

**At an Emergency Meeting of the
Sussex County Board of Supervisors Held in the
County Administration Conference Room on
Friday, March 27, 2020 at 3 pm**

BOARD MEMBERS PRESENT

C. E. Fly, Sr.
Marian D. Johnson
Debbie P. Jones
Wayne O. Jones
Susan B. Seward
Rufus E. Tyler, Sr.
Steve White, BOS Tie Breaker

STAFF PRESENT:

Larry Hughes, Interim County Administrator
Jeff Gore, County Attorney (attended by phone)
Ellen G. Boone, Commissioner of the Revenue
Deste J. Cox, Treasurer
Ernest Giles, Sheriff
Bertha H. Judge, Director of Social Services
Kelly W. Moore, Director of Finance
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board

Item 1. Call to Order/Determine Quorum (3:10 p.m.)

The March 27, 2020 Emergency meeting of the Sussex County Board of Supervisors was called to order by Chairman Seward.

Item 1a. Approval of Board Members Participating by Phone under the Board's Remote Participation Policy

ON MOTION OF SUPERVISOR D. JONES, seconded by W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Supervisors Fly, Johnson and Tie Breaker Steve White participating by phone under the Board's Remoter Participation Policy. All Board members voted aye.

Item 2. The Invocation

The Invocation was offered by Supervisor W. Jones.

Item 3. The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

Item 4. Approval of Agenda

Interim County Administrator Hughes requested to remove Item 7A. Consideration of emergency appropriation and emergency procurement of jail food services and Item 7B. Forbearance of certain local taxes and deadlines. He also requested to add under Item 6, Request to direct County Attorney to file petition to Circuit Court for Commonwealth's Attorney Vacancy.

ON MOTION OF D. JONES, seconded by W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves agenda inclusive of removing (1) Item 7A. Consideration of emergency appropriation and emergency procurement of jail food services; (2) Item 7B. Forbearance of certain local taxes and deadlines; and (3) adding under Item 6, Request to direct County Attorney to file petition to Circuit Court for Commonwealth's Attorney Vacancy. All Board members voted aye.

Item 5. Resolution Ratify Local Emergency Declaration

Governor Ralph S. Northam declared a State of Emergency effective as of March 12, 2020 until June 10, 2020 unless sooner amended or rescinded.

Pursuant to the authority granted by Section 44-146.2I(a) of the Code of Virginia, Mr. Lawrence Hughes, acting as Director of Emergency Services for Sussex County, due to the inability of the Sussex County Board of Supervisors to convene prior to the rapid spread of the COVID-19 virus, declared the existence of a local emergency as of March 17, 2020.

A copy of Declaration of Local Emergency was included in the Board packet.

ON MOTION OF SUPERVISOR D. JONES, seconded by W. JONES and carried: RESOLVED that the Sussex Board of Supervisors hereby adopts a resolution ratifying the Declaration of Local Emergency for Sussex County as of March 17, 2020, to-wit:

Due to the severity of the worldwide spread of the COVID-19 virus and its threat to public health, on March 17, 2020, Sussex County faces a condition of extreme peril which necessitates the proclamation of the existence of an emergency in order to provide mitigation, preparedness, and activities to protect life and property; and

WHEREAS, Governor Ralph S. Northam declared a State of Emergency effective as of March 12, 2020 until June 10, 2020 unless sooner amended or rescinded.

Pursuant to the authority granted by Section 44-146.21(a) of the Code of Virginia, I, Lawrence Hughes, acting as Director of Emergency Services for Sussex County, due to the inability of the Sussex County Board of Supervisors to convene prior to the rapid spread of COVID-19 virus, declare the existence of a Local Emergency as of the below stated date and time of March 17, 2020.

All Board members voted aye.

Item 6. Board Discussion of Budget Matters Impacted by COVID-19 Emergency

Item 6A. Sussex County Budget

There was general discussion of holding Budget Work Sessions and Board meetings electronically. There was discussion of waiting on the State budget. Interim County Administrator Hughes recommended waiting until after the Veto Session of the General Assembly before adopting the budget.

County Attorney Gore discussed that if the Board didn't want to congregate together and want move forward with electronic meetings, an ordinance would have to be adopted to allow. He noted that it would still require public notice, access and comments.

There was discussion of future meetings and transparency and ensuring public has access due to current emergency situation. There was discussion of soliciting public comments prior to meetings in advance and streaming on the County website.

There was discussion of fully electronic meetings and meetings with physical quorum with remote participation. Various options were discussed to ensure public has access and participation. County Attorney Gore noted that fully electronic meetings have to be tied to State declared emergency, which is the current situation. Mr. Gore noted that an ordinance could be put in place next month. He noted that if the County makes public notice and publish in local newspaper, prior to adopting the ordinance, the ordinance would be in place for six (6) months, if needed. If no two (2) week notice is done, the ordinance can be adopted as an emergency, in which the ordinance would be good for 60 days. Having an ordinance in place, would allow for the Board to participate electronically, should the Board not have a physical quorum present.

There was discussion of, if things should return to normal by June, the Board could have two (2) meetings in June. There was inquiry, regarding the Attorney General's opinion, of meeting and deliberating over the budget in light the Attorney General's ruling. County Attorney Gore noted that if there is a physical quorum, it would be a regular meeting. He stated that the Attorney General was focusing on the ability to have all electronic meeting—no physical quorum.

There was also discussion of FOIA regulations with regards to public access.

In summary, it was noted that the County will continue to hold meetings with a physical quorum and broadcast on the County's website, solicit public comments in writing, and have a dial in number for public, should the citizens' wish to participate during citizens' comment.

Item 6B. Sussex County Public Schools Budget

There was discussion of the need to adopt the budget for the Public Schools to allow the Superintendent to secure contracts for teachers.

County Attorney Gore noted discussions from the Secretary of Finance's office regarding shortages and Senator Kaine's office regarding the federal stimulus package for Virginia and not knowing how much support would be for school funding or other general funding for local services. He noted that it was too soon to know the support that the State will be providing for the schools. It would be hard for the County to adopt a reliable budget for the County, much less the

schools, without this information. He noted that the Veto Session for the General Assembly is April 22, 2020.

County Attorney Gore stated that he didn't know if there will be a real advantage of adopting the school's budget next month in advance due to the contingency upon state funding.

6.C Commonwealth's Attorney Vacancy

County Attorney Gore stated that there has been a vacancy created due to Ms. Ramsey's resignation as the Commonwealth's Attorney, effective March 30, 2020. Ms. Ramsey's term in office was due to expire December 31, 2023.

As a result of her resignation, the County has 15 days to petition the Circuit Court to order the special election to fill the Commonwealth's Attorney vacancy.

The State law provides for the special election to take place in November.

A copy of Ms. Ramsey's resignation was provided to the Board.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the county attorney to file a petition with the Circuit Court to order the special election to fill the Commonwealth's Attorney vacancy. All Board members voted aye.

Item 7. Board Actions Related to COVID-19 Emergency

There was inquiry in regards to terms of work hours, potential exposure and prevention in regards to personnel.

Interim County Administrator Hughes stated that Administration has advised that any employees exposed to, tested positive for or need to be quarantined with family members with the coronavirus, that the use of sick leave has been expanded. Sick leave can be used for child care or anything related to the emergency.

There was discussion of the County developing a Strategic Plan in the event there's a tremendous impact in our locality.

There was discussion of modified work schedules and telecommuting for prevention of the spread of the virus. It was noted that the office was closed to the public. Drop boxes were located outside of the building.

Items 7A Consideration of emergency appropriations and procurement of jail foods services and Item 7B Forbearance on certain local taxes and deadlines were removed from the agenda.

Item 8. Discussion of Future Meeting during the COVID-19 Emergency **Discussion/Consideration of Continuity of Government Ordinance**

These items were previously discussed during budget discussions.

Item 9. Adjournment

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR W. JONES and carried:
RESOLVED that the March 27, 2020 Sussex County Board of Supervisors Emergency Meeting hereby adjourned at 4:40 p.m.