| <u>Dept Name</u> | <u># Hours</u> |
|--------------------|------------------|
| BUDGET | 233.00 |
| CITY ATTY | 37.00 |
| CITY MGR | 754.00 |
| CLERK CT | 161.75 |
| COM ATTY | 52.00 |
| COM REV | 85.15 |
| COMMUNICATION | 1,872.00 |
| DEVELOPMENT | 2,484.00 |
| ENGINEERING | 644.25 |
| FINANCE | 298.25 |
| FIRE | 3,973.00 |
| GPWDC | 6.00 |
| HUM RES | 446.25 |
| HUM SVC | 4,305.50 |
| INFO TECH | 2,498.90 |
| INT AUDIT | 20.75 |
| JUV SVC | 24.00 |
| LIBRARIES | 1,575.35 |
| PARKS | 3,353.00 |
| PLANNING | 9.00 |
| POLICE | 642.50 |
| PUB WKS | 4,018.75 |
| REGISTRAR | 40.00 |
| RISK MGMT | 3.00 |
| SHERIFF | 1,166.75 |
| TREASURER | 5.25 |
| VEH SVC | 631.75 |
| WATERWORKS | 967.50 |
| Grand Total | 30,308.65 |