

AT A MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS  
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING  
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA  
ON MONDAY, APRIL 5, 2021 AT 5:30 P.M.

\*\*\*

BOARD MEMBERS PRESENT: D. E. LYONS  
R. W. DAY  
A.J. "JAY" LEWIS, II.  
L.E. AYERS  
D.B. MCDANIEL (virtually)

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

\*\*\*

CALLED TO ORDER:

Chairman Lyons called the meeting to order.

Fiscal Services Director Steven Bolster conducted a roll call of the Board members. Supervisors Lewis, Day, Ayers and Lyons attended in-person, while Supervisors McDaniel attended virtually.

Chairman Lyons advised of the following announcements:

"While the room will be open to the public, due to the size of the meeting room and social distancing requirements, *no more than 30 attendees* other than County staff will be allowed into the room at one time. Per the Governor of the Commonwealth of Virginia Executive Order 63, all persons over the age of five, that do not have a precluding medical condition, are asked to wear a face covering."

**Fiscal Health Presentation by Davenport & Company:**

Mr. Bolster briefly reviewed the agenda item which included the following information:

"Davenport and Company Senior Vice President Joe Mason and Vice President R.T. Taylor will present a comprehensive financial review and peer comparison analysis to the Board to provide additional background and context related to fiscal year 2022 and beyond. This review will include analysis on the County compliance with their financial policies, the County's debt capacity and debt affordability in the context of the multi-year capital improvement plan (CIP) and operating budgets. Please be aware that the CIP on which Davenport has built their debt schedule impact assumptions is based on the provisional CIP adopted by the Board in January. Please recall that on March 18th, the School Division provided an updated, draft CIP which included new projects and an added three fiscal years to their CIP (for a total of eight years). The plan is for the two Board's to review the new School Division CIP over the summer and fall, in an effort to provide an update for the FY 2023 budget process. At that point, Davenport would consider the new information in their annual financial health update (approximately 12 months from now). Staff will provide a handout prior to the Davenport presentation."

*Due to technical difficulties, this presentation was placed on hold until later in the meeting.*

## **Health Benefits Update:**

County Administrator Spencer Suter briefly reviewed the following information:

"During recent Board meetings, staff has presented components of a strategic health and benefits program that allows for the transition to a self-funded benefits plan. With support from the Board to pursue this option, staff has worked with One Digital to develop a plan that may provide more affordable benefits for employees and control rising health care costs for the County.

The benefit renewal and design processes are dynamic, and as a result contribution models were not available at the last meeting. Since that time, County staff and the consultant have developed models that favor goals of affordability and flexibility of benefit design. One Digital is recommending the following:

- Expanding the number of dependent tiers available by adding a tier for employee+ child, employee+ children, employee+ spouse
- Reducing the costs for dependent coverage by lowering premiums for the high deductible health plan. Please note that in several plans, the cost would actually increase in the buy up options.
- Increasing the County HSA contribution from \$600 to \$1,000 through an employer match that incentivizes employee savings.

Please note that the Board is absorbing some of the original 9% projected increase and, per the last meeting, would set aside \$212,000 to prefund the shift to self-insured.

We've reviewed the One Digital recommendation with both the Personnel and Finance Committee, who support. At this point, if the Board wanted to move ahead with the recommendation, we would simply need consensus. We would then begin working with One Digital to create packages and plan enrollment meetings."

The Board provided consensus for staff to proceed with self-insured healthcare.

Mr. Suter thanked the Personnel and Finance Committees for their participation and direction in the process.

**Fiscal Health Presentation by Davenport & Company (continued):**

Davenport and Company Vice President R.T. Taylor then provided a PowerPoint presentation that included the following topics:

1. Introduction of Peer Comparatives.
2. Financial Policy Overview with respect to commentary provided by the Government Finance Officers Association ("GFOA") and Industry Best Practices.
3. General Fund Operations and Fund Balance
  - GFOA guidance.
  - Fund Balance (Reserve) Policies.
4. Tax-Supported Debt and Contingent Liability Policies.
  - GFOA guidance.
  - Existing Tax-Supported Debt Profile.

- Key Financial Ratios and Peer Comparatives.
5. Future Tax-Supported Debt Capacity - Based on Existing Policies.
- Debt to Assessed Value Policy of 3.0%.
  - Debt Service to Expenditures Policy of 12.0%.
6. Tax-Supported CIP Funding Analysis.
- Overview of County's CIP Program.
  - Tax-Supported Debt Affordability.

Supervisor Lewis shared that this was good planning.

Mr. Suter noted that an updated draft CIP was received from the School Division during the March 18 joint meeting with the Board of Supervisors. He noted that he had discussed a path ahead with School Superintendent Phillip Thompson and they had agreed to recommend that they two Boards work together in the upcoming year to review and provisionally adopt a revised CIP next January. He recommended that the Board only consider adoption of School Division's FY22 CIP this year and hold off on the other years until the joint review occurs.

**Public Hearings at 6:00 P.M.:**

**Readoption of the Continuity of Government Ordinance:**

County Attorney Vickie Huffman briefly reviewed the agenda item which included the following information:

"At a Special Emergency Meeting of the Board of Supervisors on April 6, 2020, the Board adopted an Emergency Continuity of Government Ordinance, to address continuing government operations during the emergency and disaster due to the COVID-19 pandemic. The Ordinance was

effective for sixty (60) days, through June 5, 2020. On May 26, 2020, due to the on-going state of emergency, the Board of Supervisors held a public hearing and re-adopted and extended the Continuity of Government Ordinance for an additional four (4) months, through October 5, 2020. The Ordinance was again readopted and extended on September 28, 2020, to remain in effect until April 5, 2021.

The declared state of emergency and disaster continues at the federal, state and local levels, although many restrictions have been released or modified contingent upon compliance with guidelines for the health and safety of the public. It is not expected that all restrictions will be released or removed prior to April 5<sup>th</sup>.

Health officials at the federal, state, and local level continue to advise that large gatherings of people can spread the illness and prolong the disaster. The usual and necessary operations of government, by law, often require in-person gatherings of people.

Readoption of the Continuity of Government Ordinance is recommended to allow for observance of current public health guidelines as needed, and to permit flexibility in the County's operations should circumstances change. If adopted, the Ordinance would remain in effect for six (6) months, through October 5, 2021, or its rescission, whichever first occurs. The proposed Ordinance is attached for the Board's consideration."

Chairman Lyons opened the public hearing at approximately 6:13 p.m. There were no comments. Chairman Lyons closed the public hearing.

Supervisor Lewis shared his support of the ordinance stating that it was necessary in order for the Board to conduct business.

Supervisor Lewis moved to adopt the ordinance. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, Ayers, Day, McDaniel, Lyons  
Nays: None  
Absent: None  
Abstain: None

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES  
ON MONDAY, APRIL 5, 2021**

**READOPTATION OF ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER (“CONTINUITY OF GOVERNMENT ORDINANCE”)**

**WHEREAS**, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One (2020) declaring a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic; and

**WHEREAS**, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

**WHEREAS**, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, on March 17, 2020, the County's Director of Emergency Management issued a Declaration of Emergency, as amended, applicable throughout the County of Rockbridge, Virginia, pursuant to Virginia Code Section 44-146.21; and

**WHEREAS**, on March 23, 2020, at its regular meeting, the Board of Supervisors of Rockbridge County (the "Board") adopted a Resolution to ratify and confirm the Declaration of Local Emergency issued by the local Director of Emergency Management on March 17, 2020, specifically finding that the COVID-19 Pandemic constitutes a disaster as defined in Virginia Code § 44-146.16, being a "communicable disease of public health threat", and amended the Declaration accordingly; and

**WHEREAS**, subsequent to the Declaration, there was confirmation of area citizens having contracted COVID-19; and

**WHEREAS**, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States had recommended suspension of public gatherings of more than ten attendees; and

**WHEREAS**, Virginia Code Section 15.2-1200 allows counties to adopt necessary regulations to prevent the spread of contagious diseases; and

**WHEREAS**, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

**WHEREAS**, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency "proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;" and

**WHEREAS**, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of the Board of Supervisors may convene solely by electronic means “to address the emergency;” and

**WHEREAS**, the open public meeting requirements of the Virginia Freedom of Information Act are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

**WHEREAS**, the Attorney General of Virginia issued an opinion dated March 20, 2020, stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

**WHEREAS**, the Board of Supervisors has found that emergency measures are necessary to mitigate the ongoing emergency and disaster that is occurring in the County and to protect the health, safety, and welfare of the citizens; and

**WHEREAS**, the Board desired to ensure the continuity of government pursuant to Section 15.2-1413 of the Code of Virginia (1950, as amended), and on April 6, 2020, adopted an emergency ordinance in response to the disaster caused by the COVID-19 pandemic, to promote the public health, safety and welfare, consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America; and,

**WHEREAS**, the Board readopted and extended the Continuity of Government Ordinance on May 26, 2020, which provided that it would remain in effect until October 5, 2020, unless sooner rescinded; and

**WHEREAS**, due to the on-going nature of the pandemic and the continuing declaration of a state of emergency, the Board readopted and extended the Continuity of Government Ordinance on September 28, 2020, which provided that it would remain in effect until April 5, 2021, unless sooner rescinded; and

**WHEREAS**, County boards, commissions, and authorities have adopted procedures to permit increased in-person public participation in their meetings when restrictions have, from time to time, been relaxed; and

**WHEREAS**, vaccines are currently available and are in the process of being distributed and administered throughout the Commonwealth; and

**WHEREAS**, numbers of reported cases are trending downward and restrictions in the Commonwealth of Virginia have recently been relaxed; and

**WHEREAS**, health officials at the federal, state, and local level continue to advise that large gatherings of people can spread the illness and prolong the disaster caused by the COVID-19 pandemic; and

**WHEREAS**, it is not anticipated that all restrictions will be released or removed prior to April 6, 2021, and the declared state of emergency and disaster remains in effect in the County of Rockbridge and the Commonwealth of Virginia; and

**WHEREAS**, the usual and necessary operations of government, by law, often require large gatherings of people in person, which would contradict the advice of the government and health officials responsible for addressing the continuing disaster caused by the COVID-19 pandemic; and,

**WHEREAS**, the Board of Supervisors wishes to follow the guidance of government and health officials while providing for the continuity of County government and critical local services during the state of emergency and continuing disaster caused by the COVID-19 pandemic; and

**WHEREAS**, the Board of Supervisors desires to ensure the continuity of County government pursuant to §15.2-1413 of the Code of Virginia (1950, as amended), during the remainder of the COVID-19 pandemic, to the extent needed or necessary to protect public health, safety and welfare in response to the disaster, consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

**WHEREAS**, public notice has been provided in accordance with §15.2-1427(F) of the Code of Virginia (1950, as amended); and

**WHEREAS**, the Board of Supervisors has held a public hearing on this Ordinance on April 5, 2021; and,

**WHEREAS**, the Board of Supervisors determines that the continuity of County government and provision of critical local services require adoption of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Rockbridge County, Virginia:

1. That the COVID-19 pandemic may continue to make it unsafe to assemble in one location a quorum for public bodies of the County, including the Board, the Rockbridge County School Board, the Board of Zoning Appeals, the Planning Commission, the Tourism Corridor Review Board, the Rockbridge County Public Service Authority, the Rockbridge County Economic Development Authority, the Board of Building Code Appeals, and all local and regional boards, commissions, committees and authorities created by the Board of Supervisors or to which the Board appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.

2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and

b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and

d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and may be closed to in-person participation by the public; and

e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance, or in writing by mail or drop box in advance, and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and

f. The minutes of all electronic meetings shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

**IT IS FURTHER ORDAINED** that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization may be suspended, when necessary, during this emergency and disaster; however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to

meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

**IT IS FURTHER ORDAINED**, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

**IT IS FURTHER ORDAINED**, that each incorporated town within the boundaries of Rockbridge County are encouraged, authorized and/or directed to declare its own state of local emergency and disaster or incorporate by reference the County's local state of emergency and disaster and to adopt/readopt an ordinance for the continuity of town government.

**IT IS FURTHER ORDAINED**, that the provisions of this Ordinance shall remain in full force and effect for a period of six (6) months from April 6, 2021, specifically through October 5, 2021. Upon rescission by the Board or automatic expiration as described herein, this ordinance shall terminate and normal practices and procedures of government shall resume.

Nothing in this Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

**ADOPTED** by the Board of Supervisors of Rockbridge County, on this 5<sup>th</sup> day of April, 2021.

Recorded Vote:

**Request Board Approval to Advertise FY 2022 Draft Budget Public Hearing:**

Mr. Bolster briefly reviewed the agenda item which included the following information:

"At a scheduled budget meeting on February 25th, staff presented an initial review of the FY 2022 draft budget and overall funding position to

the Board of Supervisors. At the time of presentation, planned expenditures exceeded anticipated revenues by \$460,759.

On March 8th, staff presented to the Board a "balanced" FY 2022 draft budget. The presentation indicated that some of the changes were not specific recommendations from the Finance Committee. Staff also stated at the time, that we expected to receive School Division and Regional Jail revisions to their respective funding requests in the coming days.

On March 18th, the Board of Supervisors and School Board conducted a joint meeting. Discussions included an FY 2022 budget overview and an update on the School Division.

Staff provide an FY 2022 budget update at the regularly scheduled meeting on March 22nd. Staff requested that individual Board members communicate with Finance Committee members David McDaniel and Jay Lewis on recommendations to bridge the \$324,161 budget gap in order to attain a balanced budget.

Since the March 22nd Board meeting, the Finance Committee met on March 24th and 31st to garner a balanced FY 2022 draft budget for Board consideration. The following changes were incorporated into the draft budget and are reflected in the proposed public hearing notice.

- Reviewed General Fund revenues to source the County's op cost-share for the Regional Jail; increased the personal property revenue by \$35,431.

- Adjusted the health insurance premiums from \$8,285 to \$8,000, down ~\$35,625.

- As a secondary effect, the DBHDS Assessment Site Grant revenue was lowered by \$570 and the NBSWCD pay/benefits reimbursement is down \$142.

- Increase County employee compensation from 2% COLA to 3%, to include updating fringe benefits (up ~\$35,500).

- Dr. Phillip Thompson provided a second, updated FY 2022 categorical estimate of needs which totaled a local op support of an additional \$1,179,302 (or \$15,961,942). The funding request incorporates \$50,000 in federal Forest Fund revenues (AKA Secure Rural Schools funding or SRS). The initial categorical estimate of needs totaled a \$1,229,302 increase (or \$16,011,942).

-- The Finance Committee's recommendation is to locally fund the School Division at \$15,697,715, a \$915,075 increase. This corresponds to a March 10, 2021 School Division estimate of needs to support a 3% increase for RCPS personnel.

- A surplus of \$27,812 was added to the Transfer to Reserve budget line as interim step for further discussion on providing additional support to the School Division. The Finance committee recommends that if the School Division can realize savings in their final health benefits cost, and the \$27,812 is needed to achieve an additional 1% (for a total of 4%) employee raise, that amount be used to support such action.

As a result of these updates, the attached FY 2022 draft budget reflects a balanced budget of \$49,543,354, up \$3,002,240 (+6.45%) over the FY 2021 adopted budget."

Supervisor Ayers shared her continued concern about non-profit organizations not receiving level funding when those organizations continued to run and support both the County and the Schools by providing activities during the COVID-19 pandemic.

Supervisor McDaniel moved to approve advertising the draft budget.

Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Day, Ayers, Lewis, Lyons  
Nays: None  
Absent: None  
Abstain: None

**Adjournment:**

Supervisor Lewis moved to adjourn. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, Day, Ayers, McDaniel, Lyons  
Nays: None  
Absent: None  
Abstain: None