

# AGENDA



# CITY OF HOPEWELL

Hopewell, Virginia 23860

## AGENDA

(804) 541-2408

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## CITY COUNCIL

Jasmine E. Gore, Mayor, Ward #4  
Patience Bennett, Vice Mayor, Ward #7  
Debbie Randolph, Councilor, Ward #1  
Arlene Holloway, Councilor, Ward #2  
John B. Partin, Jr., Councilor, Ward #3  
Janice Denton, Councilor, Ward #5  
Brenda S. Pelham, Councilor, Ward #6

John M. Altman, Jr., City Manager  
Sandra. Robinson, City Attorney  
Camisha M. Brown, Assistant City Clerk

May 26, 2020

**ELECTRONIC MEETING**

**Closed Meeting: 5:30 PM**  
**Regular Meeting: 7:30 PM**

### OPEN MEETING

**5:30 p.m.** Call to order, roll call, and welcome to visitors

**SUGGESTED MOTION: Move to go into closed meeting pursuant to Va. Code Sections 2.2-3711 (A)(1) to discuss and consider personnel matters, including the appointment, assignment, and performance of specific appointees and employees and consideration/discussion of prospective candidates for employment and appointment; (A)(3) and (A)(6) to discuss the investment of public funds for the acquisition of real property for a public purpose where bargaining is involved, and discussion in open meeting would adversely affect the City's bargaining position and financial interest; (A)(7) and (8) to consult with legal counsel and be briefed by staff regarding probable litigation and specific legal matters where such briefing and consultation in open meeting would adversely affect the City's litigating posture; and to the extent such discussions will be aided thereby, (A)(4) for the protection of the privacy of individuals in personal matters not related to public business.**

**Roll Call**

### CLOSED MEETING

### RECONVENE OPEN MEETING

**CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?**

**Roll Call**

### REGULAR MEETING

**7:30 p.m.** Call to order, roll call, and welcome to visitors

Prayer by Herbert Bragg, Director, Intergovernmental & Public Affairs, followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Holloway.

**SUGGESTED MOTION: To amend/adopt Regular Meeting agenda**

**Roll Call**

**Consent Agenda**

*All matters listed under the Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the regular agenda at the request of any Councilor.*

- C-1 **Minutes:** May 12, 2020 Minutes
- C-2 **Pending List:**
- C-3 **Routine Approval of Work Sessions:**
- C-4 **Personnel Change Report & Financial Report:**
- C-5 **Ordinances on Second & Final Reading:**
- C-6 **Routine Grant Approval:**
- C-7 **Public Hearing Announcement:** FY21 Budget- June 2<sup>nd</sup>, School Board Appointment- June 9<sup>th</sup>
- C-8 **Information for Council Review:**
- C-9 **Resolutions/Proclamations/Presentations:**

**Regular Business**

**R-1** Maritime Incident Response Team Operating Agreement

**ISSUE:** The current operating agreement for the Maritime Incident Response Team has been updated and needs to be approved.

**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**Roll Call**

**R-2** CARES Act Funding

**ISSUE:** City Council to approve the receipt of \$1.9 million in CARES Coronavirus Relief Funds from the Commonwealth of Virginia.

**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**Roll Call**

**R-3** COVID-19 Taxpayer Relief

**ISSUE:** To provide relief to taxpayers due to COVID-19

**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**Roll Call**

**R-4** COVID-19 Community Support

**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**Roll Call**

**R-5 Agenda Software and Agenda Template and Submission Process**

**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**Roll Call**

**R-6 I.T. Policies**

**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**Roll Call**

**Reports of City Manager:**

**R-1 CAFR Update**

**ISSUE:** Update on status of CAFRs

**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**Roll Call**

**Reports of City Attorney:**

**Reports of City Clerk:**

**Reports of City Council:**

**Committees:**

**Individual Councilors**

**IR-1 Request for City Council to vote to establish a rule that supports the new practice to limit City Councilors ability to place items on future agendas, conduct research with staff and seek legal guidance for potential legislative items.**

**ISSUE:** It has been common practice that City Councilors place items on the City Council Meeting agendas to obtain a vote from City Council to approve/deny the request. At some point in 2019, some members of City Council began to advocate for Councilors to be limited in their ability to place items on the agenda for City Council approval/denial. In turn, they began to limit the ability for a City Councilor to seek legal guidance to determine legality of any proposed legislation. As of now, some City Councilors are seeking to limit the ability to ask the City Manager to provide information so that one can make a determination about the feasibility of any proposed legislation.

**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**Roll Call**

**IR-2 Request for City Council direct the City Manager review city owned space and rental properties to identify a location for the Office on Youth to offer programs. In addition, for the City Manager to provide an update as to the costs/needs to renovate Mallonee Gym to house the Office on Youth and the status of the \$250,000 previously allocated by City Council for renovation.**

**ISSUE:** The Office on Youth is currently housed in the United Way Building. The City rents an office, storage space and front desk reception space. The Office on Youth currently has no dedicated space to offer youth programming.

**MOTION:** \_\_\_\_\_

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**Roll Call**

**IR-3 Request for City Council direct the City Manager to delegate to staff to review non-developed city land to identify a location for a practice field for youth sports and free citizen usage.**

**ISSUE:** Several groups and residents have shared the need for the City to establish a practice field for various youth supports. If the city can identify public land for the youth to practice during daylight and provide portable restrooms, we can immediately address the need. However, we will have to discuss long-term plans to officially develop the field; install lighting; restroom amenities etc. for a permanent location space.

**MOTION:** \_\_\_\_\_

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**Roll Call**

**IR-4 Request for City Council to set a new date to deliver the “State of the City Address” in February to include the unveiling of the new City Council Strategic Plan.**

**ISSUE:** City Council voted in 2019 to hold a “State of the City Address” in spring. However, the event never was organized or executed. Additionally, information was not compiled to provide an update to residents about the current state of the City, its affairs and City Council’s vision. Residents have complained about lack of City Communication and staff have complained about a lack of a Strategic Plan and collective vision from City Council.

**MOTION:** \_\_\_\_\_

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**Roll Call**

**IR-5 Request City Council to direct the City Manager to provide Council with the status of uncollected funds within the City of Hopewell**

**ISSUE:** The Mayor requested the following information on December 19, 2019: Wastewater (Water Renewal) uncollected bill amounts (write offs) (individual/business); Data Integrators uncollected bill amounts (individual/business); Uncollected taxes (real estate/personal property); Trash uncollected bill amounts (write offs) (individual/business); Audit reports/schedules with write-offs; Industry payments for Wastewater (Water Renewal) for the last 3 years; Total value of funding that could not be reconciled for the audit - City Funds/Accounts; Total value of funding that did not have backup docs/not approved - City Funds/Accounts; Status of money approached to support Wastewater Grant when DEQ required the City to have a reserve of funding approx.. of \$575,000. \*new

**MOTION:** \_\_\_\_\_

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**Roll Call**

**IR-6 Request for City Council to vote to direct the City Manager provide City Council with options to dissolve the Beacon Theater LLC. The prior City Council voted to support dissolving the LLC in order to create a Regional Performing Arts Center and/or improve community programs and access to the Beacon Theater. In the meantime, the City Council will support opening the Beacon Theater free on Sundays after the Beacon Church for groups to offer free services/programs to the public.**

**ISSUE:** he City needs to address the status of the Beacon Theater’s management and finances. In the past, the City provided the Beacon Theater with approximately \$100,000 to provide community programs. City Council has not established guidelines for that money and support. Since the Beacon Theater is open on Sundays for the Beacon Church, members of the public that want to offer community services can utilize the space – as opposed to pay the high rental fees. The City Council needs to also discuss management of the theater to fully take advantage of the renovation and to provide cultural opportunities for the community. Currently concerts is the primary event type offered by the Beacon. The Theater can also be a space to routinely offer plays, dance, spoke word, classes etc. to the community.

**MOTION:** \_\_\_\_\_

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**Roll Call**

**IR-7 City of Hopewell Finance Policies**

**ISSUE:** City Council discussed two finance policies during Fall Council meetings. Council’s last action was for the CM to prepare an alternative policy for submission for the November 12, 2019 agenda packet. The policy needed to be vetted by the City Attorney prior to submission. Council has not received the policy yet for discussion.

**MOTION:** \_\_\_\_\_

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**Roll Call**

**IR-8 Strategic Plan and Crime Meeting Transparency – Post Online Records for Public**

**ISSUE:** City Council held three Town Hall Meetings in 2019 to develop a draft Strategic Plan. The resident feedback from those meetings is not posted online for the public to view. Additionally, City Council held several Advances to prepare the Strategic Plan. The first draft (skeleton) and the City Mangers’ feedback is not posted online. Each step to include the date should be made available to the public. The Crime Meeting resident feedback should also be posted online.

**MOTION:** \_\_\_\_\_

**Roll Call**

**Citizen/Councilor Requests**

**Presentations from Boards and Commissions**

**Other Council Communications**

**Adjournment**

**REGULAR  
MEETING**

# **CONSENT AGENDA**

# MINUTES

**MINUTES OF THE MAY 12, 2020 CITY COUNCIL REGULAR MEETING**

A regular meeting of the Hopewell City Council was held Tuesday, May 12, 2020, at 5:30 p.m. The meeting was scheduled to be held by electronic communication only, pursuant to Va. Code § 2.2-3708(A)(3).

**PRESENT:** Jasmine E. Gore, Mayor, Ward 4  
Patience Bennett, Vice Mayor, Ward 7  
Deborah Randolph, Councilor, Ward 1  
Arlene Holloway, Councilor, Ward 2  
John B. Partin, Jr., Councilor Ward 3  
Janice B. Denton, Councilor, Ward 5  
Brenda Pelham, Councilor, Ward 6

John M. Altman, Jr., City Manager  
Charles Dane, Assistant City Manager  
Sandra R. Robinson, City Attorney  
Camisha M. Brown, Assistant City Clerk

**ROLL CALL**

Mayor Gore opened the meeting at 5:33 p.m. Roll call was taken as follows:

Mayor Gore	-	present
Vice Mayor Bennett	-	present
Councilor Randolph	-	present
Councilor Partin	-	present
Councilor Holloway	-	present
Councilor Denton	-	present
Councilor Pelham	-	present

**CLOSED MEETING**

At 5:35 p.m., Councilor Pelham moved to go into closed meeting pursuant to Va. Code Sections 2.2-3711 (A)(1) to discuss and consider personnel matters, including the appointment, assignment, and performance of specific appointees and employees and consideration/discussion of prospective candidates for employment and appointment; (A)(3) and (A)(6) to discuss the investment of public funds for the acquisition of real property for a public purpose where bargaining is involved, and discussion in open meeting would adversely affect the City’s bargaining position and financial interest; (A)(7) and (8) to consult with legal counsel and be briefed by staff regarding probable litigation and specific legal matters where such briefing and consultation in open meeting would adversely affect the City’s litigating posture; and to the extent such discussions will be aided thereby, (A)(4) for the protection of the privacy of individuals in personal matters not related to public business. Councilor Partin seconded the motion. Upon the roll call, the vote resulted:

Councilor Randolph	-	yes
Councilor Holloway	-	yes
Councilor Partin	-	yes
Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Vice Mayor Bennett	-	yes

**Motion passed 7-0**

**RECONVENE OPEN MEETING**

At 7:45 p.m. Councilor Pelham moved that Council come out of Closed Session. Her motion was seconded by Mayor Gore. Upon the roll call, the vote resulted:

Councilor Randolph	-	yes
Councilor Holloway	-	yes
Councilor Partin	-	yes
Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Vice Mayor Bennett	-	-- (not on call)

**Motion passed 6-0**

**CERTIFICATION**

Immediately thereafter, Council responded to the question pursuant to Virginia Code § 2.2-3712 (D): were only public business matters (I) lawfully exempted from open-meeting requirements and (II) identified in the closed-meeting motion discussed in closed meeting? Upon the roll call, the responses resulted:

Councilor Randolph	-	yes
Councilor Holloway	-	yes
Councilor Partin	-	yes
Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Vice Mayor Bennett	-	-- (not on call)

**ROLL CALL**

At 7:47 p.m., Roll call was taken as follows:

Councilor Randolph	-	yes
Councilor Holloway	-	yes
Councilor Partin	-	yes
Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Vice Mayor Bennett	-	yes(arrived back on call at 7:47 PM)

**REGULAR MEETING**

**PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

At 7:52 p.m. Mayor Gore called the meeting to order, and thanked all for attending. The prayer was led by Herbert Bragg, Director, Intergovernmental & Public Affairs, followed by the Pledge of Allegiance to the Flag of the United States of America, led by Councilor Randolph.

**AMEND/ADOPT AGENDA**

Councilor Denton moved to remove item UB-2 and to end the meeting at 10:10 to address citizens and to approve the agenda as amended. The motion was seconded by Councilor Partin. Upon the roll call, the vote resulted:

Councilor Randolph	-	yes
Councilor Holloway	-	no
Councilor Partin	-	yes
Mayor Gore	-	no
Councilor Denton	-	yes
Councilor Pelham	-	no
Vice Mayor Bennett	-	yes

**Motion passed 4-3**

**Consent Agenda**

*All matters listed under the Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the regular agenda at the request of any Councilor.*

**C-1 Minutes:**

- 1. April 28th Minutes

**C-2 Pending List:**

**C-3 Routine Approval of Work Sessions: April 30, May 5, May 14, May 19, and May 21**

**C-4 Personnel Change Report & Financial Report:**

- 1. Personnel Report- May 1, 2020

**C-5 Ordinances on Second & Final Reading:**

**C-6 Routine Grant Approval:**

**C-7 Public Hearing Announcement:**

- 1. FY21 Budget Public Hearing

**C-8 Information for Council Review:**

**C-9 Resolutions/Proclamations/Presentations:**

- 1. Child Abuse Prevention

Councilor Partin moved to approve the Consent Agenda. Councilor Denton seconded the motion. Upon the roll call, the vote resulted:

Councilor Randolph	-	yes
Councilor Holloway	-	yes
Councilor Partin	-	yes
Mayor Gore	-	no
Councilor Denton	-	yes
Councilor Pelham	-	yes
Vice Mayor Bennett	-	yes

**Motion passed 6-1**

**UNFINISHED BUSINESS**

**UB-1 Forensic Audit Timeline/Quote (BP)** – Council discussed the potential of having a Forensic Audit. Councilor Pelham moved to appropriate between \$150-200,000 for forensic audit that will commence sometime in July 2020. The motion was seconded by Mayor Gore.

Councilor Denton moved to make a substitute motion. Her motion was seconded by Councilor Randolph. Upon the roll call the vote resulted:

Councilor Randolph	-	yes
Councilor Holloway	-	no
Councilor Partin	-	yes
Mayor Gore	-	no
Councilor Denton	-	yes
Councilor Pelham	-	no
Vice Mayor Bennett	-	yes

**Motion passed 4-3**

Councilor Denton moved to have two Councilors, preferably Councilor Pelham and Councilor Randolph, have a meeting with the City Manager and auditor and bring back recommendations to Council at the next meeting. Her motion was seconded by Councilor Randolph. Vice-Mayor Bennett made an amendment to include all of Council. Councilor Denton and Randolph accepted the amendment.

After discussion by Council, Councilor Pelham moved to substitute the motion to set aside \$100,000 as an initial deposit for the Forensic Audit pending the outcome of the 2018 CAFR audit. The motion was seconded by Councilor Holloway. Upon the roll call, the vote resulted:

Councilor Randolph	-	no
Councilor Holloway	-	yes
Councilor Partin	-	no
Mayor Gore	-	yes
Councilor Denton	-	no
Councilor Pelham	-	yes
Vice Mayor Bennett	-	yes

**Motion passed 4-3**

There was discussion by Council and Councilor Pelham requested to withdraw her motion.

The current motion originally moved by Councilor Denton, amended by Vice Mayor Bennett and seconded by Councilor Randolph to have all of Council meet with the City Manager and Auditor and bring back recommendations to the next Council meeting. Councilor Partin requested a call for the vote to end discussion. Upon the roll call, the vote resulted:

Councilor Randolph	-	yes
Councilor Holloway	-	yes
Councilor Partin	-	yes
Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Vice Mayor Bennett	-	yes

**Motion passed 7-0**

After the call for the vote passed, Council voted on Councilor Denton’s amended motion. Upon the roll call, the vote resulted:

Councilor Randolph	-	yes
Councilor Holloway	-	yes
Councilor Partin	-	yes
Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Vice Mayor Bennett	-	yes

**Motion passed 7-0**

Councilor Pelham moved to move the agenda item the Reports of the City Attorney up and discuss. The motion was seconded by Councilor Denton. Upon the roll call, the vote resulted:

Councilor Randolph	-	yes
Councilor Holloway	-	yes
Councilor Partin	-	yes
Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Vice Mayor Bennett	-	yes

**Motion passed 7-0**

**Reports of City Attorney: 1 Place Freedom of Information Act (FOIA) Requests and Liens with the**

**City Attorney-** Sandra Robinson, City Attorney, stated to Council that due to her office being fully staffed, they would be able to take on the responsibilities of processing FOIA requests and Liens. Councilor Randolph moved for Council to vote on placing FOIA and Liens with the City Attorney’s Office. Her motion was seconded by Councilor Pelham. Upon the roll call, the vote resulted:

Councilor Randolph	-	yes
Councilor Holloway	-	yes
Councilor Partin	-	yes
Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Vice Mayor Bennett	-	-- (not on call)

**Motion passed 6-0**

At 10:10 PM, each Councilor was given the opportunity to speak to citizens to provide information and/or provided updates to citizens located in their Ward.

**ADJOURN**

The Zoom call was terminated at 10:26 PM.

\_\_\_\_\_  
Jasmine E. Gore, Mayor

\_\_\_\_\_  
Camisha M. Brown, Assistant City Clerk

DRAFT

**PERSONNEL  
CHANGE  
REPORT**

**DATE:** May 12, 2020  
**TO:** The Honorable City Council  
**FROM:** Michelle Ingram, Human Resources Specialist  
**SUBJECT:** Personnel Change Report – May 12, 2020

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**APPOINTMENTS:** 0

**SUSPENSIONS:** 0

(Other information excluded under Va. Code § 2.2-3705.1(1) as personnel information concerning identifiable individuals)

**REMOVALS:**

<b>NAME</b>	<b>DEPARTMENT</b>	<b>POSITION</b>	<b>DATE</b>
KING, TIMOTHY	RECREATION	PT ATHLETIC SITE ASST	04/27/2020
MUNFORD, JUAN	PUBLIC WORKS	PT STREET MAINT SPECIALIST/ CONV CTR	05/09/2020

CC: March Altman, City Manager  
Charles Dane, Assistant City Manager  
Jennifer Sears, HR Director  
Dave Harless, Risk & Safety Coordinator  
Debbie Pershing, Administrative Services Manager  
Michael Terry, Finance Director  
Dipo Muritala, Assistant Finance Director

Concetta Manker, IT Director  
Jay Rezin, IT  
Arlethia Dearing, Customer Service Mgr.  
Kim Hunter, Payroll  
Vanessa Williams, Accounting Tech

**PUBLIC  
HEARING  
ANNOUNCEMENT**

**REGULAR  
BUSINESS**

**R-1**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE: Maritime Incident Response Team Operating Agreement**

**ISSUE:** The current operating agreement for the Maritime Incident Response Team has been updated and needs to be approved.

**RECOMMENDATION:** Staff recommends City Council approve the operating agreement and authorize the City Manager to execute the agreement.

**TIMING:** City Council action is requested on May 26, 2020 as they signed agreement must be returned by June 30, 2020

**BACKGROUND:** Attached

**ENCLOSED DOCUMENTS:**

- Ordinance Approving Maritime Incident Response Team Operating Agreement
- Maritime Incident Response Team Operating Agreement

**STAFF:**

John M. Altman, Jr., City Manager  
Donald Hunter, Fire Chief

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Jasmine Gore, Ward #4			

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**Roll Call**

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**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | <b>Y</b>                 | <b>N</b>                 |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE APPROVING  
THE VIRGINIA PORT AUTHORITY MARITIME INCIDENT RESPONSE TEAM  
OPERATING AGREEMENT**

**WHEREAS**, pursuant to Va. Code Ann. Section 15.2-1300 *et seq*, Virginia localities are empowered to voluntarily enter into an agreement with other localities to arrange and provide for joint action, including the provision and receipt of aid when a locality has not declared a local emergency; and

**WHEREAS**, such agreements are required to be approved by ordinance; and

**WHEREAS**, pursuant to Va. Code Ann. Sections 15.2-1100 and Chapter IV, Section 2 of the Hopewell City Charter, the Hopewell City Council is vested with the power to act on behalf of the City of Hopewell, and hereby finds that it is in the best interest of the safety, health, and welfare of Hopewell citizens to enter into the attached The Virginia Port Authority Maritime Response Team Operating Agreement with the other Virginia localities that are specified thereon; now therefore

**BE IT ORDAINED** and enacted this \_\_\_\_ day of May 2020 by the Hopewell City Council, pursuant to its authority under the Hopewell City Charter and Va. Code Ann. §§15.2-1427, 15.2-1100, and 15.2-1300 *et seq*, hereby approves and adopt The Virginia Port Authority Maritime Response Team (“MIRT”) Operating Agreement.

**BE IT FURTHER ORDAINED** and approved as follows

That the Hopewell City Manager is hereby authorized to execute the MIRT Operating Agreement on behalf of the City of Hopewell, and any other documents necessary to effectuate the MIRT on behalf of the City of Hopewell and its obligation(s) to respond or otherwise perform under the MIRT Operating Agreement, provided such act does not commit the City of Hopewell or the Hopewell City Council to appropriate or otherwise provide for funding.

Witness this signature and seal

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Mayor Jasmine Gore, Ward 4

VOTING AYE:

VOTING NAY:

ABSTAINING:

ABSENT:

ATTEST:

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Camisha Brown, Acting City Clerk

VIRGINIA PORT AUTHORITY  
MARITIME INCIDENT RESPONSE TEAM  
**OPERATING AGREEMENT**

This Operating Agreement is entered into this \_\_\_\_\_ day of May, 2020 (hereinafter, the “Effective Date”), by and between the Virginia Port Authority and the following localities, state agencies, and federal agencies:

The City of Chesapeake, Virginia

The City of Virginia Beach, Virginia

The City of Norfolk, Virginia

The City of Portsmouth, Virginia

The City of Suffolk, Virginia

The County of Surry, Virginia

The County of Isle of Wight, Virginia

The City of Hampton, Virginia

The City of Newport News, Virginia

The County of York, Virginia

The City of Poquoson, Virginia

The County of James City, Virginia

The City of Hopewell, Virginia

The County of Henrico, Virginia

The City of Richmond, Virginia

The County of Chesterfield, Virginia

The County of Northampton, Virginia

The County of Accomack, Virginia  
Department of Game and Inland Fisheries, Virginia  
Virginia Marine Police, Virginia  
Virginia State Police, Virginia  
United States Navy, Naval Region Mid-Atlantic

## **RECITALS**

**Whereas**, there exists within the Commonwealth of Virginia coastal and inland waters a potential for serious events due to severe weather, fires, releases involving hazardous materials, security breaches, cyber-attacks and other maritime incidents; and

**Whereas**, the public health, safety, and welfare may be threatened as a result of these events; and

**Whereas**, responding to maritime incidents within the marine environment is challenging and complex; and

**Whereas**, the Virginia Port Authority (hereinafter, the “VPA”) is charged, under § 62.1-132.11:1 of the 1950 Code of Virginia, as amended (hereinafter, “the Code”), with suppressing fires and responding to other maritime incidents on the waters of Hampton Roads, its tributaries, and other waters in the vicinity of Hampton Roads, and on certain property adjacent to such waters; and

**Whereas**, each of the parties to this Operating Agreement are members of the Maritime Incident Response Team (the “MIRT”); and

**Whereas**, each of the parties to this Operating Agreement maintain equipment and personnel for response to maritime incidents in and around the Port of Hampton Roads; and

**Whereas**, the VPA provides and assigns equipment to agencies that are involved in the various joint activities and operations in and around the Port of Hampton Roads; and

**Whereas**, the parties to this Operating Agreement desire to establish an agreed framework for addressing and memorializing their respective responsibilities, obligations, and understandings in connection with the MIRT’s operations;

**NOW THEREFORE**, for and in consideration of the mutual promises, covenants, and warranties, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby agree as follows:

## **AGREEMENT**

1. Incorporation of Recitals: The foregoing Recitals are incorporated into this Operating Agreement (this “Agreement”) as if set forth in full herein.
2. Definitions: For purposes of this Agreement, the following words and phrases shall be defined as follows:
  - A. Maritime Incident: An All Hazard Maritime Incident that may lead to activation of the MIRT.
  - B. All Hazard Maritime Incident: defined as a maritime event that may include: fires, hazardous materials, RAD / NUC, WMD, security breaches, cyberattacks, dive operations, hazards to navigation, search and rescue, severe weather, port assessments, Medivacs, or any request from a locality, state or federal agency, or the United States Coast Guard (the “USCG”) Captain of the Port requiring a maritime response
  - C. MIRT Member: Any emergency response agency or person (e.g. law enforcement, fire, emergency management) participating in MIRT operations or training events.
  - D. Responsible Party: The locality, federal agency, or state agency responsible for taking the lead and serving as Incident Commander for any Maritime Incident occurring within its boundaries, on its facility or reservation.
  - E. Responsible Party Area of Operations (“AO”): The area included within the boundaries, or the facility or reservation of a Responsible Party.
  - F. Local Response Team: a MIRT Member response team acting pursuant to this Agreement in response to a Maritime Incident.
  - G. Incident Commander: person designated by a Responsible Party to lead efforts in response to a Maritime Incident.
3. Activation of the MIRT: The MIRT shall be activated to respond to a Maritime Incident within USCG Sector Hampton Roads on a case-by-case basis. The MIRT Director or his designee (the “MIRT Designee”) shall determine whether and when the MIRT shall be activated. Any Responsible Party may request activation of the MIRT. Such requests shall be made to the MIRT Director or MIRT Designee. In the event neither of the foregoing persons can be contacted the USCG Sector Hampton Roads Command Center. Once activated, the MIRT shall notify each Responsible Party MIRT Representative of such activation and of any request for assistance from their Local Response Team through each Responsible Party’s Emergency Operations Center.
4. Operational Leadership within a Responsible Party AO: The Incident Commander for the Responsible Party where a Maritime Incident occurs shall have operational control of the MIRT emergency response to that Maritime Incident. For many Maritime

Incidents, the USCG Sector Hampton Roads will act as Incident Commander and the MIRT will follow directions issued by the USCG Captain of The Port.

5. Role of the MIRT during a Maritime Incident: Except as provided for in paragraph 6 of this Agreement, below, the MIRT may not serve as the lead agency or Incident Commander during a Maritime Incident. Instead, the MIRT shall provide logistical support, specialized equipment, additional personnel, and advice to the Responsible Party Incident Commander. Additional Incident Command duties may be assigned to MIRT on an as need basis.
6. Operational Leadership Outside of a Responsible Party AO: The MIRT may act as the lead agency and the MIRT Director or MIRT Manager may serve as the Incident Commander for those Maritime Incidents occurring outside of a Responsible Party AO, such as may occur in the open waters of the Chesapeake Bay or in the Atlantic Ocean.
7. Obligations of Each Responsible Party: Each Responsible Party shall:
  - A. Assign emergency response personnel (law enforcement and fire) to a Local Response Team to be available for duty with the MIRT during a Maritime Incident if available.
  - B. Ensure that all individuals assigned to its Local Response Team are properly trained and proficient in Maritime Incident response and that they participate regularly in MIRT-sponsored drills, exercises, and trainings.
  - C. Respond to a Maritime Incident within a timely fashion, when available, and:
    - (1) The skillsets to be represented in the Local Response Team shall be specified by the Incident Commander in charge of response to the Maritime Incident or by the MIRT Director or MIRT Designee, based on incident requirements.
    - (2) Each Local Response Team shall have a designated Team Leader, who shall be in charge of the Local Response Team's personnel, equipment, and apparatus.
    - (3) Once deployed, the Local Response Team shall be under the overall command of the Incident Commander and it shall follow the directions it is given by the Incident Commander.
  - D. Have the option of not responding to a request for a Local Response Team if the Responsible Party's emergency response personnel are already engaged in local emergency response activity or otherwise are unavailable to respond to a Maritime Incident.
  - E. Be responsible for all compensation, retirement, disability, workers compensation, life and health insurance, and other benefits to which its personnel are legally

entitled while employed or engaged in providing services to or for the MIRT under this Agreement. Under no circumstances shall the MIRT itself be responsible for providing any compensation or benefits to any personnel employed by a Responsible Party.

- F. Acknowledge and agree that its personnel deployed to respond to a Maritime Incident or otherwise working or training with the MIRT are performing work for that Responsible Party only and any accidental injury or occupational illness suffered by Local Response Team members or MIRT Members that results from such work arising out of and is in the course of work being done for the Responsible Party only.
- G. Acknowledge and agree that, to the extent permitted by law, neither the MIRT, the MIRT Director, the MIRT Designee, the Responsible Party Incident Commander, nor any other Responsible Party shall be liable for any damage or harm suffered by any third party as a result of any act, omission, or work performed or committed by any member of a deployed Local Response Team deployed to a Maritime Incident or otherwise performed or committed under this Agreement.

8. Obligations of the VPA: The VPA shall:

- A. Act as the lead agency under this Agreement for all administrative and fiscal purposes.
- B. Develop, maintain, and keep current Standard Operating Procedures for MIRT operations.
- C. Provide oversight of MIRT training and operations.
- ~~D.~~ Provide certain specialized marine all hazards training to include but not limited to: firefighting, hazardous materials, support dive team training, RAD/NUC and other maritime incident response equipment for use by the MIRT, consistent with the obligations and responsibilities.
- E. To the extent practicable, ensure that MIRT training for MIRT Members is conducted in Hampton Roads and during the normal on-duty time of the MIRT Members.
- F. Ensure that the MIRT Director or MIRT Designee deployed to the scene of a Maritime Incident provides technical advice, specialized MIRT equipment, and specially-trained MIRT personnel as may be requested by the Incident Commander in charge of that Maritime Incident.
- G. Schedule and conduct an Annual Marine Firefighting School, Search and Rescue Forum, Public Safety Dive Conference and continuing quarterly MIRT training sessions.

9. Equipment Provisions:

A. Background

(1) The VPA acts as the primary coordinator for all joint activities and operations between the local, state and federal agencies that have maritime assets and touch the Port of Hampton Roads and the United States Coast Guard. In order to maximize the operational effectiveness of such joint activities, the VPA provides and assigns equipment for the agencies that are involved in the various joint activities and operations around the Port of Hampton Roads. As such, the VPA provides certain equipment, including, but not limited to, Marine Electronics Automatic Identification Systems (AIS), Personal Protection Equipment (PPE), Public Safety Dive gear, side imaging sonars, RAD/NUC Detection equipment; among others (the “VPA Equipment”).

B. Ownership of the Equipment: Regardless of where or by whom the VPA Equipment may be used, stored, or maintained, all of the VPA Equipment shall at all times remain entirely and exclusively the property of the VPA.

C. Costs of the Equipment: Except as may be otherwise provided under the terms of this Agreement, the VPA Equipment provided to the agency under this Agreement shall be at the VPA’s sole expense and at no cost to the agency.

D. No Warranty as to Serviceability: The VPA makes no warranty with respect to the VPA Equipment’s serviceability nor its fitness for any particular use.

E. Readiness of the Equipment: The VPA will ensure that the VPA Equipment provided the agency under this Agreement is in sound working order at the time of its delivery to the agency. Thereafter, the agency shall be responsible for ensuring that the VPA Equipment it receives remains in sound working order and fully capable of performing its designed function.

F. Inventory of the Equipment: The agency shall maintain a current inventory of the VPA Equipment it has on hand. A copy of such inventories shall be provided the VPA upon request.

G. Marking of the Equipment: The VPA will mark VPA Equipment as being owned by the VPA and the City shall ensure that the VPA ownership markings on the Equipment are not obliterated or removed during the time such equipment is in the custody of the City.

H. Storage of the Equipment: When not actually in use, all of the VPA Equipment provided the agency by the VPA under this Agreement shall be stored either aboard one or more of the agency boats, in or at a designated secured area. Additionally, the agency shall ensure that the VPA Equipment in its custody is

stored in a safe and secure location in a manner calculated to best preserve and protect the equipment at issue, consistent with the agency's own operational needs, readiness requirements, and space availability.

- I. Availability of the Equipment: The agency shall make any or all of the VPA Equipment it receives available to any other agency or entity as soon as practicable upon being directed to do so by the VPA Director of MIRT and Emergency Operations.
- J. Access to the Equipment: The agency shall allow VPA personnel (or any other individual or entity authorized by the VPA) to have unrestricted access to the VPA Equipment provided, with the understanding that the VPA shall make every effort to notify the agency of any request for access at least one working day in advance.
- K. Technical Advice: The VPA shall, upon request, provide the agency technical advice and guidance on the operation, storage, maintenance, or use of the VPA Equipment provided, and the agency shall seek the technical advice of the VPA on that equipment's operation, storage, maintenance, or use prior to seeking such advice or guidance from any other source.
- L. Return of the Equipment: At the request of the VPA, the agency shall return to the VPA, within two working days and at the VPA's expense, any or all VPA Equipment provided the agency under this Agreement.
- M. Maintenance of the Equipment: Except for VPA vehicles and pumps specifically designated by the VPA to be maintained solely by the VPA at the VPA's expense, the agency will be responsible for all routine daily, weekly, and monthly preventative maintenance and all minor repairs to the equipment it has been provided at the agency's own expense. For the purposes of this Agreement, "minor repairs" shall be understood to be those repairs having a one-time cost of \$100.00 or less. The VPA will be responsible for all annual preventative maintenance on VPA Equipment, as well as for all repairs to its equipment that are not minor repairs at the VPA's own expense. Each agency shall keep accurate records of the maintenance it provides any VPA Equipment and will, at the VPA's request, make those records available for inspection and copying by the VPA or its designee.
- N. Schedule of Routine Maintenance: The VPA shall provide each agency with a schedule of routine daily, weekly, and monthly preventative maintenance on all VPA Equipment provided that agency.
- O. Cost of Consumable Supplies: The VPA may designate certain vehicles for which the VPA will be responsible for all consumable supplies (hereinafter the "Designated Vehicle(s)"). The VPA will provide a credit card for each Designated Vehicle to be used for the purchase of fuel. The VPA will pay for all appropriate fuel purchases and expenditures made by an agency via the credit card provided. For all VPA Equipment, the agency shall be responsible for all fluids, motor oil, disposable filters, batteries, and other small items needed for routine operation or

maintenance of that particular vehicle (hereinafter the “Consumable Supplies”) consumed as a result of the VPA Equipment’s use by the agency for anything other than MIRT-related operational or training activities. The VPA shall be responsible for Consumable Supplies consumed by VPA equipment in connection with its use for MIRT-related operations or training.

- P. Ordinary Wear and Tear: It is expected that VPA Equipment provided the agency will experience the ordinary wear and tear associated with its routine and intended use. Accordingly, the VPA acknowledges and agrees that the VPA Equipment it provides the agency may not be in its original condition at such time that it is returned to the VPA.
- Q. Proficiency with the Equipment: The agency shall ensure that its personnel operating or maintaining VPA Equipment are and remain proficient in its operation and routine maintenance. Additionally, the agency shall further ensure that VPA Equipment is not operated by the agency’s personnel who lack proficiency in its use or routine maintenance. Nothing in this Agreement shall be construed to preclude the agency from developing the requisite level of operational and maintenance proficiency through training exercises or activities designed to provide expertise to those who would otherwise lack such proficiency.
- R. Use of the Equipment: The agency may use the VPA Equipment for any operational or training activities undertaken by the agency’s personnel having due regard for the VPA Equipment's intended availability to support joint activities and operations in and around the Port of Hampton Roads.
- S. Software Updates: The United States Coast Guard provides updated code for the AIS equipment as needed. The agency will be responsible for programming the code into the equipment.
- T. Damage to or Loss of Equipment: In the event any VPA Equipment provided the agency under this Agreement shall suffer damage or loss, the agency shall as soon as practicable (but in no case more than three working days after such damage or loss) notify the VPA of the damage or loss, along with an explanation of how the damage or loss occurred. Except in those instances in which VPA Equipment has been damaged or lost through reckless, willful, or intentional abuse or misuse by the agency, the VPA shall absorb the cost of any damage or loss of VPA Equipment provided the agency under this Agreement. The agency may be responsible for the cost of replacing any VPA Equipment damaged or lost through reckless, willful, or intentional abuse or misuse of the VPA Equipment by the agency's employees or agents.
- U. Replacement of the Equipment: VPA Equipment that is expended, damaged, lost, or returned to the VPA may, in the VPA's sole discretion, be replaced at no cost to the agency to which such equipment originally was provided. However, nothing in this Agreement shall entitle the agency to receive or enjoy the use of any VPA Equipment at any time.

- V. Further Transfer of the Equipment: The agency shall not be permitted to transfer the custody or control of that same equipment to any other municipality, individual, or entity without obtaining the prior consent of the VPA's Director of MIRT and Emergency Operations. Nothing in this Agreement shall be construed to preclude the transfer of VPA Equipment to another agency or entity to respond to operational demands or contingencies during a maritime incident. In the event of such transfer to another agency or entity during a maritime incident, both the agency and the agency or entity receiving shall advise the VPA of the details of any such transfer at the earliest practicable time.
10. No Pre-Emption of Existing Agreements: Nothing in this Agreement shall pre-empt any mutual aid agreement that may exist between the VPA and any Responsible Party, or between Responsible Parties.
11. Amendment to the Agreement: This Agreement may not be amended except by means of a writing signed by and on behalf of all parties to be bound by the amended Agreement.
12. Withdrawal from the Agreement: Any party to this Agreement may withdraw from it at any time, provided that the withdrawing party gives the MIRT Director no less than thirty (30) days' advance written notice of the date on which such withdrawal shall become effective.
13. Termination of the Agreement: This Agreement shall be terminated upon the occurrence of any of the following events:
- A. Withdrawal of the VPA from the Agreement;
  - B. Withdrawal of all Responsible Parties other than the VPA from the Agreement;
  - C. Amendment of the Code deleting from it provision for the MIRT; and
  - D. Any change in the laws of the Commonwealth of Virginia that has the effect of relieving local fire and emergency response authorities of the primary responsibility for responding to fires or hazardous materials releases or threatened releases within their respective jurisdictions.
14. Notices: Any notices required by or contemplated by this Agreement are to be made to the following Points of Contact for each participating agency's MIRT representative:
15. Headings: The headings appearing in this Agreement are purely for administrative convenience and are not to be construed as adding to or in any way modifying the text of this Agreement nor any of the individual terms to which they are appended.

16. Venue: Because the VPA has its headquarters in the City of Norfolk, the venue for any judicial resolution of any dispute arising under this Agreement shall be in the City of Norfolk, Virginia.
17. Governing Law: This Agreement shall be construed in accordance with and all disputes hereunder shall be governed by the laws of the Commonwealth of Virginia.
18. Authority: The parties agree that the undersigned are fully authorized to execute this Agreement on behalf of the federal, state, municipal, or private entity for which they are signing and that all governmental or corporate formalities necessary and attendant to the execution of this Agreement have been satisfied in advance of their executing the same.
19. Counterpart Originals: This Agreement is being executed in four identical counterparts, each of which shall be deemed an original, but all of which together shall constitute one and same agreement.

**N WITNESS WHEREOF**, and intending to be legally bound, the following parties have executed the foregoing Virginia Port Authority Maritime Incident Response Team Operating Agreement on the dates indicated below:

THE VIRGINIA PORT AUTHORITY:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE CITY OF CHESAPEAKE, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE CITY OF VIRGINIA BEACH, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE CITY OF NORFOLK, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE CITY OF PORTSMOUTH, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE CITY OF SUFFOLK, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE COUNTY OF SURRY:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE COUNTY OF ISLE OF WRIGHT, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE CITY OF HAMPTON, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE CITY OF NEWPORT NEWS, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE COUNTY OF YORK, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE CITY OF POQUOSON, VIRGINIA

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE COUNTY OF JAMES CITY, VIRGINIA

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE CITY OF HOPEWELL, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE COUNTY OF HENRICO, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE CITY OF RICHMOND, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE COUNTY OF CHESTERFIELD, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE NORTHAMPTON COUNTY, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE COUNTY OF ACCOMACK, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE DEPARTMENT OF GAME AND INLAND FISHERIES, VIRGINIA:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE VIRGINIA MARINE POLICE:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE VIRGINIA STATE POLICE:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

THE UNITED STATES NAVY, NAVAL REGION MID-ATLANTIC:

By \_\_\_\_\_

Date \_\_\_\_\_

Its \_\_\_\_\_

236610v1

**R-2**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE: CARES Coronavirus Relief Funds**

**ISSUE:** City Council to approve the receipt of \$1.9 million in CARES Coronavirus Relief Funds from the Commonwealth of Virginia.

**RECOMMENDATION:** Staff recommends City Council approval of receipt of \$1,965,568 of CARES Coronavirus Relief Funds Act funds from the Commonwealth of Virginia and authorization to execute the Certification of Receipt of Coronavirus Relief Fund Payments and other required documentation to receive and verify use of funds.

**TIMING:** Action is requested at the May 26, 2020 meeting

**BACKGROUND:** Congress passed and the President signed the *Coronavirus Aid, Relief, and Economic Security Act (CARES) of 2020*, which provides funding for programs that address the COVID-19 pandemic. One of the components of the CARES Act is \$150 billion in assistance to state, local, territorial, and tribal governments to address the direct impacts of COVID-19 through the establishment of the Coronavirus Relief Fund (CRF). The Commonwealth of Virginia received approximately \$3.1 billion from the CRF to be used for qualifying expenses of state and local governments (within populations greater than 500,000). Governor Northam, recognizing the impact of COVID-19 on all local governments, has determined to distribute funds to counties and cities based on a proportion of a locality’s population as a percentage of the statewide population. The funds will be distributed on or around June 1, 2020 to the Treasurer. The funds must be expended by December 31, 2020.

Staff will present a plan to City Council at a future outlining the use of the funding.

**SUMMARY:**

- | Y                        | N                        |                                    | Y                        | N                        |                                      |
|--------------------------|--------------------------|------------------------------------|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  | <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |                          |                          |                                      |

**ENCLOSED DOCUMENTS:**

- Memorandum from Secretary of Finance, Aubrey L. Layne, Jr., dated May 12, 2020
- Certification of Receipt of Coronavirus Relief Fund Payments

**STAFF:**

John M. Altman, Jr., City Manager  
Michael Terry, Director of Finance

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

\_\_\_\_\_

**Roll Call**

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**SUMMARY:**

<b>Y</b>	<b>N</b>	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2
<input type="checkbox"/>	<input type="checkbox"/>	Councilor John B. Partin, Ward #3
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Jasmine Gore, Ward #4

<b>Y</b>	<b>N</b>	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Patience Bennett, Ward #7



# ***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](mailto: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](mailto:Melinda.Pearson@DOA.Virginia.gov) or by phone at 804-225-2376.

## Appendix A – Local Allocations

<b>Annual Estimates of the Resident Population for Counties in Virginia: as of July 1, 2019</b>	<b>Statewide Total = 8,535,519</b>	<b>% of Total <sup>1</sup></b>	<b>Current Allocation Base = \$744,691,122</b>
<b>Locality</b>	<b>Population</b>		
.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
<b>Total Funds Distributed (excludes Fairfax County)</b>			<b>\$644,573,383</b>
Source: U.S. Census Bureau, Population Division			
Release Date: March 2020			

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

# Appendix B - Guidance From U.S. Treasury

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## 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.<sup>1</sup>

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.

<sup>1</sup> 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 expenditures<sup>2</sup>*

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.<sup>3</sup>
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.

<sup>2</sup> 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.

<sup>3</sup> See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

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

# Appendix C - Frequently Asked Questions

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*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”).<sup>1</sup> 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.

<sup>1</sup> 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

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*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: _____

**R-3**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE: COVID-19 Taxpayer Relief**

**ISSUE:** To provide relief to taxpayers due to COVID-19

**RECOMMENDATION:** Council to review options and provide direction to staff

**TIMING:** n/a

**BACKGROUND:** The City Council wishes to assist its local businesses as the community contends with the local emergency caused by the COVID-19 pandemic.

**ENCLOSED DOCUMENTS:**

- Chesterfield County Ordinance
- Hanover County Ordinance
- Henrico County Ordinance
- Prince George County Resolution
- Proposed Local Stimulus Package

**STAFF:**

John M. Altman, Jr., City Manager  
Charles Dane, Assistant City Manager

**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Jasmine Gore, Ward #4			

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

\_\_\_\_\_

**Roll Call**

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**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | <b>Y</b>                 | <b>N</b>                 |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

AN ORDINANCE 1) TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY ADDING SECTION 9-160 TO CHAPTER 9, ARTICLE XI RELATING TO THE WAIVER OF PENALTIES AND INTEREST ON UNPAID TRANSIENT OCCUPANCY TAXES AND 2) TO AMEND SECTION 18-29 RELATING TO THE WAIVER OF PENALTIES AND INTEREST ON UNPAID UTILITY BILLS DURING A DECLARED EMERGENCY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

*(1) That Section 9-160 of the Code of the County of Chesterfield, 1997, as amended, shall be added to Chapter 9, Article XI of the County Code to read as follows:*

**Sec. 9-160. - Waiver of Penalties and Interest on Transient Occupancy Taxes During Declared Emergency.**

During an emergency declared by ~~the Commonwealth of Virginia, or by~~ the County, ~~or both,~~ **and** for 30 days after the end of the declared emergency, the penalty and interest provisions of County Code Section 9-157(a) shall be waived.

*(2) That Section 18-29 of the Code of the County of Chesterfield, 1997, as amended, shall be amended and re-enacted as follows:*

**Sec. 18-29. - Late payment of bills; penalty and interest charges.**

- The county shall apply a delinquent charge of \$1.50 or five percent of the unpaid bill, whichever is greater, to all utility bills that are not paid within 25 days after the date of the bill. Additionally, interest shall accrue on all bills that are not paid within 25 days of the date of the bill at the rate of one percent per month. For purposes of this section, a bill is paid when payment is received by the treasurer. The penalties and interest described in this section shall be waived during an emergency declared by ~~the Commonwealth of Virginia, or by~~ the County, ~~or both,~~ and for 30 days after the conclusion of the declared emergency.

*(3) That this ordinance shall become effective immediately upon adoption.*



IV.-C.

Agenda Item

## County of Hanover

**Board Meeting: March 25, 2020**

**Subject:** Ordinance 20-07 Taxpayer and Ratepayer Relief

**Summary of Agenda Item:** The COVID-19 pandemic and related limitations have created serious disruptions throughout Virginia, including Hanover County. The massive financial repercussions of these disruptions has had an impact on (1) the hotels throughout the County that are responsible for collecting and remitting transient occupancy taxes and (2) utility customers who are connected to the water and sewer system operated by the Department of Public Utilities.

In light of the significant financial impact on utility ratepayers and those who are responsible for collecting and remitting transient occupancy taxes, it appears that some financial relief is appropriate. While the County cannot waive penalties and interest, it is responsible for setting the amounts of any penalty and the applicable interest rate.

Ordinance 20-07 provides that the applicable penalty shall \$0 and the interest rate shall be 0% for the next 60 days. This 60-day period is the maximum allowed for an emergency ordinance; should the Board wish to extend either or both of these modified penalty/interest rate periods, it may do so in accordance after the required public notice and public hearing.

**County Administrator's Recommended Board Motion:** Motion to (1) adopt Ordinance 20-07 and (2) authorize the advertisement of a public hearing for consideration of this ordinance in accordance with the general notice provisions of the Code of Virginia

**ORDINANCE 20- 07**

**EMERGENCY**

**AN ORDINANCE TO PROVIDE THAT, NOTWITHSTANDING THE PROVISIONS OF THE HANOVER COUNTY CODE TO THE CONTRARY, DURING THE PENDENCY OF THE LOCAL EMERGENCY AS DECLARED ON MARCH 13, 2020 AND RATIFIED ON MARCH 25, 2020 BY THE HANOVER COUNTY BOARD OF SUPERVISORS, BETWEEN MARCH 25, 2020 AND MAY 23, 2020 THERE SHALL BE NO PENALTY OR INTEREST CHARGED FOR THE LATE PAYMENT OF WATER AND SEWER CHARGES AND THE LATE REMITTANCE OF TRANSIENT OCCUPANCY TAXES.**

WHEREAS on March 13, 2020, the County Administrator, acting as Director of Emergency Management pursuant to authority of the Board of Supervisors, declared that an emergency existed in Hanover County requiring activation of the Emergency Operations Plan pursuant to Section 44-146.21 of the Code of Virginia in response to the public health crisis and disaster created by the COVID-19 pandemic; and

WHEREAS on March 25, 2020, the Board of Supervisors confirmed the Declaration of Local Emergency in accordance with Section 44-146.21 of the Code of Virginia; and

WHEREAS the Board of Supervisors has determined that water and sewer ratepayers and those who remit transient occupancy taxes will be significantly impacted by the effects of the Local Emergency; and

WHEREAS the Board of Supervisors has determined that providing relief for these ratepayers and taxpayers from penalties and interest for the late payment or remittance of charges and taxes will provide significant assistance to those individuals; and

WHEREAS the Board of Supervisors has determined that, due to the nature of the Local Emergency, such relief should be granted before the notice and advertising requirements of the Code of Virginia can be complied with; and

WHEREAS Section 15.2-1427(F) of the Code of Virginia provides that the Board may adopt emergency ordinances without prior notice;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That, notwithstanding the provisions of Sections 20-32 and 23-66 of the Hanover County Code, between March 13, 2020 and May 23, 2020, the penalty shall be \$0 and the interest rate shall

be 0% for the late payment of water and sewer charges.

2. That, notwithstanding the provisions of Section 22-113 through 22-115 of the Hanover County Code, between March 13, 2020 and May 23, 2020, the penalty shall be \$0 and the interest rate shall be 0% for the late remittance of transient occupancy taxes.
3. This ordinance shall be effective on the date of adoption.
4. That, since this Ordinance is adopted as an Emergency Ordinance pursuant to Section 15.2-1427(F), its provisions shall be in effect for sixty days unless the Board adopts an ordinance in accordance with the general notice and public hearing requirements set forth in the Code of Virginia.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No.

Page No. 1 of 2

Agenda Title: **EMERGENCY ORDINANCE – To Relieve Taxpayers From Penalties and Interest Associated with Late Remittances of Food and Beverage Taxes and Transient Occupancy Taxes First Due and Owing Between March 17, 2020, and June 22, 2020**

For Clerk's Use Only: Date: _____ ( ) Approved ( ) Denied ( ) Amended ( ) Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b>	<b>YES NO OTHER</b>
	Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____	Branin, T. _____ Nelson, T. _____ O'Bannon, P. _____ Schmitt, D. _____ Thornton, F. _____

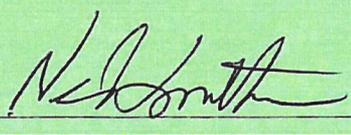
**WHEREAS**, the Board of Supervisors wishes to assist its residents and businesses as the community contends with the state of emergency and disaster caused by the COVID-19 pandemic; and,

**WHEREAS**, Section 15.2-1413 of the Code of Virginia authorizes the Board to act to assure continuity in government in the event of a disaster; and,

**WHEREAS**, Section 15.2-1427(F) of the Code of Virginia provides that the Board may adopt emergency ordinances without prior notice; and,

**WHEREAS**, the Board determines that providing taxpayers relief from penalties and interest associated with late remittances of transient occupancy taxes and food and beverage taxes will promote continuity of government and grant needed relief to businesses and individuals affected by the disaster.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

By Agency Head 

By County Manager 

Routing:  
Yellow to: \_\_\_\_\_  
Copy to: \_\_\_\_\_

Certified:  
A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

Date: \_\_\_\_\_

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No.

Page 2 of 2

**Agenda Title: EMERGENCY ORDINANCE – To Relieve Taxpayers From Penalties and Interest Associated with Late Remittances of Food and Beverage Taxes and Transient Occupancy Taxes First Due and Owing Between March 17, 2020, and June 22, 2020**

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1. *Relief From Penalties and Interest Associated with Late Remittances of Transient Occupancy Taxes.* Notwithstanding the provisions of section 20-277(b) and (c) of the Code of the County of Henrico, penalties and interest will not accrue for any late remittance of transient occupancy taxes that would be first due and payable to the County between March 17, 2020, and June 22, 2020, if remitted on or before June 22, 2020. This relief does not delay the due date of reports required by section 20-276 or affect remittances that were due before March 17, 2020.

2. *Relief From Penalties and Interest Associated with Late Remittances of Food and Beverage Taxes.* Notwithstanding the provisions of section 20-851(b) and (c) of the Code of the County of Henrico, penalties and interest will not accrue for any late remittance of food and beverage taxes that would be first due and payable to the County between March 17, 2020, and June 22, 2020, if remitted on or before June 22, 2020. This relief does not delay the due date of reports required by section 20-847 or affect remittances that were due before March 17, 2020.

3. That this ordinance shall be in full force and effect on and after its passage as provided by law but shall not remain in force for more than 60 days unless readopted in conformity with the provisions of the Code of Virginia.





**Business Breakdown**

Business Category	Business Subcategory	COVID-19 Status	Total # of Businesses	Home	Storefront
Beauty Services	Barber Shop	Close	4		4
Beauty Services	Hair Salon	Close	6		6
Beauty Services	In-Home Hair Salon	Close	3	3	
Beauty Services	Massesse	Close	1		1
Beauty Services	Nail Salon	Close	3		3
Education	Driving School	Close	1		1
Entertainment	Art Studio	Close	2		2
Entertainment	Bowling Alley	Close	2		2
Entertainment	Dance Studio	Close	2		2
Entertainment	DJ	Close	3	2	1
Entertainment	Escape Room	Close	1		1
Entertainment	General	Close	1	1	
Entertainment	Karate Studio	Close	1		1
Entertainment	Music Lessons	Close	1		1
Entertainment	Music Studio	Close	1		1
Entertainment	Party Rentals	Close	2	1	1
Entertainment	Theatre	Close	2	1	1
Fitness	Gym	Close	2		2
Medical	Dentistry	Close	7	1	6
Medical	Optometry	Close	1		1
Medical	Oral Surgery	Close	1		1
Religious Organization	Church	Close	3		3
Restaurant	Catering Service	Close	1		1
Retail	Comic Books	Close	2		2
Retail	Department Store	Close	2		2
Retail	Home Furnishings	Close	1		1
Unsure	Unsure	Close	19	17	2
Auto	Auto Repair	Open	22	2	20
Auto	Body Shop	Open	1		1
Auto	Bus Repair	Open	1		1
Auto	Car Wash	Open	1		1
Auto	Towing	Open	6	2	4
Auto	Truck Repair	Open	2		2
Education	Day Care	Open	10	6	4
Home Repair	Concrete Repair	Open	1	1	
Lawn Care	Landscaping	Open	8	7	1
Lawn Care	Tree Removal Services	Open	2	2	
Manufacturing	Boat Motors	Open	2		2
Manufacturing	Chemicals	Open	2		2
Manufacturing	Hydraulics	Open	1	1	
Manufacturing	Industrial Services	Open	2		2
Manufacturing	Machine Shop	Open	2	1	1
Manufacturing	Packaging	Open	1		1
Manufacturing	Petroleum	Open	2		2
Manufacturing	Production Repair	Open	1	1	
Manufacturing	Scrap Yard	Open	1		1
Manufacturing	Welding Services	Open	1		1
Manufacturing	Wood	Open	1		1
Marina	Marina	Open	1		1
Medical	Medical Equipment Supplier	Open	1		1
Medical	Nursing Home	Open	2		2
Professional Services	Accounting	Open	3		3
Professional Services	Author	Open	2	2	
Professional Services	Embroidery	Open	1	1	
Professional Services	IT Services	Open	4	3	1
Professional Services	Laundromat	Open	3		3
Professional Services	Pet Grooming	Open	1		1
Professional Services	Printing Services	Open	1		1
Professional Services	Private Investigator	Open	2		2
Professional Services	Transcription Services	Open	2	2	
Real Estate	Property Management	Open	2		2
Restaurant	Coffee Roastery	Open	1		1
Retail	Convenience Store	Open	11		11
Retail	Discount Store	Open	8		8
Retail	Firearms	Open	3	1	2
Retail	Florist	Open	2	1	1
Retail	Garden Center	Open	1		1
Retail	Grocery Store	Open	6		6
Retail	Home Improvement	Open	3		3
Retail	Manufacturing	Open	1		1
Retail	Marina Services	Open	4		4
Retail	Mobile Phones	Open	1		1
Retail	Pet Supplies	Open	1		1
Retail	Pharmacy	Open	2		2
Transportation	Non-emergency Medical Transp	Open	2	2	
Transportation	Trucking Business	Open	4	4	
Auto	Auto Rental	Reduce Operations	1		1
Auto	Auto Sales	Reduce Operations	4		4
Community Organizations	Community Organizations	Reduce Operations	5		5
Education	Tutoring	Reduce Operations	3	1	2
Entertainment	Artist	Reduce Operations	2	2	
Entertainment	Video Services	Reduce Operations	1	1	
Financial	Bank	Reduce Operations	1		1
Financial	Credit Repair	Reduce Operations	1		1
Financial	Financial Advisor	Reduce Operations	3	3	
Financial	Leasing Services	Reduce Operations	1		1
Financial	Loan Services	Reduce Operations	1		1
Financial	Tax Preparation	Reduce Operations	2	1	1
Financial	Title & Escrow Services	Reduce Operations	1		1
Home Repair	Cleaning Service	Reduce Operations	12	9	3
Home Repair	Heating & Air	Reduce Operations	1		1
Home Repair	Organizing Service	Reduce Operations	1	1	
Home Repair	Painting	Reduce Operations	1	1	
Home Repair	Pest Control	Reduce Operations	1		1
Home Repair	Property Maintenance	Reduce Operations	1	1	
Home Repair	Traction Services	Reduce Operations	1	1	
Hospitality	Hotel	Reduce Operations	5		5
In-Home	Food Service	Reduce Operations	2	2	
In-Home	Home Décor	Reduce Operations	3	3	
In-Home	Wood Working	Reduce Operations	1		1
Manufacturing	Apparel	Reduce Operations	2	1	1
Manufacturing	Metal Works	Reduce Operations	1		1
Manufacturing	Truck Liner	Reduce Operations	1		1
Medical	Animal Hospital	Reduce Operations	1		1
Medical	Behavioral Health	Reduce Operations	1		1
Medical	Cardiologist	Reduce Operations	2		2
Medical	Counseling	Reduce Operations	8		8
Medical	Dialysis Services	Reduce Operations	2		2
Medical	Home Health Care	Reduce Operations	2	1	1
Medical	Nephrology	Reduce Operations	1		1
Medical	Primary Care Physician	Reduce Operations	8		8
Medical	Radiology	Reduce Operations	1		1
Medical	Training Courses	Reduce Operations	1		1
Nonprofit Organization	Animal Causes	Reduce Operations	1	1	
Nonprofit Organization	Environmental	Reduce Operations	1		1
Nonprofit Organization	Political	Reduce Operations	1	1	
Nonprofit Organization	Unsure	Reduce Operations	1		1
Professional Services	Attorney	Reduce Operations	19		19
Professional Services	Business Development	Reduce Operations	2		2
Professional Services	Construction	Reduce Operations	3	1	2
Professional Services	Engraving Services	Reduce Operations	2	1	1
Professional Services	Funeral Home	Reduce Operations	2		2
Professional Services	Marketing Agency	Reduce Operations	2	2	
Professional Services	Moving Services	Reduce Operations	1		1
Professional Services	Photography	Reduce Operations	5	5	
Real Estate	Real Estate Agency	Reduce Operations	3		3
Real Estate	Realtor	Reduce Operations	31		31
Restaurant	Food Truck	Reduce Operations	5	5	
Restaurant	Full Service	Reduce Operations	20		20
Restaurant	Meadery	Reduce Operations	1		1
Restaurant	Quick Service	Reduce Operations	20		20
Retail	Auto Parts	Reduce Operations	2		2
Retail	Clothing	Reduce Operations	4	1	3
Retail	Equipment Rental	Reduce Operations	1		1
Retail	In-Home Business	Reduce Operations	1	1	
Retail	Specialty Food & Beverage	Reduce Operations	1		1
Retail	Thrift Store	Reduce Operations	6	1	5
Retail	Vape	Reduce Operations	1		1
Transportation	Limo Service	Reduce Operations	1	1	
Transportation	Taxi Service	Reduce Operations	1		1

**R-4**

**R-5**

# RULES AND PROCEDURES OF THE HOPEWELL CITY COUNCIL



## I. PURPOSE AND BASIC PRINCIPLES UNDERLYING RULES OF PROCEDURE

### 1-1 Purpose of Rules of Procedure

- A To enable the City of Hopewell (“City”) government to transact business expeditiously and efficiently.
- B To protect the rights of each individual Hopewell City Council (“Council”) member.
- C To preserve a spirit of cooperation among Council members.
- D To determine the pleasure of the Council on any matter.

### 1-2 Basic Principles Underlying the Rules of Procedure

- A Only one subject may claim the attention of the Council at one time.
- B Each item presented for consideration is entitled to full and free discussion; no member shall speak for the second time on a topic until every member desiring to speak has spoken once.
- C Every member has rights equal to every other member.
- D The will of the majority must be carried out and the rights of the minority must be preserved.

- E The personality and desires of each member should be merged into the larger unit—the Hopewell City Council.
- F Discussion by members should be directed at the specific issue before the Council, not at other members.

### **1-3 Rules of Interpretation**

A These Rules of Procedure are rules of parliamentary procedure and are for the convenience of its members. Except for those rules that are specifically provided by the City Charter, they do not have the force of law.

B Where these Rules of Procedure are silent, Robert’s Rules of Order shall prevail and govern questions of order and procedure.

C Only members of the Council have standing to raise a point of order or to challenge a ruling of the President or other action of the Council on the basis of compliance or non-compliance with these Rules of Procedure or Robert’s Rules of Order. In no event shall questions over compliance with these rules be raised judicially.

D Non-compliance with these Rules of Procedure must be raised at the time of the non-compliance, and prior to continued debate or a vote. If a challenge is timely raised, the only relief available shall be the correction of the error in conformance with the Rules of Procedure. If a challenge is not timely raised, the right to challenge the non-compliance is waived. In no event shall a violation of these rules result in the voiding or overturning of any action of the Council.

E Failure to comply with these rules or Robert’s Rules of Order shall not invalidate any Council action otherwise valid at law.

## **II. COUNCIL MEETINGS**

### **2-1 City Council to Sit in Open Meeting**

A The Council shall sit in open meeting and all persons conducting themselves in an orderly manner may attend the meetings; provided, however, the Council may conduct a closed meeting as permitted under the Virginia Freedom of Information Act or other provisions of law.

B Subject to the approval by the President, a member of the Council may participate in an open meeting from a remote location through electronic communications

means even though the remote location is not open to the public. Such participation shall be strictly conditioned upon a satisfactory showing of the following:

- (1) A quorum of the public body is physically assembled at the open meeting; and
- (2) prior to the open meeting, the member (a) has notified the President that the member is unable to attend the meeting due to an emergency or personal matter, (b) has described the nature of such emergency or personal matter with sufficient specificity; and (c) the member has not participated in more than two meetings from a remote location in any given calendar year; or
- (3) prior to the open meeting, the member has notified the President that the member is unable to attend the meeting due to a medical condition or a temporary or permanent disability that prevents such attendance.

C In all cases in which attendance by remote location is approved, the President shall cause to be recorded in the minutes of the meeting the identification of the remote location from which a member participates, and the specific nature of the emergency or personal matter causing member to request remote location, or, where applicable (and with less specificity), a reference that the member is unable to attend the meeting due to a medical condition or a temporary or permanent disability.

D The President shall disapprove the member's request to participate from a remote location if such participation will violate the policy set forth herein. The President shall state the reason(s) for his or her disapproval with specificity in the presence of the Board, and shall have the same recorded in the minutes of the meeting.

E The Council shall make arrangements for the voice of the remote member to be heard by those persons assembled at the open meeting location.

## **2-2 Conduct in Meeting**

A The effectiveness and efficiency of governmental bodies in serving the public is enhanced by the proper conduct of all participants of meetings and work sessions of the Council.

B All such meetings and work sessions shall be conducted with observance by all participants of the fundamental rules of civility, including restraint in demeanor and respect for others and their views. This rule is not intended to restrict disagreement or opposition to any proposal, motion, or argument rather this rule is intended to restrict the manner in which such disagreement or opposition is expressed. Shouting, profanity, threats, personal attacks, abusive or slanderous statements, and other similar actions are prohibited. Should the actions of a member or attendee violate the foregoing guidelines for conduct, in the view the Presiding Officer or of a majority of Council, the Presiding Officer may address that participant's deviation from the guidelines. The Mayor/Presiding Officer

may reprimand any person who violates these guidelines or engage in disorderly conduct while addressing Council. A second occurrence of violation or disorderly conduct by the same person during the same meeting shall require his or her removal from the meeting. Attendance by that person at subsequent meeting shall be permitted only upon petition to Council which must be approved by majority vote. Any member making personal, impertinent, abusive or slanderous statements, or who shall incite disorderly conduct shall be reprimanded by the Mayor and may also removed from the meeting, but only upon a majority vote of the Council, which shall not (for the purposes of this rule) include the member whose continued presence is being considered.

C Council Members and Administration shall be addressed by title or Mr., Mrs., or Miss during meetings.

D The rules of conduct described herein are intended to apply to all City Council appointees to any agency, committee, commission, or similar entity.

### **2-3 Regular Meetings**

A Regular meetings shall be held on the second and fourth Tuesdays of each month in the Council Chamber, third floor of the Municipal Building, 300 N. Main Street, Hopewell, Virginia commencing at 5:30 p.m., if a closed meeting item(s) can and should be addressed. The regular business meeting shall begin at 6:30 p.m. and shall be devoted primarily to city business, including action items, discussion/presentations, and policy formation. Public hearings, when such have been scheduled or are required by law, shall be conducted on the second Tuesday of each month beginning at 7:30 p.m.

B When a regularly scheduled meeting falls on a legal holiday or Election Day, the meeting shall be held on the following business day.

C A regular meeting may be cancelled by the President (or the Vice-President if the President is unable to act), or upon a finding that weather or other conditions are too hazardous for the members or the public to attend. In the event the regular meeting is cancelled due to weather or hazardous conditions, the meeting may be held on the next business day on which the weather or hazardous condition has abated or as determined by the President or Vice-President without further advertisement or notice.

D Regular meetings may be adjourned without further public notice, from day to day, from time to time, or from place to place, until the business before the governing body is completed. However, regular meetings may not be adjourned beyond the fixed date for the next regularly scheduled meeting.

### **2-4 Special Meetings**

A The City Council may hold special meetings as deemed necessary, at such times and places at it may find convenient.

B A special meeting may be held on the call for the same by the president, the city manager, or any members of Council, but as a general practice should not be called for matters which can be timely addressed at the next regular meeting.

C Only matters determined by the caller and specified in the notice shall be considered at the special meeting except by unanimous consent of all members of Council. Notice of special or emergency meetings shall be reasonable under the circumstances and given contemporaneously with that notice provided to the members. Special meetings may be adjourned.

D Notice for special-called meetings shall be reasonable under the circumstances, as provided by §2.2-3707 of the Code of Virginia, as amended.

### **2-5 Work Sessions**

A Work Sessions constitute public meetings of the City Council and shall require legal notice as required by §2.2-3707 of the Code of Virginia, as amended.

B Work sessions may be called and convened as a “Council Work Session” but shall be treated as a special meeting unless such work session(s) was scheduled and approved in advance at the City Council’s reorganization meeting.

C Because work sessions are intended to provide Council sufficient time to fully discuss and consider matters affecting the City, except for the period of time scheduled for the meeting, members of the City Council shall not be limited in their discussion or consideration related to any matter noticed to be before the Council at a work session.

D For any work session scheduled, the City Manager will attend and present information as deemed necessary and appropriate for the subject matter or purposed noticed and procure the attendance of all necessary City staff and information to ensure the efficient use of a work session.

E Upon advance notice, staff and/or outside agencies may be requested by City Council to make a presentation to the Council during a Council Work Session.

F Council reserves the right to take formal votes at any meeting at which a quorum is present, including at a work session.

### **2-6 Closed Meetings**

A A closed meeting may only be convened in conformance with the Virginia Freedom of Information Act or other provision(s) of law that would make such meetings or discussions of items in those meetings confidential.

B No resolution, ordinance, rule, contract, regulation or motion agreed to in a closed meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

C At the conclusion of a closed meeting, the Council shall reconvene in open meeting immediately thereafter and shall take a roll call vote certifying that to the best of each member's knowledge:

- (1) Only public business matters lawfully exempted from open meeting requirements were discussed; and
- (2) Only public business matters identified in the motion convening the closed meeting were heard, discussed or considered.

D Any member who believes that there was a departure from certification requirements of Rule 2-6(C)(1) or (2) shall state so prior to the vote, indicating the substance of that departure (in his or her judgment). The member's statement shall be recorded in the minutes.

E The failure of a certification to receive the affirmative vote of a majority of the members present during the closed meeting shall not affect the validity or confidentiality of the closed meeting with respect to matters considered therein in compliance with the Virginia Freedom of Information Act.

F The Council may invite non-members to attend a closed meeting if the presence of the non-members will reasonably aid the Council in its consideration of an issue.

G Any member may request a proposed closed meeting item be pulled from the agenda for a separate vote on entering closed meeting, at his or her discretion.

H Any matter discussed in closed meeting is privileged and shall not be disclosed by any member or invited guest, except as required by court order.

## **2-7 Public Hearings**

A The order of business for consideration of a matter on the Board's public hearing agenda shall be as follows: (1) Staff presentation, (2) Applicant's Presentation, (3) Comments from members of the public, (4) Close Public Hearing, (5) Follow-up Questions to staff or applicant, if any, and (6) Council discussion and/or action.

B Members of the Council may direct questions to staff during the staff's presentation.

C After public comment, any member may ask the applicant to respond to specific questions raised by the public.

D Each speaker may have up to 3 minutes to make comments to the Council regarding the subject of the public hearing, whether speaking as an individual or as a representative of any group or organization. Speakers shall not be permitted to yield their time to another. In the event of a large number of speakers resulting in the continuation of the hearing, any person not heard at the initial public hearing will be the first to speak at the continued hearing.

E The Chair has the authority to add to or decrease the time allotted to each speaker based on the number of citizens who sign up to speak. The order of speakers will be determined by the sign in registry.

F On any matter referred to the Council by the Planning Commission, if the applicant or its authorized representative fails to appear before the Council at any City Council hearing or proceeding on the Applicant's matter, the Council may deem the absence as a request from the applicant to withdraw the application.

## **2-8 Time Limitation**

All meetings will have a three-hour time limit from beginning to end unless Council waives or suspends this rule to extend the meeting. Any item not addressed within the three (3) hours will be continued to the next scheduled meeting as Unfinished Business.

## **2-9 Discussion Limitation**

Each member may speak up to but no more than 10 minutes on any agenda item, if a motion has been made and seconded. This limitation shall be applied to all questions, discussion, and debate made by the member. No member shall speak more than one time on such item unless every other member has been given an opportunity to speak for the same number(s) of time. A member shall not have the right to yield any of his or her time to another member. The time limitations imposed by this rule shall not apply to work sessions or public hearings.

# **III CONDUCT OF BUSINESS**

## **3-1 Order of Business**

A Call to Order

B Roll Call. In the absence of a quorum at the time appointed for a meeting, the members present by a majority vote take a recess or recesses and direct the Clerk to procure the attendance of absent members. A quorum exists when a majority of Council is present. Should a quorum be not established within no later 30 minutes of the meeting time, the meeting shall be adjourned.

C Closed Session

D General Business/Administrative Session

- (1) Invocation shall be conducted in accordance with §15.2-1416.1 of the Code of Virginia (1950), as amended, prior to the governing body's actual call to order or convening of business.
- (2) Pledge of Allegiance
- (3) Adoption of Regular and Consent Agenda (any change after this point will require 2/3 vote)
- (4) Minutes Approval
- (5) Consent Agenda Items. The President, City Manager, or Clerk are encouraged to place routine business, non-controversial matters requiring Council action on the Consent Agenda. Each item for which action will be taken by consent shall be separately listed on the consent agenda. Any Council member may remove items from the Consent Agenda and place them on the regular agenda before consent agenda vote is taken.
- (6) Recognitions/Proclamations/Appointments
- (7) Communications from Citizens/Public Comment. The Council shall set aside thirty (30) minutes for Communications from Citizens to receive comments from any citizen on any topic not set for public hearing at that meeting. Each citizen shall be allocated three (3) minutes of time to address the Council. All remarks shall be addressed to Council as a body and not to any specific member. Speakers shall not be allowed to: (a) campaign for public office, (b) promote private business ventures, (c) engage in personal attacks, or (d) use profanity or vulgar language. No questions shall be asked (or answered) during the citizen comment period. With due consideration of First Amendment rights and the general limitations imposed herein, the Chair shall have the authority to determine that a matter addressed by a citizen is not an appropriate matter to be heard at the Council meeting. If the chair makes such a determination, any member of Council may make a motion to allow the citizen to speak on the matter. No second shall be required and a majority vote of Council will make the final determination on the issue. In the event that not every speaker has had an opportunity to speak within the thirty (30) minutes, the President shall poll the Council on the question of amending the agenda to add more speaking time after the scheduled business of the meeting.
- (8) Presentations/Information/Discussion Items Presentations (Presentations will be limited to 10 minutes.)
- (9) Unfinished Business
- (10) New Business/Action Items
- (11) Reports of Officers, Boards, Commissions, and Standing Committees

E Public Hearings 7:30 p.m.

**3-2 Motions**

A No motion shall be discussed prior to being duly seconded. Once the motion is seconded, the person making the motion shall have a reasonable time as determined by the Chair to give his/her reasons in support of the motion prior to the start of debate.

B All motions shall be duly seconded before being submitted to the Council for action.

C When a question is under discussion, no motion shall be received unless it is one to:

- (1) To fix the time to adjourn
- (2) Adjourn/recess
- (3) lay on the table,
- (4) [call] for the previous question,
- (5) Postpone to a certain time
- (6) Refer
- (7) Amend
- (8) Postpone indefinitely (kill). Such motion shall have precedent in the foregoing order.

D No member should speak for the second time on a motion until every member desiring to speak has spoken.

E A member shall confine his or her debate to the specific motion under debate.

F Upon the demand of any member, a question under consideration and covering two or more points shall be divided when the question admits such division.

G Upon a call for a question, the Chair shall determine whether there exists any objection to ending discussion. If none, the question shall be called. If any person objects, the Chair shall seek a second for the motion to call for the question. A two-thirds (2/3) majority shall be required to end debate.

H When a vote on a motion has been announced, it may be reconsidered:

- (1) During the meeting in which the vote was taken or during the next regularly scheduled meeting that immediately follows the vote; and
- (2) only upon the motion of a member who voted with the prevailing side. (In the event a motion fails due to a tie vote, a motion to reconsider may be made by any member.)

I Failure of a motion couched in the negative shall not authorize positive action.

J A tie vote defeats the question being voted upon, except as provided by §15.2-1420 of the Code of Virginia (1950), as amended.

K A motion to rescind or to amend a prior action adopting something with continuing effect by the Council may be made by any member at a subsequent meeting upon proper notice having been given. There is no time limit for the making of such a motion. Voting requirement is a majority of a quorum, if no advance notice is given to the motion to rescind or amend prior action, the voting requirement shall be a 2/3 vote.

L A motion to rescind or amend a prior action shall be deemed improper if:

- (1) the original action by the Council was subject to a motion for reconsideration
- (2) the action or inaction of a third party in reliance on the original Council's action is impossible to undo
- (3) in certain personnel actions that have been taken (as described in Robert's Rules of Order); and
- (4) in any land use decision.

M As applied to any action taken by the Council, the terms "adopt", "accept", "agree to" and "approve" are equivalent terms, and the usage of one over another shall not constitute a basis for challenging or invalidating Council action. Notwithstanding the foregoing, the term "adopt" is preferred for motions related to ordinances and resolutions.

### **3.3 Method of Voting**

A All questions shall be stated and put the members by the Presiding Officer.

B Every member present when a question is put shall vote either "yes" (or "aye") or "no" (or "nay"). No member shall participate in a vote on any ordinance, resolution or motion dealing which s/he is an attorney, officer, director, agent or has a financial interest other than as a minority stockholder or as a citizen. Except on matters involving the consideration of his official conduct or where his financial or personal interests are involved, no member shall be excused from voting. In accordance with §2.2-3112 Code of Virginia, as amended, a member shall disclose his or her personal interest(s) and the same shall be recorded in the minutes. Silence shall be recorded as an affirmative vote.

C Votes concerning the approval of any ordinance or resolution shall be by roll call by the Clerk, followed by immediate statement of result. Roll call for voting on motions shall be chronological by ward numbers.

## **IV MEMBERS – DUTIES AND PRIVILEGES**

**4.1 Suspend Rule.** These Rules of Procedure may be suspended or waived at any time by the vote of 2/3 of all members present.

**4.2 Abstract of Statement.** A member may request through the President the privilege of having an abstract of his or her statement on any subject under consideration by Council entered into the minutes.

**4.3 Removal of Agenda Item.** Once a member places an item on the agenda, that item can only be removed by the member who requested it prior to the adoption of the agenda. Once the agenda is adopted, any item can be removed by a 2/3 vote of all members present.

**4.4 Seating.** Members are seated at the council chamber dais as follows. President/Mayor: center; Vice Mayor: immediate left of mayor; most-recent past mayor, if any: immediate right of mayor; remainder of members: in increasing numerical order by ward, starting at the far left of the mayor and the immediate right of the city manager. If the vice mayor is the most-recent past mayor, then the next-most-recent past mayor sits to the right of the mayor. The remaining seats are occupied, from the far left, by the city attorney, the city manager, the city clerk, and the assistant city clerk, respectively.

Assistant City Clerk	City Clerk		Immediate Former Mayor	Mayor	Vice Mayor			City Manager	City Attorney
The four wards not represented by the Mayor, Vice Mayor and Immediate Past Mayor (*if there is one) are seated in chronological order by Ward beginning to the far left of the Mayor with the first consecutively numbered ward.									

**4.5 President/Chair.** The President/Mayor shall preside over all meetings of the Council and shall assist with the preparation of meeting agenda unless otherwise provided by law or these Rules of Procedure. The Chair shall preserve decorum and decide all questions of order subject to appeal to Council. In the case of an appeal from a ruling of the Chair, the question shall be put: “Shall the decision of the Chair stand as the decision of the Council?” The Chair may call upon the Vice Mayor or any member, who has not and will not speak on an issue, to take the Chair for a single issue until such is resolved. In no instance shall this substitution extend beyond adjournment.

**4.6 Temporary Chairman.** In the absence of the Mayor and Vice Mayor, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, Council shall proceed to elect by a majority of those members present, a chairman to act until such time as the Mayor or Vice Mayor appears.

**4.7 Excused during meeting.** Any member desiring to be excused while Council is in session shall obtain such permission from the Chair.

**4.8 Standing committees.** Standing committees shall be created only by resolution, which shall include the purpose and composition of the membership (by number), and shall be approved at a regular Council meeting. Once established, members shall be appointed by the Mayor, with the concurrence of members of Council. The Mayor may designate a chairman of the committee. The committee may elect a vice-chairman to serve in the absence of the

chairperson. Standing committees shall make periodic reports and recommendations to Council for their information and consideration.

**4.9 Special committees.** Special committees are appointed by the Mayor for specific purposes, with the concurrence of members of Council. Special committees shall terminate, by operation of law, upon completion of the assigned task and report to Council. Any special committee not terminated, shall be terminated on the date of the reorganization meeting at which a Mayor and Vice-Mayor are elected.

## V MISCELLANEOUS

**5.1 Clerk of Council.** The Clerk shall be the custodian of all the papers, correspondence, and records of the Council and shall keep official minutes of proceedings which shall record the motions and votes of Council and only such further detail of matters as may be approved by majority vote or requested publicly “for the record” which may be in writing and shall be attributed to the individual Council member making the request. In the absence of the Clerk, and/or the Backup City Clerk, the Mayor shall appoint a Clerk pro tem to keep the minutes and file same in the office of the City Clerk. Detailed debate shall not be recorded in minutes unless requested by Council at public session and with majority of Council’s support. Minutes shall be mainly a record of what was done at the meeting, not what was said by the members. Any question as to the contents of the minutes may be decided only by a majority of Council at the time the minutes are approved.

**5.2 Parliamentarian.** The City Attorney shall be parliamentarian. When requested by the Chair, she shall advise the Chair on points of order and parliamentary inquiries.

18. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates. Council members entering office shall sign a statement affirming that they have read and understood the City of Hopewell's City Council Rules of Conduct.

19. Compliance and Enforcement

City Council members themselves have the primary responsibility to assure that the ethical standards are understood, met, and that the public can continue to have full confidence in the integrity of City government.

I affirm that I have read and understand the City of Hopewell City Council Rules of Conduct.

Signature

\_\_\_\_\_  
Date

**R-6**



# City of Hopewell Policy Statement

Policy Number: \_\_\_\_\_

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## SUBJECT: Technology Equipment Purchasing Policy

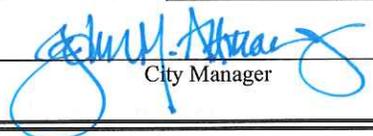
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ORIGINATING OFFICE:  
City Manager \_\_\_\_\_

(TO BE FILLED OUT BY THE CITY MANAGER)  
EFFECTIVE DATE: March 5, 2020

ADMINISTERING DEPARTMENT: Information Technology

APPROVED BY:   
City Manager

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### 1. Overview

The purpose of this policy is to outline the process by which the City of Hopewell acquires technical equipment as well as the purchasing of office software, computers and laptops for employees. The goal of the policy is to ensure that each employee has a suitable computer and office software to perform his/her assigned responsibilities while also providing judicious stewardship of city's resources.

### 2. Scope

This policy applies to all office software, desktops, laptops and tablet computers purchased with City of Hopewell's funds or grant funds, regardless of their actual location of use. In the context of this policy, a "computer" is defined as a complete working computer system. A computer system includes a monitor, desktop, keyboard and mice and generalized organization software (i.g., Office Software). The complete computer systems does not include tablets, printers, peripherals, external memory, external disk drives, additional monitors, or departmental software.

### 3. Centralized Computer Purchases

All computer purchases must be made through with Information Technology Department and must adhere to the City's procurement and technologies policies and standards, e.g., information security, responsible use, etc. Benefits of a central purchasing process include:

- 3.1 Ensuring that staff, and administrators have access to up-to-date computer systems.
- 3.2 Requiring that computing equipment purchases are reviewed by IT staff.
- 3.3 Consolidating purchasing into large orders to lower costs associated with acquisition and deployment.
- 3.4 Maximizing value by working with preferred vendors.
- 3.5 Reducing the total cost of ownership by purchasing standardized configurations.

- 3.6 Centralizing record-keeping to facilitate effective planning, maintenance, upgrades, and disposal.

#### 4. Policy

All departments are required to inform the Information Technology Department prior to purchasing any technical equipment or related technical purchases to ensure that the technology equipment being purchase is compatible with existing equipment. Also, this is to determine any additional resources or requirements needed related to the product, such as server space; purchased from a reputable manufacturer, has a warrantee and fits within the IT's Department support guideline. All computer purchases must be made with the information technologies preferred supplier(s) and conform to a set of city-specified standard models.

- 4.1 Only one computer per full-time or part-time employee will be refreshed.
- 4.2 Desktop systems will be encouraged for all personnel, unless their job warrants frequent mobility, with approval of Department Director.
- 4.3 Tablets may be purchased with Director's approval but will not be refreshed with IT funds.
- 4.4 Computers or accessories lost or stolen will be replaced by the department assigned the equipment. Each department will be responsible for the replacement and cost of any lost or stolen technical equipment to include, desktop, laptops etc. The Departments' Director may hold the employee responsible for the replacement and/or cost of any lost or stolen technical equipment
- 4.5 Computers with abnormal wear and tear will not be refreshed or replaced until next refreshment period.
- 4.6 All computers will be asset, tagged and entered into the City's Asset Management System.
- 4.8 Employees must complete a technology exit check-sheet and it must be returned to the IT Department upon departing from the city to verify all assigned equipment. If not, the last paycheck will be withheld until the equipment and/or exit check sheet is returned.
- 4.7 Employees whose responsibilities require an alternative to the standard configuration must be approved by the Department's Director.
- 4.8 All computers purchased with city funds remain the property of the City until disposed of through the City of Hopewell surplus property program.

4.9 Departments will be responsible for all other computer and technical related equipment. Each department is responsible for the purchases of: theft replacement (lost or stolen); tablets (iPad or Android) device replacement or repair; monitor larger than 24inch LCD; docking stations; additional monitors; office printers (non-network); Scanners; secondary computers; speakers; wireless technology (headsets, mice, etc); Bluetooth technology.

5.0 The Information Technology will be responsible for providing: new hire computer for new positions; employee temporary computer; monitor 24 inch LCD; network printers and multi-function devices; computer accessories (keyboard, mouse, ups etc.).

## 5. Computer Refresh Cycle

City of Hopewell will follow a 4 year computer refresh cycle. Computers are ordered, managed, and replaced by IT Service. Systems should have at least a 4 year warranty (potentially covered by a fee based extended warranty) and equipment should ideally last 4 years.

## 6. Computer Allocation and Refresh Eligibility

The City has established a standard for which positions/roles are eligible for computers and computer refresh. These standards are based on finances, support staffing, and issues such as software licensing terms and agreements. All computers must be purchased with the approval of the IT Department.

### 6.1 Existing Full Time Employees

Existing full-time staff members with computers that are four years or older will be placed on a computer replacement list for review and be eligible to receive one new computer during the refresh deployment period.

### 6.2 Part Time Employees

Part-Time employees working 30 hours or more per week are eligible to receive a computer if a functional need exists. Requests will be filled based on the availability of resources. Part-Time employees working less than 30 hours per week will not be allocated a dedicated workstation.

### 6.3 New Hires into Existing Full Time Positions

When a position is vacated, any computer that was assigned to that vacating individual will be returned to IT Services as part of our regular inventory. When a new hire fills a vacated position, the new hire will be assigned a computer appropriate for their role & any specific needs. The computer will be refreshed once it reaches its four-year end of life.

### 6.4 Newly Created Full Time Positions

Newly created positions are eligible to receive one new computer when the new hire arrives. Computers for new full-time staff will be ordered and deployed after a supervisor completes a technology Help Desk ticket indicating the need. IT Services requires a minimum of 2 weeks lead time to procure and configure the

workstation. Procurement times may vary based on vendor availability and shipment dates.

## 7. Refresh of Existing Systems

- 7.1 Tablet computers must be purchased with departmental funds and will not be refreshed by IT.
- 7.2 A computer will be refreshed on a one-to-one basis only. Any old system must be returned to the Information Technology department for disposal. Any systems stolen or lost will be replaced by departmental funds.
- 7.3 Computer systems will be refreshed within the fiscal year in which they are determined to be end-of-life.
- 7.4 Upon replacement, the previous computer(s) will be removed by I.T. The computer being refreshed will be returned to I.T. and cannot be kept by the department for other computer needs.
- 7.5 Requests to retain the previous computer at the time of installation of the replacement computer will not be approved.

## 8. Grants for Technology

Departments receiving computer equipment grants must work with Information Technology Department. To determine purchasing needs equipment being-purchased with the grant will be reviewed to ensure that the equipment may be utilized in the City's environment and that ongoing support can be provided.

## 9. Special Needs

- 9.1 I.T. will meet reasonable above-average needs (e.g., larger displays for those who regularly work on two documents simultaneously or for someone with vision problems). If additional computers or special peripherals or software are needed, the funds will be furnished through departmental or grant funds. I.T. will provide assistance by obtaining quotes from vendors and configuring the machines. These computers will not be included in the technology refresh replacement cycle.
- 9.2 I.T. will have several laptops available for special events, presentations and other short-term needs.

## 10. Other Considerations

### 10.1 Time to Delivery

IT Services requires a minimum of 2 weeks lead time to procure and configure the workstation. Procurement times may vary based on vendor availability and ship dates. Therefore, requests should be made in advance of employee arrival.

### 10.2 Theft, Damage and Loss

Barring evidence of negligence, any computer that is lost, stolen or damaged will be replaced with Department Fund. In case of loss or theft, the department must immediately contact the Hopewell Police Department and then report the theft or loss to the IT Services Help Desk. If a computer has incurred accidental damage

that is determined by ITS to be due to negligence or fault of its operator, repair or replacement will be fully covered by department funds.

#### 10.3 Multiple Computers

Each eligible employee will be assigned a single computer. Multiple computers should only be purchased for a single staff member in rare cases where separate computers are required to meet a specific administrative need. Departments may use departmental funds to purchase additional computers for their department.

#### 10.4 Computer Moves and Reallocations

When a department wishes to reallocate a computer within the department, or when an employee moves offices, a help desk ticket should be entered through the city Help Desk to handle this request. No computers should be moved within or between departments without notification to the IT Department. All computers on city need to be accounted for and movement by department members can disrupt this process. For a computer to be on the replacement cycle eligible list, IT Services needs to know where each computer is and who the computer is assigned to.

#### 10.5 Temporary Need Computers

Where a department or user has a short-term computer need of less than 1 month, IT Services will endeavor to make a functional loaner system available. This loaned computer will be returned to IT Services after the short-term need. When a computer is needed for longer than 1 month, arrangements must be made for a purchase to fulfill the need.

#### 10.6 Data Ownership and Migration

The security of data that is stored on a user's assigned drive and in the private cloud. IT Services will assist users in migrating data from the old to new workstation. It is the assigned user's responsibility to confirm they have all needed data from the old computer when it is returned to IT Services. Recipients of new or replacement computers must return the old computer to IT Services within 7 days.

### 11. Policy Administrator

The IT Department may restrict the use of its computers and network systems when presented with evidence of violation of City's policies, or federal or state laws, or when it is necessary to do so to protect the City against potential legal liability. The City of Hopewell reserves the right to limit access to its information technology resources, and to remove or limit access to material stored on the City's technology resources.

CREATED/AMENDED: January 01, 2020

DATE AMENDED: March 5, 2020

**REPORTS OF  
THE  
CITY  
MANAGER**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:**

CAFR Update

**ISSUE:** Update on status of CAFRs

**RECOMMENDATION:** No action is required

**TIMING:**

**BACKGROUND:**

**ENCLOSED DOCUMENTS:**

- None

**STAFF:**

John M. Altman, Jr., City Manager

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

**Roll Call**

**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Jasmine Gore, Ward #4			

**REPORTS OF  
THE CITY  
ATTORNEY**

**REPORTS OF  
THE  
CITY CLERK**

# **REPORTS OF CITY COUNCIL**

- **COMMITTEES**
- **INDIVIDUAL COUNCILORS**
- **CITIZEN/COUNCILOR REQUESTS**
- **PRESENTATIONS FROM BOARDS &  
COMMISSIONS**
- **OTHER COUNCILOR  
COMMUNICATIONS**

**IR-1**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:**

**Request for City Council to vote to establish a rule that supports the new practice to limit City Councilors ability to place items on future agendas, conduct research with staff and seek legal guidance for potential legislative items.**

**ISSUE:** It has been common practice that City Councilors to place items on the City Council Meeting Agendas to obtain a vote from City Council to approve/deny the request. At some point in 2019, some members of City Council began to advocate for Councilors to be limited in their ability to place items on the agenda for City Council approval/denial. In turn, they began to limit the ability for a City Councilor to seek legal guidance to determine legality of any proposed legislation. As of now, some City Councilors are seeking to limit the ability to ask the City Manager to provide information so that one can make a determination about the feasibility of any proposed legislation.

**RECOMMENDATION:** City Council deny establishing any rule that limits City Councilors interaction with City Council’s Appointees (employees) about proposed legislation. City Council has hired professionals in their field of expertise. If he/she cannot assist without causing a high demand of strain on their workload- he/she can request to push the item back or simply request the matter be placed before City Council prior to proceeding. However, if he/she believes that providing assistance for routine/normal request and does not significantly affect his/her workflow – he/she may use discretion as professionals and assist their employer (City Councilors).

**TIMING:** Immediately

**BACKGROUND:****SUMMARY:**

- | Y                        | N                        |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | Y                        | N                        |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

**ENCLOSED DOCUMENTS:**

**STAFF:**

Mayor Gore

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

**Roll Call**

---

**SUMMARY:**

**Y N**

- Councilor Debbie Randolph, Ward #1
- Councilor Arlene Holloway, Ward #2
- Councilor John B. Partin, Ward #3
- Mayor Jasmine Gore, Ward #4

**Y N**

- Councilor Janice Denton, Ward #5
- Councilor Brenda Pelham, Ward #6
- Vice Mayor Patience Bennett, Ward #7

**IR-2**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:** Request for City Council direct the City Manager review city owned spaced and rental properties to identify a location for the Office on Youth to offer programs. In addition, for the City Manager to provide an update as to the costs/needs to renovate Mallonee Gym to house the Office on Youth and the status of the \$250,000 previously allocated by City Council for renovation.

**ISSUE:** The Office on Youth is currently housed in the United Way Building. The City rentals an office, storage space and front desk reception space. The Office on Youth currently has no dedicated space to offer youth programming.

**RECOMMENDATION:** City Council direct the City Manager to accomplish the directive to be determined by City Council by a specific date.

**TIMING:** Immediately

**BACKGROUND:**

**ENCLOSED DOCUMENTS:**

**STAFF:**

Mayor Gore

### FOR IN MEETING USE ONLY

**MOTION:** \_\_\_\_\_

**SUMMARY:**

- | Y                        | N                        |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | Y                        | N                        |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

---

**Roll Call**

---

**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | <b>Y</b>                 | <b>N</b>                 |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

**IR-3**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE**

**Request for City Council direct the City Manager to delegate to staff to review non-developed city land to identify a location for a practice field for youth sports and free citizen usage.**

**ISSUE:** Several groups and residents have shared the need for the City to establish a practice field for various youth supports. If the city can identify public land for the youth to practice during daylight and provide portable restrooms, we can immediately address the need. However, we will have to discuss long-term plans officially develop the field; install lighting; restroom amenities etc. for a permanent location space.

**RECOMMENDATION:** City Council direct the City Manager to accomplish the directive by a specific date determined by City Council.

**TIMING:** Immediately

**BACKGROUND:**

**ENCLOSED DOCUMENTS:**

**STAFF:**

Mayor Gore

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

**SUMMARY:**

- | Y                        | N                        |                                    | Y                        | N                        |                                      |
|--------------------------|--------------------------|------------------------------------|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  | <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |                          |                          |                                      |

---

**Roll Call**

---

**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | <b>Y</b>                 | <b>N</b>                 |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

# City of Hopewell

## 2019 Town Halls



Join City Council for a community discussion and planning session to shape the future of the City of Hopewell. Residents will have an opportunity to voice concerns, share ideas and participate hands on to revamp the City's Strategic Plan.

### TOWN HALL #1

March 19, 2019

Carter G. Woodson Middle School  
1000 Winston Churchill Drive  
Hopewell, VA 23860  
Located - Multi-purpose Room  
6:00 p.m. - 8:00 p.m.

### TOWN HALL #2

March 21, 2019

Hopewell High School  
400 S Mesa Drive  
Hopewell, VA 23860  
Located - Cafeteria  
6:00 p.m. - 8:00 p.m.

### TOWN HALL #3

March 28, 2019

Hopewell Community Center  
100 W City Point Road  
Hopewell, VA 23860  
Located - Gym  
6:00 p.m. - 8:00 p.m.

City Council and staff will discuss the feedback and projects from all Town Halls during City Council's Advance. City Council will unveil the new City-Wide Strategic Plan at the inaugural

*2019 State of the City Address.*



VIEW THE NEW  
CITY WEBSITE  
[WWW.HOPEWELLVA.GOV](http://WWW.HOPEWELLVA.GOV)



DOWNLOAD THE NEW  
CITY APP  
\*LOCATED IN MOBILE APP STORES



DOWNLOAD THE NEW  
CLICK2REPORT APP  
\*LOCATED IN MOBILE APP STORES



Mayor Gore



Vice Mayor Bennett



Councilor Randolph  
Ward 1



Councilor Holloway  
Ward 2



Councilor Partin  
Ward 3



Councilor Denton  
Ward 5



Councilor Pelham  
Ward 6

# Resident Connections

## HOW TO STAY UPDATED

- Contact the City Clerk's Office to sign up for the City's Freedom of Information Act (FOIA) List to receive all city press releases and meeting notifications
- Visit the City's website to view the Weekly City Manager News Briefs
- Visit [hopewellva.gov](http://hopewellva.gov) to view the City's online calendar for City and community events
- Visit [hopewellva.gov](http://hopewellva.gov) to watch City Council Meeting recordings, Agenda Packets & Minutes

## HOW TO STAY NOTIFIED

- Visit [hopewellva.gov](http://hopewellva.gov) or call (804) 541-2288 to sign up for **CODE RED** emergency alerts
- Visit [hopewellva.gov](http://hopewellva.gov) to sign up for **nixle** Public Safety alerts
- Visit [hopewellva.gov](http://hopewellva.gov) to sign up for Notify Me text notifications for City alerts
- Download the *NEW* City of Hopewell App to have direct access to City Hall

## HOW TO STAY CONNECTED

- Visit the [hopewellva.gov](http://hopewellva.gov) to view the complete list of City Resources for residents
  - Prescription Discount Program
  - Real Estate Tax Abatement Program
  - DMV Select
  - Adopt-A-Neighbor Outreach Program
  - Trash Collection/Recycling Services
  - Citizens Academy
  - Smoke Detector Testing
  - Car Seat and Child/Parenting Resources
  - Online Tax Portal
  - Wellness Checks



*Get Social* - FOLLOW, LIKE & SHARE  
@Hopewellva.gov & City Departments Online!

**IR-4**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:**

Request for City Council to set a new date to deliver the “State of the City Address” in February to include the unveiling of the new City Council Strategic Plan.

**ISSUE:** City Council voted in 2019 to hold a “State of the City Address” in spring. However, the event never was organized or executed. Additionally, information was not compiled to provide an update to residents about the current state of the City, its affairs and City Council’s vision. Residents have complained about lack of City Communication and staff have complained about a lack of a Strategic Plan and collective vision from City Council.

**RECOMMENDATION:** City Council direct the City Manager to delegate to his staff accomplish the directive to be determined by City Council.

**TIMING:** Immediately

**BACKGROUND:** None

**ENCLOSED DOCUMENTS:**

- Town Hall Flyer

**STAFF:**

Jasmine E. Gore, Mayor

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Jasmine Gore, Ward #4			

---

**Roll Call**

---

**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | <b>Y</b>                 | <b>N</b>                 |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

**IR-5**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE: Request for City Council to direct the City Manager** provide City Council with the status of uncollected funds within the City of Hopewell prior to providing City Council with any recommendation to raise taxes or fees within the City for the upcoming budget cycle. In addition, final determination if the City and require all vendors the City has contracts with to have all of their taxes/fees paid in full prior to be eligible to do business with City; to include rental/real estate companies – require taxes/fees paid in full prior to receiving permits.

**Request for City Council to direct the City Manager**

**ISSUE:** The Mayor requested the following information on December 19, 2019 and was unable to obtain the data.

1. Wastwater (Water Renewal) uncollected bill amounts (write offs) (individual/business)
2. Data Integrators uncollected bill amounts (individual/business)
3. Uncollected taxes (real estate/personal property)
4. Trash uncollected bill amounts (write offs) (individual/business)
5. Audit reports/schedules with write-offs
6. Industry payments for Wastewater (Water Renewal) for the last 3 years
7. Total value of funding that could not be reconciled for the audit - City Funds/Accounts
8. Total value of funding that did not have backup docs/not approved - City Funds/Accounts
9. Status of money approached to support Wastewater Grant when DEQ required the City to have a reserve of funding approx.. of \$575,000. \*new

Prior to the City Council supporting any recommendation to increase taxes or fees, we must know how much funds has not been collected as projected. Additionally, we must identify why

**SUMMARY:**

- |                          |                          |                                    |                          |                          |                                      |
|--------------------------|--------------------------|------------------------------------|--------------------------|--------------------------|--------------------------------------|
| <b>Y</b>                 | <b>N</b>                 |                                    | <b>Y</b>                 | <b>N</b>                 |                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  | <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |                          |                          |                                      |

funds are not being collected such as contract amendments, staffing, etc. and address those issues immediately before placing the burden on residents to pay to fix errors.

**RECOMMENDATION:** City Council direct the City Manager to complete task by a specific date.

**TIMING:** Immediately

**BACKGROUND:**

**ENCLOSED DOCUMENTS:**

**STAFF:**

Mayor Gore

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

**Roll Call**

---

**SUMMARY:**

**Y N**  
  Councilor Debbie Randolph, Ward #1  
  Councilor Arlene Holloway, Ward #2  
  Councilor John B. Partin, Ward #3  
  Mayor Jasmine Gore, Ward #4

**Y N**  
  Councilor Janice Denton, Ward #5  
  Councilor Brenda Pelham, Ward #6  
  Vice Mayor Patience Bennett, Ward #7

## Chapter 20 - LICENSES<sup>11</sup>

### Footnotes:

--- (1) ---

**Charter reference**— Authority of city to raise revenue by annual licenses, Ch. II, § 2.

**Cross reference**— Dog licenses, § 6-46 et seq.; license for closing-out sales of certain goods, § 30-36 et seq.; license for fire, etc., sales, § 30-96 et seq.; taxation, Ch. 34.

**State Law reference**— Licenses generally, Code of Virginia, § 58.1-3700 et seq.; city license taxes, §§ 58.1-3702—58.1-3706.

### ARTICLE I. - IN GENERAL

#### Sec. 20-1. - Definitions.

For the purposes of this chapter, unless otherwise required by the context:

*Affiliated group* means:

- (1) One (1) or more chains of corporations subject to inclusion connected through stock ownership with a common parent corporation which is a corporation subject to inclusion if:
  - a. Stock possessing at least eighty (80) percent of the voting power of all classes of stock and at least eighty (80) percent of each class of the nonvoting stock of each of the corporations subject to inclusion, except the common parent corporation, is owned directly by one (1) or more of the other corporations subject to inclusion; and
  - b. The common parent corporation directly owns stock possessing at least eighty (80) percent of the voting power of all classes of stock and at least eighty (80) percent of each class of the nonvoting stock of at least one (1) of the other corporations subject to inclusion. As used in this subdivision, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends. The phrase "corporation subject to inclusion" means any corporation within the affiliated group irrespective of the state or country of its incorporation; and the term "receipts" includes gross receipts and gross income.
- (2) Two (2) or more corporations if five (5) or fewer persons who are individuals, estates or trusts own stock possessing:
  - a. At least eighty (80) percent of the total combined voting power of all classes of stock entitled to vote or at least eighty (80) percent of the total value of shares of all classes of the stock of each corporation; and
  - b. More than fifty (50) percent of the total combined voting power of all classes of stock entitled to vote or more than fifty (50) percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

When one (1) or more of the corporations subject to inclusion, including the common parent corporation, is a nonstock corporation, the term "stock" as used in this subdivision shall refer to the nonstock corporation membership or membership voting rights, as is appropriate to the context.

*Assessment* means a determination as to the proper rate of tax, the measure to which the tax rate is applied, and ultimately the amount of tax, including additional or omitted tax, that is due. An assessment shall include a written assessment made pursuant to notice by the assessing official or a self-assessment made by a taxpayer upon the filing of a return or otherwise not pursuant to notice. Assessments shall be deemed made by an assessing official when a written notice of assessment is delivered to the taxpayer

by the assessing official or an employee of the assessing official, or mailed to the taxpayer at his last known address. Self-assessments shall be deemed made when a return is filed, or if no return is required, when the tax is paid. A return filed or tax paid before the last day prescribed by ordinance for the filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return or the payment of tax, as the case may be.

*Assessor or assessing official* means the commissioner of the revenue of the city.

*Base year* means the calendar year preceding the license year, except for contractors subject to the provisions of section 58.1-3715 of the Code of Virginia.

*Business* means a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one (1) business. The following acts shall create a rebuttable presumption that a person is engaged in a business: (i) advertising or otherwise holding oneself out to the public as being engaged in a particular business; or (ii) filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.

*Contractor* shall have the meaning prescribed in section 58.1-3714 (B) of the Code of Virginia, as amended, whether such work is done or offered to be done by day labor, general contract or subcontract.

*Definite place of business* means an office or a location at which occurs a regular and continuous course of dealing for thirty (30) consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person on a temporary or seasonal basis and real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere and the person is not subject to licensure as a peddler or itinerant merchant.

*Direct seller* means any person who: (i) engages in the trade or business of selling or soliciting the sale of consumer products primarily in private residences and maintains no public location for the conduct of such business; and (ii) receives remuneration for such activities, with substantially all of such remuneration being directly related to sales or other sales-oriented services, rather than to the number of hours worked; and (iii) performs such activities pursuant to a written contract between such person and the person for whom the activities are performed and such contract provides that such person will not be treated as an employee with respect to such activities for federal tax purposes.

*Financial services* means the buying, selling, handling, managing, investing, and providing of advice regarding money, credit, securities, or other investments and shall include the service for compensation by a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange, unless such service is otherwise provided for in this chapter.

*Broker* means an agent of a buyer or a seller who buys or sells stocks, bonds, commodities, or services, usually on a commission basis.

*Commodity* means staples such as wool, cotton, etc. which are traded on a commodity exchange and on which there is trading in futures.

*Dealer* for purposes of this chapter means any person engaged in the business of buying and selling securities for his own account, but does not include a bank, or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business.

*Security* for purposes of this chapter shall have the same meaning as in the Code of Virginia, Securities Act (§ 13.1-501 et seq.) or in similar laws of the United States regulating the sale of securities.

Those engaged in rendering financial services include, but without limitation, the following:

Buying installment receivables

Chattel mortgage financing

Consumer financing  
Credit card services  
Credit unions  
Factors  
Financing accounts receivable  
Industrial loan companies  
Installment financing  
Inventory financing  
Loan or mortgage brokers  
Loan or mortgage companies  
Safety deposit box companies  
Security and commodity brokers and services  
Stockbroker  
Working capital financing

*Gross receipts* means the whole, entire, total receipts attributable to the licensed privilege, without deduction, except as may be limited by the provisions of Code of Virginia, chapter 37 of title 58.1.

*Itinerant merchant* means a person who engages in, does, or transacts any temporary or transient business and who, for the purpose of carrying on such business, occupies any location for a period of less than one (1) year.

*License year* means the calendar year for which a license is issued for the privilege of engaging in business.

*Peddler* means a person who carries from place to place any goods, wares or merchandise and sells or offers to sell or barter the same.

*Peddler at wholesale* means a person, firm or corporation who or which sells or offers to sell goods, wares or merchandise to licensed dealers, other than at a definite place of business operated by the seller, and at the time of such sale or exposure for sale delivers, or offers to deliver, the goods, wares or merchandise to the buyer. Any delivery made on the day of sale shall be construed as delivery at the time of sale.

*Personal services* means rendering for compensation any repair, personal, business or other services not specifically classified as "financial, real estate or professional service" under this chapter, or rendered in any other business or occupation not specifically classified in this chapter unless exempted from local license tax by Code of Virginia, title 58.1.

*Professional services* means services performed by architects, attorneys-at-law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations, and no others, as the Virginia Department of Taxation may list in the BPOL guidelines promulgated pursuant to Code of Virginia, § 58.1-3701. The department shall identify and list each occupation or vocation in which a professed knowledge of some department of science or learning, gained by a prolonged course of specialized instruction and study is used by its practical application to the affairs of others, either advising, guiding, or teaching them, and in serving their interests or welfare in the practice of an art or

science founded on it. The word "profession" implies attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others rather than for personal profit.

*Purchases* means all goods, wares and merchandise received for sale at each definite place of business of a wholesale merchant. The term shall also include the cost of manufacture of all goods, wares and merchandise manufactured by any wholesaler or wholesale merchant and sold or offered for sale. A wholesaler or wholesale merchant may elect to report the gross receipts from the sale of manufactured goods, wares and merchandise if it cannot determine the cost of manufacture or chooses not to disclose the cost of manufacture.

*Real estate services* means rendering a service for compensation with respect to the purchase, sale, lease, rental, or appraisal of real property, unless the service is otherwise specifically provided for in this chapter, and such services include, but are not limited to, the following:

Appraisers of real estate

Escrow agents, real estate

Fiduciaries, real estate

Lessors of real property

Real estate agents, brokers and managers

Real estate selling agents

Rental agents for real estate

*Retailer or retail merchant* means any person or merchant who sells goods, wares and merchandise for use or consumption by the purchaser or for any purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial and industrial users.

*Services* means things purchased by a customer which do not have physical characteristics, or which are not goods, wares, or merchandise.

*Wholesaler or wholesale merchant* shall mean any person or merchant who sells wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods and services for sale, and also includes sales to institutional, commercial and industrial users which because of the quantity, price, or other terms indicate that they are consistent with sales at wholesale.

(Ord. No. 96-33, § C, 11-12-96)

**Editor's note**— Ord. No. 96-33, adopted Nov. 12, 1996, by title, repealed former § 20-1 which defined "gross receipts". Such section bore no history note. Provisions designated herein as § 20-1 were derived from Ord. No. 96-33, C.

Sec. 20-2. - Adoption of state law.

- (a) As to all questions in regard to the duty and conduct of the officers of the city in collecting and enforcing the taxes imposed under this chapter, and in regard to questions of construction and for definition of terms used in this chapter, and the rules and regulations applicable to putting same in operation, reference is hereby made to the provisions of title 58.1, Code of Virginia, for the assessment, levy and collection of taxes for the current year, or to so much thereof as is applicable to this chapter and is not inconsistent with it and the other ordinances of the city. For the conduct and guidance of the officers of the city and other parties affected by this chapter and for fixing their

powers, rights, duties and obligations, the provisions of title 58.1, Code of Virginia, so far as applicable, are hereby adopted without being specifically herein quoted.

- (b) The definition of the various businesses, occupations, trades or professions provided for in this chapter shall be and hereby are defined to be the same as the definitions given in Code of Virginia, title 58.1, unless otherwise defined herein, and all constructions of same by the state tax commissioner shall have equal force to this chapter.

(Code 1963, § 21-21; Ord. No. 96-31, 11-12-96)

Sec. 20-3. - Enforcement of chapter generally.

- (a) The city manager shall require the chief of police and every member of the police department of the city to enforce this chapter. It shall be the duty of the chief of police and of every member of the police department to check whether all new business or professional men commencing any business, employment or profession in the city have complied with the provisions of this chapter.
- (b) It shall be the duty of the commissioner of revenue to report every person, known to him, who shall commence to prosecute any licensable business, employment or profession without a license or who shall unlawfully fail for a longer period than one month to obtain a new license, to the city attorney, who shall cause warrants to be issued for such persons and shall prosecute them.

(Code 1963, §§ 21-19, 21-20)

Sec. 20-4. - Construction of chapter; interstate commerce; obstruction of public ways; nuisances.

- (a) Nothing in this chapter shall be construed as imposing a license tax on or otherwise regulating or restricting interstate commerce. Any business or portion thereof embraced in the term "interstate commerce" is not made subject to a license by this chapter.
- (b) Nothing in this chapter shall be construed as giving the right to any person to obstruct sidewalks, streets or other public places or to commit or maintain a nuisance.

(Code 1963, §§ 21-17, 21-18)

Sec. 20-4.5. - Overriding conflicting ordinances.

Except as may be otherwise provided by the laws of the Commonwealth of Virginia, and notwithstanding any other current ordinances or resolutions enacted by this council, whether or not compiled in the Code of this city, to the extent of any conflict, the provisions of this chapter shall be applicable to the levy, assessment, and collection of licenses required and taxes imposed on businesses, trades, professions and callings and upon the persons, firms and corporations engaged therein within the city.

(Ord. No. 96-33, § A, 11-12-96)

**Editor's note**— Ord. No. 96-33, § A, did not specify manner of codification, but has been designated by the editor as § 20-4.5.

Sec. 20-5. - Engaging in business without license; penalty.

- (a) Whenever a license is required by this chapter, and whenever this Code imposes a license fee or levies a license tax on a business, employment or profession, it shall be unlawful to engage in such

business, employment or profession without first obtaining the required license. Any person who engages in a business without obtaining a license required by this chapter, or after being refused such license, shall not be relieved of the tax imposed by this chapter.

- (b) If any person shall:
- (1) Commence to prosecute any business, trade, occupation, employment or profession in the city without obtaining a license required by this chapter; or
  - (2) Continue a business, trade, occupation, employment or profession in the city after the expiration of a license previously issued under this chapter without obtaining a new license or a renewal of the expired license,

he shall be guilty of a Class 3 misdemeanor.

(Code 1963, § 21-1; Ord. No. 96-33, § B, 11-12-96)

**Editor's note**— Ord. No. 96-33, by title repealed § 20-5(a). Sec. B of such ordinance has been codified as § 20-5(a) by the editor.

Sec. 20-6. - License requirement.

- (a) Every person engaging in this city in any business, trade, profession, occupation or calling (collectively hereinafter "a business") as defined in this chapter, unless otherwise exempted by law, shall apply for a license for each such business if (i) the person has a definite place of business in this city; (ii) there is no definite place of business anywhere and the person resides in this city; or (iii) there is no definite place of business in this city but the person operates amusement machines or is classified as a peddler or itinerant merchant, carnival or circus as specified in Code of Virginia, §§ 58.1-3717, 3718, or 3728, respectively, or is a contractor subject to Code of Virginia, § 58.1-3715, or is a public service corporation subject to Code of Virginia, § 58.1-3731. A separate license shall be required for each definite place of business and for each business. A person engaged in two (2) or more businesses or professions carried on at the same place of business may elect to obtain one (1) license for all such businesses and professions if all of the following criteria are satisfied: (i) each business or profession is subject to licensure at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of this city; (ii) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and (iii) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.
- (b) Reserved.
- (c) Reserved.
- (d) In computing the amount of license tax due, the commissioner of the revenue shall round all amounts to the nearest dollar; that is, all amounts of forty-nine cents (\$0.49) or less shall be rounded down and all amounts of fifty cents (\$0.50) or more shall be rounded up.

(Ord. No. 87-17, 6-23-87; Ord. No. 94-36, 11-2-94; Ord. No. 96-33, § D, 11-12-96)

**Editor's note**— Ord. No. 96-33, by title repealed § 20-6(a)—(c). Sec. D of such ordinance was designated by the editor as § 20-6(a). See also the editor's note following § 20-7.

Sec. 20-7. - Due dates; late payment penalties and interest.

- (a) Each person subject to a license tax under this chapter shall apply for a license prior to beginning business if he was not subject to licensure in this city on or before January 1 of the license year, or no later than March 1 of the current license year if he had been issued a license for the preceding license year. The application shall be on forms prescribed by the assessing official.
- (b) The tax shall be paid with the application in the case of any license not based on gross receipts. If the tax is measured by the gross receipts of the business, the tax shall be paid on or before March 31. Semiannual payments for license taxes shall be authorized pursuant to section 20-19.
- (c) The assessing official may grant an extension of time, not to exceed ninety (90) days, in which to file an application for a license, for reasonable cause. The extension may be conditioned upon the timely payment of a reasonable estimate of the appropriate tax, subject to adjustment to the correct tax at the end of the extension together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, a penalty of ten (10) percent of the portion paid after the due date.
- (d) A penalty of ten (10) percent of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud or reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within thirty (30) days, the treasurer may impose a ten (10) percent late payment penalty. The penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them, if the failure to file or pay was not the fault of the taxpayer. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

"Acted responsibly" means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business, and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

"Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official, who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

- (e) Any person failing to make the application required by this section shall be guilty of a Class 4 misdemeanor.
- (f) It shall be the duty of the commissioner of the revenue to keep a record of all applications filed under this section.
- (g) Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and penalty charged and collected on the amount of the assessment found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any tax paid under this chapter from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under Code of Virginia, § 58.1-3916.

No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment in event of such

adjustment, provided the refund or the late payment is made not more than thirty (30) days from (i) the date of the payment that created the refund, or (ii) the due date of the tax, whichever is later.

(Ord. No. 96-33, § E, 11-12-96)

**Editor's note**— At the request of the city, provisions formerly designated as § 20-6(d) and (e) were redesignated as § 20-7(e) and (f), and § 20-7(e) was redesignated as (g). See also the editor's note following § 20-10.

Sec. 20-8. - Situs of gross receipts.

- (a) *General rule.* Whenever the tax imposed by this chapter is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a privilege subject to licensure at a definite place of business within this city. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one (1) or more definite places of business or offices as follows:
- (1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of Code of Virginia, § 58.1-3715.
  - (2) The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled; however, a wholesaler or distribution house subject to a license tax measured by purchases shall determine the situs of its purchases by the definite place of business at which or from which deliveries of the purchased goods, wares and merchandise are made to customers. Any wholesaler who is subject to license tax in two or more localities and who is subject to multiple taxation because the localities use different measures, may apply to the department of taxation for a determination as to the proper measure of purchases and gross receipts subject to license tax in each locality.
  - (3) The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then the definite place of business at which the rental of such property is managed.
  - (4) The gross receipts from the performance of services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then the definite place of business from which the services are directed or controlled.
- (b) *Apportionment.* If the licensee has more than one definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule and the affected jurisdictions are unable to reach an apportionment agreement, except as to circumstances set forth in § 58.1-3709 of the Code of Virginia, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another jurisdiction shall not be attributed to this city solely because the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.
- (c) *Agreements.* The assessor may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of

business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one (1) or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has resulted in, or is likely to result in, taxes on more than one hundred (100) percent of its gross receipts from all locations in the affected jurisdictions, the assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved.

(Ord. No. 96-33, § F, 11-12-96)

**Note**— See the editor's note following § 20-10.

Sec. 20-9. - Limitations and extensions.

- (a) Where, before the expiration of the time prescribed for the assessment of any license tax imposed pursuant to this chapter, both the assessing official and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.
- (b) Notwithstanding Code of Virginia, § 58.1-3903, the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six (6) preceding license years.
- (c) The period for collecting any local license tax shall not expire prior to the period specified in Code of Virginia, § 58.1-3940, two (2) years after the date of assessment if the period for assessment has been extended pursuant to this subdivision of this chapter, two (2) years after the final determination of an appeal for which collection has been stayed pursuant to section 20-10(b) or (d) of this chapter, or two (2) years after the final decision in a court application pursuant to Code of Virginia, § 58.1-3984 or similar law for which collection has been stayed, whichever is later.

(Ord. No. 96-33, § G, 11-12-96)

Sec. 20-10. - Appeals and rulings.

- (a) Any person assessed with a local license tax as a result of an audit may apply within ninety (90) days from the date of such assessment to the assessor for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, audit period, remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The assessor may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, a further audit, or other evidence deemed necessary for a proper and equitable determination of the application. The assessment shall be deemed prima facie correct. The assessor shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth its position. Every assessment pursuant to an audit shall be accompanied by a written explanation of the taxpayer's right to seek correction and the specific procedure to be followed in this city (e.g., the name and address to which an application should be directed).
- (b) Provided a timely and complete application is made, collection activity shall be suspended until a final determination is issued by the assessor, unless the assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of section 20-7(g) of this chapter, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" includes a finding that the application is frivolous, or that a taxpayer desires to

- (i) depart quickly from the locality, (ii) remove his property therefrom, (iii) conceal himself or his property therein, or (iv) do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.
- (c) Any person assessed with a local license tax as a result of an audit may apply within ninety (90) days of the determination by the assessing official on an application pursuant to subsection (a) of this section for a correction of such assessment. The tax commissioner shall issue a determination to the taxpayer within ninety (90) days of receipt of the taxpayer's application, unless the taxpayer and the assessing official are notified that a longer period will be required. The application shall be treated as an application pursuant to Code of Virginia, § 58.1-1821, and the tax commissioner may issue an order correcting such assessment pursuant to Code of Virginia, § 58.1-1822. Following such an order, either the taxpayer or the assessing official may apply to the appropriate circuit court pursuant to Code of Virginia, § 58.1-3984. However, the burden shall be on the party making the application to show that the ruling of the tax commissioner is erroneous. Neither the tax commissioner nor the department of taxation shall be made a party to an application to correct an assessment merely because the tax commissioner has ruled on it.
- (d) On receipt of a notice of intent to file an appeal to the tax commissioner under subsection (c) of this section, the assessing official shall further suspend collection activity until a final determination is issued by the tax commissioner, unless the assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of subsection (g) of section 20-7, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" shall have the same meaning as set forth in subsection (b) of this section.
- (e) Any taxpayer may request a written ruling regarding the application of the tax to a specific situation from the assessor. Any person requesting such a ruling must provide all the relevant facts for the situation and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if (i) there is a change in the law, a court decision, or the guidelines issued by the department of taxation upon which the ruling was based, or (ii) the assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

(Ord. No. 96-33, § H, 11-12-96)

**Editor's note**— Ord. No. 96-33, by title repealed former §§ 20-7—20-10, state forms, penalty and interest for late payment of tax, advertising of business and separate license for each place and class of business. Secs. E—H of such ordinance have been designated as §§ 20-7—20-10, by the editor.

Sec. 20-11. - Failure to file statements.

If any person subject to the payment of a license tax required under this chapter shall fail or refuse to file the statements required by this chapter, he shall be guilty of a Class 3 misdemeanor.

(Code 1963, § 21-5)

Sec. 20-12. - False statements in affidavits.

If any person subject to the payment of a license tax required under this chapter shall make any false statement in the affidavit required by this chapter, he shall be guilty of a Class 3 misdemeanor.

(Code 1963, § 21-6)

Sec. 20-13. - Propounding interrogatories to applicant.

As one of the means of ascertaining the amount of any license tax, the commissioner of the revenue may propound interrogatories to each applicant under the provisions of this chapter and use such other evidence as he may procure. Such interrogatories shall be answered under oath. Any applicant refusing to answer such interrogatories under oath shall be guilty of a Class 4 misdemeanor.

(Code 1963, § 21-7)

Sec. 20-14. - Estimates to determine tax for beginners, etc.

- (a) For the purpose of ascertaining the license tax to be paid by any person beginning a new business, employment or profession, and whose license tax is based on gross receipts, gross sales, gross purchases, gross commissions, gross contracts or orders, the licensee shall estimate the basis for measuring the license tax between the date of issuance of the license and the thirty-first of December following.
- (b) The license tax of every person who was licensed at a definite place of business within the city for only a part of the next preceding license year shall be computed for the then current license year on the basis of an estimate of the amount of gross receipts, gross sales or gross purchases which the licensee will make throughout the then current license year, except that any commission merchant or wholesale merchandise broker shall be licensed on the basis of gross commissions of the next preceding license year or any parts thereof.
- (c) Every underestimate under this section shall be subject to correction by the commissioner of the revenue, whose duty it shall be to assess such licensee with such additional taxes as may be found to be due after the close of the license year on the basis of gross receipts, gross sales, gross purchases, gross commissions or gross contracts or orders. In case of overestimate, the commissioner of the revenue shall order a refund in the amount of the overpaid tax.

Sec. 20-14.5. - Exclusions and deductions from "gross receipts".

- (a) General rule. Gross receipts for license tax purposes shall not include any amount not derived from the exercise of the licensed privilege to engage in a business or profession in the ordinary course of business.
- (b) The following items shall be excluded from gross receipts:
  - (1) Amounts received and paid to the United States, the commonwealth or any county, city or town for the Virginia retail sales or use tax, for any local sales tax or any local excise tax on cigarettes, or for any federal or state excise taxes on motor fuels.
  - (2) Any amount representing the liquidation of a debt or conversion of another asset to the extent that the amount is attributable to a transaction previously taxed (e.g., the factoring of accounts receivable created by sales which have been included in taxable receipts even though the creation of such debt and factoring are a regular part of its business).
  - (3) Any amount representing returns and allowances granted by the business to its customer.
  - (4) Receipts which are the proceeds of a loan transaction in which the licensee is the obligor.
  - (5) Receipts representing the return of principal of a loan transaction in which the licensee is the creditor, or the return of principal or basis upon the sale of a capital asset.
  - (6) Rebates and discounts taken or received on account of purchases by the licensee. A rebate or other incentive offered to induce the recipient to purchase certain goods or services from a person other than the offeror, and which the recipient assigns to the licensee in consideration of

the sale of goods and services shall not be considered a rebate or discount to the licensee, but shall be included in the licensee's gross receipts together with any handling or other fees related to the incentive.

- (7) Withdrawals from inventory for purposes other than sale or distribution and for which no consideration is received and the occasional sale or exchange of assets other than inventory, whether or not a gain or loss is recognized for federal income tax purposes.
  - (8) Investment income not directly related to the privilege exercised by a business subject to licensure not classified as rendering financial services. This exclusion shall apply to interest on bank accounts of the business, and to interest, dividends and other income derived from the investment of its own funds in securities and other types of investments unrelated to the licensed privilege. This exclusion shall not apply to interest, late fees and similar income attributable to an installment sale or other transaction that occurred in the regular course of business.
  - (9) Any trade-in accepted by a motor vehicle dealer as part of the sale of a motor vehicle.
  - (10) License and admission taxes established under Code of Virginia, §§ 59.1-392 and 59.1-393, respectively, or pari-mutuel wagering pools as established under Code of Virginia, § 59.1-392.
  - (11) Amounts received by any real estate broker which arise from real estate sales transactions to the extent such amounts are paid to a real estate agent as a commission on any real estate sales transaction and the agent is subject to the business license tax on such receipts. The broker claiming the exclusion shall identify on its license application each agent to whom the excluded receipts have been paid, and the jurisdiction in the Commonwealth of Virginia to which the agent is subject to business license taxes.
- (c) The following shall be deducted from gross receipts or gross purchases that would otherwise be taxable:
- (1) Any amount paid for computer hardware and software that are sold to a United States federal or state government entity provided that such property was purchased within two (2) years of the sale to said entity by the original purchaser who shall have been contractually obligated at the time of purchase to resell such property to a state or federal government entity. This deduction shall not occur until the time of resale and shall apply to only the original cost of the property and not to its resale price, and the deduction shall not apply to any of the tangible personal property which was the subject of the original resale contract if it is not resold to a state or federal government entity in accordance with the original contract obligation.
  - (2) Any receipts attributable to business conducted in another state or foreign country in which the taxpayer is liable for an income or other tax based upon income.

(Ord. No. 96-33, § J, 11-12-96)

**Editor's note**— Sec. J of Ord. No. 96-33, was codified by the editor as § 20-14.5.

Sec. 20-15. - Allowances for freight and other deductible items in computing tax.

In computing license taxes on merchants and others under this chapter, an allowance for freight and other deductible items shall be made in all cases where the state tax code provides that the same shall be allowed in computing state license taxes on merchants and others, and such allowance shall be on the same basis as that provided by the state tax code for state license taxes. No such deductions shall be allowed, unless gross receipts or other basis is reported and deductions itemized.

Sec. 20-16. - Assessment of tax and issuance of license generally.

The commissioner of revenue shall assess each applicant for a license or other person of whom a license is required by this chapter with the license tax required by this chapter, and shall issue a license,

signed by the commissioner, to prosecute the business, employment, profession or thing to be done therein named, which license shall not be valid or effective unless and until the tax required shall be paid to the city treasurer, as collector of city taxes and levies, and such payment shall be shown on the license.

Sec. 20-17. - Reserved.

**Editor's note**— Ord. No. 96-33, adopted Nov. 12, 1996, by title repealed § 20-17, assessment of additional tax.

Sec. 20-18. - Proration of license taxes.

No license tax based upon gross receipts shall be imposed upon any business, trade, profession, occupation or calling, or upon any person, firm or corporation for any fraction of a year during which such person, firm or corporation has permanently ceased to engage in such business, trade, profession, occupation or calling within the city. In the event a person, firm or corporation ceases to engage in a business, trade, profession or calling within the city during a year for which a license tax based on gross receipts has already been paid, the taxpayer shall be entitled, upon application, to a refund for that portion of the license tax already paid, prorated on a monthly basis so as to ensure that the licensed privilege is taxed only for that fraction of the year during which it is exercised within the city. Any refund due under this section shall be offset against any amount of past-due taxes owed by the same taxpayer. No flat fee or flat tax shall be subject to refund.

(Ord. No. 96-33, § L, 11-12-96)

**Editor's note**— Ord. No. 96-33, by title, repealed former § 20-18, Proration of tax, generally. Sec. L of such ordinance has been designated by the editor as § 20-18.

Sec. 20-19. - Semiannual payment of tax; retention of written license document; issuance of receipt; display of receipt; etc.

The requirements relative to the semiannual payment of license taxes shall be as follows:

- (1) The city treasurer shall accept semiannual payments from any person to whom a city license has been or may be issued by the commissioner of the revenue, where the total amount of the license tax in question aggregates five hundred dollars (\$500.00) or more. The provisions of this section shall not apply to any person who did not procure a city license for the entire immediately preceding year nor where an individual license is required for each person engaged in a business, occupation, or profession.
- (2) Such semiannual payments shall become due and payable on the first days of January and July of each year, and if not paid within thirty (30) days from such due date, the city treasurer shall collect a penalty of ten (10) percent on such sums and interest on said sum and penalty at the rate of ten (10) percent per annum, and the remaining unpaid installments shall immediately become due and payable and such delinquent person may immediately be prosecuted for failure to obtain a license to engage in business in the city as provided by law.
- (3) The city treasurer shall retain all licenses issued by the commissioner of the revenue for the current year until fully paid, together with all penalties, interest, and costs, and in lieu of delivery of such license to the licensee, the treasurer shall issue his receipts for each semiannual payment made to him, which such receipt shall be posted in a conspicuous place in the room or place where the business for which such license is issued is transacted.
- (4) This section shall not be construed as permission to issue semiannual licenses, but the foregoing provisions of this section are adopted as a convenient method of payment, and this

chapter shall not be construed to release any person from the unpaid installments for such license by the discontinuance of business or for any other reason.

(Code 1963, § 21-9; Ord. No. 81-12, 9-15-81; Ord. No. 87-17, 6-23-87)

Sec. 20-20. - Display of license or receipt for semiannual payment.

Every person required to pay a license tax under the provisions of this chapter shall keep the license in question or the receipt for semiannual payment issued under section 20-19 in a convenient place and, whenever requested to do so, shall exhibit such license or receipt to any member of the police department or any officer or his deputy, who is charged with the duty of enforcing the provisions of this Code and other ordinances of the city relative to revenue taxes, when so requested.

(Code 1963, § 21-12)

Sec. 20-21. - Transfer of license.

- (a) Licenses issued under this chapter shall be transferable, except where otherwise provided. In no case, however, shall any transfer of the license be legal or valid until notice in writing of such transfer has been given to the commissioner of revenue and until the transfer has been approved by such commissioner in writing on the license. Such notice shall state the time of the transfer and the place of the business and the name of the person to whom transferred.
- (b) No license otherwise transferable shall be transferred until the total amount of the annual license tax in question has been fully paid to the city treasurer. The commissioner of revenue shall not approve any assignment or the making of any transfer of a license until the provisions of this section have been fully complied with.
- (c) Only that part of a license based on gross receipts that is in excess of the gross receipts of the transferer for that part of the year during which the transferer has prosecuted business under such license shall be transferable. The person to whom such license is being transferred shall pay the additional estimated license tax to the end of the license year, or an amount sufficient to make the minimum cost of the license as provided in this chapter, whichever is the greater.
- (d) The commissioner of revenue shall keep a record of all license transfers.
- (e) The attempted assignment or attempted transfer of any license in violation of the provisions of this section shall be void, and, of no effect, and any such purported assignee or transferee may be prosecuted for engaging in such business without a license. In addition thereto he shall be liable to the city for the amount of the proper license tax together with penalties, interest and costs.
- (f) Any person transferring or attempting to transfer any license contrary to the provisions of this section shall be guilty of a Class 3 misdemeanor.

(Code 1963, §§ 21-13—21-15)

Sec. 20-22. - Term and expiration date of licenses.

All licenses granted under the provisions of this chapter shall be issued for a period of twelve (12) months beginning the first day of January and expiring on the thirty-first day of December, unless otherwise provided.

(Code 1963, § 21-8; Ord. No. 81-12, 9-15-81)

**State Law reference**— Similar provisions, Code of Virginia, § 58-247.

Sec. 20-23. - Tax not imposed contrary to federal or state law.

Nothing in this chapter contained shall be construed as imposing any license tax on any business, occupation or professional employment, or on any part thereof, on which the city is prohibited, by federal or state law, from imposing the same.

Sec. 20-24. - Licensee's records generally.

- (a) Every person liable for a license tax under this chapter which is based on actual or probable purchases or sales, actual or probable commissions, gross receipts from a business or profession or contracts or orders accepted, or which is graded in any other way, shall, where such tax is based on actual or probable purchases or sales, keep all invoices and a record of all purchases and from whom made, a record of all sales, and where otherwise based, keep a record of all commissions, gross receipts, and contracts or orders accepted, from whom received and with whom made, and the report of such purchases, sales, commissions, receipts, contracts or orders accepted, required to be made for the computation of the license tax, shall be taken from such invoices and records and general books of account.
- (b) All such invoices and record and general books of account shall be open to inspection and examination, on the premises of the business, employment or profession, by the director of finance, commissioner of revenue or any other officer of the city charged in any manner with the duty of assessing or collecting license taxes.
- (c) Any person who shall fail or refuse to keep the records required by this section shall be guilty of a Class 4 misdemeanor.

Sec. 20-24.1. - Recordkeeping and audits.

Every person who is assessable with a license tax shall keep sufficient records to enable the assessor to verify the correctness of the tax paid for the license years assessable and to enable the assessor to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the assessor in order to allow the assessor to establish whether a particular receipt is directly attributable to the taxable privilege exercised within this city. The assessor shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside this city, copies of the appropriate books and records shall be sent to the assessor's office upon demand.

(Ord. No. 96-33, § I, 11-12-96)

**Editor's note**— Ord. No. 96-33, adopted Nov. 12, 1996, did not specify manner of codification; hence, inclusion as § 20-24.1 was at the discretion of the editor.

Sec. 20-25. - Examination and audit of licensee's records.

- (a) Should any officer of the city charged in any manner with the duty of assessing or collecting license taxes have reason to believe, in any case, that the amount of actual or probable purchases or sales, or actual or probable commissions, or the gross or net receipts from any business or profession, or any other matters that may be pertinent to the assessment of such license tax, have been incorrectly reported or returned, such officer shall make a report thereof to the commissioner of revenue. Upon receipt of such report, or upon the commissioner's own motion, the commissioner of revenue is authorized and empowered to summon such person before him and require the production of any and all of such person's records, books and papers likely to throw any light upon the matter under investigation. The commissioner of revenue is also authorized and empowered to make or cause to be made such other and further investigations, examinations and audits of the records, books and

papers of such person as the commissioner shall deem proper, in order to accurately determine the proper return to be made by such person.

- (b) If, after an investigation, examination or audit pursuant to this section, it shall appear that purchases, sales, commissions, receipts or other matters pertinent to the assessment have been incorrectly reported or returned, the commissioner of revenue shall assess such person with the proper city license tax. If it shall appear that such purchases, sales, commissions, receipts or other matters pertinent to the assessment have been willfully incorrectly reported or returned, such person shall pay, in addition to such increased license tax assessed, a penalty of fifty (50) percent of such increased assessment. Any incorrect report or return shall be deemed prima facie willful.
- (c) Any person who shall fail to appear before the commissioner of revenue and produce such records, books and papers, when duly summoned, or who shall refuse to permit the commissioner of revenue to make or cause to be made such other and further investigation and audit of such books and papers, shall be deemed guilty of a Class 3 misdemeanor.

Sec. 20-26. - Authority of commissioner of revenue to require information concerning subcontracts.

The commissioner of revenue, in performing the duties of such office, shall have authority to require any person having a contractor's license in the city to furnish a list of subcontractors to whom any part of the original contract is sublet, and the amount of such subcontract. Any person refusing to furnish such information shall be guilty of a Class 4 misdemeanor and each day's failure to furnish such information shall constitute a separate offense.

Sec. 20-27. - Business license not to be issued until taxes paid.

No business license authorized to be issued under Code of Virginia, chapter 37, title 58.1, and Chapter 20 of the Hopewell City Code shall be issued unless all outstanding business license taxes, personal property taxes, and meals and lodging taxes owed by said business have been paid, and until satisfactory proof of payment of said taxes has been produced by the applicant for the business license.

(Ord. No. 93-25, 9-14-93)

Sec. 20-28. - Exemption/reduction of business and professional occupational license fees for new firms locating in the enterprise zone and existing firms relocating in the enterprise zone.

New firms locating in the enterprise zone qualify for the following exemption of business and professional occupational license fees:

Year of Operation	Percentage of Exemption
1st Year	100%
2nd Year	75%
3rd Year	50%
4th Year	25%
5th Year	0%

Existing firms relocating in the enterprise zone qualify for the following exemption of business and professional occupational license fees:

Year of Operation	Percentage of Exemption
1st Year	100%
2nd Year	75%
3rd Year	50%
4th Year	25%
5th Year	0%

( [Ord. No. 2014-04](#), 3-11-14)

Secs. 20-29—20-39. - Reserved.

## ARTICLE II. - LICENSE TAX SCHEDULE

Sec. 20-40. - License fee and tax.

Every person or business subject to licensure under this chapter shall be assessed and required to pay annually:

- (1) A fee for the issuance of such license in the amount of thirty dollars (\$30.00) for persons or businesses with gross receipts of (\$12,000.00) or less, except that first-time filers in the first year of business operation which anticipate gross receipts of (\$12,000.00) or less are excused from paying the fee; or
- (2) Except as may be otherwise provided in §§ 58.1-3712, 58.1-3712.1 and 58.1-3713 of the Code of Virginia, every such person or business with annual gross receipts of more than twelve thousand dollars (\$12,000.00) shall be assessed and required to pay annually a license tax on all the gross receipts of such persons includable as provided in this chapter at a rate set forth below for the class of enterprise listed:
  - a. For contracting and persons constructing for their own account for sale sixteen cents (\$0.16) per one hundred dollars (\$100.00) of gross receipts;
  - b. For retailers and short-term rental businesses as defined in Code of Virginia, 58.1-3510, twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts;
  - c. For financial, real estate and professional services, fifty-eight cents (\$0.58) per one hundred dollars (\$100.00) of gross receipts;

- d. For repair, personal and business services and all other businesses and occupations not specifically listed or excepted in this section or otherwise by law, thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts;
- e. For wholesalers, twenty-five cents (\$0.25) per one hundred dollars (\$100.00) of purchases;
- f. For carnivals, circuses and speedways, five hundred dollars (\$500.00) for each performance held in this city;
- g. For fortunetellers, clairvoyants and practitioners of palmistry or phrenology, one thousand dollars (\$1,000.00) per year;
- h. For massage parlors, five hundred dollars (\$500.00) per year;
- i. For photographers as defined under Code of Virginia, § 58.1-3727, thirty dollars (\$30.00) per year;
- j. For permanent coliseums, arenas or auditoriums having a maximum capacity in excess of ten thousand (10,000) persons, open to the public, one thousand dollars (\$1,000.00) per year;
- k. For savings institutions and state-chartered credit unions, fifty dollars (\$50.00) per year;
- l. For direct sellers as defined in Code of Virginia, § 58.1-3719.1 with total annual sales in excess of four thousand dollars (\$4,000.00), twenty cents (\$0.20) per one hundred dollars (\$100.00) of total annual retail sales or twenty-five cents (\$0.25) per one hundred dollars (\$100.00) of total annual wholesale sales, whichever is applicable; and
- m. For commission merchants as defined under Code of Virginia, § 58.1-3733, thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of commission income.

(Ord. No. 96-33, § K, 11-12-96; Ord. No. 97-14, 9-13-97)

**Editor's note**— Ord. No. 96-33, provided by title for the repeal of § 20-40, Class I, contracting and persons contracting for their own account for sale, and § 20-41, Class II, retail merchants. Sec. K of such ordinance was designated by the editor as § 20-40.

Sec. 20-41. - Reserved.

**Note**— See the editor's note following § 20-40.

Sec. 20-42. - Alcoholic beverages.

- (a) The annual license tax on any person licensed by the state alcoholic beverage control commission to manufacture, bottle, or sell alcoholic beverages in the city shall be as follows:
  - (1) Manufacturers' licenses:
    - a. Distiller's license ..... \$500.00
    - b. Winery license ..... 250.00
    - c. Brewery license ..... 250.00
  - (2) Bottlers' license ..... 200.00
  - (3) Wholesalers' licenses:
    - a. Wholesale beer license ..... 75.00
    - b. Wholesale wine distributor's license ..... 50.00

- c. Wholesale druggist's license ..... 10.00
- (4) Retailers' licenses:
  - a. Beer on-premises ..... 40.00
  - b. Beer off-premises ..... 40.00
  - c. Beer on- and off-premises ..... 45.00
  - d. Wine and beer on-premises ..... 45.00
  - e. Wine and beer off-premises ..... 45.00
  - f. Wine and beer on- and off-premises ..... 55.00
  - g. Wine and beer on-premises and beer off-premises ..... 50.00
  - h. Wine and beer off-premises and beer on-premises ..... 50.00
  - i. Wine off-premises ..... 40.00
  - j. Banquet (for each banquet) ..... 5.00
- (5) Retailers of mixed beverage or liquor by the drink:
  - a. Two hundred dollars (\$200.00) per annum for each restaurant with a seating capacity at tables for fifty (50) to one hundred (100) persons.
  - b. Three hundred fifty dollars (\$350.00) per annum for each restaurant with a seating capacity at tables for more than one hundred (100) but not more than one hundred fifty (150) persons.
  - c. Five hundred dollars (\$500.00) per annum for each restaurant with a seating capacity at tables for more than one hundred fifty (150) persons.
  - d. Three hundred fifty dollars (\$350.00) per annum for a private, nonprofit club operating a restaurant located on the premises of such club.
- (b) The licenses referred to in subsection (a) above shall be as respectively defined by the act of the General Assembly of Virginia, known as "The Alcoholic Beverage Control Act" and the terms "alcoholic beverage," "beer," "club," "sell," "wine," and "wholesale druggist," wherever used in this section, shall have the meanings respectively prescribed to them by said act.
- (c) No license shall be issued under this section to any person, unless such person shall hold or shall secure simultaneously therewith the proper state license required by the Alcoholic Beverage Control Act, which state license shall be exhibited to the commissioner of revenue.
- (d) Retailers' licenses, enumerated in subsection (a)(4) above shall not be prorated.
- (e) All wine and beer licenses shall be issued for twelve-month periods beginning on July first of each calendar year and expiring on June thirtieth of the following calendar year.
- (f) No license, the tax for which is designated in this section shall be assigned or transferred, but such license may be amended to show a change in the place of business.

(Ord. No. 82-34, 12-21-82)

**Cross reference**— Sale of beer and wine on Sunday, § 25-5.

**State Law reference**— Alcoholic Beverage Control Act, Code of Virginia, § 4.1-100 et seq.; authority for above tax, §§ 4.1-205, 4.1-233.

Secs. 20-43—20-47. - Reserved.

**Editor's note**— Ord. No. 96-33, adopted Nov. 12, 1996, by title repealed §§ 20-43—20-47, which pertained to specific types and kinds of licenses. Such sections were derived from Ord. No. 82-34, adopted Dec. 21, 1982. Current provisions relative to such subject matter are contained in § 20-40.

Sec. 20-48. - Coin-operated machines.

- (a) For the purposes of this section, an "operator" is defined as any person selling, leasing, renting, or otherwise furnishing or providing a coin-operated machine or device operated on the coin in the slot principle, which machine or device is located within the city, whether or not such operator has a fixed place of business within the city; provided, however, that the term "operator" shall not include a person owning less than three (3) coin machines and operating such machines on property owned or leased by such person.
- (b) Every operator operating ten (10) or more coin machines shall pay for the privilege an annual license tax of two hundred dollars (\$200.00). Every operator operating more than two (2) and less than ten (10) coin machines shall pay for the privilege an annual license tax of one hundred seventy-five dollars (\$175.00). Such tax shall not apply to operators of weighing machines, automatic baggage or parcel checking machines or receptacles, nor to operators of vending machines, which machines are so constructed as to do nothing but vend goods, wares, and merchandise, or postage stamps, or provide service only, nor to operators of viewing machines or photomat machines, nor operators of devices or machines affording rides to children, or for the delivery of newspapers. The license tax on an operator shall not be prorated, and an operator's license shall not be transferred.
- (c) In addition to the operator's license tax imposed by subsection (b) above, there shall be a gross receipts tax on the gross receipts actually received from coin machines or devices operated within this city, as follows:
  - (1) Gross receipts from machines vending merchandise or postage stamps shall be deemed gross receipts from retail sales and taxed at the rate of twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts.
  - (2) Gross receipts from coin-operated laundries shall be deemed gross receipts from a business service and taxed at the rate of thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts.
  - (3) Gross receipts from all other machines operated on the coin in the slot principle shall be taxed at the rate of twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts.
- (d) Every operator shall furnish to the commissioner of revenue a complete list of all machines on location in the city and the address of each location on or before the thirty-first day of January of each year. Each machine shall have conspicuously located thereon a decal, sticker, or other adhesive label, no less than one by two (1 x 2) inches in size, clearly denoting the operator's name and address.
- (e) Any person providing any coin-operated machines or other devices and failing to procure a license under this section or otherwise violating this section shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense and the machine or other device shall become forfeited to the city.
- (f) Gross receipts from coin-machines in a business not classified as an "operator" under paragraph (a) above shall be deemed gross receipts from retail sales and taxed at the rate of twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts.
- (g) Nothing contained in this section shall be construed as permitting any person to keep, maintain, exhibit, or operate any coin-operated machine or other device, the operation of which is prohibited by law.

(Ord. No. 82-34, 12-21-82; Ord. No. 88-2, 2-23-88; Ord. No. 96-32, 11-12-96)

**Cross reference**— Fraudulent use of coin-operated machines, § 25-28.

Sec. 20-49. - Reserved.

**Editor's note**— Ord. No. 96-33, adopted Nov. 12, 1996, by title repealed § 20-49, fortune-tellers, clairvoyants, etc., derived from Ord. No. 82-34, adopted Dec. 21, 1982. Current provisions concerning such subject matter are included in § 20-40.

Sec. 20-50. - Liquidators—Stocks of goods purchased in bulk at court sales outside of city.

- (a) Any person who shall bring into this city from any place beyond its limits, a stock of goods or merchandise which has been purchased in bulk at any trustee, receiver, or bankrupt sale with the intention of selling the same at retail, either at public auction or privately, shall pay a specific license tax of one thousand dollars (\$1,000.00). Such license tax shall not be prorated and the license upon which such tax is paid shall not be transferable.
- (b) This section shall not be construed to apply to regularly licensed retail merchants of the city having an established place of business in the city for a period of six (6) months prior to such sales.

(Ord. No. 82-34, 12-21-82)

**Cross reference**— License for going-out-of-business, etc., sales, § 30-96 et seq.

Sec. 20-51. - Same—Secondhand motor vehicles, major appliances, etc.

- (a) Any person bringing into the city a stock of secondhand automobiles, motorcycles, refrigerators, or similar commodities for sale shall, in addition to the regular city merchant's license, pay a license tax of three hundred dollars (\$300.00) per calendar year. Such license tax shall not be prorated. The license for which such license tax is paid shall not be transferrable.
- (b) For the purpose of this section, the word "stock" shall mean two (2) or more such commodities at any one time.
- (c) This section shall not apply to a regularly established merchant who has operated a business in the city and paid all city and state license taxes for not less than six (6) months immediately preceding. The license for which the license tax is indicated in this section does not permit the sale of bankrupt stock.

(Ord. No. 82-34, 12-21-82)

Sec. 20-52. - Reserved.

**Editor's note**— Ord. No. 96-33, adopted Nov. 12, 1996, provided by title for the repeal of § 20-52, massage, etc., businesses, derived from Ord. No. 82-34, adopted Dec. 21, 1982. For current provisions concerning such subject matter, see § 20-40.

Sec. 20-53. - Merchandise exhibitions, etc.

The license tax for merchandise exhibitions, food shows, or automobile shows, for advertising purposes or for which an admission fee is charged, shall be one hundred dollars (\$100.00).

(Ord. No. 82-34, 12-21-82)

Sec. 20-54. - Reserved.

**Editor's note**— Ord. No. 96-33, adopted Nov. 12, 1996, by title repealed § 20-54, merchants, wholesale, derived from Ord. No. 82-34, adopted Dec. 21, 1982. See § 20-40.

Sec. 20-55. - Museums, historical and educational exhibitions.

The license tax for museums, historical, and educational exhibitions shall be at the rate of five dollars (\$5.00) per day. Such museums, historical, and educational exhibitions shall be under such rules and regulations as may be prescribed by the city council and the license shall be revocable at the pleasure of the council.

(Ord. No. 82-34, 12-21-82)

Sec. 20-56. - Patent medicine salesmen.

Any person who shall sell any patent, proprietary, or domestic medicines, salves, liniments, or compounds of a like kind, or any spices, extracts, toilet articles, or other articles of a like kind, except a licensed merchant at his regular place of business, whether he be the manufacturer thereof or not, shall pay a license tax of one hundred dollars (\$100.00) per week for each person so engaged, which shall be the only license required of such person for such privilege.

(Ord. No. 82-34, 12-21-82)

Sec. 20-57. - Peddlers.

- (a) Except as otherwise provided, any peddler or itinerant merchant as defined in Code of Virginia, § 58.1-3717 shall pay an annual license tax of five hundred dollars (\$500.00), which may not be paid in semiannual payments, except that:
- (1) The license tax on peddlers of seafood who buy the seafood they peddle directly from persons who catch or take the same shall be ten dollars (\$10.00).
  - (2) Any person who peddles coal, oil, or wood from wagons or other vehicles, in small quantities, to consumers shall pay a license tax of ten dollars (\$10.00) per year for each vehicle used in such business, which shall be in addition to any other license required by law. Such license shall be issued for a specified vehicle and shall be in the possession of the person in charge of such vehicle at all times when business is being transacted.
- (b) (1)  
No city license shall be required of persons who sell or offer for sale in person or by their employees, ice, wood, charcoal, meats, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits, or other family supplies of a perishable nature, or farm products grown or produced by them and not purchased by them for sale.
- (2) The license tax on peddlers of meat, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruit, or other family supplies of a perishable nature not grown or produced by them shall be fifty dollars (\$50.00) for each vehicle used in such peddling in the city. Such license shall be issued for a separate vehicle and shall be in the possession of such person in charge of such vehicle at all times when business is being transacted.
- (c) Every person claiming to be exempted from having to secure a license required by subsection (a) of this section because of the provisions of subsection (b) of this section shall on or before January first

of each year, file with the commissioner of revenue, a certificate under oath, on a form to be prepared by the commissioner of revenue, in which shall be given the name and post office address of the person filing the certificate, the location of the land on which the family supplies of a perishable nature are produced, whether the person filing the certificate is owner thereof, or renter, and in the latter case, the name of the landlord or owner and the time from which and to which the lease is to run.

- (d) Upon receipt of a certificate, as provided for in subsection (c) above, and such other evidence under oath as may be sufficient to establish the fact that the person filing such certificate is entitled to an exemption under subsection (b) above, the commissioner of revenue shall furnish to such person a tag suitable to be displayed on his vehicle on which shall be printed, "City of Hopewell, Producer No. \_\_\_\_\_," together with the year for which issued. Such producer or grower shall display such tag conspicuously on his vehicle in a prominent position so that it can be easily read at all times while such producer is engaged in selling or offering for sale any family supplies mentioned within subsection (b) above, within this city.
- (e) The commissioner of revenue may administer the oaths required by subsections (c), (d), and (e) of this section.

(Ord. No. 82-34, 12-21-82; Ord. No. 83-9, 6-28-83; Ord. No. 84-28, 10-9-84; Ord. No. 88-21, 6-28-88)

**Cross reference**— Application of ordinance regulating solicitors to peddlers licensed under this chapter, § 32-1.

Sec. 20-58. - Reserved.

**Editor's note**— Ord. No. 96-33, adopted Nov. 12, 1996, repealed § 20-58, savings and loan associations, derived from Ord. No. 82-34, adopted Dec. 21, 1982. See § 20-40.

Sec. 20-59. - Telegraph, telephone, water, heat, light, or power companies.

- (a) Any company engaging in the business of furnishing telegraph or telephone service shall pay one-half of one percent of the gross receipts of such company accruing from business in the city for the fiscal year ending the thirty-first day of December immediately next preceding; provided, however, that charges for long distance telephone calls shall not be considered receipts of business in the city.
- (b) Any company engaging in the business of furnishing water, heat, light, or power, whether by means of electricity or gas, shall pay one-half of one percent of the gross receipts of such company accruing from business in the city for the fiscal year ending the thirty-first day of December immediately next preceding.
- (c) Each such company applying for a license under this chapter shall submit to the commissioner of revenue a statement of such receipts, which statement shall be verified by the commissioner on an examination of the books of such company, and a certificate as to its correctness shall be filed with the commissioner of revenue.

(Ord. No. 82-34, 12-21-82)

**Cross reference**— Tax on purchasers of utility services, § 34-96 et seq.

Sec. 20-60. - Reserved.

**Editor's note**— Ord. No. 96-33, adopted Nov. 12, 1996, by title repealed § 20-60, exclusions from gross tax receipts for license tax purposes, derived from Ord. No. 82-34, adopted Dec. 21, 1982. For current provisions pertaining to such subject matter, the user's attention is directed to § 20-14.5.

Sec. 20-61. - Tattooing.

- (a) Every person, firm, or corporation engaged in the business of tattooing in the City of Hopewell shall pay a license tax of one thousand dollars (\$1,000.00) which license shall not be proratable.
- (b) No license shall be issued hereunder unless and until there is presented to the commissioner of the revenue a certificate from the director of public health and the chief of police permitting the operation of this business.

(Ord. No. 84-21, 8-14-84)

**Cross reference**— Tattoo parlors generally, § 9-41 et seq.

**IR-6**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:**

**Request for City Council to vote to direct the City Manager provide City Council with options to dissolve the Beacon Theater LLC. The prior City Council voted to support dissolving the LLC in order to create a Regional Performing Arts Center and/or improve community programs and access to the Beacon Theater. In the meantime, the City Council will support opening the Beacon Theater free on Sundays after the Beacon Church for groups to offer free services/programs to the public.**

**ISSUE:** he City needs to address the status of the Beacon Theater’s management and finances. In the past, the City provided the Beacon Theater with approximately \$100,000 to provide community programs. City Council has not established guidelines for that money and support. Since the Beacon Theater is open on Sundays for the Beacon Church, members of the public that want to offer community services can utilize the space – as opposed to pay the high rental fees.

The City Council needs to also discuss management of the theater to fully take advantage of the renovation and to provide cultural opportunities for the community. Currently concerts is the primary event type offered by the Beacon. The Theater can also be a space to routinely offer plays, dance, spoke word, classes etc. to the community.

**RECOMMENDATION:** City Council direct the City Manager to complete task by a specific date.

**TIMING:** Timing

**BACKGROUND:**

**SUMMARY:**

- | Y                        | N                        |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | Y                        | N                        |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

**ENCLOSED DOCUMENTS:**

- None

**STAFF:**

Mayor Jasmine E Gore

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

**Roll Call**

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**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | <b>Y</b>                 | <b>N</b>                 |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

**IR-7**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:****City of Hopewell Finance Policies**

**ISSUE:** City Council discussed two finance policies during Fall Council meetings. Council’s last action was for the CM to prepare an alternative policy for submission for the November 12, 2019 agenda packet. The policy needed to be vetted by the City Attorney prior to submission. Council has not received the policy yet for discussion.

**RECOMMENDATION:** For Council to decide dollar thresholds for current policy, to give to the City Manager to address any oversights in work flow (e.g., paper submissions vs. electronic submissions).

**TIMING:** Immediately

**BACKGROUND:** None

**ENCLOSED DOCUMENTS:**

- October 16, 2019 minutes
- Small Purchase Local Comparisons
- Procurement Contract

**STAFF:**

Jasmine E. Gore, Mayor

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Jasmine Gore, Ward #4			

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**Roll Call**

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**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | <b>Y</b>                 | <b>N</b>                 |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

**SPECIAL MEETING WORK SESSION**

**WS-1 Review and approval of financial policies, resolutions, etc. Contract**

**Motion:** Councilor Partin moved to have the City Manager and the City Attorney work together to create a policy that reflects Hopewell’s needs, and to bring back a copy for action at the November 12 meeting (All three policies). Councilor Denton seconded the motion. Discussion ensued.

**Substitute Motion:** Councilor Randolph made a motion to make an amended motion. Upon the roll call, the vote resulted:

Mayor Gore	-	No
Councilor Denton	-	yes
Councilor Pelham	-	No
Vice Mayor Bennett	-	No
Councilor Randolph	-	yes
Councilor Holloway	-	No
Councilor Partin	-	yes

**Motion failed 4-3**

Council then voted on the original motion: to have the City Manager and the City Attorney to work together to create a policy that reflects Hopewell’s needs and to bring back a copy for action at our November meeting. (All three policies) Councilor Denton seconded the motion. Upon the roll call, the vote resulted:

Mayor Gore	-	No
Councilor Denton	-	yes
Councilor Pelham	-	yes
Vice Mayor Bennett	-	No
Councilor Randolph	-	yes
Councilor Holloway	-	No
Councilor Partin	-	yes

**Motion passed 4-3**

<b>VIRGINIA BEACH – CITY</b>	
Sec. 2-224.4. - Same— Contracts for provision of goods and services.	<a href="https://library.municode.com/va/virginia_beach/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTVIFI_DIV2.5PR_S2-224.4SAONPRGOSE">https://library.municode.com/va/virginia_beach/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTVIFI_DIV2.5PR_S2-224.4SAONPRGOSE</a>
Solicitations for goods and services contracts of more than fifty thousand dollars ( <b>\$50,000.00</b> ) shall include at least three (3) SWAM-certified small businesses, including minority-owned businesses, service disabled veteran-owned businesses or woman-owned businesses that are included on the list maintained pursuant to <a href="#">section 2-224.1</a> and are in the business of supplying goods or services of the kind to be procured, unless the list of available SWAM-certified vendors contains less than three (3) such businesses. In addition, the purchasing agent shall forward such solicitations, upon request, to any minority organization or other interested party.	
<b>Norfolk City</b>	
Sec. 33.1-39. - Small purchases.	<a href="https://library.municode.com/va/norfolk/codes/code_of_ordinances?nodeId=COCI_CH33.1PR_ARTIVSOSECOFO_S33.1-39SMPU">https://library.municode.com/va/norfolk/codes/code_of_ordinances?nodeId=COCI_CH33.1PR_ARTIVSOSECOFO_S33.1-39SMPU</a>
Any procurement for goods and services other than professional services not exceeding one hundred thousand dollars (\$100,000.00) and any procurement for professional services not exceeding sixty thousand dollars ( <b>\$60,000.00</b> ) may be made in accordance with small purchase procedures which shall be specified in the rules and regulations promulgated to implement this provision; provided, however, that contract requirements shall not be artificially divided so as to constitute a small purchase under this provision; provided also that any procurement of goods or services under five thousand dollars ( <b>\$5,000.00</b> ) may be made directly under the decentralized purchasing system. To the extent practicable, no less than three (3) businesses shall be solicited. Names of businesses solicited for procurement under this section shall be recorded with dates and amounts and such entries shall be maintained as public records. For the purchase of goods in an amount not exceeding one hundred thousand dollars (\$100,000.00) or the procurement of services in an amount not exceeding twenty-five thousand dollars ( <b>\$25,000.00</b> ), the purchasing agent may issue a purchase order using a form prepared by the city attorney, without following the requirements set forth in section 2-7 of the City Code.	
<b>City of Chesapeake</b>	
Sec. 54-5. - Purchase orders totaling \$5,000.00 or more.	<a href="https://library.municode.com/va/chesapeake/codes/code_of_ordinances?nodeId=PTIICOOR_CH54PUPR_ARTIIIMEPRAD_S54-61ENPRME">https://library.municode.com/va/chesapeake/codes/code_of_ordinances?nodeId=PTIICOOR_CH54PUPR_ARTIIIMEPRAD_S54-61ENPRME</a>
(a)Approval of purchase orders totaling <b>\$5,000.00</b> or more. The procurement administrator or designee shall approve a purchase order totaling \$5,000.00 or more if it is properly charged to the correct appropriation account, and if there exists an unencumbered appropriation sufficient to pay for all such materials, supplies, equipment, and other things. After approval of the purchase order within the city's accounting system, the procurement administrator's or designee's signature shall be applied, and the purchase order shall be dispatched to the vendor.	
(b)Disapproval of purchase orders totaling <b>\$5,000.00</b> or more. If the procurement administrator or designee is of the opinion that a purchase order submitted for approval is not correct or is incomplete in any respect, the procurement administrator or designee shall return the purchase order to the department or agency head with a written memorandum stating the reasons for refusal to approve it.	
Sec. 54-35. - Approval of procurement administrator and department head required.	It shall be unlawful for any officer, employee or agent of the city to purchase any supplies, services or equipment or to incur any obligation on the part of the city without first having obtained the approval of the procurement administrator or designee and the head of the department or agency for which the supplies, services or equipment are to be used, except that the city manager may delegate authority for the purchase of supplies, services or equipment totaling <b>\$4,999.99</b> or less to department directors or agency heads under such terms and conditions as the city manager may deem appropriate.
Procurements under \$100,000.00 in value.	Procurements under \$100,000.00 in value. The specific terms and requirements of this chapter shall not be applicable to the following contracts, provided, however, that the procurement administrator, or designee, under the direction of the city manager or designee shall promulgate policies and procedures for contracts of this size which shall provide for competition wherever practicable. Such policies and procedures shall be approved as to form by the city attorney or designee prior to implementation:(1)Goods or services other than

	<p>professional services and non-transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$100,000.00; and(2)Transportation-related construction, if the aggregate or sum of all phases is not to exceed \$25,000.00; and(3)Single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$80,000.00.(4)If small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.(5)All purchases under this subsection that are expected to exceed \$30,000.00 shall require the (a) written informal solicitation of a minimum of four bidders or offerors, and (b) posting of a public notice on the city's website, and may additionally be posted on electronic procurement websites, and any other appropriate websites as may be determined at the discretion of the procurement administrator of designee.</p>
Newport News	
	Nothing Online?
Alexandria	
Sec. 3-3-69 - Contracting for professional services by competitive negotiation.	<a href="https://library.municode.com/va/alexandria/codes/code_of_ordinances?nodeId=PTIITHCOGEOR_TIT3FITAPR_CH3PUCOSE_ARTDCOFOMESOSE_DIV2CONE_S3-3-69COPRSECONE">https://library.municode.com/va/alexandria/codes/code_of_ordinances?nodeId=PTIITHCOGEOR_TIT3FITAPR_CH3PUCOSE_ARTDCOFOMESOSE_DIV2CONE_S3-3-69COPRSECONE</a>
	<p>Professional services shall be procured by competitive negotiation. The purchasing agent may establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed \$50,000; however, such small purchase procedures shall provide for competition wherever practicable.</p> <p>The purchasing agent shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence to provide the required services. Repetitive informal interviews shall be permissible. Such offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project and to explore alternative concepts of performance of the contract. In addition, offerors informed of any ranking criteria that will be used by the purchasing agent in addition to the review of professional competence of the offeror. The request for proposals shall not seek estimates of person hours or costs for services However, these discussions may encompass nonbinding estimates of total project costs, including, but not limited to, where appropriate design, construction, life cycle costs and nonbinding estimates of price for services. Proprietary information from competitive offerors shall not be disclosed to the public or to competitors. At the conclusion of the discussions and on the basis of evaluation factors published in the request for proposals and all information developed in the selection process to this point, the purchasing agent shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the city can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations shall be conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the request for proposal, the city may award contracts to more than one offeror. If, at the conclusion of the discussions, the purchasing agent determines in writing and in his sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror. Once formally terminated, negotiations may not be reopened with any offeror.</p> <p>(c)With respect to the procurement of legal services , the duties and responsibilities imposed upon the purchasing agent in subsection (b) above shall devolve upon the city attorney.</p>

	<p>(d)A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by the purchasing agent, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the request for proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.</p> <p>(1)Such contracts may be renewable for four additional one-year terms at the option of the purchasing agent. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.</p> <p>(2)The sum of all projects performed in a one-year contract term shall not exceed \$6 million.</p> <p>(3)Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the request for proposal so states and (ii) the purchasing agent has established procedures for distributing multiple projects among the selected contractors during the contract term.</p> <p>(4)The fee for any single project shall not exceed \$2.5 million.</p> <p>(5)Any unused amounts from one contract term shall not be carried forward to any additional term.</p> <p>(e)Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, when completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into of any such contract, the purchasing agent shall state the anticipated intended total scope of the project and determine in writing that the nature of the work is such that the best interests of the city require awarding the contract.</p>
Hampton	
Sec. 2-325. - Verification of funds; purchase orders.	<a href="https://library.municode.com/va/hampton/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTXIVPROF_DIV1GE_S2-325VEFUPUOR">https://library.municode.com/va/hampton/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTXIVPROF_DIV1GE_S2-325VEFUPUOR</a>
<p>The provisions of this section apply to all public procurements regardless of dollar amount. The fact that procurements below one thousand five hundred dollars (\$1,500.00) are exempt from competitive bids has no relation to this section nor does it create any exception.</p>	
Sec. 2-326. - Competitive bidding requirements.	<a href="https://library.municode.com/va/hampton/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTXIVPROF_DIV1GE_S2-326COBIRE">https://library.municode.com/va/hampton/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTXIVPROF_DIV1GE_S2-326COBIRE</a>

Except in specific situations as defined in this article, all purchase orders or contracts for public procurement shall be issued only after prices have been obtained in accordance with the applicable processes set forth in this section as follows:

(1) Advertised, competitive sealed bidding or competitive sealed proposals shall not be required for procurements below thirty thousand dollars (\$30,000.00). Instead, the following competitive procurement procedures shall apply:

a. For procurements not exceeding five thousand dollars (\$5,000.00) city departments shall solicit at least two (2) price quotes and at least one (1) quote shall be solicited from a minority-owned or woman-owned business enterprise, whenever feasible. Quotes may be obtained either orally or in writing.

b. For procurements between five thousand one dollars (\$5,001.00) and nine-thousand nine hundred ninety-nine dollars and ninety-nine cents (\$9,999.99) city departments shall solicit at least three (3) price quotes to include any price available pursuant to state or local government cooperative procurement, and where feasible, a quote from a local vendor and from a certified minority-owned or woman-owned business enterprise. Quotes may be obtained either orally or in writing.

c. For procurements between ten thousand dollars (\$10,000.00) and twenty-nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$29,999.99) the procurement office shall solicit at least four (4) written price quotes and at least two (2) of those quotes shall be solicited from certified minority-owned or woman-owned business enterprises.

(2) Formal, sealed bids or proposals shall be required for all procurements of thirty thousand dollars (\$30,000.00) and over and shall be administered by the procurement office of the department of finance. Advertisements for such bids or proposals shall be placed at least ten (10) days prior to the bid or proposal opening date in a newspaper having a general circulation in the city and shall state the place where vendors may examine any plans or specifications and receive bid or proposal forms, and the time and place where bids or proposals will be received and opened. The chief procurement officer or his designated representative is directed, in addition to the above-mentioned advertisement, to solicit bids or proposals from prospective vendors, including at least four (4) certified minority-owned or women-owned enterprises, by forwarding written notice to such prospective vendors.

All bids or proposals provided for in this subsection (2) shall be submitted sealed to the chief procurement officer or his designated representative at the place designated in the advertisement prior to the stated time for the opening. All such bids or proposals received shall be opened in public at the time and place stated in the advertisement.

(3) In solicitations for procurements of one hundred thousand dollars (\$100,000.00) and above, the chief procurement officer shall set individualized goals for participation of certified minority-owned business enterprises and women-owned business enterprises in accordance with the city's minority business program plan as approved and amended by city council from time to time upon the recommendation of the city manager.

(4) Where multiple quotes are obtained pursuant to any process set forth in this subsection, city departments and/or the procurement office, as applicable, shall award to the lowest "responsible" vendor as that term is defined by the Virginia Public Procurement Act, Virginia Code § 2.2-4300 et seq., as amended. The failure of any person or firm to receive notice of solicitation by letter or telephone shall not affect the validity of any procurement under this subsection. A written record of all the solicitations and the quotes or proposals received shall be made a part of the purchasing records, including documentation of all efforts required by this subsection to solicit quotes from minority- and women-owned businesses. The chief procurement officer shall issue policies setting forth the content and form of documentation necessary to satisfy the requirements of this subsection.

Portsmouth	
Sec. 12-220. - Same—Small purchases.	<a href="https://library.municode.com/va/portsmouth/codes/code_of_ordinances?nodeId=PTIICO_CH12FI_ARTVPUPR_DIV1GE_S12-185UNPU">https://library.municode.com/va/portsmouth/codes/code_of_ordinances?nodeId=PTIICO_CH12FI_ARTVPUPR_DIV1GE_S12-185UNPU</a>

(a) A contract may be made in accordance with small purchase procedures developed by the purchasing administrator if the aggregate or sum of all phases or terms is not expected to exceed \$100,000.00 in the case of goods and services (other than professional services) or non-transportation construction; \$25,000.00 in the case of

transportation-related construction; or **\$60,000.00** in the case of a single or term contract for professional services; provided, however, that contract requirements shall not be artificially divided so as to constitute a small purchase under this section. Purchases under this section that are expected to exceed **\$30,000.00** shall require the written informal solicitation of a minimum of four bidders or offerors. Awards shall be made to the business offering the lowest acceptable quotation. The name of the business submitting the quotation and the date and the amount of such quotation shall be recorded and maintained as a part of the contract file.(b)A single quotation or term contract may be accepted from any one source in contracts which do not exceed **\$5,000.00**.

**Lynchburg city**

Subject to such small purchase procedures as are established in the procurement manual adopted by the city manager pursuant to section 18.1-12, the city manager, or those to whom he delegates authority, may enter into single or term contracts for goods and services other than professional services if the aggregate or sum of all phases is not expected to exceed **\$50,000.00**. Such small purchase procedures shall provide for reasonable competition when practicable, including, without limitation, when such small purchases are for over **\$10,000.00**, use of three quotes when reasonably practicable.

**Harrisonburg**

(c) Employment Discrimination by Contractor Prohibited	<a href="https://www.harrisonburgva.gov/sites/default/files/Purchasing/files/Procurement%20Manual%20City%20of%20Harrisonburg%202-9-12.pdf">https://www.harrisonburgva.gov/sites/default/files/Purchasing/files/Procurement%20Manual%20City%20of%20Harrisonburg%202-9-12.pdf</a>
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Every contract of over **\$10,000** shall include the provisions in one (1) and two (2) below:

- (1) During the performance of this contract, the contractor agrees as follows:
  - (a) The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
  - (b) The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
  - (c) Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- (2) The contractor will include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over **\$10,000**, so that the provisions will be binding upon each subcontractor or vendor.

4-3-44 Small Purchases	<a href="https://www.harrisonburgva.gov/sites/default/files/Purchasing/files/Procurement%20Manual%20City%20of%20Harrisonburg%202-9-12.pdf">https://www.harrisonburgva.gov/sites/default/files/Purchasing/files/Procurement%20Manual%20City%20of%20Harrisonburg%202-9-12.pdf</a>
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4-3-44 Small Purchases The purchasing agent may, in his discretion, make any contracts for purchases of less than Thirty Thousand Dollars (**\$30,000**) without obtaining bids or quotations; provided, that such purchases are made on the basis of one of the following requirements: (a) That the cost of the items purchased be the lowest of the supplier's current price lists in the office of the purchasing agent. The purchasing agent shall attempt to obtain at least two current price lists from suppliers prior to making purchases under this provision. A price list obtained within twelve months of the purchase shall be considered current. (b) That it is known by the purchasing agent that all competitors have substantially the same price for the items to be purchased. 21 (c) That the purchase of less than **\$30,000** is a reorder of commodities purchased on a previous bid or part thereof obtained within twelve months prior to the proposed purchase. (d) That the contract or purchase is of nominal value as that term is defined herein. (e) That if a contract is to be awarded for professional services to a contractor who has performed professional services for the City prior to July 1, 1994 and in the discretion of the purchasing agent the best interest of the City will be served by the prior professional experience and expertise of such a contractor, a contract may be awarded for professional services to such a contractor without competitive negotiation or obtaining bids or quotations. (f) That in the opinion of the purchasing agent it is not practicable to obtain bids regarding the contracts or purchases. (g) Minority vendors/contractors as so registered with the State of Virginia. All other purchases shall be made in accordance with the provisions of this policy

<b>Charlottesville</b>			
Sec. 22-4. - Methods of procurement authorized.	<a href="https://library.municode.com/va/charlottesville/codes/code_of_ordinances?nodeId=CO_CH22CIPRGOSENVESO_ARTIINGE_S22-4MEPRAU">https://library.municode.com/va/charlottesville/codes/code_of_ordinances?nodeId=CO_CH22CIPRGOSENVESO_ARTIINGE_S22-4MEPRAU</a>		
<p>(f) The purchasing manager may establish written procedures, approved by the city manager, for single- or term-contracts for goods, services and professional services, if the aggregate or the sum of all amounts to be paid to the contractor during performance is not expected to exceed fifty thousand dollars (\$50,000.00) ("small purchase procedures"). Such small purchase procedures shall provide for competition wherever practicable.</p> <p>(g) Upon a determination made in advance by the purchasing manager and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates, shall not be made by online public auctions.</p>			
<b>Danville</b>			
Sec. 30-35. - Same—Small purchases.	<a href="https://library.municode.com/va/danville/codes/code_of_ordinances?nodeId=PTIICO_CH30PRCO_ARTIICOPR_DIV1GE_S30-35SAMAPU">https://library.municode.com/va/danville/codes/code_of_ordinances?nodeId=PTIICO_CH30PRCO_ARTIICOPR_DIV1GE_S30-35SAMAPU</a>		
<p>(a) The purchase of goods, contractual services (excluding professional services), insurance and capital improvements estimated to be less than fifty thousand dollars (\$50,000.00) in value shall not be subject to the competitive bidding requirements of this article. Purchases under this subsection that are expected to exceed thirty thousand dollars (\$30,000.00) shall require the written informal solicitation of a minimum of four (4) bidders or offerors.</p> <p>(b) For purchases of less than thirty thousand dollars (\$30,000.00), the City will endeavor to purchase such items on as competitive a basis as practical and the City Manager is authorized to establish the administrative controls considered necessary to govern such purchases. Written quotations from vendors shall be obtained where practical, although verbal quotations will be permitted, provided a written record of all such verbal quotations is made and filed with the records of the transaction.</p> <p>(c) Professional services not expected to exceed thirty thousand dollars (\$30,000.00) in value shall not be subject to the competitive negotiation requirements of this article.</p>			
<b>Blacksburg</b>			
Section 16-200. - Methods of procurement.	<a href="https://library.municode.com/va/blacksburg/codes/code_of_ordinances?nodeId=CO_CH16PU_ARTIICOFO_S16-200MEPR">https://library.municode.com/va/blacksburg/codes/code_of_ordinances?nodeId=CO_CH16PU_ARTIICOFO_S16-200MEPR</a>		
<p>Any contracts with non-governmental contractors for the purchase or lease of goods, or for the purchase of services, insurance or construction shall be awarded after competitive sealed bidding or competitive negotiation, unless otherwise authorized by law.</p> <p>(b)The purchasing agent may establish written small purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods or services other than professional services if the aggregate of all phases is not expected to exceed \$50,000.00; however, the small purchase procedures shall provide for competition wherever practicable. Purchases that are expected to exceed \$30,000.00 shall require the written informal solicitation of a minimum of four bidders.</p>			
<b>Winchester</b>			
Sec. 21-25. - Methods of procurement.	<a href="https://library.municode.com/va/winchester/codes/code_of_ordinances?nodeId=CD_CH21PU_ARTIVMEPRON_DIV1MEPR_S21-25MEPR">https://library.municode.com/va/winchester/codes/code_of_ordinances?nodeId=CD_CH21PU_ARTIVMEPRON_DIV1MEPR_S21-25MEPR</a>		
Field Purchase Order	\$1—\$4,999	No quotes needed	Department
Field Purchase Order	\$5,000—\$15,000	3 verbal quotes	Department

Purchase Order Professional Services	\$15,000.01—\$60,000	3 written quotes	Department
Purchase Order Goods & Non-Profess. Svcs.	\$15,000.01—\$100,000	3 written quotes	Department
Sealed Bid Process Goods & Non-Profess. Svcs.	\$100,000.01	Competitive Sealed Bid or Competitive Negotiation	Submit Specs to Purchasing

**Salem**

Sec. 8.1. - Public works or improvements; contracts for more than five thousand dollars. [https://library.municode.com/va/salem/codes/code\\_of\\_ordinances?nodeId=PTICH\\_CH8FIPR\\_S8.1PUWOIMCOMOFITHDO](https://library.municode.com/va/salem/codes/code_of_ordinances?nodeId=PTICH_CH8FIPR_S8.1PUWOIMCOMOFITHDO)

Any public work or improvement costing more than five thousand dollars shall be executed by contract, except where a specific work of [or] improvement is authorized by the city council and directed to be done by force account. Such work shall be based on detailed estimates submitted by the department authorized to execute such work or improvement, and approved by the city manager. All contracts for more than five thousand dollars shall be awarded to the lowest responsible bidder in such manner and under such bond as may be prescribed by ordinance and after the city manager shall have made due advertisement for such time as the city council may prescribe, by newspapers or posted notices. But the city manager shall have the power to reject any or all of the bids and advertise again, and all advertisements shall contain a reservation of this right.

Sec. 2-1. - Purchases in emergency cases; purchases exceeding \$500.00. [https://library.municode.com/va/salem/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH2AD\\_ARTIINGE\\_S2-1PUEMCAPUEX500.00](https://library.municode.com/va/salem/codes/code_of_ordinances?nodeId=PTIICO_CH2AD_ARTIINGE_S2-1PUEMCAPUEX500.00)

In an emergency requiring immediate action, the city manager may proceed to do the work by procuring the required labor and materials without the necessity of advertising. The purchasing agent may, in emergency cases, make purchases in any department of the city government not to exceed **\$500.00** without specific permission from the council. For any purchases in excess of this amount, an order of the council shall be required.

**Fredericksburg**

2-387 Small Purchases. <https://ecode360.com/28963518?highlight=purchase,small%20purchases&searchId=8515525835695858>

The City Manager may enter into contracts for the purchase of goods and nonprofessional services, insurance, and construction without following the requirements of this article for competitive sealed bids or competitive negotiation on single or term contracts where the aggregate or the sum of all phases is not expected to exceed \$100,000. The City Manager may enter into contracts for the purchase of professional services without following the requirements of this article for competitive sealed bids or competitive negotiation on single or term contracts where the aggregate or the sum of all phases is not expected to exceed **\$60,000**.

B. The City Manager shall, wherever practicable, seek competitive prices on small purchases pursuant to this section. For the purchase of goods in excess of **\$5,000**, the City Manager shall secure at least three estimates or proposals from different vendors. Written quotations from vendors shall be obtained, where practicable, although verbal quotations will be permitted, provided the City Manager cause a written record of all such verbal quotations to be made and filed with the records of the transaction.

**Fairfax**

Sec. 2-335. - Small purchases. [https://library.municode.com/va/fairfax/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH2AD\\_ARTVIFI\\_DIV3PRPR\\_S2-335SMPU](https://library.municode.com/va/fairfax/codes/code_of_ordinances?nodeId=PTIICO_CH2AD_ARTVIFI_DIV3PRPR_S2-335SMPU)

Any single or term contract not expected to exceed **\$60,000.00** in the aggregate may be made for goods and services other than professional services without competitive sealed bidding or competitive negotiation, in accordance with small purchase procedures administered by the director of finance. Notwithstanding the foregoing, contract

requirements shall not be artificially divided so as to constitute a small purchase under this section. Insofar as is practical, competition is to be encouraged even for small purchases made under this section, and where possible, no fewer than three businesses or individuals shall be solicited to submit quotations. These solicitation requirements do not apply for purchases under **\$5,000.00**.

**Waynesboro city**

Sec. 56-4. - Small purchases. [https://library.municode.com/va/waynesboro/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH56PR\\_S56-4SMPU](https://library.municode.com/va/waynesboro/codes/code_of_ordinances?nodeId=PTIICO_CH56PR_S56-4SMPU)

(a)The city may award single or term contracts for:(1)Professional services less than or equal to **\$60,000.00**;(2)Non-professional services less than or equal to \$100,000.00; and(3)Goods and non-transportation-related construction less than or equal to \$100,000.00 without competitive procurement by utilizing the following procedure: a identify at least three potential suppliers for the items being purchased.

(b)Obtain pricing. Verbal proposals are acceptable, as are advertisements and world-wide-web pages, so long as they are current. Award the contract to the supplier offering the lowest price, in the absence of an articulated reason to award it to someone else.

**Bristol**

Sec. 2-3. - Purchases generally. [https://library.municode.com/va/bristol/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH2AD\\_ARTIINGE\\_S2-3PUGE](https://library.municode.com/va/bristol/codes/code_of_ordinances?nodeId=PTIICO_CH2AD_ARTIINGE_S2-3PUGE)

generally.

Sec. 2-3. - Purchases generally.

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONEMAIL SECTION

The following regulations, pursuant to the Virginia Public Procurement Act (VPPA), are adopted and shall hereinafter be referred to as the small purchases procedure:

- (1) Purchases made by the City of Bristol, Virginia, shall be in accordance with the Virginia Public Procurement Act.
- (2) Purchases that do not exceed **\$5,000.00** are exempt from the competitive practices and procedures specified in this section. However, it is requested that city departments obtain the best pricing possible.
- (3) The procurement of goods or services that are expected to cost between **\$5,000.01** and **\$25,000.00** shall require a minimum of three written quotations.
- (4) The procurement of goods or services that are expected to cost between **\$25,000.01** and **\$100,000.00** shall require a minimum of four written quotations.
- (5) The procurement of goods or services that cost over \$100,000.00 shall require the solicitation of competitive sealed bids or proposals.
- (6) Professional services that are expected to exceed **\$60,000.00** shall require the solicitation of competitive sealed proposals.
- (7) The city manager, in the case of an emergency that does not allow sufficient time to engage in normal procurement procedures, may authorize a contract or the purchase of goods or services on an emergency basis if it is determined to be in the city's best interest to do so.
- (8) In all cases, the names of each person or business submitting quotations, the date and amount of each quotation shall be recorded and maintained as a public record. In instances where the minimum number of quotations required are not obtained or are not available, the reasons why shall be recorded and maintained as a public record. Specifications or request for proposals that are prepared for any solicitation for goods or services shall also be maintained as a public record.
- (9) The use of separate purchase orders to avoid the above mentioned thresholds are prohibited. The above mentioned thresholds will relate to the aggregate purchase price for a specific purchase.

**Colonial Heights**

63-30 Small Purchases. <https://ecode360.com/9338754?highlight=purchase,purchased,purchasing,small%20purchase,small%20purchases&searchId=8516506461726001#9338754>

Single or term contracts not expected to exceed **\$50,000** may be awarded without competitive sealed bids or competitive negotiation but shall be awarded on the basis of such competition as the Purchasing Agent, in his discretion, finds practicable. Such awards shall be based, except when the Purchasing Agent shall determine in writing that it is impracticable to do so, on three or more competitive bids, which may be informal but of which there shall be a written record.

B. In making determinations as to practicability, the Purchasing Agent shall consider whether or not:

- (1) The cost of the items purchased is the lowest from the supplier current price lists in the Purchasing Office.
- (2) All competitors have the same price for the items to be purchased.

(3) The purchase is a reorder of commodities purchased on a previous bid or part thereof obtained within six months prior to the proposed purchase.

(4) Only two competitive bids are reasonably available. In making said determinations, the Purchasing Agent shall also consider the cost of the purchasing process relative to the cost of items being purchased and shall not be limited necessarily to consideration of factors specifically stated herein.

C. No contract amount shall be artificially divided so as to constitute a small purchase under this section.

## **PROCUREMENT POLICY AND PROCEDURES**

### **PURPOSE**

In recognition of the City of Hopewell's need to make purchases and enter into small contracts in order to ensure operational efficiency and to deliver timely and critical services, the Hopewell City Council hereby adopts the following small purchase policy and procedures for the City, pursuant to the authority vested in it by Va. Code Ann. §2.2-4303(G). It is the dual purpose of this policy to promote, support, and encourage investment in the local economy when purchasing or contracting for goods and non-professional services pursuant to this policy whenever such can be achieved and there is an objectively rational basis to do so.

This policy shall operate to delegate the City's power to contract without formal competition and without first seeking approval by City Council under specific terms and conditions. Any contract not expressly approved by City Council or otherwise falling within these expressed conditions shall be deemed void and unenforceable.

This small purchase policy should be read in conjunction with the Virginia Public Procurement Act Va. Code Ann. §2.2-4300, *et seq.*, as amended, ("the Act") and shall apply to all public purchasing regardless of source.

Pursuant to Va. Code Ann. §15.2-1100, *et seq.*, and Art. IV, §2 of the Hopewell City Charter, the City Council reserves to itself all authority to bind the City by contract, except as expressly provided herein. The provisions of the Act shall govern all other procurement by the City.

## **DEFINITIONS**

*Contract* means all types of agreements (e.g., purchase, purchase order, contract, change order), regardless of what they may be called for the procurement of goods, services, insurance, or construction.

*Emergency* shall exist when a breakdown in essential service occurs or under any circumstances when supplies are needed for immediate use in work which may affect the safety, health or welfare of the public. Within 30 days of emergency, the City Manager or designee shall submit to City Council a written report detailing the nature of the emergency as well as full fiscal and budgetary impact of the emergency including, if necessary, the potential for a supplemental budget appropriation necessitated by the emergency.

## **VALIDITY OF CONTRACTS**

No public contract exceeding the value of \$\_\_\_\_\_ shall be valid and enforceable against the City unless it is signed and approved as to form by the city attorney or designee, as well as signed and approved as to substance (terms of the deal) by the city manager or designee. In consultation with the city manager or designee, the city attorney may develop standard terms and conditions, forms, or other checklists for use with or in administration of public contracts.

## **UNAUTHORIZED CONTRACTS**

Contracts may not be artificially divided so as to constitute a small purchase.

**GENERAL PROVISIONS**

Employees are responsible for soliciting quotes for purchases as outlined below. Purchase orders submitted without the required quotes or a satisfactory explanation as to why quotes were not obtained (i.e., sole source, emergency, approved vendor) shall not be approved.

- Up to \$ \_\_\_\_\_ One verbal quote is required.
- \$ \_\_\_\_\_ Three verbal quotes must be obtained. The quote summary must be attached to the invoice. Physical records regarding the dates, contacts, and quotes received shall be retained in the department's file for auditing purposes.
- \$ \_\_\_\_\_ Three written quotes are required. The actual written quotes shall be retained in the department's file for auditing purposes. Physical records regarding the dates, contacts, and quotes received shall be retained in the department's file for auditing purposes.
- \$ \_\_\_\_\_ Three written quotes are required. Hard copies shall be attached to the purchase order.
- \$ \_\_\_\_\_ Must be competitively bid in accordance with the Act. City Council approval is required for all purchases in this category, except as provided for an emergency.

Items purchased more than once during a fiscal year (e.g. office supplies) do not need quotes every time a purchase is made. However, unless such purchases are made from an approved vendor list, competitive quotes for repeated purchases shall be sought at least once each year to ensure the vendors are competitive. Inasmuch as possible or feasible, employees should obtain goods and

**FOR DISCUSSION PURPOSES ONLY**

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services through cooperative procurement with other local governments or units or by utilizing the Commonwealth of Virginia e-Marketplace.

**SOLE SOURCE PROCUREMENT**

Contracts for parts, supplies, or equipment that are available only from a single source shall be referred to as sole source purchases. Sole source purchase shall not be used for any type of service contracts. Sole source procurement may arise from the following instances:

1. Equipment for which there is no comparable competitive product or is available only from one supplier;
2. A part for which there is not commercially available substitute, and which can be obtained only from the manufacturer;
3. An item where 'compatibility' is the overriding consideration, e.g., computer software or hardware.

Purchases satisfying one or more of these requirements shall not be subject to competitive bidding; however, purchases exceeding \$\_\_\_\_\_ shall still be presented to City Council for approval. For all purchases submitted to City Council as a sole source procurement shall be accompanied by a written request to waive bids which shall also set forth the reason(s) for the request.

**EMERGENCY PURCHASES**

Emergency shall be defined as set forth herein. Whenever, in the judgment of the City Manager, an emergency situation requires the make of any purchase in excess of \_\_\_\_\_ but less than \$\_\_\_\_\_ prior to the next regular meeting of the City Council, the City Manager may make such purchase without waiting for the formal approval of the specific purchase by City

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Council but shall make a report thereof to the City Council at the next regular meeting of the City Council. If the emergency purchase is over \$\_\_\_\_\_, approval of the City Council is required and request therefor shall be accompanied by a written request to approve the emergency purchase which shall also set forth the reason(s) for the request.

**CHANGE ORDERS**

Subsequent to entering into a contract, change orders may become necessary. The City Manager shall have the authority to approve all change orders up to \$\_\_\_\_\_. Any change order, singularly *or in the aggregate*, that exceeds \$\_\_\_\_\_ must be approved by the City Council.

**RECONCILIATION REQUIRED**

Each department that utilizes this small purchase policy during any given month shall be required to reconcile all purchases executed during that month. To comply with this requirement, each department must designate the person/position who will be tasked with responsibility of reconciling the transactions of the department, and be responsible for investigating, resolving, and reporting out to the Finance Department (copy to City Manager) discrepancies, should such occur. The person/position designated for reconciling the transaction shall *not* under any circumstances be the person/position who initiated or authorized the underlying purchase. This requirement shall not be waived.

For purchases over \$\_\_\_\_\_, reconciliation shall require that the expense of the purchase match up and is verified by all documentation required by this policy. Reconciliation should be completed monthly. Reconciliation reports required for any month shall be due to the Finance Department (copy to City Manager) by no later than the 15<sup>th</sup> day of the following month. Department reconciliation reports shall be retained by Finance Department in accordance with

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general accounting principles and with all applicable provisions of state and federal law. Under no circumstances shall a department reconciliation report be destroyed prior to the completion of the comprehensive annual financial audit the fiscal year that covers the month for which the reconciliation report was generated.

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**IR-8**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:**

Strategic Plan and Crime Meeting Transparency – Post Online Records for Public

**ISSUE:** City Council held three Town Hall Meetings in 2019 to develop a draft Strategic Plan. The resident feedback from those meetings is not posted online for the public to view. Additionally, City Council held several Advances to prepare the Strategic Plan. The first draft (skeleton) and the City Managers’ feedback is not posted online. Each step to include the date should be made available to the public. The Crime Meeting resident feedback should also be posted online.

**RECOMMENDATION:** Post resident feedback, skeleton (Advance Notes), City Manager’s bullet point submission, City Manager’s table submission and what the City Manager submits at the Feb. 1<sup>st</sup> Meeting.

**TIMING:** Immediate

**BACKGROUND:** None

**ENCLOSED DOCUMENTS:**

- None

**STAFF:**

None

**FOR IN MEETING USE ONLY****SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Jasmine Gore, Ward #4			

**MOTION:** \_\_\_\_\_

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**Roll Call**

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**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor John B. Partin, Ward #3  |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jasmine Gore, Ward #4        |

- | <b>Y</b>                 | <b>N</b>                 |                                      |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5     |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6     |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Patience Bennett, Ward #7 |

**ADJOURN**