



City of Petersburg Virginia

www.petersburgva.gov

Special City Council Meeting

**June 2, 2020
Live Stream
12:00 PM**

City Council

Samuel Parham, Mayor – Ward 3
John A. Hart, Sr., Vice-Mayor – Ward 7
Treska Wilson-Smith, Councilor – Ward 1
Darrin Hill, Councilor – Ward 2
Charlie Cuthbert, Councilor – Ward 4
W. Howard Myers, Councilor – Ward 5
Annette Smith-Lee, Councilor – Ward 6

City Manager

Aretha R. Ferrell-Benavides

-
1. **Roll Call**
 2. **Prayer**
 3. **Closed Session**
 4. **Moment of Silence**
 5. **Pledge of Allegiance**
 6. **Determination of the Presence of a Quorum**
 7. **Proclamations/Recognitions**
 8. **Reports/responses to previous public information period**
 9. **Communication/Special Reports**
 - a. Update and Concerns from Commissioner of the Revenue
 - b. City Assessor's Report
 - c. Fire Station 4 Update
 - d. Presentation of the City's legal options with regard to the May 10, 2020 letter and Health Officer Certification received from the State Health Commissioner.
 10. **Consent Agenda (to include minutes of previous meetings):**
 - a. A request to schedule a Public Hearing and consideration of an Ordinance to increase the number of voting at-large members on the Planning Commission from two (2) to four (4) and thereby increase the total number of voting Planning Commissioners from nine (9) to eleven (11).
 - b. Consideration of an appropriation for Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 - \$2,734,818 - 1st Reading
 - c. Consideration of a CDBG - CVI Cares Act appropriation in the amount of \$371,969 for the Coronavirus Pandemic due to the City of Petersburg being a HUD CDBG Entitlement Jurisdiction - 1st Reading
 11. **Official Public Hearings**

12. Public Information Period

A public information period, limited in time to 30 minutes, shall be part of an Order of Business at each regular council meeting. Each speaker shall be a resident or business owner of the City and shall be limited to three minutes. No speaker will be permitted to speak on any item scheduled for consideration on the regular docket of the meeting at which the speaker is to speak. The order of speakers, limited by the 30-minute time period, shall be determined as follows:

- a. First, in chronological order of the notice, persons who have notified the Clerk no later than 12:00 noon of the day of the meeting,**
- b. Second, in chronological order of their sign up, persons who have signed a sign-up sheet placed by the Clerk in the rear of the meeting room prior to the meeting removed from consent agenda**

13. Business or reports from the Mayor or other Members of City Council

14. Items removed from Consent Agenda

15. Unfinished Business

16. New Business

- a. Resolution to Authorize the Disposition of Police K-9**
- b. Consideration of an appropriation for Coronavirus Aid, Relief, and Economic Recovery Act (CARES) Federal Transportation Administration funding for FY 20 operating expenditures.**

17. City Manager's Agenda

18. Business or reports from the Clerk

19. Business or reports from the City Attorney

20. Adjournment

The seal of the City of Petersburg, Virginia, is a circular emblem. It features a central shield with a landscape scene, including a river and a building. The shield is surrounded by a blue border with the text "CITY OF PETERSBURG" at the top and "VIRGINIA" at the bottom. The seal is set against a gold background.

THE COMMISSIONER OF THE REVENUE'S OFFICE FOR THE CITY OF PETERSBURG

Brittany C. Flowers

The Commissioner for the Revenue



Office Functions of The Commissioner of the Revenue's Office

- Excellent Customer Service
- Issuance of Business Licenses
- Necessary removal or adjustments of personal property assessments based on weekly DMV reports
 - Address changes
 - Adding/removing vehicles
- Processing of Meals tax, Lodging tax, and Cigarette tax
- Issuance of Cigarette Stamps
- Tax assessments of business tangible and personal property taxes
- Assists and works with the City Assessor's Office with processing the Landbook

Personal Property

Month	Supplement	License Fee	Abatement	Due Date
January	\$4,054,717.08	\$746,656.80	\$21,757.54	\$2,088,428.54 due 2/28/2020 (supplements from 2019 & Jan 1 – June 30 taxes) \$2,712,945.34 due 6/10/2020 (July 1 – Dec 31 taxes with license fees)
February	\$287,605.56	\$12,712.00	\$142,066.91	April 30, 2020
March	\$104,442.01	\$6,388.00	\$135,363.77	June 10, 2020
April	\$419,592.85	\$17,040.80	\$99,667.84	June 10, 2020
April	\$2,477,195.79 (Machinery & Tools)	N/A	N/A	June 10, 2020

Abatements are completed daily from DMV information, bill of sale, or total loss letters from insurance companies, or proof the vehicle(s) were donated or sold to junk yard.

*****It is the taxpayer responsibility to notify the Commissioner of the Revenue within 30 days of any changes such as address, add/remove vehicle(s).*****

Business License

Month	Renewal/New Businesses	Tax Amount & Total Due
Jan	200	\$187,731.02
Feb	536	\$614,559.30
March	523	\$1,133,051.36
April	58	\$111,391.03
Total	1317	\$2,046,732.71

Information for January 1 – April 30, 2020

A job duty of the Commissioner of the Revenue is to make sure all businesses in the City of Petersburg & who come to the City of Petersburg to sell merchandise and/or food license without penalty and interest. follow the City of Petersburg code section 26-41. State code gives businesses until March 1 to renew a business license without penalty and interest.

A business license will not be renewed if the status with the State Corporation Commission is inactive, state licenses have expired (cosmetologists, daycare, assisted living facilities, car dealerships), or if the ABC license(s) expired.

Cigarette Taxes

Month	Total
Jan	\$49,145.05
Feb	\$96,085.35
Mar	\$87,831.10
Apr	\$95,899.50
Total	\$328,961.00

Information for January 2020 to April 2020

Businesses such as a convenience store, purchases cigarettes to sale in their store. Before those cigarettes can be sold, a cigarette stamp must be put on that pack of cigarettes. Cigarette stamps are given by our office, after our office verifies the receipts given by that business (within 30 days of purchase). If that business sells cigarettes without that cigarette stamp, they are subject to confiscation and a summons is written to that business owner, based on State code, **Sec. 106-451**.

Meals Taxes

Month	Gross Sales	Total Tax Due/Collected
Jan	\$3,735,273.70	\$261,469.12
Feb	\$3,786,234.00	\$265,036.38
Mar	\$3,569,720.67	\$249,880.44
Apr	\$832,660.22	\$58,286.22
Total	\$11, 923,888.59	\$834,672.16

Due the 20th of each month for the prior month. The tax rate is 7% of the gross sales. For the businesses that do not report, my office investigates IRMS (Integrated Resource Management System) for monthly gross figures, if not reported to the Commonwealth of Virginia, a statutory assessment is completed on the 1st of every month.

Information for January – April 2020

Lodging Taxes

Month	Gross Sales	Total Tax Due/Collected
Jan	\$349,429.36	\$34,942.94
Feb	\$467,792.25	\$46,779.24
Mar	\$471,948.30	\$47,194.83
Apr	\$85,988.57	\$8,598.86
Total	\$1,375,158.48	\$137,515.87

Due the 20th of each month for the prior month. The tax rate is 10% of the lodging sales. The chart includes the business who reported and did not report. For the businesses that do not report, my office investigates IRMS (Integrated Resource Management System) for monthly gross figures, if not reported to the Commonwealth of Virginia, a statutory assessment is completed on the 1st of every month.

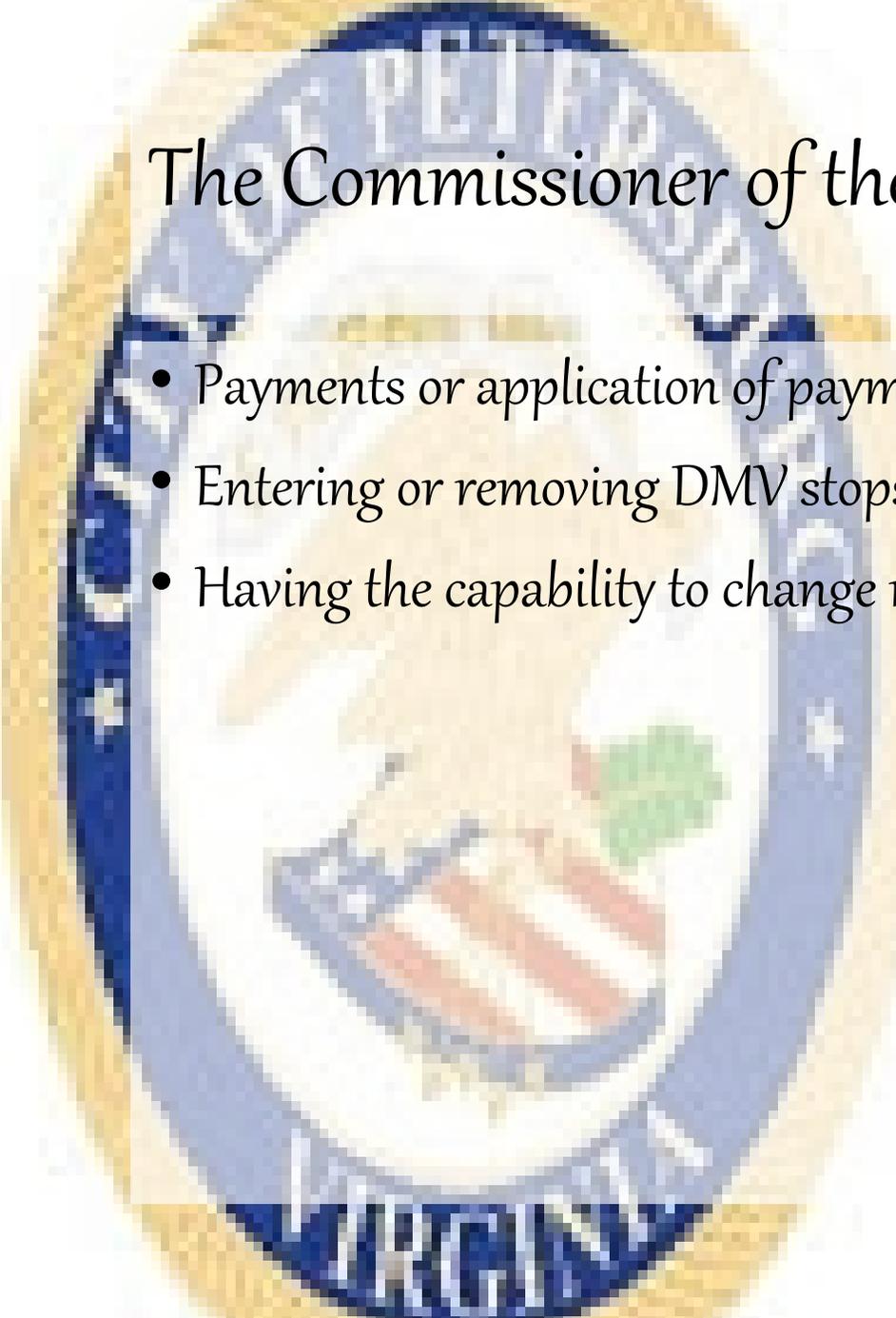
Information for January – April 2020

Admissions Taxes

Month	Gross Sales	Total Tax Due/Collected
Jan	\$15,505.00	\$775.25
Feb	\$20,481.00	\$1,24.05
Mar	\$32,355.00	\$1,617.75
Apr	\$13,025.00	\$651.25
Total	\$81,366.00	\$4,068.30

Due at the time of an event. For businesses due at the last day of the month. The tax rate is 5% of the admission sales.

Information for January – April 2020

The seal of the Commonwealth of Virginia is partially visible on the left side of the slide. It features a central shield with a plow, a sheaf of wheat, and a ship, surrounded by a blue border with the word "COMMONWEALTH" at the top and "1776" at the bottom.

The Commissioner of the Revenue's Office CANNOT help with...

- Payments or application of payments (utilities, taxes, parking tickets, stoplight tickets)
- Entering or removing DMV stops
- Having the capability to change mortgagee codes

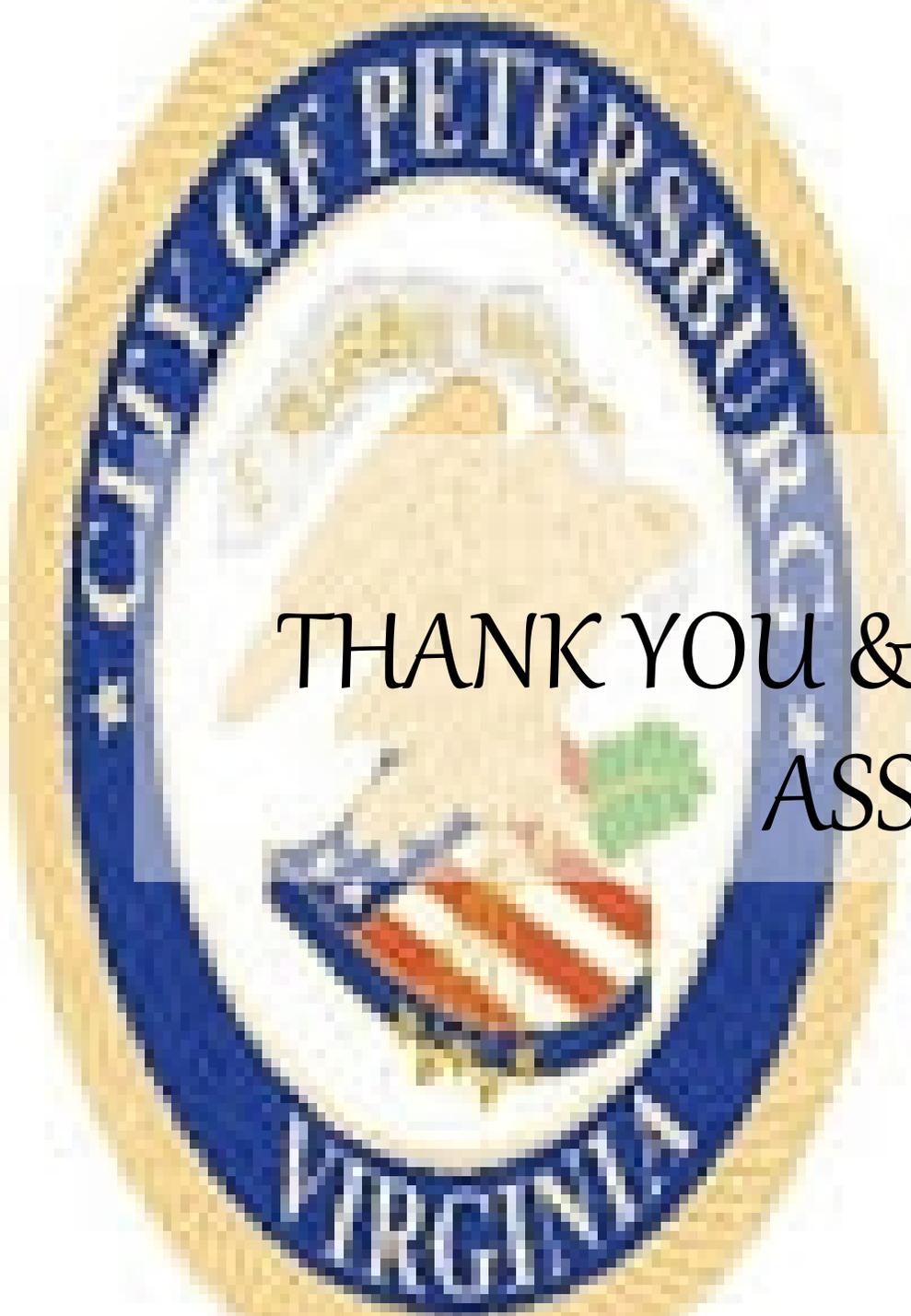
PETERSBURG
VIRGINIA

The seal of the Commonwealth of Virginia is partially visible on the left side of the page. It features a central shield with a plow and a sheaf of wheat, surrounded by a blue border with the word "COMMONWEALTH" at the top and "1776" at the bottom. The word "VIRGINIA" is written in a blue arc at the bottom of the seal.

For assistance, please contact our office...

- Phone 804.733.2315
- Fax 804.508.6948
- Website: <http://www.petersburg-va.org/135/Commissioner-of-Revenue>

PETTERSBURG
VIRGINIA



THANK YOU & WE LOOK FORWARD TO
ASSISTING YOU!!!

IRIAM
BURG
VIRGINIA

City Assessor's Report

September 3, 2019



CITY ASSESSOR'S OFFICE

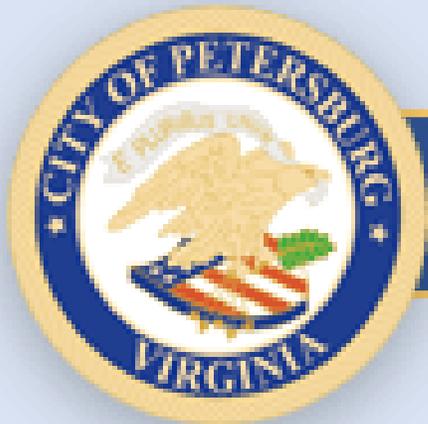
Brian E. Gordineer, AAS – City Assessor

OFFICE REVIEW PERIOD

5,000 Change of Assessment Notices

32 Office Review Appeals

16 Residential	12	<i>No Changes</i>
10 Multi-Family	1	<i>Increase</i>
6 Commercial	19	<i>Decreases</i>



CITY ASSESSOR'S OFFICE

Brian E. Gordineer, AAS – City Assessor

BOARD OF EQUALIZATION APPEALS

5,000 Change of Assessment Notices

11 Appeal Hearings (8 property owners)

9 Commercial
2 Multi-Family



CITY ASSESSOR'S OFFICE

Brian E. Gordineer, AAS – City Assessor

Railroad Properties

Since 2004
8 Parcels

\$394,000 Assessed Value

\$5,319 Tax Revenue

\$15,957 3 Years Back Taxes



CITY ASSESSOR'S OFFICE

Brian E. Gordineer, AAS – City Assessor

New GIS – Fall 2020

Complete

Ward Data – **Registrar**
Historic District Data – **Intern**

In Process

Parcel Data – **Real Estate Appraisers**
Comprehensive Plan Data – **Planning Dept.**
Address Data – **GIS Analyst**



CITY ASSESSOR'S OFFICE

Brian E. Gordineer, AAS – City Assessor

PARCEL AUDIT REVERSING ADMINISTRATIVE COMBINATIONS

Bill Payment Convenience

Database Not Reflective of Circuit Court Records

Confusion in Title Work



CITY ASSESSOR'S OFFICE

Brian E. Gordineer, AAS – City Assessor

ADDRESS AUDIT RE-NUMBERING

1417-19 Oakdale Ave. 1417 Oakdale Ave.

1881 REAR Dock St. 1883 Dock St.

Other corrections as identified



CITY ASSESSOR'S OFFICE

Brian E. Gordineer, AAS – City Assessor

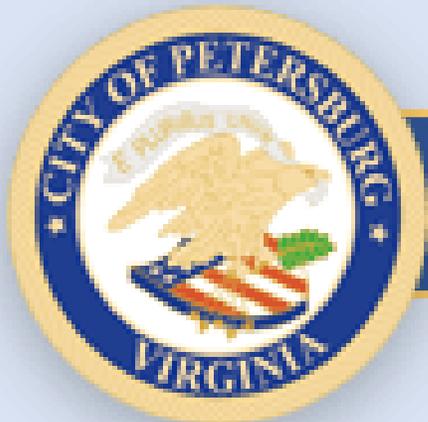
User –Friendly for Data Searches



WHY IS ADDRESSING IMPORTANT?

BECAUSE WHEN IT COMES TO EMERGENCY SERVICES EVERY SECOND COUNTS!

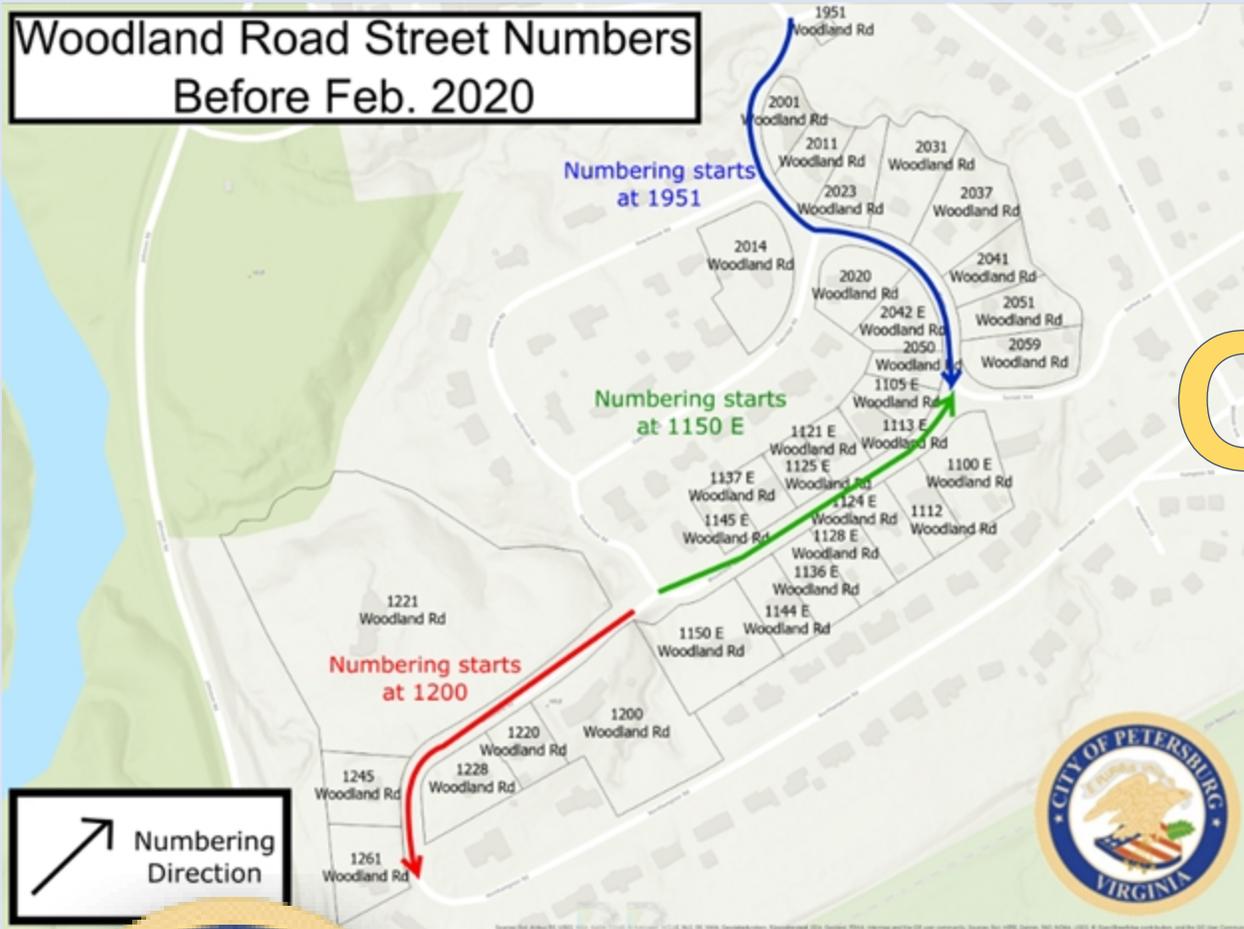
Your Address is how Emergency Services such as Fire, Ambulance, and Police find you during an emergency !



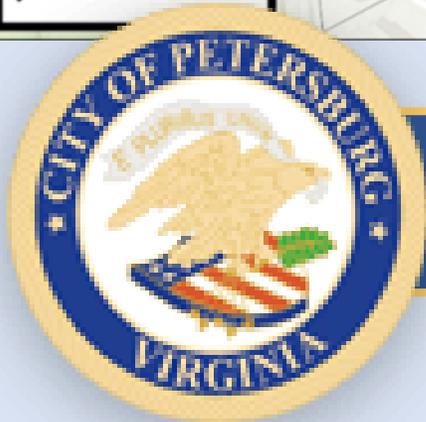
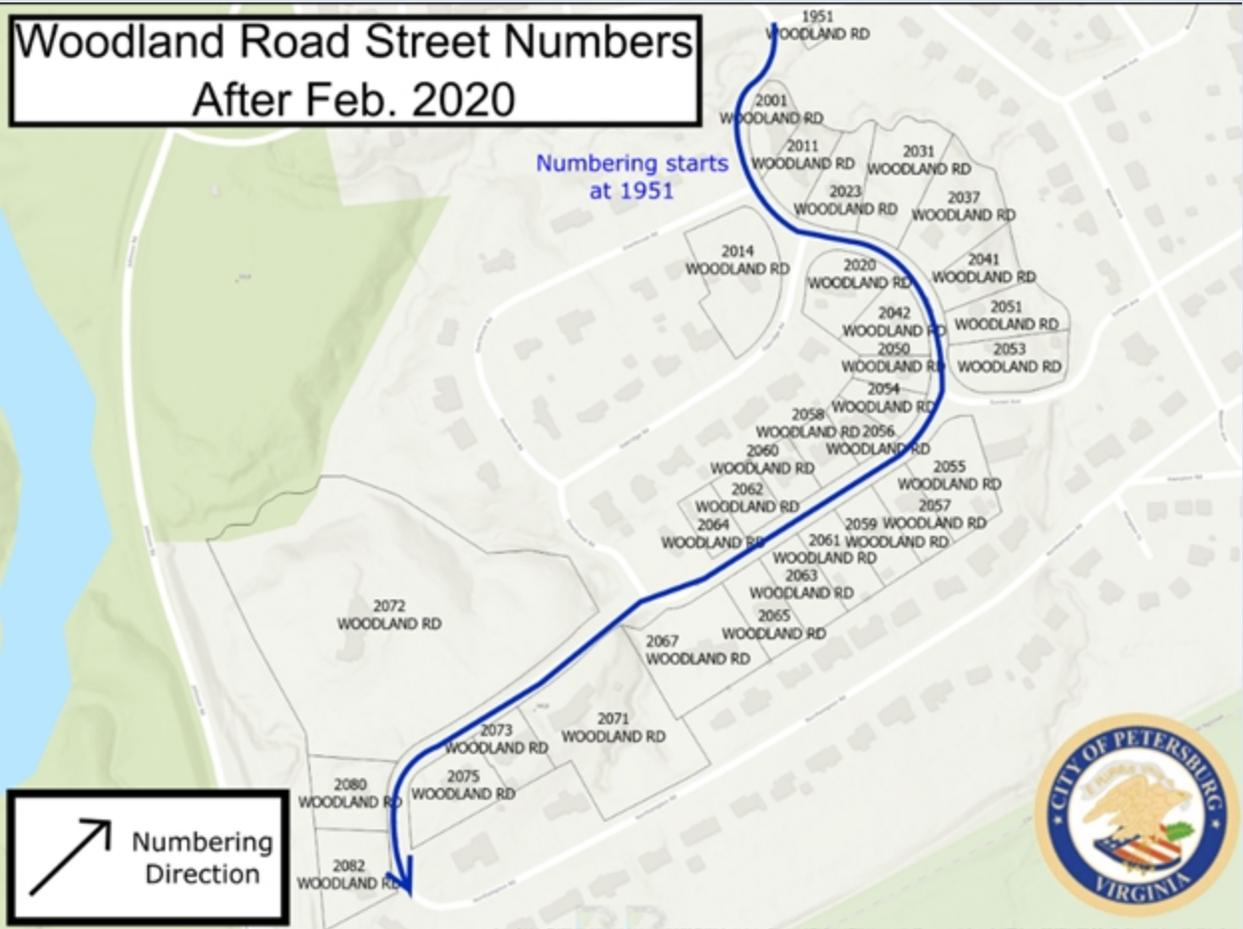
CITY ASSESSOR'S OFFICE

Brian E. Gordineer, AAS – City Assessor

Woodland Road Street Numbers Before Feb. 2020



Woodland Road Street Numbers After Feb. 2020



CITY ASSESSOR'S OFFICE
Brian E. Gordineer, AAS – City Assessor

Questions



CITY ASSESSOR'S OFFICE

Brian E. Gordineer, AAS – City Assessor



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: June 2, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: Anthony Williams

RE: **Presentation of the City's legal options with regard to the May 10, 2020 letter and Health Officer Certification received from the State Health Commissioner.**

PURPOSE:

To provide City Council with its legal options with respect to the letter and Certification dated May 10, 2020 regarding the City’s water utility.

REASON: Per direction of Council at its last meeting, the City Attorney is to present the City's legal options with regard to the May 10, 2020 letter and Health Officer Certification received from the State Health Commissioner in the open meeting on June 2, 2020.

RECOMMENDATION: Provide direction to the City Attorney with regard to Council’s wishes concerning the City’s response to the State Health Commissioner’s letter and Certification.

BACKGROUND:

On May 10, 2020 the State Health Commissioner issued a letter and Certification requiring that the City provide water to “all occupied residents” for the duration of the Governor’s Emergency Declaration regarding the COVID-19 Pandemic. The City provided a letter in response, and the Health Commissioner has issued a clarification letter. At the May 19, 2020 meeting of City Council, the City Attorney was directed to present in open session at the next Regular Meeting, the City’s legal options in response to the letter and Certification.

COST TO CITY: Unknown at this time.

BUDGETED ITEM: N/A

REVENUE TO CITY: Unknown at this time.

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: All

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 1
2. 2



Samuel Parham, Mayor

City of Petersburg

Telephone: (804) 733-2305

City Hall

135 North Union Street
Petersburg, Virginia 23803

sparham@petersburg-va.org

May 14, 2020

VIRGINIA DEPARTMENT OF HEALTH

Attn: Dr. M. Norman Oliver, MD, MA, State Health Commissioner

P.O. Box 2448

Richmond, VA 23218

*Re: State Health Commissioner Certification Issued to
The City of Petersburg, Virginia on May 10, 2020*

Dear Dr. Oliver:

City Council for the City of Petersburg and the City's Administration have reviewed the May 10, 2020 letter and the accompanying Health Officer Certification commanding a moratorium on water utility shut-offs as well as restoration of accounts that were turned off for nonpayment more than two months in advance of the Declaration of Emergency made by the Governor. Through this mandate, it is our understanding that the state government is commanding that all occupied dwellings in the City be provided water service regardless of their payment status.

Based on the telephone conferences with the Deputy State Health Commissioner held yesterday, and a follow-up telephone conference with you, Petersburg officials have learned (1) that no other locality in the Commonwealth has been issued such a Certification by the State Health Commissioner; (2) that the State Health Department has made no similar mandate to any other locality or utility in the Commonwealth; (3) that the letter and Certification issued by the State Health Commissioner to the City of Petersburg were originated by a contact made by Delegate Lashresce Aird and a single citizen; (4) that no specific follow-up investigation concerning the health condition of any citizen was done based on the foregoing contacts; (5) that the letter and Certification are not based on any health factor associated with any known individual who would be directly impacted by the mandate; and (6) that the letter and Certification are not based on any health-related statistics with respect to the City of Petersburg other than the fact cited in the letter and Certification (that Petersburg residents struggle with obesity and poverty).

In fact, the City of Petersburg would maintain that compared to most cities across the state if not the entire country, its billing and collection practices are far more lenient. The City of Petersburg has 12,850 water accounts with 3,210 delinquent accounts exceeding 90 days past due which represents \$3,249,791.00 in uncollected revenues. Some customers who have delinquencies exceeding two years continue to have water service provided by the City of Petersburg. The last series of water utility shut-offs by the City occurred during the period of July 1, 2019 through January 31, 2020. Since January 31, 2020 (fifty-eight days prior to the Governor's declaration of emergency in relation to the COVID-19 crisis), there has not been a single water utility shut off in the City of Petersburg. Notwithstanding, at the time of the Governor's Declaration of Emergency, there were 264 accounts in suspended status. Of those 264 accounts, the City Manager and her staff personally sought verification of the status and found that 90 were confirmed to be vacant properties; 8 were suspected to be vacant properties; 5 were closed at the request of the account holder; and 147 were found to have reconnected their water without record of authorization by the City. Under §18.2-163 of the Code of Virginia, if anyone, without authorization from the City, tampers with their meter to divert or obtain service after they have been disconnected, it constitutes a Class 1 Misdemeanor which is punishable by up to 12 months in jail and/or a fine \$2,500 in addition to the imposition of civil liability.

Of the remaining 14 accounts, as of the date of this release, 4 have reconnection without record of authorization by the City; 5 were reconnected by the City on May 12, 2020, 3 are under review for reconnection as of the date of this release, and 2 are in such a condition that the plumbing facility for the residence is unable to accept water service. In short, there are currently three 3 accounts of the 12,850 in which the water was shut off prior to the declaration of emergency by the Governor, which are believed by the City to be occupied, and for which water service has not yet been restored by the City.

Petersburg arguably has the most lenient collection practices in the Commonwealth, and the most flexible practices associated with continuing service notwithstanding delinquencies. Accordingly, having been singled out as the only locality in the state to be required by the State Health Commissioner not only to cease shut-offs during the Emergency Declaration, but also to retroactively restore services is troubling. Particularly where State Health Officials made no investigation whatsoever with regard to the health of individual residents impacted by this mandate and made no efforts determine whether or not the structures were occupied or capable of receiving water service. Accordingly, this action is believed by the City to far exceed the authority granted to the State Health Commissioner under the Code of Virginia.

During our telephone conference, when City Officials inquired directly to you “why Petersburg and no one else?” You simply replied citing the fact that Petersburg residents had a higher poverty rate and higher obesity levels than other localities. Not that the City has a higher infection rate for COVID-19, not that the City has a higher mortality rate for COVID-19.

Moreover, while the Code Sections cited in the letter and Certification do preclude a locality from terminating water service where such a Certification has previously been made for an individual whose health or safety would be endangered by the cessation of service, the City does not agree that these provisions allow for a blanket mandate to supply free services absent any specific health data on identified individuals. Indeed, at the time of issuing this letter and Certification, the State had taken no action to determine who could be specifically at risk from cessation of services or even whether or not the impacted properties were even occupied at all.

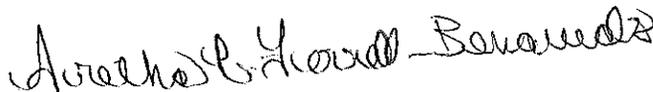
Notwithstanding, the City, in an effort to work in the spirit of cooperation, has gone door-to-door to ensure that those in need are receiving services. Some members of the governing body have reached out to individuals and community organizations to facilitate charitable donations to cover the cost of restoration and continued service.

It was and remains the hope of the City to work together with the State Government to ensure the health, safety, and welfare of Petersburg residents. To this end, the City is respectfully requesting that you rescind the Certification, and by copy of this letter, I am reiterating my request on behalf of the City that Governor Ralph Northam engage in discussions with me and the City Manager in order to help facilitate rescission of the May 10, 2020 letter and Certification.

Sincerely,



Samuel Parham, Mayor
City of Petersburg, Virginia



Aretha Ferrell Benavides,
City Manager

Cc: Governor Ralph Northam
Honorable Members of Petersburg City Council
Aretha Ferrell-Benavides, City Manager
Anthony C. Williams, City Attorney



COMMONWEALTH of VIRGINIA

M. Norman Oliver, MD, MA
State Health Commissioner

Department of Health
P O BOX 2448
RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

May 10, 2020

Ms. Aretha R. Ferrell-Benavides
City Manager, City of Petersburg
135 North Union Street
Petersburg, Virginia 23803

Re: Health Officer Certification Pursuant to Code of Virginia §§ 15.2-2119(D) and
15.2-2119.4(D) – Shutting Off Water Endangers Health

Dear Ms. Ferrell-Benavides:

Pursuant to Code of Virginia §§ 15.2-2119(D) and 15.2-2119.4(D), I write to you to provide my certification as a health officer that shutting off water to residents of the City of Petersburg (City) endangers their health and the health of others.

As you know, we are currently in the midst of the 2019 novel coronavirus (COVID-19) pandemic. Both the Governor of Virginia and I have taken numerous steps to try to slow the spread of this deadly virus in Virginia. On February 7, 2020, I issued a Declaration of the 2019 Novel Coronavirus Infection as a Communicable Disease of Public Health Threat for Virginia. On March 12, 2020, Governor Northam declared a state of emergency due to the spread of COVID-19. On March 17, 2020, Governor Northam and I issued Order of Public Health Emergency One (Health Order No. 1), which took significant action in an effort to limit the virus' spread. On May 8, 2020, Governor Northam issued Executive Order 61, Phase One of Easing Certain Temporary Restrictions Due to COVID-19, and Order of Public Health Emergency Three, which I co-signed. The Commonwealth of Virginia has taken numerous actions to combat COVID-19 and to protect the residents of the Commonwealth.

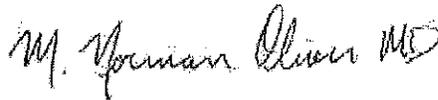
The Robert Wood Johnson Foundation's 2020 annual report ranks Petersburg 132 out of 133 Virginia localities in health, one of the least healthy places in Virginia (<https://www.countyhealthrankings.org/app/virginia/2016/downloads>). The City's population struggles with obesity and poverty, which can increase risks of severe illness from the pandemic. Access to running water helps improve hygiene. Running water helps ensure persons can easily and routinely wash their hands and clothes. People need water to keep a sanitary residence and protect themselves and others. All data and recommendations point to the need for running water to reduce risks from the COVID-19 pandemic.

On April 27, 2020, the Honorable Delegate Lashrecse D. Aird requested that the City develop a strategy to reconnect water service to every home that had water disconnected preceding the pandemic. Delegate Aird asked you to identify all currently disconnected residences, start a process to reconnect those residences, and work on a long-term plan for persons experiencing financial hardship because of COVID-19.

WHEREAS, persons without water are at greater risk of COVID-19. Residents without running water cannot adequately protect themselves or others from COVID-19. Citizens must frequently and routinely wash and clean to prevent illness. The Virginia Department of Health and the Centers for Disease Control and Prevention (CDC) have significant information on their websites about how highly infectious and contagious COVID-19 is and have recommended frequent hand washing to prevent the spread of the disease and to protect oneself from COVID-19.

NOW THEREFORE, pursuant to Code of Virginia §§ 15.2-2119(D)¹ and 15.2-2119.4(D),² I, M. Norman Oliver, M.D., M.A., State Health Commissioner, certify that the City of Petersburg shutting off water service during the COVID-19 pandemic at any occupied residence in the City of Petersburg will endanger the health of the occupants of the premises and the health of others. This certification is based upon my expertise as a medical doctor and as the State Health Commissioner, and my reliance on the above-referenced medical guidance from leading health organizations; on the significant threat of community-wide spread of COVID-19, as discussed above; on the significant danger to the citizens of Virginia posed by COVID-19, as discussed above; and on the special risk factors of the population of the City of Petersburg, as discussed above.

As such, and in accordance with my certification as a health officer, the City of Petersburg may not cease to provide water during the COVID-19 pandemic to any occupied residence without water service. The City of Petersburg shall provide running water to all occupied residents in Petersburg until the state of emergency declared by Governor Northam in Executive Order 51 is over.



M. Norman Oliver, M.D., M.A.
State Health Commissioner

¹ Code of Virginia § 15.2-2119(D) allows a locality to cease providing water to the owner of real estate when the owner has not paid the full amount due within a certain time period “unless the health officers certify that shutting off the water will endanger the health of the occupants of the premises or the health of others.”

² Code of Virginia § 15.2-2119.4(D), in the context of failure by a lessee or tenant to pay the full amount due for water provided, allows a locality to cease providing water “unless the health officers certify that shutting off the water will endanger the health of the occupants of the premises or the health of others.”

May 10, 2020

**Health Officer Certification Pursuant to
Code of Virginia §§ 15.2-2119(D) and 15.2-2119.4(D) –
Shutting Off Water Will Endanger Health**

WHEREAS, Virginia is currently in the midst of the 2019 novel coronavirus (COVID-19) pandemic;

WHEREAS, both the Governor of Virginia and the State Health Commissioner have taken numerous steps to try to slow the spread of this highly transmissible and potentially deadly virus in Virginia;

WHEREAS, on February 7, 2020, the State Health Commissioner issued a Declaration of the 2019 Novel Coronavirus Infection as a Communicable Disease of Public Health Threat for Virginia;

WHEREAS, on March 12, 2020, the Governor of Virginia issued a state of emergency due to the spread of COVID-19;

WHEREAS, on March 17, 2020, the Governor of Virginia and the State Health Commissioner issued Order of Public Health Emergency One (Health Order No. 1), which took significant action in an effort to limit the virus's spread;

WHEREAS, the Governor of Virginia has subsequently executed additional Executive Orders and the State Health Commissioner has issued additional Orders of Public Health Emergency in response to the COVID-19 pandemic; and

WHEREAS, Petersburg residents are at a special risk. The Robert Wood Johnson Foundation's 2020 annual report ranks Petersburg 132 out of 133 Virginia localities in health. Petersburg is one of the least healthy places in Virginia. Petersburg's population struggles with obesity and poverty, which can increase risks of severe illness from the pandemic. Access to running water helps improve hygiene. Running water helps ensure persons can easily and routinely wash their hands and clothes. People need water to keep a sanitary residence and protect themselves and others. All data and recommendations point to the need for running water to reduce risks from the COVID-19 pandemic, especially in Petersburg given its low health ranking.

WHEREAS, without running water, Petersburg residents are at higher risk for serious illness from COVID-19. Residents must stay at home and frequently wash their hands. Persons with long-term health problems or other chronic conditions, the elderly, and those who are immuno-compromised must have running water to protect themselves and prevent the spread of the disease. People of any age who have serious underlying health conditions are at higher risk for severe illness from COVID-19. Residents must stay home as much as possible and running water is a necessity to protect the safety and health of the community.

Ms. Aretha R. Ferrell-Benavides
May 10, 2020
Page 2

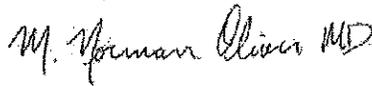
On April 30, 2020, Queen Zakia Shabazz, Coordinator of the Virginia Environmental Justice Collaborative, sent an email to several Petersburg officials; Dwayne Roadcap, Director, Virginia Department of Health's Office of Drinking Water (ODW); and the Secretary of Health and Human Resources, Dr. Daniel Carey. Shabazz asked that the City "restore water services to the vulnerable residents of Petersburg" and included Delegate Aird's letter as an attachment.

After receiving this information, staff from ODW reached out to you and the City's Department of Public Utilities. ODW staff understands that between July 2019 and January 2020, the City shut off water service to about 730 connections that were at least 90 days delinquent. Of the 730 cases, the City has resolved about 500 of them – the account holder paid the past-due balance, worked out a payment plan, or moved out of the property – leaving approximately 230 connections without water service. Of the 230 without billed service since January, ODW staff understands that over 100 connections had illegally restored water service by replacing meters, running pipes directly from water mains, or using hoses connected to the water main or another property. ODW staff believes City Council directed the City's Department of Public Utilities to seek payment in-full for past due amounts or take legal action related to the illegal connections. It is my understanding that the City has not returned water service to the approximately 150 remaining connections. I understand that some of the remaining connections could be unoccupied.

I appreciate the City's efforts to date to restore water service at every residence in the City. However, due to the current COVID-19 pandemic, and the inextricable public health link between access to water and the ability to lessen the threat of contracting and transmitting COVID-19, I am providing you with the enclosed certification that ceasing to provide water endangers the health of the occupants of the premises and the health of others. The certification is provided pursuant to Code of Virginia §§ 15.2-2119(D) and 15.2-2119.4(D). In light of the certification, the City may no longer cease providing water to its residents.

Please notify me when the City has returned water service to all residents disconnected. If you have questions, or if I can be of further assistance, please contact me at norm.oliver@vdh.virginia.gov or (804) 864-7009.

Sincerely,



M. Norman Oliver, MD, MA
State Health Commissioner

cc: Alton Hart, M.D., Director, Crater Health District (w/ enclosure—Certification)



COMMONWEALTH of VIRGINIA

Department of Health
P O BOX 2448
RICHMOND, VA 23218

M. Norman Oliver, MD, MA
State Health Commissioner

TTY 7-1-1 OR
1-800-828-1120

May 19, 2020

Mayor Samuel Parham
Ms. Aretha R. Ferrell-Benavides
City Manager, City of Petersburg
135 North Union Street
Petersburg, Virginia 23803

Re: Compliance with Health Officer Certification Pursuant to Code of Virginia §§
15.2-2119(D) and 15.2-2119.4(D) – shutting off water endangers health

Dear Mayor Parham and Ms. Ferrell-Benavides:

This letter follows our discussion on May 13, 2020, with City Attorney, Anthony Williams; Deputy City Manager, Darnetta Tyus; the Virginia Department of Health's Deputy Commissioner for Community Health Services, Bob Hicks; Dr. Alton Hart, District Director for the Crater Health District; and Office of Drinking Water Director, Dwayne Roadcap. I reviewed your May 14, 2020, letter and appreciate that the City never disconnected water service to anyone during the coronavirus pandemic. All water service disconnections occurred prior to the pandemic. Thank you for sharing and describing the City of Petersburg's (City) ongoing and meaningful outreach to residents.

As discussed, the City has significantly higher disease burden and socio-economic disparity as compared to other jurisdictions in Virginia. With this increased health burden, Petersburg's population is particularly vulnerable to the coronavirus pandemic. Residents must have access to running water to wash their hands and practice other hygienic needs during the pandemic as outlined in my certification.

I commend the City for working towards all residents having access to water. Thanks to our conversation, your letter, and follow-up conversations with staff, I have a better understanding of all of the City's hard work—from door-to-door outreach, to connecting residents to other services as needed, to starting a committee with private donations to help with essential utility bills. I understand certain properties are in such disrepair that the City cannot connect water without risk of flooding and more property damage from leaking pipes. I also understand that the City cannot know what properties require service absent a lawful owner or renter coming forward and making a request for water service, especially if the City is not aware that a property is occupied. The City's actions demonstrate compassion and understanding of the many factors affecting the mental and physical health of residents during the pandemic. Thank

Mayor Samuel Parham
Ms. Aretha R. Ferrell-Benavides
May 19, 2020
Page 2

you for confirming that residents who are without water can contact the City to establish or re-establish service throughout the pandemic. Thank you also for continuing your efforts to provide running water to all occupied residences until the state of emergency declared by Governor Northam in Executive Order 51 is over.

I understand that the City is now providing water service to all occupied residences where water service was disconnected prior to the pandemic and for all occupied residences where a lawful owner or renter has come forward to request water service, except in rare situations where internal plumbing is leaking and a responsible account holder is yet to be identified. In these rare cases, the City will continue to work with residents to find solutions. Thank you for clarifying that the City has taken appropriate steps to address the issue of access to water at all occupied residences. In light of the steps the City has taken, as discussed above, and the City's expressed intention not to disconnect water service to any resident during the pandemic, the City is now in compliance with my May 10 certification while the City continues to work towards addressing those rare instances where plumbing issues and identifying a responsible account holder prevent water service from being returned.

I know you will continue to work on follow-up issues, such as illegal connections, providing bottled water when necessary, connecting citizens with appropriate resources for additional support, and addressing aging infrastructure. In this spirit, I encourage the City to continue its routine meetings with the Virginia Department of Health's Office of Drinking Water to ensure progress on capital improvements and operation and maintenance needs. Given the City's aging drinking water infrastructure, I know you understand the importance of having a water supply that remains sustainable, reliable, and safe. Please continue to keep our Drinking Water State Revolving Fund (DWSRF) program in mind when considering funding options for infrastructure improvements.

Thank you again for our conversation and for additional information about the steps the City has taken to comply with my certification. For questions about the DWSRF program or routine matters associated with my certification, please contact Dwayne Roadcap at dwayne.roadcap@vdh.virginia.gov or (804) 338-0371. If you have other questions, or if I can be of further assistance, please contact me at norm.oliver@vdh.virginia.gov or (804) 864-7026.

Sincerely,



M. Norman Oliver, M.D., M.A.
State Health Commissioner

cc: Alton Hart, M.D., Director, Crater Health District



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: June 2, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager
Lionel Lyons, Deputy City Manager of Development

FROM: Reginald Tabor

RE: **A request to schedule a Public Hearing and consideration of an Ordinance to increase the number of voting at-large members on the Planning Commission from two (2) to four (4) and thereby increase the total number of voting Planning Commissioners from nine (9) to eleven (11).**

PURPOSE: To Amend the City Code to increase the number of voting members on the City's Planning Commission.

REASON: There is interest in increasing the number of members on the City's Planning Commission, and the process to do so requires an Ordinance, a Public Hearing and approval by the City Council.

RECOMMENDATION: It is recommended that the City Council approves an ordinance increasing the number of voting At-Large members on the Planning Commission from two (2) to four (4), and thereby increase the total number of voting members of the Planning Commissioners from nine (9) to eleven (11).

BACKGROUND:

The Code of Virginia, Title 15.2, Chapter 22 defines the formation of local Planning Commissions in the Commonwealth.

The City of Petersburg Municipal Code Sec. 82-32. - Composition; appointment qualifications terms and removal of members indicates that:

1. The number of voting members of the planning commission shall be nine. They shall be appointed by the city council with one member being appointed from each ward and two members at-large for staggered terms of four years. All voting members shall be residents of the city qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of the members so appointed shall be owners of real property.

2.

3.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: 02-Ord-70

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0514_2020CityCodePLANNING_COMMISSION
2. 0514_2020CityCodePLANNING_COMMISSION
3. 0602_2020CityCouncilItemIncreasingPlanningCommission

ARTICLE II. - PLANNING COMMISSION^[2]

Footnotes:

--- (2) ---

Cross reference— Boards and commissions, § 2-241 et seq.

Sec. 82-31. - Created.

Under the authority of the applicable provisions of state law, there is hereby created a city planning commission.

(Code 1981, § 2-156)

State Law reference— Duty of city to create planning commission, Code of Virginia, § 15.2-2210.

Sec. 82-32. - Composition; appointment, qualifications, terms and removal of members.

- (a) The number of voting members of the planning commission shall be nine. They shall be appointed by the city council, with one member being appointed from each ward, and two members at-large, for staggered terms of four years. All voting members shall be residents of the city qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of the members so appointed shall be owners of real property.
- (b) Two additional members, who are members of the administrative branch of the city, may be appointed to the planning commission by the city council, to serve ex officio without vote. These members shall perform such administrative duties as the commission may prescribe. The term of these members shall be coextensive with the terms of office to which they have been appointed, unless the city council, at its first regular meeting of the year, appoints another to serve as its representative.
- (c) Members of the planning commission may be removed for malfeasance in office.
- (d) The terms of the voting members shall expire on September 30.

(Code 1981, § 2-157; Ord. No. 95-96, § 2-157, 9-5-1995; Ord. No. 02-70, 10-1-2002)

State Law reference— Composition, etc., of planning commission, Code of Virginia, § 15.2-2212.

Sec. 82-33. - Powers and duties generally.

The planning commission shall have and exercise all such powers and shall discharge all such duties and functions as are set out in applicable provisions of the state law.

(Code 1981, § 2-158)

State Law reference— Local planning commissions, Code of Virginia, § 15.2-2210 et seq.

ARTICLE II. - PLANNING COMMISSION^[2]

Footnotes:

--- (2) ---

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Under the authority of the applicable provisions of state law, there is hereby created a city planning commission.

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- (b) Two additional members, who are members of the administrative branch of the city, may be appointed to the planning commission by the city council, to serve ex officio without vote. These members shall perform such administrative duties as the commission may prescribe. The term of these members shall be coextensive with the terms of office to which they have been appointed, unless the city council, at its first regular meeting of the year, appoints another to serve as its representative.
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- (d) The terms of the voting members shall expire on September 30.

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(Code 1981, § 2-158)

State Law reference— Local planning commissions, Code of Virginia, § 15.2-2210 et seq.

**AN ORDINANCE OF THE CITY OF PETERSBURG CITY COUNCIL
AMENDING THE CITY OF PETERSBURG CITY CODE**

WHEREAS, the Code of Virginia, Title 15.2, Chapter 22 defines the formation of local Planning Commissions; and

WHEREAS, The City of Petersburg Municipal Code Sec. 82-32. - Composition; appointment qualifications terms and removal of members indicates that:

(a) The number of voting members of the planning commission shall be nine. They shall be appointed by the city council with one member being appointed from each ward and two members at-large for staggered terms of four years. All voting members shall be residents of the city qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of the members so appointed shall be owners of real property; and

WHEREAS, there is expressed interest in increasing the number of At-Large voting members of the Planning Commission from nine (9) to eleven (11); and

WHEREAS, an amendment to the Municipal Code increasing the number of At-Large voting members of the Planning Commission requires City Council approval.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg approves an ordinance increasing the number of At-Large voting members of the Planning Commission from nine (9) to eleven (11).



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: June 2, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Patrice Elliott

RE: **Consideration of an appropriation for Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 - \$2,734,818 - 1st Reading**

PURPOSE:

Request the appropriation of funds allocated to the City of Petersburg through the Federal CARES Act as certified by the Mayor, City Manager, and Finance Director by May 22, 2020.

REASON: City Council approval is required to authorize receipt, appropriation, and expenditure of new sources of funds.

RECOMMENDATION:

Recommend City Council authorize appropriation of the funds as allocated and certified.

BACKGROUND:

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

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

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

COST TO CITY: None

BUDGETED ITEM: No

REVENUE TO CITY: \$2,734,818

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City of Petersburg - Citywide

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: See attached

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Attachment 1 - AN ORDINANCE
2. Attachment 2 - Secretary of Finance Memo to Localities
3. Attachment 3 - Cares Act vs Cat B Comparison

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
 MAKING APPROPRIATIONS FOR THE FISCAL YEAR
 COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020 BUT WITH
 EXPENDITURES NO EARLIER THAN MARCH 1, 2020**

AND

**FOR THE FISCAL YEAR COMMENCING JULY 1, 2020 AND ENDING JUNE 30, 2021
 BUT WITH EXPENDITURES NO LATER THAN DECEMBER 30, 2020**

**FOR
 THE GRANTS FUND**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2019 in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2020.

Previously adopted	\$0.00
ADD:	
3-200-*****-**** CARES Act of 2020 – COVID 19	\$2,734,818.00
Total Revenues	\$2,734,818.00

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2019 and ending June 30, 2020 AND the fiscal year commencing July 1, 2020 and ending June 30, 2021 respectively, the following sums for the purposes mentioned:

Previously adopted	\$0.00
ADD:	
4-200-*****-**** CARES Act of 2020 – COVID 19	
FY2020	<i>a sum sufficient</i>
FY2021	<i>a sum sufficient</i>
Total Expenditures	\$2,734,818.00



COMMONWEALTH of VIRGINIA

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

P.O. Box 1475
Richmond, Virginia 23218

May 12, 2020

To: County and City Elected Officials

Delivered Via: Chief Executive Officer, Manager, or Administrator

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

Subject: Local Allocations for Federal CARES Coronavirus Relief Funds

Background

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

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

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

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

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

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

Allocation of CRF Funds to Localities

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

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

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

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

Requirements for Use of Funds and Certifications

General

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

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

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

For Counties Only

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

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

Submission of Certification

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

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

By Email to: GACCT@DOA.Virginia.gov

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

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

Appendix A – Local Allocations

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

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

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

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

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

Appendix B - Guidance From U.S. Treasury

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

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

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

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

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

Necessary expenditures incurred due to the public health emergency

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

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

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

officials responsible for spending Fund payments.

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

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

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

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

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

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

Nonexclusive examples of eligible expenditures

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

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

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

Nonexclusive examples of ineligible expenditures²

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

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

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

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

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

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

Appendix C - Frequently Asked Questions

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

Coronavirus Relief Fund Frequently Asked Questions April 22, 2020

Do governments have to return unspent funds to Treasury?

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

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

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

May governments retain assets purchased with these funds?

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

What records must be kept by governments receiving payment?

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

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

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

Eligible Expenditures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Are expenses associated with contact tracing eligible?

Yes, expenses associated with contract tracing are eligible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

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

What records must be kept by governments receiving payment?

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

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

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

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

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

Appendix D - Certification for Use of Coronavirus Relief Fund

Note: Provided for reference only - download a fillable .pdf copy of this form from the Secretary of Finance's Website under "Recent News" at: <http://finance.virginia.gov/>

**CERTIFICATION for RECEIPT of
CORONAVIRUS RELIEF FUND PAYMENTS
by
INSERT NAME OF LOCAL GOVERNMENT**

We the undersigned represent insert name of local government (the locality), and we certify that:

1. we have the authority to request direct payment on behalf of the locality from the Commonwealth of Virginia of revenues from the Coronavirus Relief Fund (CRF) pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).
2. we understand that the Commonwealth of Virginia will rely on this certification as a material representation in making a direct payment to the locality.
3. the locality 's proposed uses of the funds received as direct payment from the Commonwealth of Virginia under section 601(b) of the Social Security Act will be used only to cover those costs that:
 - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. were not accounted for in the budget most recently approved as of March 27, 2020, for the locality; and
 - c. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
4. any funds that are not expended or that will not be expended on necessary expenditures on or before December 30, 2020, by the locality or its grantee(s), must be returned to Commonwealth of Virginia no later than December 30, 2020, and that the Commonwealth of Virginia is entitled to invoke state aid intercept to recover any such unexpended funds that have not been returned to the Commonwealth within 30 days of December 30, 2020.
5. we understand that the locality will not receive continued funding beyond December 30, 2020, from any source to continue paying expenses or providing services that were initiated or previously supported from CRF funds prior to December 30, 2020.
6. funds received as a direct payment from the Commonwealth of Virginia pursuant to this certification must adhere to official federal guidance issued or to be issued regarding what constitutes a necessary expenditure.
7. any CRF funds expended by the locality or its grantee(s) in any manner that does not adhere to official federal guidance shall be returned to the Commonwealth of Virginia within 30 days of a finding that the expenditure is disallowed, and that the Commonwealth of Virginia is entitled to

invoke state aid intercept to recover any and all such funds that are not repaid within 30 days of a finding that the expenditure is disallowed.

8. as a condition of receiving the CRF funds pursuant to this certification, the locality shall retain documentation of all uses of the funds, including but not limited to payroll time records, invoices, and/or sales receipts. Such documentation shall be produced to the Commonwealth of Virginia upon request.
9. the locality must maintain proper accounting records to segregate these expenditures from those supported by other fund sources and that all such records will be subject to audit.
10. any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected revenue collections from taxes, fees, or any other revenue source.
11. any CRF funds received pursuant to this certification will not be used for expenditures for which the locality has received funds from any other emergency COVID-19 supplemental funding (whether state, federal, or private in nature) for that same expense nor may CRF funds be used for purposes of matching other federal funds unless specifically authorized by federal statute, regulation, or guideline.

For counties only

12. an equitable share of CRF funds received pursuant to this certification shall be shared with and granted to each town within its jurisdiction. Such grant(s) shall be used solely for necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), that were not accounted for in the budget most recently approved as of March 27, 2020, and that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. The county issuing the grant is responsible for the ensuring compliance with the documentation requirements required by this certification and shall ensure that the use of the funds meets the requirements set forth in this certification.

We certify that we have read the above certification and our statements contained herein are true and correct to the best of our knowledge.

By: _____	By: _____	By: _____
Signature: _____	Signature: _____	Signature: _____
Title: _____	Title: _____	Title: _____
Date: _____	Date: _____	Date: _____



Coronavirus Aid, Relief, and Economic Security (CARES) Act Treasury Funding Comparison to Potential FEMA Category B: Emergency Protective Measures.

Department of Treasury CARES Act Funding (100% Federal Cost Share)

- Covers necessary expenditures incurred due to the public health emergency with respect to COVID-19
- Instructions for State Agencies:
 - [Apply through the Virginia Department of Planning and Budget](#) by **May 18th**
- Instructions Local Governments:
 - [Apply through the Virginia Department of Accounts](#) by **May 22nd**
- Timeframe
 - Costs must be incurred between March 1, 2020 and December 30, 2020
- For Additional Information
 - <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

FEMA Public Assistance Funding (75% Federal Cost Share)

- Is a reimbursement program
- Is limited to those emergency protective measures taken in response to the COVID-19 Emergency at direction or guidance of public health officials
- Instructions to Apply:
 - Submit your request for public assistance: <https://grantee.fema.gov> - **no deadline**
- Timeframe (incident period)
 - Work must be performed between January 20, 2020 and ongoing (end date TBD)
- For Additional Information
 - <https://www.vaemergency.gov/coronavirus/disaster-grants-and-loans/gov-ngo/>

Description of Costs	CARES ACT	
	Treasury Eligibility	FEMA PA Eligibility
COVID-19-related expenses of public hospitals, clinics, and similar facilities	Yes	Yes
Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.	Yes	Yes
Costs of providing COVID-19 testing, including serological testing	Yes	Yes
Emergency medical response expenses related to COVID-19 - including EOC costs	Yes	Yes
Emergency medical transportation related to COVID-19	Yes	Yes



Description of Costs	CARES ACT Treasury Eligibility	FEMA PA Eligibility
Expenses for establishing and operating public telemedicine capabilities for COVID-19- related treatment.	Yes	Yes
Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19	Yes	Yes
Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment,	Yes	Yes
Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.	Yes	Yes
Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety	Yes	Yes
Expenses for public safety measures undertaken in response to COVID-19	Yes	Yes
Expenses for quarantining individuals	Yes	Yes*
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 COVID19 public health emergency	Yes	Yes**
Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions	Yes	Yes***
Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.	Yes	No
Expenses to enable telework capabilities for public employees to enable compliance with COVID-19 public health precautions	Yes	Yes****
Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions	Yes	No
COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions	Yes	Yes



Description of Costs	CARES ACT Treasury Eligibility	FEMA PA Eligibility
Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.	Yes	Yes
Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures	Yes	No
Expenditures related to a State, territorial, local, or Tribal government payroll support program	Yes	No
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.	Yes	No
Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund’s eligibility criteria	Yes	Potentially
Law Enforcement and Security directly related to COVID-19	Yes	Yes
Expenses for the State share of Medicaid	No	No
Damages, work, or costs covered by insurance	No	No
Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency	No	No

- * Only applies to non-congregate sheltering of first responder workforce and homeless populations
- ** Only overtime costs are eligible and must be tied to performing eligible emergency protective measures in response to COVID-19
- *** Public Assistance Funding is limited to 30 days with potential for 30 day time extension with FEMA Regional Administrator approval.
- **** Only applies to emergency protective measures and at the direction of a public health order



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: June 2, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Randall Williams

RE: **Consideration of a CDBG - CVI Cares Act appropriation in the amount of \$371,969 for the Coronavirus Pandemic due to the City of Petersburg being a HUD CDBG Entitlement Jurisdiction - 1st Reading**

PURPOSE:

To allocate CDBG CV Coronavirus Aid, Relief, and Economic Security (CARES) Act funds in the amount \$371,969.00 to the City of Petersburg Coronavirus Resiliency Project, and an appropriation of the associated funding.

REASON:

Substantial Amendments to the CDBG Annual Action Plan must be submitted to the U.S. Department of Housing and Urban Development (HUD). The City of Petersburg requires approval of amendments by City Council, also new funding must be appropriated in the City of Petersburg Fiscal Year Budget.

RECOMMENDATION:

Staff recommends the City Council schedules a Public Hearing and adopts the amendment and associated appropriation.

BACKGROUND:

The City of Petersburg is a HUD CDBG entitlement jurisdiction. As an entitlement jurisdiction and due to the coronavirus pandemic, the City of Petersburg's CDBG entitlement program has received CDBG CV CARES Act funding totaling \$371,969.00. To receive these funds, the City is required by HUD to amend the PY2019 CDBG Annual Action Plan. These funds will be used to prepare, prevent, and respond to the pandemic in an expedited manner, while meeting CDBG national objectives. Project activities may include the following:

- Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community.

- Provide testing, diagnosis, or other services at a fixed or mobile location.
- Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities.
- Provide equipment, supplies, and materials necessary to carry-out a public service.

The Coronavirus Resiliency Project will be managed in partnership with subrecipients of Petersburg CDBG-CV funding. The initial partner and subrecipient will be the Petersburg Health Department. The allocation will total \$275,000 and focused activities will include testing, contact tracing and other critical services for low to moderate income citizens in the greater Petersburg area. The City will allocate the remaining \$96,969.00 in funding for the Coronavirus Resiliency Project efforts, including alternative housing strategies for self-isolating and quarantining when necessary.

COST TO CITY: \$371,969

BUDGETED ITEM: No

REVENUE TO CITY: \$371,969

CITY COUNCIL HEARING DATE: 6/2/2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Finance & Budgeting

AFFECTED AGENCIES: Planning & Community Development, Finance, & Budget & Procurement.

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. CDBG CARES ACT Appropriation Ordinance 5-26-20
2. CDBG CARES ACT Appropriation Ordinance 5-26-20 II



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: June 2, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha R. Ferrell-Benavides, City Manager

THROUGH: Lionel D. Lyons, Deputy City Manager, Development

THROUGH: Reginald Tabor, Acting Director of Planning & Community Development

FROM: Cathy Parker, City of Petersburg CDBG Coordinator

RE: Request to Schedule a Public Hearing and Consideration of an Amendment to the CDBG 2019-2020 Annual Action Plan and an appropriation of the associated funding

PURPOSE: To Schedule a Public Hearing and consideration of an amendment to the Petersburg Community Development Block Grant (CDBG) Annual Action Plan for the PY2019 by allocating CDBG CV Coronavirus Aid, Relief, and Economic Security (CARES) Act funds in the amount \$371,969.00 to the City of Petersburg Coronavirus Resiliency Project, and an appropriation of the associated funding.

REASON: Substantial Amendments to the CDBG Annual Action Plan must be submitted to the U.S. Department of Housing and Urban Development (HUD). The City of Petersburg requires approval of amendments by City Council, also new funding must be appropriated in the City of Petersburg Fiscal Year Budget.

RECOMMENDATION: Staff recommends the City Council schedules a Public Hearing and adopts the amendment and associated appropriation.

BACKGROUND: The City of Petersburg is a HUD CDBG entitlement jurisdiction. As an entitlement jurisdiction and due to the coronavirus pandemic, the City of Petersburg's CDBG entitlement program has received CDBG CV CARES Act funding totaling \$371,969.00. To receive these funds, the City is required by HUD to amend the PY2019 CDBG Annual Action Plan. These funds will be used to prepare, prevent, and respond to the pandemic in an expedited manner, while meeting CDBG national objectives. Project activities may include the following:

- Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community.

- Provide testing, diagnosis, or other services at a fixed or mobile location.
- Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities.
- Provide equipment, supplies, and materials necessary to carry-out a public service.

The Coronavirus Resiliency Project will be managed in partnership with subrecipients of Petersburg CDBG-CV funding. The initial partner and subrecipient will be the Petersburg Health Department. The allocation will total \$275,000 and focused activities will include testing, contact tracing and other critical services for low to moderate income citizens in the greater Petersburg area. The City will allocate the remaining \$96,969.00 in funding for the Coronavirus Resiliency Project efforts, including alternative housing strategies for self-isolating and quarantining when necessary.

COST TO CITY: CDBG CV CARES Act funds in the amount of \$371,969.00

BUDGETED ITEM: Yes

REVENUE TO CITY: CDBG CV CARES Act funds in the amount of \$371,969.00

CITY COUNCIL HEARING DATE: June 16, 2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Finance and Budgeting

AFFECTED AGENCIES: Planning and Community Development, Finance, and Budget.

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: N/A

STAFF: Department of Planning & Community Development

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020
FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND.**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2019, in the Community Development Block Grant Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2020.

Previously adopted	\$1,391,071.00
ADD:	
3-213-33010-0000 Categorical Aid-Federal	<u>371,969.00</u>
Total Revenues	<u>\$1,763,040.00</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2019 and ending June 30, 2020, the following sums for the purposes mentioned:

Previously adopted	\$ 1,391,071.00
ADD:	
4-213-81200-3190-0-40 CDBG-CVI	<u>371,969.00</u>
Total Expenses	<u>\$1,763,040.00</u>



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: June 2, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Gregory Geist

RE: **Resolution to Authorize the Disposition of Police K-9**

PURPOSE: Requesting approval from City Council and executed by the City Manager regarding police canine transfer of ownership from the City of Petersburg to the canine's last handler post retirement.

REASON: Petersburg Bureau of Police retired Police canine "Loki" after serving the City of Petersburg. Code of Virginia §§15.2-981 and 2.2-1124 specifically authorize the sale of retiring Police canine animals to their last handler at a cost of \$1.

RECOMMENDATION: Recommendation of the Petersburg Bureau of Police that the City Council approves the sale of Loki to his last handler would be a favorable disposition for both Loki and his handler, in recognition of Loki's years of dedicated and faithful service to the City of Petersburg. Additionally, the City Manager is hereby directed and authorized to execute the attached agreement and take all necessary action to facilitate the sale of Loki to his last handler in accordance with the terms contained therein and the provisions of this Resolution.

BACKGROUND: Petersburg Bureau of Police retired police canine "Loki" and is transferring ownership from the City of Petersburg per §§Code of Virginia §§15.2-981 and 2.2-1124 specifically authorizing the sale of retiring Police canine animals to their last handler at a cost of \$1. The Chief of Police has presented the attached draft disposition agreement to facilitate such a sale which has been reviewed and approved as to form by the City Attorney.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: \$1

CITY COUNCIL HEARING DATE: 6/2/2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Petersburg Bureau of Police

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. K9 Purchase Agreement



June 2, 2020

AGREEMENT FOR TRANSFER OF OWNERSHIP OF CANINE

THIS AGREEMENT made and entered into on this 2nd day of June, 2020, by and between the City of Petersburg, a municipal corporation, under the laws of the Commonwealth of Virginia hereinafter referred to as the “City”, and Greer Fullerton, hereinafter referred to as the “Buyer”. WHEREAS, the Petersburg Bureau of Police has one K-9 Officer known as Officer Loki, a male Belgian Malinois; and

WHEREAS the City desires to retire K-9 Officer Loki; and

WHEREAS, Buyer desires to purchase said retired K-9 Officer Loki;

NOW, THEREFORE, in consideration of the mutual benefits to be derived here from and One Dollar (\$1.00) and other good and valuable consideration received by the City from the Buyer, the parties do mutually agree as follows:

1. The City agrees to assign, convey and transfer all rights, title and interest in the dog known as K-9 Officer Loki to Buyer.
2. Acknowledgment of Training and Release of Liability. In accepting transfer from the City of the dog known as K-9 Officer Loki, Buyer recognizes that said animal has received training in police procedures and tactics and by acceptance of this animal, Buyer, for and in consideration of the transfer to him of K-9 Officer Loki, agrees to hold harmless the City of Petersburg, the Petersburg Bureau of Police, and its officers, employees and agents from any and all liability whatsoever that might arise from acts engaged in by the forenamed canine resulting from his training as herein described, as well as any other acts of said canine whether or not attributable to such training. Buyer further agrees to waive any and all claims of liability insofar as the City of Petersburg, the Petersburg Bureau of Police, its officers, employees and agents are concerned that might arise as a result of his use and/or possession of said animal. It is further understood by Buyer that, in consideration of this transfer, the City makes no representations concerning the health of the animal, which is transferred “as is” and Buyer assumes all responsibility and obligation for the condition, care and acts of said animal.
3. Indemnification. Buyer agrees to assume any and all risks from the date first written above and the Buyer further agrees to release, indemnify and promises to defend and hold harmless the City, its officers, employees and agents from and against any and all liability, injuries, loss, damage, expense, actions and claims, including costs and reasonable attorney’s fees incurred by the City, its officers, employees and agents in defense thereof, asserting or arising directly or indirectly on account of or out of said canine’s activities from date of said transfer; provided, however, this paragraph does not



City of Petersburg

Department of Police

Kenneth A. Miller
Director of Public Safety

purport to indemnify the City against liability for any activities of said canine prior to said transfer date.

4. Applicable law/venue. The construction, interpretation and enforcement of this Contract shall be governed by the laws of the Commonwealth of Virginia. The Courts of the Commonwealth of Virginia shall have jurisdiction over this Contract and the parties.

5. Severability. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void, insofar as it is in conflict with said laws, the remainder of the Agreement shall remain in full force and effect.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: June 2, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Lionel Lyons, Deputy City Manager of Development

FROM: Charles Koonce

RE: **Consideration of an appropriation for Coronavirus Aid, Relief, and Economic Recovery Act (CARES) Federal Transportation Administration funding for FY 20 operating expenditures.**

PURPOSE: To Appropriate Federal CARES grant funding.

REASON: Petersburg Area Transit received 3.5 million dollars from the Federal Transportation Administration which may be used for operating expenditures beginning January 20, 2020. This funding must be appropriated prior to expenditure.

RECOMMENDATION: Recommend City Council approve the attached appropriation ordinance for \$300,000.

BACKGROUND:

FTA granted \$3.5 million to Petersburg Area Transit at a 100-percent federal share, with no local match required, and will be available to support capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19. Petersburg Area Transit will appropriate \$300,000 for Fiscal Year 2020 and the remainder of the allocation in FY 21.

COST TO CITY: 0

BUDGETED ITEM: No

REVENUE TO CITY: \$300,000

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Federal Transportation Administration

AFFECTED AGENCIES: Petersburg Area Transit

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Appropriation Ord CARES

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020
IN THE MASS TRANSIT FUND**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2019, in the Mass Transit Fund made for the following resources and revenues of the city, for the fiscal year ending June 30, 2020.

Previously adopted	\$4,942,039
Mass Transit Fund	\$300,000
Total Expenses	\$5,242,039

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2019 and ending June 30, 2020, the following sums for the purposes mentioned:

Previously Adopted	\$4,942,039
ADD: CARES GRANT [Federal]	\$300,000
Total Resources	\$5,242,039