

July 1, 2021

Memorandum #2021-110

TO: Hampton Roads Chief Administrative Officers

BY: Mary Bunting, Chair

RE: Hampton Roads Chief Administrative Officers Meeting – July 7, 2021

A meeting of the Hampton Roads Chief Administrative Officers is scheduled for Wednesday, July 7, 2021 beginning at 11:30 AM. The agenda and related materials are attached.

This month's meeting will be held ***in-person*** and is being hosted by Isle of Wight County at Windsor Castle Park, 705 Cedar Street, Smithfield. Please note that this is the entrance to Windsor Castle Park. Once you arrive at the Park, turn left onto Jericho Road and the Manor House will be at the end of the road.

RAC/ka

Attachments

Chief Administrative Officers:

Mary Bunting, HA
Patrick Duhaney, VB
Carol Steele, GL
Chip Filer, NO
Amanda Jarratt, FR
Michael Johnson, SH
Angel Jones, PO
Randy Keaton, IW
Al Moor, SU

Neil Morgan, YK
Chris Price, CH
Cynthia Rohlf, NN
Melissa Rollins, SY
William Saunders, WN
Michael Stallings, SM
Scott Stevens, JC
Andrew Trivette, WM
Randy Wheeler, PQ

**Hampton Roads
Chief Administrative Officers (CAO) Meeting**

**WEDNESDAY, JULY 7, 2021
11:30 AM**

**Windsor Castle Park
705 Cedar Street
Smithfield, VA 23430**
*(once you arrive at the Park, turn left onto Jericho Road and
the Manor House will be at the end of the road)*

***Please note that this meeting is being held in-person;
no electronic meeting platform will be available***

I. Call to Order

II. Approval of Agenda

III. Approval of Minutes

The Summary Minutes from the June 2, 2021 CAO Committee meeting are attached for the Committee's consideration and approval.

IV. Public Comment

Members of the public will be provided an opportunity to address the CAO Committee. Comments should be limited to three minutes per speaker.

V. Report on Work of The Planning Council

The Planning Council (TPC) was established more than 80 years ago as the first "regional agency" chartered to address health and human service needs in a multi-jurisdictional manner. TPC also works across and between diverse sectors including government, business, and the non-profit sector to address issues such as hunger, poverty, mental health, public health, homelessness and the needs of vulnerable populations such as low-income children and the elderly. Angela Kellam is the President/CEO of The Planning Council and will provide the CAO Committee an update on their current activities and services.

The Planning Council's web site can be accessed at the following link:

<https://www.theplanningcouncil.org/>

VI. RISE

RISE is a regional non-profit with a mission to accelerate innovation and business growth around solutions to coastal communities' resilience needs. RISE is currently supporting 23 small businesses developing new resilience products and services in

Hampton Roads. RISE's 2021 Challenge winners have opportunities to perform pilot projects, funded by RISE, in Hampton Roads communities. Dr. Paul Robinson, Executive Director of RISE, will brief the CAO Committee on opportunities open to HRPDC members. More information on RISE can be found at the following link: <https://riseresilience.org/>

VII. Locality CAO Survey

At the last CAO Committee meeting, the Committee directed the Executive Director to complete a survey of how each locality is addressing the following questions:

- How is your locality planning on utilizing your American Recovery Plan (ARP) monies from the federal government?
- Is your locality staff all back working in person, or is there still staff teleworking in your locality?

A table providing the responses to this survey are attached. The Committee members should discuss the responses to this survey and share any updated information.

VIII. Regional Legislative Committee

The Executive Director will provide a report on the first HRPDC/HRTPO Legislative Committee meeting that was held June 30.

IX. Other Business

X. Adjournment

**Hampton Roads Planning District Commission (HRPDC)
Chief Administrative Officers Meeting
Summary Minutes of June 2, 2021**

The Chief Administrative Officers (CAO) Committee Meeting was called to order at 11:30 a.m. by Mary Bunting, Hampton City Manager and Chair of the CAO Committee. Ms. Bunting noted that pursuant to the declared state of emergency in the Commonwealth of Virginia in response to the COVID-19 pandemic and to protect the health, safety, and welfare of the Committee members, staff, and general public, the meeting was being held electronically via Zoom. Mr. Crum noted that the Zoom access information was published with the agenda for use by Committee members and the general public. He also noted that the meeting was being recorded and was required to complete essential business on behalf of our region.

The following members of the CAO Committee were in attendance:

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| Mary Bunting, Chair | Hampton |
| Amanda Jarratt | Franklin |
| Mike Johnson, Vice-Chair | Southampton County |
| Angel Jones | Portsmouth |
| Randy Keaton | Isle of Wight County |
| Al Moor | Suffolk |
| Mark Bellamy for Neil Morgan | York County |
| Melissa Rollins | Surry County |
| William Saunders | Windsor |
| Michael Stallings | Smithfield |
| Carol Steele | Gloucester County |
| Scott Stevens | James City County |
| Randy Wheeler | Poquoson |

Others in Attendance

Robert Crum, HRPDC/HRTPO
Keith Cannady, HRPDC
Pavithra Parthasarathi, HRTPO
Greg Grootendorst, HRPDC
John Harbin, HRPDC
Katie Cullipher, HRPDC
Kelli Arledge, HRPDC
Ron Carlee, Old Dominion University
Michele Gowdy, Virginia Municipal League
Mark Geduldig-Yatrofsky, Portsmouth Resident
Diane Kaufman, Senator Kaine's Office
Drew Lumpkin, Senator Warner's Office
Caleb Smith, Representative Luria's Office
Peter Stephenson, VRSA

Approval of Agenda and Meeting Minutes

Ms. Bunting asked if there were any additions or revisions to today's agenda or the Summary Minutes from the May 5, 2021 meeting. Ms. Bunting noted that since there were no changes, that the roll call vote for approval of the Agenda and Meeting Minutes could occur together, and also serve as a roll call for CAO Committee members present for today's meeting.

Mr. Wheeler from Poquoson made a motion to approve both the Agenda for today's meeting and the May 5, 2021 meeting minutes. A second was provided by Ms. Jarrett from Franklin. Mr. Crum proceeded to call the roll call vote:

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|------------------------------|----------------------|-----|
| Mary Bunting, Chair | Hampton | Yes |
| Amanda Jarratt | Franklin | Yes |
| Mike Johnson, Vice Chair | Southampton County | Yes |
| Angel Jones | Portsmouth | Yes |
| Randy Keaton | Isle of Wight County | Yes |
| Al Moor | Suffolk | Yes |
| Mark Bellamy for Neil Morgan | York County | Yes |
| Melissa Rollins | Surry County | Yes |
| William Saunders | Windsor | Yes |
| Michael Stallings | Smithfield | Yes |
| Carol Steele | Gloucester County | Yes |
| Scott Stevens | James City County | Yes |
| Randy Wheeler | Poquoson | Yes |

The motion passed unanimously

Public Comment Period

Ms. Bunting asked if there were any members of the public who wanted to address the CAO Committee today. She recognized Mr. Mark Geduldig-Yatrofsky, a resident from Portsmouth.

Mr. Geduldig-Yatrofsky addressed the CAO Committee and stressed the value and benefits of holding public meetings virtually. He noted that virtual meetings allow more people to attend and participate in these meetings without needing to invest time into commuting to and from these meetings. He also noted that virtual meetings can be recorded, and reach a larger audience. He urged the CAO Committee to consider a hybrid meeting approach beginning with the July 7th CAO Committee meeting where some members can be present and others can attend and participate virtually.

Regional Recycling Discussion

Ms. Bunting asked Mr. Crum to introduce this item. Mr. Crum noted that an HRPDC staff team has been meeting with staff representatives from the region's localities to discuss challenges and opportunities related to recycling in the Hampton Roads region. Mr. Crum and Mr. Grootendorst noted that policy changes by the Government of China have significantly impacted worldwide markets for recyclable materials. They noted that this disruption to the

recycling market, coupled with limited recycling options in Hampton Roads, has required several localities to engage in difficult decisions regarding solid waste management.

Mr. Grootendorst noted that on April 14th, HRPDC staff convened a meeting of key staff from member jurisdictions to engage in a discussion on the current state of recycling in Hampton Roads. The majority of the meeting focused on shared experiences that have occurred since China's policy change. During the meeting, the locality staff discussed the unknown future of recycling, the shrinking number of recycling options available to Hampton Roads jurisdictions, and opportunities for regional collaboration on recycling efforts. Mr. Grootendorst introduced a team of locality staff representatives that were present to brief the CAO Committee.

Ms. Kristi Rines, Recycling Coordinator for Virginia Beach, Mr. Earl Sorey, Director of Public Works for Chesapeake, and Mr. David Magnant, Executive Director of the Virginia Peninsula Public Services Authority, briefed the CAO Committee on the current state of recycling in Hampton Roads, the barriers and challenges that exist and opportunities for collaboration among the region's localities.

Following this briefing, Ms. Bunting asked Mr. Crum to conduct a roll call of the various CAO Committee members. Mr. Crum proceeded to ask each CAO in attendance to provide an update on recycling in their locality and any opportunities for regional collaboration. Some highlights of this roundtable discussion included the following:

- Concern was raised that recyclable materials that are processed at waste-to-energy facilities are not considered or counted towards locality goals for recycling by the State.
- Owens Illinois has reached out to discuss the potential for a glass processing plant in James City County. Interest was expressed in whether this potential facility could serve as an opportunity for the region.
- CAOs noted that residents expect the materials that they sort for recycling to make their way to recycling markets. Other uses such as using these materials as liners for landfills are not consistent with resident goals for recycling.
- Domestic markets are beginning to develop, but not quickly enough.
- There is a lot of support among local residents to continue recycling.
- There is concern that if recycling is stopped, it could be difficult to re-establish these programs.
- Several CAOs believe there are benefits to exploring regional collaboration opportunities.

After the locality roll call, the CAO Committee agreed to form a Recycling Subcommittee that could meet to discuss recycling challenges and discuss opportunities for regional collaboration. The Subcommittee would report its recommendations back to the full CAO

Committee. The Committee agreed that Mr. Crum would send a request to the CAO Committee asking for volunteers for this Subcommittee.

Impact of Virginia Marijuana Laws on Human Resource Issues

Mr. Crum introduced Ms. Allison Myers, Director of Human Resources for the City of Chesapeake. Mr. Crum noted that at last month's CAO Committee meeting, members indicated that the Committee should discuss the new marijuana laws in Virginia, and the potential impact on locality human resource management practices. Several CAOs indicated that a sharing of information on potential approaches to address these issues would be helpful.

Ms. Myers reviewed a PowerPoint presentation providing background information on several items including the following:

- HB 1862 – Employee Protections; Medicinal Use of Cannabis
 - Prohibits employers from discharging, disciplining, or discriminating against an employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease.
 - Does not restrict an employer's ability to take any adverse employment action for any work impairment caused by using cannabis oil or to prohibit possession during working hours.
 - Does not require an employer to commit any act that would cause the employer to be in violation of federal law.
- HB 2312 – Marijuana Legalization of Simple Possession
 - Eliminates criminal penalties for simple possession of marijuana.
 - Possession of up to one ounce is legal for people age 21 and older.
 - Employees can still be disciplined for being under the influence while at work or using marijuana off duty if the use does not fall under the medical cannabis oil employment protection statute.
 - Federal law has not changed and still considers marijuana a banned substance.
- City of Chesapeake
 - Sent out Citywide communication to all employees.
 - Creating a flyer communicating what changes specifically mean to employees.

- Educate all supervisors and managers on upcoming changes and inform them to contact human resources with questions.
- Updating City Substance Abuse Policy.

Following Ms. Myers's presentation, the CAO Committee thanked her for the briefing. Many members noted that this information was very beneficial and complimented Ms. Myers for taking the initiative to share this information. CAO Committee members asked if Ms. Myers could share the flyer that would be distributed to City Staff and she agreed to share this information. A conversation also occurred about the need to provide information to new hires and to learn from case law examples from other States.

CAO Committee Roll Call

Mr. Crum recommended, due to the time, that in-lieu of the locality roll call he could send a survey to the CAO Committee members collecting information on the following questions:

- How is your locality planning on utilizing your American Recovery Plan (ARP) monies from the federal government?
- Is your locality staff all back working in person, or is there still staff teleworking in your locality?
- Should our July 7 CAO Committee meeting be held virtually or in-person?

The CAO Committee members agreed to respond to a survey to provide this information.

Other Business

Mr. Crum reminded CAO Committee members that if they have any topics they would like to discuss at future CAO meetings, to please let him or Ms. Bunting know.

Adjournment

There being no further business to come before the CAO Committee, the meeting was adjourned at approximately 12:45 p.m.

Respectfully Submitted,

Robert Crum
Recording Secretary

CAO Committee Questions

1. How is your locality planning on utilizing your American Recovery Plan (ARP) monies from the federal government?

Chesapeake: If possible, we'd like to use a significant portion of our ARP funds for broadband deployment. We also have some additional facility, infrastructure, and technology needs that we intend to address. The revenue replacement provisions appear generous, so that is also an option that could help make fund utilization easier.

Franklin: We are continuing to review the guidance and are very interested in what other municipalities will be utilizing the funds for. We hope to utilize the funds for a number of water and sewer projects, bathroom upgrades at various City facilities, and to offset payroll for EMS providers.

Gloucester County: Gloucester is looking predominantly at funding broadband infrastructure and utilities projects. We're going to review other uses such as requests from the Sheriff's Department and the volunteer F&R Departments.

Hampton: We have not made allocation decisions. We do plan to take the full amount we can through revenue recovery so that we have more flexibility in use of funds. We do plan to use some of the ARP money for efforts that address pandemic effects (such as mental health/trauma counseling, increases in youth violence, etc.) and some for infrastructure (especially coastal resiliency).

Isle of Wight County: Water and sewer projects.

James City County: We are still discussing best use of these fund and plan to discuss with our Board in July. I anticipate we will recommend some Revenue Replacement to free up funds, likely put some funding towards infrastructure that is allowed, and may discuss a business/non-profit grant program (although we have not heard much from our business or non-profit community in several months).

1. How is your locality planning on utilizing your American Recovery Plan (ARP) monies from the federal government?

Newport News: It is still a work in progress for us as I am sure everyone else. We have developed an outline/spreadsheet for possible use of the funds. We are generally categorizing our dollars for various projects in keeping with City Council's strategic priorities of People, Neighborhoods, Good Government. Categories are broad enough that just about everything we want to do should fall in one of the areas. In general, we are looking at projects related to Affordable Housing, housing rehabilitation programs/ homelessness – transitional housing, small or new business support and development, early childhood development and child care initiatives, some revenue replacement, a fixed amount for potential future operating expenses related to the pandemic response, health and wellness trails, some technology enhancements, and exploring broadband options. This list is not all inclusive. It appears that the goals of the act are very much in keeping with providing support for our CNI revitalization efforts and closing some funding gaps or accelerating some initiatives.

The City has hired a firm to assist us with our ARP efforts. They are currently reviewing our CIP and our projects to determine what may be eligible and providing some guidance and they will be writing the justifications, etc. for the reporting process. I will be providing City Council at their next Work Session with a very high overview of the act and our process that we will be considering.

Norfolk: We are looking at large capital projects for our funds. This could include infrastructure improvements for Military Circle redevelopment as well as a renovation of Chrysler Hall.

Poquoson: We are still working through it. The Peninsula Managers are meeting together in the near future to compare notes and share ideas.

Portsmouth: Portsmouth is exploring a variety of options at this point. The items that have surfaced as priorities are a Homeless Shelter, improvements to our water/sewer infrastructure, and other projects meeting the guidelines.

Smithfield: We don't have any definitive plans yet as we are still waiting for our final numbers since we are a NEU. We are looking at a program that may be pretty heavily geared towards utility improvements.

Southampton County: Preliminary planning has focused on infrastructure projects (water/sewer) and potential leverage in the expansion of broadband. At this writing, it remains unclear to me what types of broadband expenditures are eligible.

1. How is your locality planning on utilizing your American Recovery Plan (ARP) monies from the federal government?

Suffolk: Developing plan for City Council consideration. We anticipate that a majority of the funding will be used for capital improvements (water, sewer, & drainage) in underserved areas. In addition, Southside Network Authority fiber ring is being considered as a project.

Surry County: We are looking at upgrades to water system primarily.

Virginia Beach: Still developing a plan on how to utilize.

Williamsburg: We are unsure yet how we will use ARP money. We will recommend that the Council use the majority of what we receive to fund major capital projects such as a police station, library, and school projects. This will reduce the long-term debt service needed in our CIP.

Windsor: As currently envisioned, mostly on water main/service line replacement projects.

York County: This is my preliminary thinking on ARPA (80% capital, 10% operating buffer, 10% community programs to be defined). We expect a high percentage of the money to be recycled as surpluses... but still used more or less with this type of breakdown. What may impact us is the hugely disproportionate allocation to cities as opposed to counties. I fear they will use a lot of that money to inflate salaries and then we will be forced to respond. The most extreme example I have found is Roanoke County vs Roanoke City. They have approximately the same population but Roanoke County receives \$18 million and Roanoke City @\$56 m. If you add the school disparity it magnifies further. In our case Hampton and Newport News will get something like \$90 to \$100 mil combined city and schools. Our combined number is \$19 million.

2. Is your locality staff all back working in person, or is there still staff teleworking in your locality?

Chesapeake: We're letting the nature of the work drive the decision on in person vs. remote working and leaving it to the discretion of the Directors.

Franklin: All of the City staff are working in person and have been throughout the entire pandemic. We have been fully reopened to the public since July of 2020.

2. Is your locality staff all back working in person, or is there still staff teleworking in your locality?

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| <p>Gloucester County: Yes</p> |
| <p>Hampton: Our locality is all back to working in person with the exception of existing teleworking or newly formed teleworking arrangements developed with the City Manager’s Office/Human Resources and/or special accommodations approved by HR</p> |
| <p>Isle of Wight County: We still have a few departments that continue to rotate staff between telework and in office, but most are working in person.</p> |
| <p>James City County: Officially, we all returned to the office at the end of March. We allowed employees with medical concerns or those that had children at home do to remote learning to continue teleworking as needed. Most of those with children were home a few days and in the office a few days each week. As of mid-June, as school finishes up, all but a handful of employees will be back full-time. Pre-COVID, we had started teleworking with our DSS staff due to office space limitations, so we will continue with many in DSS teleworking a few days each week. We are going to discuss teleworking for other departments with our Board in June and recommend they allow us to extend this option, at least a few days per week, to positions that qualify.</p> |
| <p>Newport News: for the most part everyone is back to work. We have some Departments with employees teleworking, but that is in keeping with the City’s teleworking policy as well as other policies and practices not necessarily related to the pandemic. It is situational and Departments have discretion in terms of managing the work and schedules of their people in keeping with existing policies. However, we do have one larger Department that we are working with to consider possibly 80% of their workforce continuing to telework and that is an outcome of the approach and efficiencies that came about as a result of the pandemic situation. We also have an internal Committee reviewing the impact of teleworking on current and future work space needs.</p> |
| <p>Norfolk: We are doing hybrid approaches with the workforce. Departments that need to be in person are back in person, but many departments have folks teleworking</p> |
| <p>Poquoson: Poquoson has been in-person for 95%+ of its employees for almost the last year. Effective next Monday (6/7/21) our last two remaining virtual employees will be returning to in-person so we will be at 100% in-person.</p> |

2. Is your locality staff all back working in person, or is there still staff teleworking in your locality?

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| <p>Portsmouth: The City of Portsmouth will reopen to the public effective June 7, 2021. After June 7, 2021 teleworking will be authorized for employees based on the City's needs.</p> |
| <p>Smithfield: All back in person.</p> |
| <p>Southampton County: Everyone's back in person and all public buildings are open to the public.</p> |
| <p>Suffolk: Suffolk re-opened City facilities on March 15th. We do allow some teleworking for staff where appropriate up to 40% of work week.</p> |
| <p>Surry County: All staff are in person.</p> |
| <p>Virginia Beach: Varies. Some departments are coming all back. Some are hybrid - offering staff 1 to 2 day</p> |
| <p>Williamsburg: Our staff is back in the office. We did draft a telework policy that allows for employees to apply for telework status on scheduled days. We have about 15 who have applied, and 13 have been approved.</p> |
| <p>Windsor: Other than the first couple of weeks of the pandemic, we have only teleworked when quarantine issues were being dealt with; we have been in person nearly the whole time.</p> |
| <p>York County: The County offices are open to the public as of June 1, 2021.</p> |