



**BOARD OF SUPERVISORS REGULAR MEETING AGENDA
JUNE 4, 2020 – 7:00 PM
VIRTUAL BOARD ROOM**

A virtual meeting held remotely by the Board of Supervisors as an effort to safely conduct business while maintaining the order of the Governor of Virginia to adhere to safe social distancing practices.

Call to Order/Invocation/Moment of Silence/Pledge of Allegiance/Agenda Adoption/Roll Call

Consent Items

May Meeting Minutes

Documents:

[1 BOSM Minutes 5-7-2020 Draft.pdf](#)

Documents:

[2 BOSM DRAFT MINUTES 5-14-2020.pdf](#)

Documents:

[3 BOSM Draft Minutes 5-21-2020 .pdf](#)

Payables

Documents:

[BUDGET TO ACTUAL APR 20.pdf](#)

New Business

Resolution 2020-12 – EOP – Emergency Operations Plan

Decide whether to authorize Resolution 2020-12 adopting the revised Surry County Emergency Operations Plan. [The EOP was sent to the Board of Supervisors under separate cover].

Documents:

[1 Agenda Note - EOP Resolution.docx](#)

Documents:

[2 Resolution 2020-12 EOP.docx](#)

Resolution 2020-13 – Boating Infrastructure Grant (BIG) – VA Dept. of Health

Approve Surry County **Resolution #2020-13; REGARDING THE USEFUL LIFE, OBLIGATION, AND MAINTENANCE OF GRAY’S CREEK MARINA.**

Documents:

[1 Agenda Note - Resolution BIG Grant .docx](#)

Documents:

[2 Resolution 2020-13 Boating Infrastructure Grant.docx](#)

Documents:

[3 Surry County BIG GRANT MOU.pdf](#)

Documents:

[4 Boating Infrastructure Grant Rule.pdf](#)

Contract with the County and PGEC – VATI Broadband Grant Agreement and Contract with the County and DHCD – VATI Broadband Grant Agreement

Approve the contracts as presented by the County Attorney.

Required Action: (1) Authorize the County Administrator to execute VATI Contract #2020SC-002 and (2) authorize execution of the performance agreement between the County and PGECE.

Documents:

[VATI 6.2.2020. Final.docx](#)

Documents:

[Surry County VATI coverage map. Exhibit A.pdf](#)

Documents:

[2020 Contract Surry County Final.6.2.2020. Exhibit B.pdf](#)

Documents:

[Submitted-Application-VATI2020. Exhibit C.pdf](#)

Documents:

[Project_management_schedule. Exhibit D.pdf](#)

Documents:

[budget_schedule. Exhibit D.pdf](#)

County and Sheriff's Department Agreement Regarding Dispatch

Considering adoption of the Agreement between the County and the Sheriff on the management and operations of the emergency communications center.

Documents:

[Dispatcher Agreement april 13 for June Approval.pdf](#)

Documents:

[Agenda Note Sheriff Agreement.docx](#)

Surry County Employee Re-Entry Plan Phase I

At the pleasure and consensus of the Board of Supervisors, the re-entry plan can be implemented at the appropriate time.

Documents:

[Agenda Note Reentry Plan Phase 1.docx](#)

Documents:

[Surry County Re Entry Plan Revised May 29.pdf](#)

Board Consideration: Appointment of a County Administrator

The Board of Supervisors will discuss the appointment of a County Administrator to oversee the day to day operations of the County.

Public Hearing

Request for Public Hearing: Cares Act - Ms. Melissa Rollins

REQUEST AUTHORITY TO ADVERTISE A PUBLIC HEARING FOR THE APPROPRIATION OF \$560,295 IN CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT OF 2020 CORONAVIRUS RELIEF FUNDS TO A NEW SPECIAL REVENUE FUND (BUDGET AMENDMENT) ON JULY 2, 2020.

Documents:

[Agenda Note - Request Public Hearing - Cares Act.docx](#)

Request for Public Hearing: SGS III, LLC – Mr. William Saunders

Review and approve

Documents:

[SGS III, LLC - Memo to BOS - 2020-06-04.pdf](#)

Public Hearing:

1. *Ordinance 2020-02: Continuity of Government*
2. *Ordinance 2020-03: Meals Tax*
3. *Ordinance 2020-04: Zoning Fees Increase*
4. *Ordinance 2020-05: Courthouse Fees Increase*

Review and approve

Documents:

[Continuity of Government Ordinance Re Adopt June 4.pdf](#)

Documents:

[Final Ad - Cont of Govt.pdf](#)

Documents:

[Ordinance. Food and Beverage Tax.doc](#)

Documents:

[Final Ad - Meals Tax.pdf](#)

Documents:

[PHA Zoning Fees 5-15-2020.docx](#)

Documents:

[Final Ad - Zoning Fee.pdf](#)

Documents:

[Ordinance to Amend Security fees.docx](#)

Documents:

[Final Ad - Courtroom Fee.pdf](#)

Closed Session

Reports

Reports: June 2020

Documents:

[1 Tourism Report May 2020.pdf](#)

Documents:

[2 May 2020 - Surry Various Projects.pdf](#)

Citizens Comments

Board Comments

County Administrator's Report

For Your Information

FYI June 2020

Documents:

[1 Governor Northam declares Executive Order 63 - Requirement to Wear Face Coverings.pdf](#)

Documents:

[2 Governor Northam Statement on Recent Deaths.pdf](#)

Documents:

[3 News from Representative McEachin.pdf](#)

Documents:

[4 COVID-19 Ways We Can Serve in Virginia.pdf](#)

Documents:

[5 Blackwater Regional Library Update June 2020.pdf](#)

Documents:

[6 Governor Northam Declares State of Emergency and Authorizes Assistance to Localities.pdf](#)

Documents:

[7 Surry County High School Graduation.pdf](#)

Documents:

[8 Executive Order 65 .pdf](#)

Adjournment

A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

VIRGINIA: A VIRTUAL MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD REMOTELY ON THURSDAY, MAY 7, 2020 AT 7:00 P.M. USING THE 'GOTOMEETING' PLATFORM:
<https://global.gotomeeting.com/join/447043917>

PRESENT: SUPERVISOR ROBERT ELLIOTT, JR.
SUPERVISOR MICHAEL DREWRY
SUPERVISOR JUDY LYTTLE
SUPERVISOR KENNETH HOLMES
SUPERVISOR WILLIAM (TIM) CALHOUN

ALSO

PRESENT: MS. DANIELLE POWELL, COUNTY ATTORNEY
MS. MELISSA ROLLINS, ACTING COUNTY ADMINISTRATOR
MR. RAY PHELPS, EMERGENCY SERVICES
MR. WILLIAMS SAUNDERS, BUILDING AND PLANNING
MS. LAJEUNE STONE, YOUTH AND FAMILY RESOURCES
MR. DELON BROWN, NETWORK ADMINISTRATOR

CALL TO ORDER/INVOCATION/MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE/ AGENDA ADOPTION

Meeting called to order at 7:00 P.M.

The meeting was called to order by Chairperson Elliott who then led those present in a moment of silence followed by this evening's invocation given by Reverend Douglas Adams, of Lebanon Baptist Church. Following the invocation, Chairperson Elliott asked Supervisor Lyttle to lead those present in the pledge of allegiance. The working agenda was adopted by roll call vote.

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	UNAVAILABLE
SUPERVISOR WILLIAM CALHOUN	AYE

A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

CONSENT ITEMS

- 1. Meeting Minutes: February 20, 2020; February 24, 2020; March 5, 2020 5PM; March 5, 2020 7PM*
- 2. Resolution 2020-08: National EMS Week*
- 3. Resolution 2020-09: Business Appreciation Month*

Supervisor Calhoun made a motion to adopt the Consent Items as presented. Supervisor Drewry seconded the motion. The motion was approved by majority during roll call vote. **(Approved)**

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	UNAVAILABLE
SUPERVISOR WILLIAM CALHOUN	AYE

NEW BUSINESS

- 1. COVID 19 Small Business Assistance Grant*

Mr. David Harrison, Economic Development Director, advised of a small business assistance grant in the amount of \$20,000 to help small businesses in Surry County affected by the COVID-19 pandemic. Efforts will be coordinated between the Board and the Economic Development Authority.

Supervisor Drewry made a motion to approve the *COVID 19 Small Business Assistance Grant* as presented. Supervisor Lyttle seconded the motion. The motion was approved by majority during roll call vote. **(Approved)**

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	UNAVAILABLE
SUPERVISOR WILLIAM CALHOUN	AYE

PRESENTATIONS

1. *Economic Impact Analysis of Proposed Spring Grove Solar III - Solar Discussion - Urban Grid (informational purpose only)*

Mr. David Harrison, Economic Development Director, advised that Mr. Roger Bowers, would be presenting to the Board informational items that do not require actions this evening.

(A copy of Mr. Roger Bowers presentation is attached as an integral component of these minutes.)

CITIZEN COMMENTS

Supervisor Elliott advised all public comments received are being forwarded and reviewed by all Board of Supervisors and the Acting County Administrator.

(Citizen Comments mailed into comments@surrycountyva.gov are attached as an integral component of these minutes.)

BOARD COMMENTS

Supervisor Elliott advised Ms. Melissa Rollins, Acting County Administrator of Surry County, has completed and received a Certified Credential Management certification from ICMA.

Board members thanked all County staff for their continued efforts during this time.

REPORTS

Mr. Ray Phelps, Chief of Emergency Services, advised of the upcoming hurricane season. Surry County citizens are advised to wear masks, practice social distancing, handwashing and hygiene measures. Mr. Phelps reminded the Board and citizens, the stay home order is currently still in place until June 10, 2020. If citizens have any questions or concerns regarding the COVID-19 pandemic in Surry county please email covid19@surrycountyva.gov. Mr. Phelps also recognized Surry County volunteer firefighters, EMS, and all Emergency staff.

A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

ADJOURNMENT

There being no further business before the Board, Supervisor Elliott entertained a motion to adjourn. Supervisor Drewry made a motion that the Board continues their meeting to Thursday, May 14, 2020 at 7:00 P.M. The motion was seconded by Supervisor Lyttle and unanimously approved by roll call vote.

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	AYE
SUPERVISOR WILLIAM CALHOUN	AYE

Meeting adjourned at 7:51 P.M.

The next BOS meeting will be held Thursday, May 14, 2020 at 7:00 PM and will include a public hearing.

Presentation
Economic Development Discussion
Spring Grove Solar III, LLC

Good evening, thank you for allowing Spring Grove Solar III, LLC to speak tonight about Solar Economic Development. In February, the company submitted applications for rezoning and a Conditional Use Permit for a 600-acre parcel south of Route 10. The Planning Commission is scheduled to hear those applications on May 18th with an anticipated hearing before this Board in July. Tonight, the company would like to provide you with an overview of recent changes in state law that directly (and positively) impact solar economic development. In addition, our goal is to provide tangible example of how the new Revenue Share law has the potential to bring additional revenue to Surry County at a time when shortfalls are expected.

The 2020 Virginia General Assembly passed several new laws that directly affect solar economic development. Now signed by Governor Northam, in consultation with Mr. Harrison we have looked for ways for solar development to bring greater economic benefit to Surry using these new tools that take effect July 1, 2020. Specifically, two new laws touch directly on solar economic development:

Revenue Share (VA Code 58.1-2636) – Upon adoption of a revenue share ordinance, allows localities to assess \$1,400 per megawatt per year on solar equipment based on capacity in lieu of the M&T taxation. This additional revenue has no restrictions on how it is used, no impact on state education funding formula and no partial exemption, valuation or depreciation as is otherwise applicable to a machinery and tools taxes.

Host or Siting Agreement (VA Code 15.2-2316) - Localities and solar developers can negotiate business terms and conditions for approval of solar projects as part of a siting agreement. An agreement may also provide funding for capital projects in the locality's capital improvement plan or broadband and may supersede provisions of the zoning ordinance. Agreements are allowed in census tracts that are eligible (not designated) as a federal opportunity zone and funding is limited to capital projects.

Given more time, we are willing to further discuss any questions you may have about these new laws generally. Now, we would like to discuss how these changes can positively impact Surry.

When the Board considered the Budget in April, we heard that public service corporation revenue for the County was declining. The new Revenue Share law can bring additional economic opportunity to Surry County to backstop this decline. It provides for a simple

payment of increased revenue on equipment capacity, year in and year out, without having any restrictions on those funds or any reduction due to depreciation.

Using this new law, if the County adopts solar revenue sharing Spring Grove Solar III will voluntarily “opt-in” and provide an annual fixed payment of \$1,400 per megawatt AC for each megawatt of capacity approved for its project. This annual payment would replace the depreciating M&T tax. Again, these funds would not be restricted to capital projects and the increased revenue would not affect state education funding.

For Spring Grove Solar III’s proposed 60MW project this would provide Surry an additional \$84,000 of unrestricted revenue each year. Previous estimates showed that our proposed Project could provide \$1.1M in M&T tax revenue over a 35-year Project life. If we partner in a Revenue Sharing program, over that same period, this **60MW Project will provide \$2.9M in revenue** which represents an increase of \$1.8M to the County. Not only would this revenue stream avoid fluctuating changes in public service equipment valuation or depreciation, but this revenue would be in addition to the increased land value of solar use and the related boosts in construction and operations expenditures in the County.

The recent laws were put in place for solar development to bring additional economic opportunity to counties. Our project can bring this significant positive economic impact to Surry County. Today, we present our proposal and ask the Board’s blessing to continue discussions with Mr. Harrison and the County Attorney to hammer out the details. All specific recommendations would be brought back to the Board for your consideration.

These are trying times that challenge us all to capture positive opportunities as they become available. We know that solar development will bring increased revenue to Surry County with little impact on the cost of County services. With revenue sharing, we can increase that positive economic impact without any restrictions on the use of those funds, unlike the siting agreement legislation in which the allocated funds are restricted to capital improvement projects.

Spring Grove Solar III wants to bring economic development opportunities to Surry as a landowner and a good neighbor. This Revenue Share taxation would add additional revenue for Surry County on top of the increased revenue from solar use.

We thank Mr. Harrison for his efforts. We appreciate your time tonight. Please let us know if we may answer any questions.

to continue to continue giving full support to both of our libraries, Surry and Claremont. After speaking with pride often about the new building in Surry and having a branch in Claremont, I cannot imagine why you would talk of closing Claremont down and not giving full support. This may be a time where some new programs cannot be added, but to diminish the value of a library is frightening and wrong! Consider looking at other areas of waste, perhaps new jobs. In addition, I was wondering if our county still supports the Genieve Shelter? Thank you.

----- Forwarded message -----

From: **Page Moore** <pagemoore43@gmail.com>
Date: Tuesday, May 5, 2020
Subject: Library funding
To: Comments@surrycountyva.gov
Cc: Town of Claremont <townclaremont@aol.com>

I have been a resident of Surry County, residing in the town of Claremont for 3 years. The town has little to offer, however the library is the best of the best, the staff is enthusiastic, helpful, caring individuals. It is truly the heartbeat of a dead town. To think it may be closed is frightening, where will we go, who will meet the needs of a small community. Please continue to fund this very needed treasure.

----- Original Message -----

Subject: May 7 BOS Meeting
From: "Bob Oliver" <bob@homeinsurry.com>
Date: Thu, May 07, 2020 2:08 pm
To: <comments@surrycountyva.gov>

Contact Board of Supervisors

Supervisor You Wish to Contact All Board of Supervisors

Name Bob & Kathryn Oliver

Email bob@homeinsurry.com

Phone 7575925854

Preferred Contact Method Email

Message

Please reconsider cutting the budget for the Claremont Library. The library is one of the last remaining facilities open for the community and it serves as a focal point in an already weakened economic area. It has been a vital part of the Claremont community.
Please reconsider.

Contact Board of Supervisors

Supervisor You Wish to Contact All Board of Supervisors

Name Bob & Kathryn Oliver

Email bob@homeinsurry.com

Phone 7575925854

Preferred Contact Method Email

Message Please reconsider cutting the budget for the Claremont Library. The library is one of the last remaining facilities open for the community and it serves as a focal point in an already weakened economic area. It has been a vital part of the Claremont community.

Please reconsider.

----- Original Message -----

Subject: Library funding

From: Page Moore <pagemoore43@gmail.com>

Date: Tue, May 05, 2020 5:25 pm

To: Comments@surrycountyva.gov

Cc: Town of Claremont <townclaremont@aol.com>

I have been a resident of Surry County, residing in the town of Claremont for 3 years. The town has little to offer, however the library is the best of the best, the staff is enthusiastic, helpful, caring individuals. It is truly the heartbeat of a dead town. To think it may be closed is frightening, where will we go, who will meet the needs of a small community. Please continue to fund this very needed treasure.

----- Original Message -----

Subject: Library funding
From: Page Moore <pagemoore43@gmail.com>
Date: Tue, May 05, 2020 5:25 pm
To: Comments@surrycountyva.gov
Cc: Town of Claremont <townclaremont@aol.com>

I have been a resident of Surry County, residing in the town of Claremont for 3 years. The town has little to offer, however the library is the best of the best, the staff is enthusiastic, helpful, caring individuals. It is truly the heartbeat of a dead town. To think it may be closed is frightening, where will we go, who will meet the needs of a small community. Please continue to fund this very needed treasure.

----- Original Message -----

Subject: Tax rate
From: Mike Eggleston <michael.eggleston@aol.com>
Date: Thu, April 30, 2020 3:52 pm
To: comments@surrycountyva.gov

You did well in holding tax Rate at 71 cents. I am sure there were some difficult adjustments made.

Regards,

Mike Eggleston

“If you forward emails please Bcc. Blind copy and remove previous recipients To foil scammers, spammers, and email miners. Thanks “

----- Original Message -----

Subject: Public comments
From: Susan Corvello <scorvello2400@gmail.com>
Date: Thu, April 30, 2020 3:41 pm
To: mrollins@surrycountyva.gov, mdrewry@surrycountyva.gov, Robert Elliott <relliott@surrycountyva.gov>, Judy Lyttle <jslyttle@surrycountyva.gov>, krholmes@surrycountyva.gov, comments@surrycountyva.gov, tcalhoun@surrycountyva.gov

hello,

I think you need to at least state who you received comments from on line because we do not get any reply back that it was received

Respectfully submitted

Susan

Sent from my iPhone

----- Original Message -----

Subject: Why so much fluff and picture in budget report?

From: Mike Eggleston <michael.eggleston@aol.com>

Date: Thu, April 30, 2020 2:22 pm

To:

Stick to the facts mam we are not trying to win a literary award, but present an understandable budget presentation without

The fluff. Stick to the facts and graphs.

Regards,

Mike eggleston

“If you forward emails please Bcc. Blind copy and remove previous recipients
To foil scammers, spammers, and email miners. Thanks “

----- Original Message -----

Subject: Certifications and inspection

From: Mike Eggleston <michael.eggleston@aol.com>

Date: Thu, April 30, 2020 1:15 pm

To:

Are we doing the proper certifications and inspections on construction going on in industrial
by people qualified to do them?

Before you answer yes ,why did it take almost

15 years to discover we had inadequate fire Protection at Windsor woods. Who signed the
occupancy certificate and who did they work for? Hire people according to their capabilities
not according to who they are related to.

Regards,

Mike Eggleston

“If you forward emails please Bcc. Blind copy and remove previous recipients
To foil scammers, spammers, and email miners. Thanks “

----- Original Message -----

Subject: Sale of property at industrial park

From: Mike Eggleston <michael.eggleston@aol.com>

Date: Thu, April 30, 2020 1:02 pm

To:

The property at industrial park to solar power firm. Is the money realized from The sale of
property going to be used To make bond payments to make up for the bond payments
You said went in the wrong bucket. I don't believe that for a moment. It went exactly
Where you wanted it to. There were a lot of

People involved in that decision. Hence no EDA meetings fora number of years. This
information came from a number of reliable sources. Why were there no records of these
transactions? How many people are involved?

Regards,

Mike Eggleston

“If you forward emails please Bcc. Blind copy and remove previous recipients
To foil scammers, spammers, and email miners. Thanks “

----- Original Message -----

Subject: Timing
From: Mike Eggleston <michael.eggleston@aol.com>
Date: Thu, April 30, 2020 2:12 pm
To:

Why do we wait to the very last minute to send agenda updates to some supervisors so they don't have time to review? Maybe if they stoped voting on agenda items added at last minute it would stop. county administrator works for Board of Supervisors and BOS members work for the citizens. Not the other way around. Why are citizen comments not in minutes? It seems more effective to send to the papers.

Regards,
Mike eggleston

“If you forward emails please Bcc. Blind copy and remove previous recipients
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----- Original Message -----

Subject: Surry Seafood
From: Mike Eggleston <michael.eggleston@aol.com>
Date: Thu, April 30, 2020 12:49 pm
To:

Why does Surry County still have Surry Seafood on county life support even though restaurant is closed due to Pandemic. If you Can't turn a profit there get rid of it. Another Words sell it. Who ever heard of selling fuel at a loss. Susan C. Made a presentation showing You were selling it at a loss. Thats why county Should not be running a business, because they have no idea what they are doing down there. Why wasn't the proper inspections and Repairs done before leasing building as evidenced by continuing repairs tax payers are paying for? Does the building have a legal occupancy permit?

“If you forward emails please Bcc. Blind copy and remove previous recipients
To foil scammers, spammers, and email miners. Thanks “

----- Original Message -----

Subject: Rhonda Russel
From: Mike Eggleston <michael.eggleston@aol.com>
Date: Thu, April 30, 2020 12:27 pm
To:

During last electronic meeting my computer Showed Rhonda Russel as an attendee to meeting. The question is wether she is still

Employed or receiving payment from Surry
County being as she works for another county.
This sure smells like a conflict of interest even if it isn't.

“If you forward emails please Bcc. Blind copy and remove previous recipients
To foil scammers, spammers, and email miners. Thanks “

----- Original Message -----

Subject: Genieve Shelter

From: Frances Barnes <franbarnes1217@gmail.com>

Date: Thu, April 30, 2020 12:04 pm

To: comments@surrycountyva.gov

For many years our county has contributed to the Genieve Shelter which serves our area for
victims of domestic violence. I don't see that on the budget, and wondered if it has been
dropped or is listed differently? Thank you.

A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

VIRGINIA: A VIRTUAL MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD REMOTELY ON THURSDAY, MAY 14, 2020 AT 7:00 P.M. USING THE 'GOTOMEETING' PLATFORM:
<https://global.gotomeeting.com/join/447043917>

PRESENT: SUPERVISOR ROBERT ELLIOTT, JR.
SUPERVISOR MICHAEL DREWRY
SUPERVISOR JUDY LYTTLE
SUPERVISOR KENNETH HOLMES
SUPERVISOR WILLIAM (TIM) CALHOUN

ALSO

PRESENT: MS. DANIELLE POWELL, COUNTY ATTORNEY
MS. MELISSA ROLLINS, ACTING COUNTY ADMINISTRATOR
MS. CAROL SWINDELL, FINANCE
MR. RAY PHELPS, EMERGENCY SERVICES
MR. WILLIAMS SAUNDERS, BUILDING AND PLANNING
MS. LINDA GHOLSTON, WORKFORCE DEVELOPMENT
MS. LAJEUNE STONE, YOUTH AND FAMILY RESOURCES
MR. DELON BROWN, NETWORK ADMINISTRATOR
MR. HERMIONE SLADE, PUBLIC WORKS
MS. SHARNA WHITE, REGISTRAR

CALL TO ORDER/INVOCATION/MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE/ AGENDA ADOPTION

Meeting called to order at 7:00 P.M.

The meeting was called to order by Chairperson Elliott who then led those present in a moment of silence followed by this evening's invocation given by Dr. Daniel L. Baltimore, Pastor of Mt. Nebo Baptist Church. Following the invocation, Chairperson Elliott asked Supervisor Calhoun to lead those present in the pledge of allegiance. Due to technical difficulties, Chairperson Elliott finished leading the pledge. The working agenda was adopted by roll call vote.

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	AYE
SUPERVISOR WILLIAM CALHOUN	AYE

A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

CONSENT ITEMS

1. Approval of April 16, 2020 Draft Meeting Minutes

Supervisor Holmes made a motion to adopt the Consent Items as presented. Supervisor Lyttle seconded the motion. The motion was unanimously approved during roll call vote. **(Approved)**

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	AYE
SUPERVISOR WILLIAM CALHOUN	AYE

PUBLIC HEARING

1. Proposed FY20-21 Consolidated Budget and CIP

I. Call to Order - 7:00 p.m. Statement: A public hearing is being conducted tonight to receive public comments regarding the Surry County FY 2020-21 Proposed Consolidated Budget & CIP.

II. Staff Presentation

III. Open Floor to Public

IV. Close Floor to Public

V. Summary by Staff

VI. Comments by Board of Supervisors

VII. Recommended Action: Consider scheduling action regarding the FY 21 Proposed Consolidated Budget & CIP for Thursday, May 21, 2020 at 7:00pm.

(Public Hearing Comments provided are included in an attachment as an integral component of these minutes)

A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

2. *Advertisement Requests for Public Hearing - June 4, 2020*

1. Continuity of Government - ordinance needed, Emergency Ordinance adopted April 23, 2020 expires June 23, 2020
2. Meals Tax - ordinance needed
3. Planning Fees Increase - ordinance needed
4. Medical Transportation (EMS) Fee Increase - ordinance needed

Supervisor Calhoun made a motion to approve the request to schedule a Public Hearing regarding action on the FY 21 Proposed Consolidated Budget & CIP for Thursday, May 21, 2020 at 7:00 P.M. Supervisor Lyttle seconded the motion. The motion was approved unanimously by roll call vote. **(Approved)**

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	AYE
SUPERVISOR WILLIAM CALHOUN	AYE

REPORT

Mr. Ray Phelps, Emergency Services Director, advised on the COVID-19 Pandemic and the continued process for Surry County citizens to stay informed and receive updated information. This includes testing of COVID-19 suspected cases in Surry County to be done May 28, 2020 between the hours of 10am-12pm. *(PRESS RELEASE ATTACHED)* Mr. Phelps reminded citizens to utilize the email address provided to address COVID-19 Pandemic specific questions and concerns (covid19@surrycountyva.gov).

(Press release regarding COVID-19 Testing in Surry County is attached as an integral component of these minutes)

A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

CITIZEN COMMENTS

Supervisor Elliott advised all public comments received are being forwarded and reviewed by all Board of Supervisors and the Acting County Administrator.

(Citizen Comments mailed into comments@surrycountyva.gov are attached as an integral component of these minutes.)

BOARD COMMENTS

Board Members expressed thanks to staff for continued efforts during the COVID-19 Pandemic and for efforts towards budget preparations and presentations.

COUNTY ADMINISTRATOR'S REPORT

(Ms. Melissa Rollins, Acting County Administrator, provided a detailed report that is attached as an integral component of these minutes.)

ADJOURNMENT

There being no further business before the Board, Supervisor Elliott entertained a motion to adjourn. Supervisor Holmes made a motion that the Board continues their meeting to Thursday, May 21, 2020 at 7:00 P.M. The motion was seconded by Supervisor Calhoun and unanimously approved by roll call vote.

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	AYE
SUPERVISOR WILLIAM CALHOUN	AYE

Meeting adjourned at 7:09 P.M.

The next BOS meeting will be held Thursday, May 21, 2020 at 7:00 PM and will include a public hearing.

Public Comments received before the 5-14-2020 BOSM + Public Hearing

(Additional comments received after the original document was sent earlier today are highlighted in yellow)

From: Mplantsup <mplantsup@aol.com>

Sent: Thursday, May 14, 2020 6:44 PM

To: Comments <comments@surrycountyva.gov>

Subject: No tax increase, cut spending where you have to. We do not need any new positions.

Why are we spending 90 some thousand at SurrySeafood if they are not open? We have a spending problem in this county. Money does not grow on trees. We need To pay down industrial park bond if we sell property to solar outfit. Previous boards were putting bond payments in general fund instead of paying down bond. This has to stop as this is called misappropriation of funds which is crooked. Get your financial house in order.
Mike Eggleston

From: Deborah H. Dawson <dehdawson@hotmail.com>

Sent: Thursday, May 14, 2020 6:38 PM

To: Comments <comments@surrycountyva.gov>

Subject: budget comments - public hearing

May 14, 2020

Deborah Dawson

Surry District

Good Evening Board Members, County Officials, and Citizens,

I am offering my support for the budget request from the Blackwater Regional Library System which serves our county. It is my understanding that if the request is not fully funded, we could experience a reduction in staff and hours and the possible closure of the Claremont branch. We are living in difficult times that have made the Library more important than before. Surry County **students**, both secondary and college, have been able to keep up with coursework and move forward because of services offered through our local branch libraries. Wifi access has really been an important service. **Job searching, general research** through scholarly resources (not Google), and **access to e-books** and other services have all been important for our students and citizens.

As a career Librarian, I know how important the Library is to a well-rounded community. Our citizens deserve the services that the Library has to offer. The Blackwater Regional Staff and the Library Board have worked hard to appoint a dedicated and stable staff. We cannot go backward, we must move forward. I would urge you to meet the budget request from the Blackwater Regional Library System.

Thank you for your time and attention.

Deborah H. Dawson

"Lingering in Gratitude"

From: Julie Hanks <jrhanks@gmail.com>
Sent: Monday, May 11, 2020 4:08 PM
To: Comments <comments@surrycountyva.gov>
Subject: Re: Budget

Dear Board of Supervisors,

Without repeating unnecessarily, I second the opinions and concerns that Jan Schaale has outlined so well in her email below.

Sincerely,

Julie Hanks
PO Box 156
Claremont, VA 23899
804-502-1509

On Thu, May 7, 2020 at 4:28 PM Jan Schaale <janschaale@hotmail.com> wrote:
Mr. Elliott,

I implore you, and ask that you encourage the other BOS members, to reconsider funding for Blackwater Libraries. The Surry Branch and the Claremont Branch are gems for the county, and are shining examples of how effective and successful rural libraries can be.

However, the last budget for the Surry County libraries resulted in Blackwater severely downsizing the operating hours of the Claremont Branch...one can only assume that the lack of funding in this budget will result in their possibly proposing to close the Claremont Branch in order to keep the Surry Branch afloat.

That move would be **disastrous**.

Despite the economic trend, the town of Claremont is being revitalized. There is a resident who is buying historic homes and renewing them, and they are selling before he even finishes them! There are families with small children moving into the community, which is opposite to the current trend in the county.

One detriment to the town, just like so much of the county, has been lack of high-speed internet. The Verizon tower was connected on Tuesday and those of us utilizing Verizon are getting download speeds of 166 mbps. This factor is, indeed, a major incentive for people to move to Claremont! Now that the town is seeing a revitalization, diminishing or closing of our library would be a serious impediment to encouraging growth to the entire area which the library serves, since a readily accessible library contributes to the health and well-being of any community.

The town of Claremont has had a library for 60 years. It has historically provided the residents of this end of the county a multitude of services. Libraries are the great equalizer...without the services of a *regional* library, many opportunities are lost, and the entire community suffers. The proximity of having resources readily available has made the Claremont Branch a major difference for area residents, many of whom have limited access to transportation. Materials, programs, and resources, all provided free-of-charge, are nothing short of miraculous for everyone, but especially for the economically depressed.

Despite some families being able to utilize the new tower, not everyone has, or can afford, Verizon service, so the wi-fi provided by the library is often a life-line, especially for kids who need internet/computer access for their school work and people who work from home....and most especially during extenuating times like this pandemic.

I was branch manager of the Claremont Library for 12 years. I have seen first-hand the difference libraries make in the lives of citizens, and how well library services are utilized when they are available. You cannot put a price tag on educational opportunities, personal resources, access to THE WORLD, and a place of solace and comfort to our citizenry who are faced with the lack of amenities most communities offer.

A rural county that can boast **two successful** libraries is a rarity, and is an encouragement to aspiring businesses and potential residents when it's apparent that the government shows concern for its citizens' welfare and well-being. Again, I sincerely encourage you to approve an amount in the budget that will ensure **both** county libraries remain fully functional.

Janet Moyer Schaale
PO Box 235
Claremont, VA 23899
(757 784 4373)

From: Jan Schaale <janschaale@hotmail.com>
Sent: Tuesday, May 12, 2020 9:10 AM
To: Comments <comments@surrycountyva.gov>
Subject: Library budget

I implore you to reconsider funding for Blackwater Libraries. The Surry Branch and the Claremont Branch are gems for the county, and are shining examples of how effective and successful rural libraries can be.

However, the last budget for the Surry County libraries resulted in Blackwater severely downsizing the operating hours of the Claremont Branch...one can only assume that the lack of

funding in this budget will result in their possibly proposing to close the Claremont Branch in order to keep the Surry Branch afloat.

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Janet Moyer Schaale
PO Box 235
Claremont, VA 23899
(757 784 4373)

From: Dianne Cheek <diannelcheek@gmail.com>
Sent: Thursday, May 14, 2020 8:26 AM
To: Comments <comments@surrycountyva.gov>
Subject: Comments for May 14, 2020 Budget Public Hearing

Hello,

I would like to speak at tonight's meeting.

Dianne Cheek
Surry District

Comments are on the positions for Assistant County Administrator and the County Administrator within the FY21 Budget. (See Attached for full comments).

Dianne Cheek
Surry District

Thank you for the opportunity to speak on the proposed Surry County Budget for FY21. I have reviewed the published budget documents, attended the work sessions, and received answers on questions from members of the Board and the Acting County Administrator. I believe it is important for the record to clarify that the FY21 Budget is not funding the Assistant County Administrator position and to state what the plan is for filling the County Administrator position.

The Proposed Budget – Revised April 30 indicates that the Assistant County Administrator position is being downgraded to an Assistant to the County Administrator. This is achieved by removing the funding for the Assistant County Administrator position and replacing with a Special Assistant to the County Administrator.

Tonight's Presentation indicates there is a limit on position changes to only 1 – mission critical in Planning & Community Development. Additionally the supporting documents provide a table in Section E, pg 191 of authorized positions which shows the Assistant County Administrator as 0 for FY21.

Feedback I received on questions I submitted to the Board, indicates that the Assistant County Administrator position is not funded in FY21 so that the budget can be balanced, but the position is not going away.

Several questions remain on this budget strategy. If the Assistant County Administrator is not funded, how will this affect the search for a New County Administrator? Does this Budget fund a search for a New Administrator? Is the plan to have an Acting County Administrator until the funding shortages are resolved? Once the New County Administrator is selected, will there be positions for an Assistant County Administrator or a Special Assistant to the County Administrator?

As the Budget process moves forward, documenting strategies, such as not funding key management positions that are currently active and searching for a new Administrator, is an important step to ensure we have clearly laid out what the budget is funding.

To achieve "Unity in the Community", we must have transparency in our government activities.

From: Susan Corvello <scorvello2400@gmail.com>
Sent: Thursday, May 14, 2020 1:57 PM
To: Comments <comments@surrycountyva.gov>
Cc: Robert Elliott <relliott@surrycountyva.gov>; Timothy Calhoun <tcalhoun@surrycountyva.gov>; Michael Drewry <mdrewry@surrycountyva.gov>; Judy Lyttle <jslyttle@surrycountyva.gov>; Kenneth Holmes <krholmes@surrycountyva.gov>
Subject: Fwd: Marina/Seafood Restaurant

----- Forwarded message -----

From: Susan Corvello <scorvello2400@gmail.com>
Date: Thu, May 7, 2020 at 12:46 PM
Subject: Marina/Seafood Restaurant
To: Robert Elliott <relliott@surrycountyva.gov>
Cc: <mdrewry@surrycountyva.gov>, Timothy Calhoun <tcalhoun@surrycountyva.gov>, Judy Lyttle <jslyttle@surrycountyva.gov>, Kenneth R. Holmes <krholmes@surrycountyva.gov>

Hello all,

There has been a lot of controversy over the Marina/Restaurant in the past years. Could someone please explain to me if they are both one identity or two. I do not understand why the repairs to the Restaurant fall under Maintenance department when they are not the ones doing the work. Shouldn't the restaurant and Marina have their own identity so you can follow their expenses individually? Or make everything associated with it as Marina if they were purchased together as one.....

Thanks again for all the work that you are doing for this new budget. One of my concerns was the transparency on what we are spending at the Marina and the Seafood Restaurant. While looking over the Revenue Detail Proposed and Expenditure Detail Proposed I have some questions. I have attached what I could find in both and attached the specific Detail reports.

- 1- Is the Marina and Restaurant 2 separate identities as far as Revenue and Expenses? I am only seeing Revenue from Marina.
- 2- In the Revenue projections the Marina Revenue appears to be the Lease payment for the Restaurant. Shouldn't this be labeled Restaurant not Marina?
- 3- I cannot find anything stating Seafood Restaurant except for under Maintenance Department Building Repairs/Seafood Restaurant. Should not there have been expenses for the Restaurant from 2019 with all the repairs that had been done and I do not see where the restaurant had any expenses. Or are you putting all the expenses under Marina codes?

This is very confusing when you are trying to see what exactly is being spent at the Restaurant and what is being spent at the Marina. It would be greatly appreciated if some clarification could be given to the citizens since it is involving our Tax Dollars.

There are no 2021 department request or revised recommendations for the Restaurant for repairs.... How do you not put money towards repairs...I have seen in the past many expenses for all types of items at the restaurant.

Susan
Spring Grove District

**PRESS RELEASE
FOR IMMEDIATE RELEASE**

Date: May 19, 2020 at 12:59 pm

**Surry County Department of Emergency Management
Contact: Ray Phelps, Chief of Emergency
Management, rphelps@surrycountyva.gov (757)294-5205
LaSonya White, Surry County Public Information Officer**

COVID19 TESTING

Surry County Emergency Management has partnered with the Virginia Department of Health, Crater Health District and the Virginia Army National Guard to offer COVID19 testing. Please see the information below that has been provided by the Crater Health District.

Petersburg, VA – The Crater Health District is continuing COVID-19 community testing throughout the district during the week of May 23-30. Seven testing events are scheduled from 9 a.m. to noon at the following locations:

- Saturday, May 23 PETERSBURG- Petersburg Sports Complex 100 Ballpark Road, Petersburg
- Sunday, May 24, PRINCE GEORGE - JEJ Moore School 11455 Prince George Drive, Disputanta
- Tuesday, May 26, DINWIDDIE – Sports Complex - 5850 R. B. Pamplin Drive, Sutherland
- Wednesday, May 27, SUSSEX - Sussex Middle School 21356 Sussex Drive, Stony Creek
- Thursday, May 28, SURRY - Recreation Center 205 Enos Farm Drive, Surry
- Friday, May 29, EMPORIA /GREENSVILLE - Washington Park, 750 Dry Bread Road, Emporia
- Saturday, May 30, HOPEWELL - Hopewell High School, 400 South Mesa Drive, Hopewell

Testing will be conducted by appointment to facilitate safety and social distancing. To register, call the Crater Health District hotline starting four days prior to each test event date at **804.863.1652 option 1**.

Testing is for persons age 5 and older who have COVID-19 symptoms, have been in contact with someone with COVID-19, who are pregnant, have underlying medical conditions that put them at risk, are age 65 and older or work in a congregate setting.

In order to be prescreened for testing, you must call 804.863.1652 option 1 in advance for a screening interview. Those that meet prescreening requirements for testing will receive an appointment time. To avoid lengthy wait times, please come to the site at your appointed time.

Symptoms of COVID-19 may include fever, cough, shortness of breath, flu-like symptoms, muscle pain, and new loss of taste or smell.

County Administration Report: May 14, 2020

As you are aware, Congress passed and the President signed the Coronavirus Aid Relief Economic Security (CARES) Act of 2020, providing funding for a number of different programs to address the COVID 19 pandemic. A primary component of the act is the assistance to state and local governments for the direct impact of the COVID-19 Pandemic through the establishment of the Coronavirus Relief Fund (CRF). CRF for the state of Virginia is \$3.1 billion, \$1.3 billion in aid goes to localities. Surry County's share is \$560,000. Want to re-iterated that the funds cannot be used for "revenue replacement" but only to cover expenses due to the COVID-19 response.

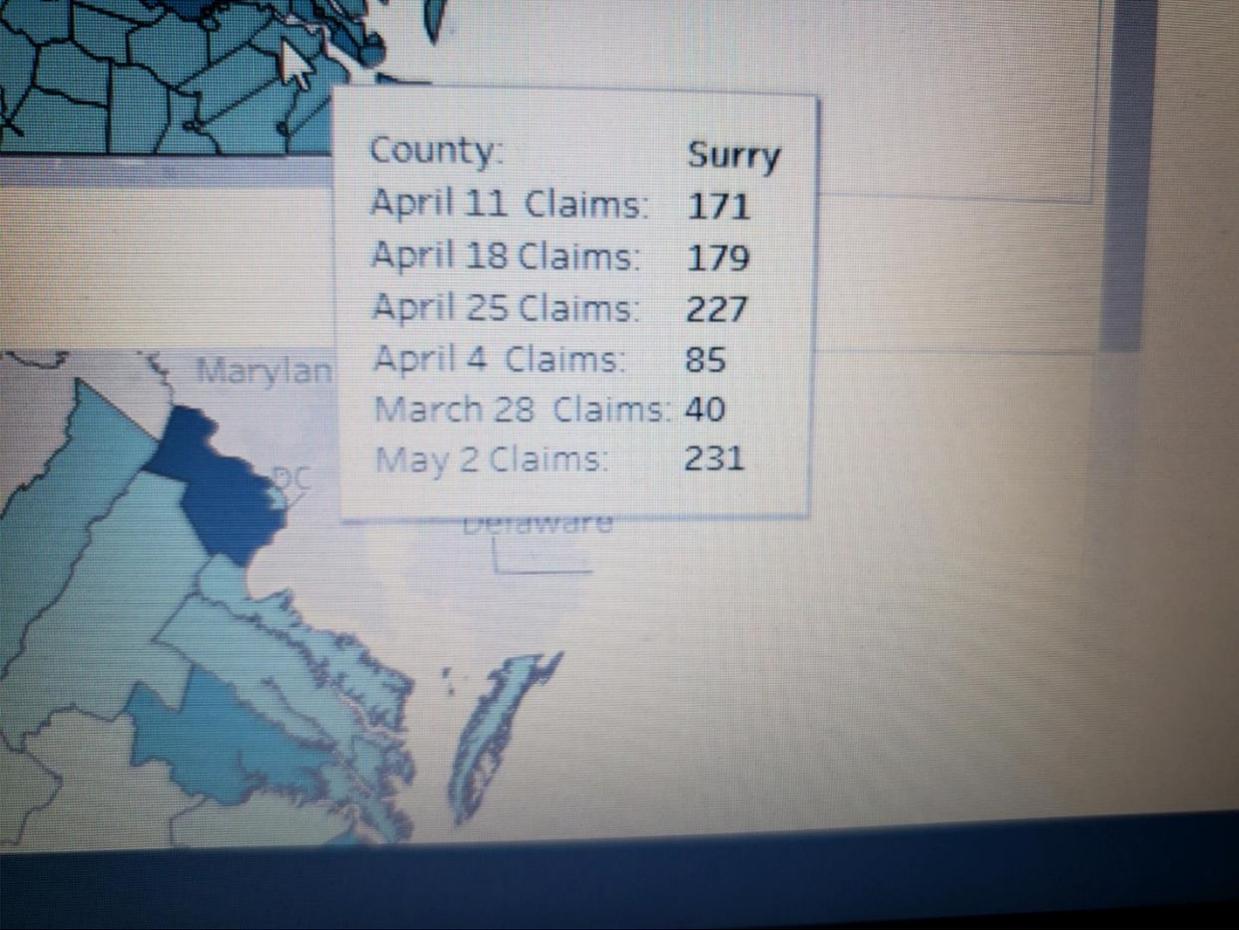
The Governor executive order 61 – safer at home – provides details guidelines for all business as they begin to reopen on Friday. Please adhere to the guidelines posted in the order.

Unemployment Rate Report- see below.

More traffic at the government Center: Mr. Davis, Ms. Jackson, Sheriff, EMS and Ms. Clayton have court dates over the next two weeks; we will be doing what's necessary to keep jurors, employees and other entering safe.

We are solidifying our plans for re-entry to the workplace – following the guidance of the Governor unless something changes; the day after Memorial Day for a phased in approach for employees, giving us time for acclimation back before opening facilities to the public.

Other Comments: Budget: Been conversation with a lot of city managers and county administrators over the last few weeks; the budget is fluid, coming FY 20-21, we could be making adjustments to the approved; will have the necessary hearings if needed to do so.



A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

VIRGINIA: A VIRTUAL MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD REMOTELY ON THURSDAY, MAY 21, 2020 AT 7:00 P.M. USING THE 'GOTOMEETING' PLATFORM:
<https://global.gotomeeting.com/join/447043917>

PRESENT: SUPERVISOR ROBERT ELLIOTT, JR.
SUPERVISOR MICHAEL DREWRY
SUPERVISOR JUDY LYTTLE
SUPERVISOR KENNETH HOLMES
SUPERVISOR WILLIAM (TIM) CALHOUN

ALSO

PRESENT: MS. DANIELLE POWELL, COUNTY ATTORNEY
MS. MELISSA ROLLINS, ACTING COUNTY ADMINISTRATOR
MS. CAROL SWINDELL, FINANCE
MR. RAY PHELPS, EMERGENCY SERVICES
MR. WILLIAMS SAUNDERS, BUILDING AND PLANNING
MS. LINDA GHOLSTON, WORKFORCE DEVELOPMENT
MS. LAJEUNE STONE, YOUTH AND FAMILY RESOURCES
MR. DELON BROWN, NETWORK ADMINISTRATOR

CALL TO ORDER/INVOCATION/MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE/ AGENDA ADOPTION

Meeting called to order at 7:01 P.M.

The meeting was called to order by Chairperson Elliott who then led those present in a moment of silence followed by this evening's invocation. The invocation was given by Following the invocation, Chairperson Elliott asked Supervisor Calhoun to lead those present in the pledge of allegiance. The working agenda was adopted by roll call vote.

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	UNAVAILABLE
SUPERVISOR WILLIAM CALHOUN	AYE

CONSENT ITEMS

- 1. Approval of April Draft Meeting Minutes:*
 - April 23, 2020 Draft Minutes*
 - April 30, 2020 Draft Minutes*

A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

Supervisor Calhoun made a motion to adopt the Consent Items as presented. Supervisor Lyttle seconded the motion. The motion was approved by the majority during roll call vote. **(Approved)**

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	UNAVAILABLE
SUPERVISOR WILLIAM CALHOUN	AYE

BUDGET DISCUSSION

Action is required on FY 20-21 Proposed Consolidated Budget and Capital Improvement Program. Resolution #2020-10 and Resolution #2020-11 if adopted by the Board, will establish the 2020 Tax Rates and the Personal Property Tax Relief Percentage and adopt the FY 20-21 Consolidated Budget and CIP as previously presented on May 14th and during the May 21st Public Hearing.

REQUIRED ACTIONS:

- 1. Adopt Resolution 2020-10; setting the 2020 Tax Rates and PPTRA Percentage.*

Supervisor Holmes made a motion to adopt *Resolution 2020-10; setting the 2020 Tax Rates and PPTRA Percentage* as presented. Supervisor Lyttle seconded the motion. The motion was approved unanimously by roll call vote. **(Approved)**

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	AYE
SUPERVISOR WILLIAM CALHOUN	AYE

- 2. Adopt Resolution 2020-11; formally adopting the FY 2020-21 Consolidated Budget and CIP*

Supervisor Lyttle made a motion to adopt *Resolution 2020-11; formally adopting the FY 2020-21 Consolidated Budget and CIP* as presented. Supervisor Holmes seconded the motion. The motion was approved unanimously by roll call vote. **(Approved)**

A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	AYE
SUPERVISOR WILLIAM CALHOUN	AYE

REPORT

Mr. Ray Phelps, Emergency Services Director, advised on the COVID-19 Pandemic and the continued process for Surry County citizens to stay informed and receive updated information. This includes testing of COVID-19 suspected cases in Surry County to be done May 28, 2020 between the hours of 10am-12pm. (*PRESS RELEASE ATTACHED*) Mr. Phelps reminded citizens to utilize the email address provided to address COVID-19 Pandemic specific questions and concerns (covid19@surrycountyva.gov).

(Press release regarding COVID-19 Testing in Surry County is attached as an integral component of these minutes)

CITIZEN COMMENTS

Supervisor Elliott advised all public comments received are being forwarded and reviewed by all Board of Supervisors and the Acting County Administrator.

(Citizen Comments mailed into comments@surrycountyva.gov are attached as an integral component of these minutes.)

BOARD COMMENTS

Board Members expressed thanks to staff for continued efforts during the COVID-19 Pandemic and for efforts towards budget preparations and presentations.

COUNTY ADMINISTRATOR'S REPORT

Ms. Melissa Rollins, Acting County Administrator, provided a detailed report that is attached as an integral component of these minutes.

A complete audio file of this meeting will be posted under the agenda portion of the County website once available.

ADJOURNMENT

There being no further business before the Board, Supervisor Elliott entertained a motion to adjourn. Supervisor Holmes made a motion that the Board adjourns their meeting until the next regular scheduled meeting to be held Thursday, June 4, 2020 at 7:00 P.M. The motion was seconded by Supervisor Lyttle and unanimously approved by roll call vote.

SUPERVISOR ROBERT ELLIOTT, JR.	AYE
SUPERVISOR MICHAEL DREWRY	AYE
SUPERVISOR JUDY S. LYTTLE	AYE
SUPERVISOR KENNETH R. HOLMES	AYE
SUPERVISOR WILLIAM CALHOUN	AYE

Meeting adjourned at 7:39 P.M.

DRAFT

**PRESS RELEASE
FOR IMMEDIATE RELEASE**

Date: May 19, 2020 at 12:59 pm

**Surry County Department of Emergency Management
Contact: Ray Phelps, Chief of Emergency
Management, rphelps@surrycountyva.gov (757)294-5205
LaSonya White, Surry County Public Information Officer**

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Symptoms of COVID-19 may include fever, cough, shortness of breath, flu-like symptoms, muscle pain, and new loss of taste or smell.

County Administration Report: May 21, 2020

Sussex Surry Dispatch – Today Article

Our School System continues to be a big piece of the fabric that make up this community. Kudos to the good news article in yesterday’s SSD; if you look at on-line, you are able to see the video that shows teachers “virtual I miss you” messages to their students.

Per Dr. Sims; Surry County School administrators and teachers came up with the innovative way to reach out to students isolated by the early school closing this year due to COVID-19. And she reminded us that Social/human connectivity is important during this crisis.

School divisions across the County are grapple with the changes of having to plan for not just the close of this year, but simply what ifs for the Fall School Year. This includes graduation exercises that will certainly have a social distance twist for parents and students on June 13th and with the blessing of the School Division, a social distancing parade that will garner community participation will also happen afterward on the 13th – coordinated by Parks and Recreation and the Sheriff. #UNITY IN THE COMMUNITY

Tuesday was Town Election Day – While turn out was low as anticipated during May elections and likely the rain did not help – 23% of registered voters turned out in Claremont, 21% in Dendron and 28% in Surry. That includes absentee and in person voting. More importantly, Ms. White reported that it was a safe Tuesday’s May Town Elections went very well, overall. We had PPE (masks, face shields, sanitizer, disinfectant) provided by the State for the Officers of Election and individual supplies (pens and file folders) provided by the State for every voter to avoid cross contamination. We thank the citizens who also wore face coverings, in an effort to prevent the spread of the virus. We had a power outage in the Surry Town precinct, but the Registrar office was well equipped on what to do with no disruption to the voting process.

Census 2020 Update: Board Members - nothing likely friendly competition amongst districts: 2020 Census Update will be reported by staff when we resume regular meetings however, I want to remind you and citizens that the County is lagging behind. Obviously, the pandemic with social distancing has slowed down the canvassing of census poll workers. But efforts are underway to ramp up the campaign. Today, the state representative was out at the FOOD Bank distribution pick up site to canvass residents, out of 100 reached a very small number who said they had not completed the form – which was good – VA Statewide Response – 64.2% - Surry response rate = 45.5%, Claremont = 43.4% and Dendron 44.1%. The state representative advised that she will go out next week to some businesses to bring flyers and banners.

Dominion Energy Pilot Program – we have been asked to give testimony to the State Corporation Commission in Dominion Energy’s application to the SCC for its Pilot Broadband project. One testimony from the administrator and one from Economic Development Director that speaks to the economic development outcomes of having high speed reliable broadband in this County and the benefit of the partnership with PGEC as the service provider. If you recall in February PGEC and Dominion Energy signed a partnership agreement whereby thousands of

residents in rural parts of Surry County could receive access to high-speed internet. Discuss the current state of broadband, why is the project so important, the efforts that have gone into securing funding, the economic benefits, etc. – This is something that we need to raise the roof about. Speaking of that Partnership, more good news..... PGEC has announced that they are ready to establish a member contact center in Surry County. We will need to donate the space at an appropriate facility centrally located to the ruralband fiber to expedite the process and they will purchase the equipment and outfit the facility to showcase and educate Surry County residents on how BROADBAND can be used in our everyday lives. Think about Board members and residents, the challenge of COVID 19 – need to telework, student needs to access home-work, the need for tele-medicine, (not needing to travel to a doctor for simple on line services especially for an elderly growing population) – effective communication tools for public safety/first responders, digital learning, at home entertainment, higher property values, so much more! PGEC can only make it available using tax and other dollars, you have to sign up for it and see it to believe it!

BUSINESS SPOTLIGHTS – Reopening last Weekend – Some Restrictions lifted

It was great to have customers back at the winery this past weekend. It was busy, especially on Saturday. But not crazy busy like it would be on a "normal" May weekend. We're hoping this weekend will be even busier. We're bringing back one of our employees on Saturday, so that is a good thing. Looking for good weather for those businesses using the outdoors to have good days!

In speaking to Randy Pack the Seafood restaurant had a good weekend, folks were ready to get back and had no problems with the social distancing changes put in place.

We are absolutely adhering to guidelines we were set forth to reopen. A couple examples:

1. all tables are a minimum of 6 ft apart
2. all staff wears face masks when working with customers
3. enhanced sanitation procedures in all contact points
4. open for outdoor dining only at 50% of our stated capacity (Capacity is 140 people, we have seating for 70 outdoors)
5. no more than 10 people in the lobby at any time

Guests did a good job of following the rules as well so we were quite pleased. This weather this week – they were open from 4 - 8 for take- out service.

Farmers Market - Our staff will deliver. and we are practicing safe transactions, customers can pay online with a card or over the phone verification. If customers want to pick up, we will have a pick up table in the rear of the government center in the parking area near the Sheriff's department. All staff will be wearing face masks and gloves and will drop off ordered items. We ask that those requesting

delivery to place a chair or cooler on your porch for the delivery driver and a phone call will be made to the customer notifying you that your order has been delivered.

Call LaSonya at 757-376-3017

To place your order

Farmer's Market Order Form

Name: _____ Pickup or Delivery? _____

Address: _____ Phone and Email: _____

Slade Farms	Price	Quantity
Swiss Chard	\$2.00/bunch	
Spring Onions	\$2.00/bunch	
Garlic Scapes	\$2.00/bunch	
Head Lettuce	\$2.00/head	
Green Garlic	\$2.00/bunch	
Curly Kale	\$2.00/bunch	
Smoked Ham Slices (3 slices)	\$7.00/pack	
SheaBD Body Butter	\$20.00/6oz.	
Healing Balm	\$40.00	
Vapor Rub with Hemp Oil	\$15.00	
Hemp Oil Hair and Scalp Repair Oil	\$15.00	
Hemp Oil Lip Balm	\$3.00	
Cloth Mask/ July 4th print	\$5.00	
Free Range Eggs	\$3.00/dozen	

Yvette's Homemade Pork Rinds	Price	Quantity
Plain Pork Rinds (gal. size bag)	\$5.00/bag	
Bacon Pork Rinds (gal. size bag)	\$5.00/bag	

Lillie's Crocheted Masks	Price	Quantity
Choose a solid color: Black, Blue, Gray, White, Green, Yellow	\$10.00/each	
Choose a mixture of colors: Yellow and white, Pink and white, red, white and black, etc.	\$10.00/each	

Cooper Family Farms	Price	Quantity
Homemade Jams— Strawberry, Blueberry, & Country Apple	\$7.00/8oz jar \$9.00/12oz jar	
Fresh Baked Sweet Potato Bread w/ or w/o Pecans	\$5.00— mini \$8— regular	

Red Barn Berkshires	Price	Quantity
Smoked Link Sausage	\$9.00/pack	
Bratwurst	\$9.00/pack	
Mild Country Sausage	\$7.00/pack	
Picnic Shoulder	\$3.25/lb.	
Boston Butts	\$3.50/lb.	
Jowl Bacon	\$7.00/pack	
Fresh Ground Pork	\$5.00/pack	
Jalapeno Smoked Link Sausage	\$10.00/pack	
Italian Links	\$9.00/pack	
Mild Country Breakfast Links (3")	\$7.00/pack	

Crystal's Sweet Treat and Catering Price Quantity

Homemade Rolls	\$5.00/dozen	
Sweet Potato/Apple Jacks	\$2.00/each	
Whole Pound Cake	\$15.00	
Mini Pound Cake	\$3.00	
Brownies (with or without nuts)	\$2—individuals \$12—pan	
Bread Pudding	\$3.00— sm. \$6.00— med.	
Corn Pudding	\$6.00— sm. \$12.00— med.	
Rice Pudding	\$3.00— sm. \$6.00— med. \$20.00— lg. \$40.00 x-L	
Layer Cakes—Chocolate, Strawberry, Lemon, German Chocolate, Double Chocolate, Coconut, Pineapple, Carrot, and Orange Cream.	\$15.00	

SURRY COUNTY
GENERAL FUND EXPENDITURES SUMMARY
APRIL, 2020

FUND #	DESCRIPTION	ADOPTED		CURRENT		ENCUMBRANCES	UNENCUMBERED BALANCE	% BUDGET REMAINING
		BUDGET	REVISED BUDGET	MONTH	YEAR TO DATE			
FUND #-100	** General Fund Expenditures **							
11100	** BOARD OF SUPERVISORS **	\$ 378,044.00	\$ 211,575.00	\$ 5,315.47	\$ 99,462.81	\$ -	\$ 112,112.19	53%
12100	** COUNTY ADMINISTRATION **	391,119.00	406,692.00	24,496.38	419,129.54	2,800.00	(15,237.54)	-4%
12210	** LEGAL SERVICES **	86,089.00	86,089.00	7,244.37	65,670.29	-	20,418.71	24%
12240	** INDEPENDENT AUDITOR **	47,895.00	47,895.00	-	40,640.00	-	7,255.00	15%
12310	** COMMISSIONER OF REVENUE **	235,687.00	239,275.00	15,838.54	193,195.59	2,800.00	43,279.41	18%
12410	** TREASURER **	291,930.00	302,769.00	18,308.34	227,349.44	-	75,419.56	25%
12420	** FINANCE DEPARTMENT **	193,268.00	198,245.00	5,438.06	101,982.67	-	96,262.33	49%
12510	** COMPUTER/NETWORK SERVICES **	359,650.00	364,057.00	21,541.08	293,291.83	-	70,765.17	19%
13100	**REGISTRAR & ELECTORAL BOARD**	131,910.00	133,130.00	8,818.13	109,710.90	-	23,419.10	18%
21100	** CIRCUIT COURT **	19,000.00	19,000.00	713.61	12,967.79	-	6,032.21	32%
21200	** DISTRICT COURT **	48,563.00	49,449.00	3,250.67	35,680.73	-	13,768.27	28%
21300	** MAGISTRATE **	725.00	725.00	-	-	-	725.00	100%
21700	** CLERK OF CIRCUIT COURT **	285,829.00	290,001.00	20,588.50	226,981.37	(772.24)	63,791.87	22%
21910	**VICTIM/WITNESS PROGRAM**	70,000.00	70,000.00	5,524.44	59,060.60	-	10,939.40	16%
21920	** VJCCA **	42,219.00	27,594.00	-	5,668.82	-	21,925.18	79%
22100	**COMMONWEALTH'S ATTORNEY**	272,620.00	274,224.00	22,801.47	201,539.51	-	72,684.49	27%
31200	** SHERIFF'S OFFICE **	1,678,395.00	1,719,696.50	130,710.22	1,377,989.99	2,652.00	339,054.51	20%
31250	**DMV GRANT**	-	12,500.00	37.68	6,356.60	-	6,143.40	49%
31252	**JAG GRANT**	-	3,706.00	0	2,892.00	-	814.00	22%
31255	**POLICING IN 21ST CENT GRANT**	-	-	0.00	12,140.74	-	(12,140.74)	N/A
31400	** E911 COMMUNICATIONS **	114,844.00	115,759.00	972.00	50,190.76	2,273.00	63,295.24	55%
32200	Volunteer Fire Departments	165,000.00	165,000.00	-	132,447.50	-	32,552.50	20%
32300	Ambulance & Rescue Services	463,125.00	463,125.00	19.96	502,839.94	-	(39,714.94)	-9%
32400	Other Fire & Rescue Services	24,178.00	24,178.00	-	16,178.00	-	8,000.00	33%
33200	**CORRECTION & DETENTION**	253,495.00	253,495.00	762.42	181,295.89	-	72,199.11	28%
34100	** BUILDING INSPECTIONS **	130,657.00	137,065.00	11,051.69	110,227.39	-	26,837.61	20%
34400	**INSPECTIONS ENFORCEMENT**	25,000.00	25,000.00	-	-	-	25,000.00	100%
35100	** ANIMAL CONTROL **	220,326.00	224,724.00	14,788.69	191,608.23	-	33,115.77	15%
35500	** EMERGENCY SERVICES **	383,384.00	438,715.39	30,553.72	321,849.42	-	116,865.97	27%
42300	** SANITATION DEPARTMENT **	805,466.00	814,992.00	44,042.58	610,945.22	2,695.00	201,351.78	25%
42600	** LITTER PREVENTION **	6,502.00	6,627.00	-	644.56	-	5,982.44	90%
43200	** MAINTENANCE DEPARTMENT **	848,309.00	909,050.00	49,362.18	660,557.64	12,348.00	236,144.36	26%
51200	** HEALTH DEPARTMENT **	209,664.00	209,664.00	-	209,664.00	-	-	0%
51400	** MEDICAL CLINICS **	8,000.00	8,000.00	-	-	-	8,000.00	100%
52500	**COMMUNITY SERVICES BOARD**	66,051.00	66,051.00	16,512.75	66,051.00	-	-	0%
53230	AREA AGENCY ON AGING	4,000.00	4,000.00	-	-	-	4,000.00	100%
53600	**HEAD START PROGRAM**	44,604.00	44,604.00	-	22,302.00	-	22,302.00	50%
66000	**COLLEGES & UNIVERSITIES**	3,813.00	3,813.00	-	1,313.00	-	2,500.00	66%

SURRY COUNTY
GENERAL FUND EXPENDITURES SUMMARY
APRIL, 2020

FUND #	DESCRIPTION	ADOPTED	CURRENT	YEAR TO DATE	ENCUMBRANCES	UNENCUMBERED	% BUDGET
		BUDGET				REVISIED BUDGET	MONTH
FUND #-100	** General Fund Expenditures **						
71100	**PARKS & REC ADMINISTRATION**	481,552.00	398,441.00	21,971.01	293,612.98	-	104,828.02 26%
71500	** RECREATION PROGRAMS **	41,300.00	41,300.00	-	25,539.36	-	15,760.64 38%
71600	**MARINA OPERATIONS**	115,000.00	115,000.00	1,086.50	37,639.22	-	77,360.78 67%
73200	** REGIONAL LIBRARY **	150,154.00	150,154.00	37,538.50	150,300.88	-	(146.88) 0%
81100	**PLANNING DEPARTMENT**	370,566.00	378,826.00	19,242.19	266,523.18	-	112,302.82 30%
81300	**REDEVELOPMENT & HOUSING**	2,000.00	2,000.00	-	2,000.00	-	- 0%
81400	**BOARD OF ZONING APPEALS**	2,083.00	2,083.00	-	757.05	-	1,325.95 64%
81500	** ECONOMIC DEVELOPMENT **	258,586.00	264,182.00	11,710.23	226,584.39	-	37,597.61 14%
81550	**TOURISM**	133,013.00	135,427.00	11,355.76	53,670.81	-	81,756.19 60%
81600	** WETLANDS BOARD **	309.00	309.00	-	225.18	-	83.82 27%
81610	** PLANNING COMMISSION **	5,423.00	5,423.00	-	3,004.13	-	2,418.87 45%
81620	**HIGHWAY TRANS SAFETY COMM**	271.00	271.00	-	-	-	271.00 100%
81630	** HISTORICAL/ARCH REVIEW **	271.00	271.00	-	-	-	271.00 100%
81700	**PUBLIC TRANSPORTATION**	40,000.00	40,000.00	-	40,000.00	-	- 0%
82400	** ENVIRONMENTAL MANAGEMENT SOIL**	11,000.00	11,000.00	-	12,000.00	-	(1,000.00) -9%
83000	** COOPERATIVE EXTENSION **	97,283.00	97,283.00	313.34	33,844.00	-	63,439.00 65%
84100	** OFFICE ON YOUTH **	217,733.00	274,960.91	25,418.95	253,438.44	-	21,522.47 8%
84200	** WORKFORCE DEVELOPMENT **	63,462.00	97,019.92	4,807.11	82,174.40	-	14,845.52 15%
84300	**EMPLOYMENT RESOURCE CENTER**	12,104.00	-	-	1,053.84	-	(1,053.84) N/A
995000	** TRANSFERS TO OTHER FUNDS **	18,477,652.00	18,094,287.00	1,000,000.00	10,515,000.00	-	7,579,287.00 42%
TOTAL GENERAL FUND		\$ 28,789,123.00	\$ 28,478,722.72	1,592,136.54	18,567,193.63	\$ 24,795.76	\$ 9,886,733.33 35%

Agenda Item: Adoption of the Surry County Emergency Operations Plan

The legal and organizational basis for Emergency Management is reflected in the local Emergency Operations Plan (EOP). The Code of Virginia §44-146.19.E requires every four years a comprehensive review of the locality EOP be completed and adopted by the local governing body.

Surry County's Emergency Operation Plan (EOP) is activated for emergency situations that overwhelm the day-to-day functions of the county's Emergency Management. When EOP activation occurs, normal chain of command for Surry County's first response community is enhanced by a chain of command from Surry County's governing body. It is at the determination of the governing body's appointed Emergency Management Director to declare a state of emergency for the County. The threshold for such an action may take place for a single local event or as part of a larger situation that affects the region and/or the Commonwealth. All of these considerations are contained in the attached EOP.

Through this process, which concludes with the adoption of the revised EOP, Surry becomes better prepared to respond to any emergency; not just radiological with which Surry County is well versed. Surry County capabilities and assets are reflected in the revised version of the EOP which allows for better countywide situational awareness. Understanding the capabilities and resources may be essential during a time of emergency when local resources become overwhelmed and outside assistance is requested.

The EOP factors in the Commonwealth's specific emergency management programs and operations. Having the EOP reflect not only local operations but also how the state and outside resources are utilized provides for an integrated emergency management system.

Required Action:

Decide whether to authorize Resolution 2020-12 adopting the revised Surry County Emergency Operations Plan. [The EOP was sent to the Board of Supervisors under separate cover].



2020-12

AT A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE GOVERNMENT CENTER ON JUNE 4, 2020 AT 7:00 P.M.

PRESENT:

VOTE:

- The Honorable Robert L. Elliott Jr., Chairperson**
- The Honorable Michael H. Drewry, Vice-Chair**
- The Honorable Judy S. Lyttle**
- The Honorable Kenneth H. Holmes**
- The Honorable Tim Calhoun**

ADOPTION OF THE SURRY COUNTY EMERGENCY OPERATIONS PLAN (EOP)

WHEREAS, the Board of Supervisors of Surry County, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS, Surry County has a responsibility to provide for the safety and well- being of its citizens and visitors; and

WHEREAS, Surry County has established and appointed a Director and Chief of Emergency Management;

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of Supervisors for Surry County, Virginia, this Emergency Operations Plan as revised is officially adopted, and

IT IS FURTHER RESOLVED AND ORDERED that the Director of Emergency Management, or his/her designee, is tasked and authorized to maintain and revise as necessary this document during the next four (4) year period or until such time it be ordered to come before this board.

Adopted: June 4, 2020

Chairman, Surry County Board of Supervisors

ATTEST:

DRAFT

Agenda Note: Surry County Boating Infrastructure Grant (BIG) Resolution 2020-13

Please find the attached resolution as required under the BIG Grant awarded from the VA Dept. Of Health under the U.S. Department of Interior Fish and Wildlife Boating Act; the resolution essentially acknowledges the County's understanding of its obligation to provide long-term maintenance of the property in accordance with the Boating Infrastructure Grant Program Rule (522 FW 18.5) and the following useful life parameters; docks, finger piers, ramp, gangway, and fuel system – 20 years; upland bathroom facility – 40 years.

The County's federal reimbursement for the project is approximately \$1.1 million dollars and is expected to be received prior to June 30, 2020.

Required Action: Approve Surry County Resolution #2020-13; REGARDING THE USEFUL LIFE, OBLIGATION, AND MAINTENANCE OF GRAY'S CREEK MARINA.



RESOLUTION 2020-13

AT A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE GOVERNMENT CENTER ON JUNE 4, 2020 AT 7:00 P.M.

PRESENT:

VOTE:

The Honorable Robert L. Elliott Jr., Chairperson	_____
The Honorable Michael H. Drewry, Vice-Chair	_____
The Honorable Judy S. Lyttle	_____
The Honorable Kenneth H. Holmes	_____
The Honorable Tim Calhoun	_____

A RESOLUTION BY THE COUNTY OF SURRY BOARD OF SUPERVISORS REGARDING THE USEFUL LIFE, OBLIGATION, AND MAINTENANCE OF GRAY'S CREEK MARINA

WHEREAS, the County of Surry, is the owner of fee simple real property with improvements thereon know generally as Gray's Creek Marina at 633 Marina Drive, Surry, Virginia; and

WHEREAS, the County of Surry, acting as sub-recipient of the Virginia Department of Health Marina Programs, constructed and installed 40 transient slips, utilities, ADA gangways, bathroom facilities, fuel service, navigational aids and laundry at Gray's Creek Marina with funds from the Boating Infrastructure Grant Program; and

WHEREAS, the County of Surry is obligated to utilize the transient slips and appurtenances in accordance with the Boating Infrastructure Grant; 2 CFR 200 and 50 CFR 86; and

WHEREAS, vessels transiting to Gray's Point Marina may only stay at the facility for 15 days or less, fees charged must be comparable to those charged regionally and shall be use for operation and maintenance of the funded infrastructure for its useable life; and

WHEREAS, pursuant to the grant agreement between the County of Surry and the Commonwealth of Virginia, Department of Health (the "Agreement") dated October 17, 2017, Agreement Number VDH-17-102-0182, a copy of which is filed at the offices of the Virginia Department of Health, 109 Governor Street, 5th Floor, Richmond, Virginia 23219;

NOW THEREFORE, BE IT RESOLVED, by this Resolution, the County of Surry desires to acknowledge the existence of the Agreement and its obligation to abide by the terms and conditions thereof. The County of Surry confirms its obligation with regard to the Agreement as it relates to the Property, including the obligation of Surry County to provide long-term maintenance of the property in accordance with the Boating Infrastructure Grant Program Rule (522 FW 18.5) and the following useful life parameters; docks, finger piers, ramp, gangway, and fuel system – 20 years; upland bathroom facility – 40 years as referenced in Appendix 8 – United States Fish & Wildlife Service Plant, Property & Equipment Financial Management Guidance Handbook.

Adopted: June 4, 2020

Robert Elliott, Jr., Chairman, Surry County Board of Supervisors

ATTEST:

Melissa Rollins, Acting County Administrator/Clerk, Board of Supervisors

DRAFT



Healthy People in Healthy Communities
www.vdh.virginia.gov

VIRGINIA DEPARTMENT OF HEALTH
 OFFICE OF ENVIRONMENTAL HEALTH SERVICES
 (OEHS) 109 GOVERNOR STREET
 RICHMOND, VIRGINIA 23219

MEMORANDUM OF UNDERSTANDING

(MOU) VDH-17-102-0182

- I. PARTIES TO THE AGREEMENT:** This Memorandum of Understanding is entered into by the Virginia Department of Health, Office of Environmental Health Services, hereafter referred to as "Department," whose offices are located at 109 Governor Street, 5th Floor, Richmond, Virginia, 23219, and Gray's Creek Marina – County of Surry whose offices are located at 45 School Street, P.O. Box 65, Surry, Virginia 23883, hereafter referred to as the "Contractor".

WHEREAS, The Department desires to enter into an Agreement with the Contractor to provide services and;

WHEREAS, The Contractor desires to perform such services;

THEREFORE, in consideration of their respective undertakings, the Department and the Contractor hereby covenant and agree to the following terms.

- II. PERIOD OF AGREEMENT:** From execution date of VDH signature on last page through February 27, 2020.
- III. SCOPE OF SERVICES:** The Contractor will construct an upland bathroom facility, approximately 203-foot long ADA accessible ramp and gangway, 421-foot long by 7-14 foot wide floating pier with four T-head(s), fourteen (14) floating finger piers 4-foot wide and 28-40 feet in length with the capacity to accommodate 44 transient vessels \geq 26-foot in length, and a fuel system.

The Contractor must give credit to the Federal Aid in Sport Fishing Restoration program and the United States Fish and Wildlife Service as the source of project funding by using crediting logo identified in 50 CFR Part 86.26.

The docks, finger piers, ramp, gangway, and fuel system must be constructed in accordance with 522 FW 18 "Useful Life of Capital Improvements Funded by Federal Assistance Grants". In general, all materials used including galvanized hardware, metal materials, plastic materials, aluminum, synthetic, and fiberglass provided by others for use on this project. In summary, it can be stated that the materials proposed for use on this project should provide a service life of at least 25 years. At the conclusion of this project a useful life statement shall be provided as evidence that Federal law has been followed.

IV. **COMPENSATION:** Total compensation for this contact will not exceed \$1,392,985.00.

ARTICLE XIV – FEDERAL REQUIREMENTS FOR SUBRECIPIENT CONTRACTS

CONTRACTOR IS A VENDOR: ARTICLE XIV DOES NOT APPLY TO THIS VENDOR.

CONTRACTOR IS A SUBRECIPIENT: ARTICLE XIV DOES APPLY TO THIS SUBRECIPIENT.

FEDERAL AWARD INFORMATION: Recipients of federal awards must be informed of the catalog of Federal Domestic Assistance (CFDA) number, grant name and number, grant year and federal awarding agency. This information will become part of the Contract.

CFDA # 15.622 Sport Fishing and Boating Act

Federal Grant Award Year: 2017

Federal Grant Name & Number: VA BIG FY 17 Tier II – Gray’s Creek Marina F17AP00205

Federal Awarding Agency: U.S. Department of Interior, Fish and Wildlife Service

Monitoring: The Department will monitor the Contractor to evaluate the progress and performance of the program. The Contractor shall furnish the Department on request information regarding payments claimed for services under this contract. The Department and Federal personnel shall be provided access to all program-related records and facilities under reasonable request.

The Contractor shall retain all books, accounts, reports, files and other records relating to the performance of the contract for a period of five years after its completion. All accounting records must be supported by source documentation and retained in order to show for what purpose funds were spent. All such records shall be made available and produced for inspection when required by the Department.

Should an audit by authorized state or federal official result in disallowance of amounts previously paid to the Contractor, the Contractor shall reimburse the Department upon demand.

Time and Effort Reporting: The Contractor shall comply with time and effort reporting as required by the Federal Office of Management and Budget (OMB) Circular A-87 (Cost Principles for State, Local and Indian Tribal Government). All employees paid in whole or in part from grant funds should prepare a timesheet indicating the hours worked on each specific project for each pay period. Based on these time sheets and hourly payroll cost for each employee, a statement indicating the distribution of payroll charges should be prepared and placed in the appropriate files and shall be made available for inspection when required by the Department. The Contractor shall retain all books, reports, files and other records relating to time and effort reporting for a period of five years after completion.

Audit of Financial Records: The Contractor shall comply with the audit and reporting requirements defined by the Federal Office of Management and Budget (OMB) Circular A-133 (Audits of States, Local Government and Non-Profit organizations) as applicable. The

Contractor will, if total Federal funds expended are \$500,000 or more a year, have a single or program- specific financial statement audit conducted for the annual period in compliance with the General Accounting Office audit standards. A copy of the portion of the audit that affects the program will be submitted to the Commonwealth of Virginia. If there are no audit findings, a letter indicating no finds shall be submitted. The copy of the portion of the audit findings or the letter indicating no findings shall be sent to the Virginia Department of Health.

If total federal funds expended are less than \$500,000 for a year the Contractor must meet the above audit requirements or maintain financial records for such audit that are available for review by appropriate officials of the granting Federal agency, pass-through entity, and the General Accounting Office.

- V. **METHOD OF PAYMENT:** The Contractor should submit one lump sum reimbursement request at the completion of the described project. The reimbursement request must be supported by original or copies of invoices for materials, labor and services along with receipts or other acceptable documents supporting the payment of such invoices. The reimbursement request must cite the contract number VDH-17-102-0182 and shall be submitted to the following address:

The Virginia Department of
Health Attn: OEHS Business
Manager 109 Governor
Street, Fifth Floor
Richmond, VA 23219-3623

If the final cost of this project exceeds \$3,487,966.00 the Federal Share through VDH reimbursement will be limited to **\$1,392,985.00** and all additional costs will be the responsibility of the Contractor. If the final cost of this project is less than \$3,487,966.00, the Contractor agrees to be reimbursed at the rate of 39% of the total eligible cost of the project. Contractor shall submit all invoices for anticipated charges by November 27, 2019.

VI. **TERMS AND CONDITIONS:**

- A. **AUDIT:** The Contractor shall retain all books, records, and other documents relative to this agreement for five (5) years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The Department, its authorized agents, and/or state auditors shall have full access to and the right to examine any of said materials during said period.
- B. **APPLICABLE LAWS AND COURTS:** This contract agreement shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the courts of the Commonwealth. The Department and the Contractor are encouraged to resolve any issues in controversy arising from the award of the agreement or any contractual dispute using Alternative Dispute Resolution (ADR) procedures (*Code of Virginia, §2.2-4366*). ADR procedures are described in Chapter 9 of the *Vendors Manual*. The Contractor shall comply with all applicable federal, state and local laws, rules and regulations.

- C. **AVAILABILITY OF FUNDS:** It is understood and agreed between the parties herein that the Department shall be bound hereunder only to the extent of the funds available or which may hereafter become available for the purpose of this agreement.
- D. **BACKGROUND CHECKS:**
1. The VDH may require a background check for Contractor staff assigned to any resulting agreement. The Contractor shall be required to pay for all background checks processed for staff assigned to any agreement resulting from this contract agreement at a rate of \$50.00. Fees are on a per background check basis and will be invoiced by VDH Accounting. The Contractor employees will be required to complete a form granting authority to release information. The Contractor shall allow the VDH access to review Contractor staff personnel and employment records.
 2. Background investigation results will be reviewed by the VDH, and are not releasable to the Contractor, however, can be provided to the individual of the investigation upon a written request.
 3. In the event agreement award is made prior to completion of background checks, any unfavorable results shall be subject to the terms and conditions of this contract agreement.
 4. In the event of any staff turnover or staff reassignments, the Contractor shall notify the VDH and shall submit the appropriate background history questionnaire, authority for release of information and have fingerprints obtained for any proposed new staff member. This shall be in addition to the requirement to provide the required credentials information. The VDH may remove any Contractor employee that the Contract Administrator feels threatens the health or safety of staff, security of the facility, or quality of the service provided by the Contractor.
- E. **CHANGES TO THE AGREEMENT:** The parties may agree in writing to modify the scope of the Memorandum of Understanding. An increase or decrease in the price to the memorandum of understanding resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the Memorandum of Understanding.
- F. **CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION:** The Contractor assures that information and data obtained as to personal facts and circumstances related to patients or clients will be collected and held confidential, during and following the term of this agreement, and will not be divulged without the individual's and the Department's written consent and only in accordance with federal law or the Code of Virginia. Contractors who utilize, access, or store personally identifiable information as part of the performance of a agreement are required to safeguard this information and immediately notify the Department of any breach or suspected breach in the security of such information. Contractors shall allow the Department to both participate in the investigation of incidents and exercise control over decisions regarding external reporting. Contractors and their employees working on this project may be required to sign a confidentiality statement.

- G. **ANTI-DISCRIMINATION:** By signing this agreement vendors certify to the Commonwealth that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, the Americans With Disabilities Act and § 2.2-4311 of the Virginia Public Procurement Act (VPPA). If the award is made to a faith-based organization, the organization shall not discriminate against any recipient of goods, services, or disbursements made pursuant to the agreement on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, age, color, gender or national origin and shall be subject to the same rules as other organizations that agreement with public bodies to account for the use of the funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the public body. (Code of Virginia, § 2.2-4343.1E).
- H. **ANTITRUST:** By entering into a agreement, the contractor conveys, sells, assigns, and transfers to the Commonwealth of Virginia all rights, title and interest in and to all causes of action it may now have or hereafter acquire under the antitrust laws of the United States and the Commonwealth of Virginia, relating to the particular goods or services purchased or acquired by the Commonwealth of Virginia under said agreement.
- I. **PAYMENT:**
1. **To Prime Contractor:**
 - a. Invoices for items ordered, delivered and accepted shall be submitted by the contractor directly to the payment address shown on the purchase order/agreement. All invoices shall show the state agreement number and/or purchase order number; social security number (for individual contractors) or the federal employer identification number (for proprietorships, partnerships, and corporations).
 - b. Any payment terms requiring payment in less than 30 days will be regarded as requiring payment 30 days after invoice or delivery, whichever occurs last. This shall not affect offers of discounts for payment in less than 30 days, however.
 - c. All goods or services provided under this agreement or purchase order, that are to be paid for with public funds, shall be billed by the contractor at the agreement price, regardless of which public agency is being billed.
 - d. The following shall be deemed to be the date of payment: the date of postmark in all cases where payment is made by mail, or the date of offset when offset proceedings have been instituted as authorized under the Virginia Debt Collection Act.
 - e. **Unreasonable Charges.** Under certain emergency procurements and for most time and material purchases, final job costs cannot be accurately determined at the time orders are placed. In such cases, contractors should be put on notice that final payment in full is contingent on a determination of reasonableness with respect to all invoiced charges. Charges which appear to be unreasonable will be researched and challenged, and that portion of the invoice held in abeyance until a settlement can be reached. Upon determining that invoiced charges are not reasonable, the Commonwealth shall promptly notify the contractor, in writing, as to those charges which it considers unreasonable and the basis for the determination. A contractor

may not institute legal action unless a settlement cannot be reached within thirty (30) days of notification. The provisions of this section do not relieve an agency of its prompt payment obligations with respect to those charges which are not in dispute (*Code of Virginia, § 2.2-4363*).

2. To Subcontractors:

- a. A contractor awarded an agreement under this contract is hereby obligated:
 - (1) To pay the subcontractor(s) within seven (7) days of the contractor's receipt of payment from the Commonwealth for the proportionate share of the payment received for work performed by the subcontractor(s) under the agreement; or
 - (2) To notify the agency and the subcontractor(s), in writing, of the contractor's intention to withhold payment and the reason.
 - b. The contractor is obligated to pay the subcontractor(s) interest at the rate of one percent per month (unless otherwise provided under the terms of the agreement) on all amounts owed by the contractor that remain unpaid seven (7) days following receipt of payment from the Commonwealth, except for amounts withheld as stated in (2) above. The date of mailing of any payment by U. S. Mail is deemed to be payment to the addressee. These provisions apply to each sub-tier contractor performing under the primary agreement. A contractor's obligation to pay an interest charge to a subcontractor may not be construed to be an obligation of the Commonwealth.
3. Each prime contractor who wins an award in which provision of a SWAM procurement plan is a condition to the award, shall deliver to the contracting agency or institution, on or before request for final payment, evidence and certification of compliance (subject only to insubstantial shortfalls and to shortfalls arising from subcontractor default) with the SWAM procurement plan. Final payment under the agreement in question may be withheld until such certification is delivered and, if necessary, confirmed by the agency or institution, or other appropriate penalties may be assessed in lieu of withholding such payment.
 4. The Commonwealth of Virginia encourages contractors and subcontractors to accept electronic and credit card payments.

J. ASSIGNMENT OF AGREEMENT: An agreement shall not be assignable by the contractor in whole or in part without the written consent of the Commonwealth.

K. DEFAULT: In case of failure to deliver goods or services in accordance with the agreement terms and conditions, the Commonwealth, after due oral or written notice,

may procure them from other sources and hold the contractor responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to any other remedies which the Commonwealth may have.

- L. **WHISTLEBLOWER PROTECTIONS:** Congress has enacted the whistleblower protection statute 41 U.S.C. Section 4712 to encourage employees to report fraud, waste, and abuse without repercussions. This statute applies to all employees working for contractors, grantees, subcontractors, and sub grantees in accordance with this agreement. All contractors, grantees, sub grantees, and subcontractors for federal grants and contracts are required to:
- Inform their employees in writing of the whistleblower protections under 41 U.S.C. Section 4712 in the predominant native language of the workforce, to include the specific requirements of the statute, and
 - Include this term and condition in any agreement made with a subcontractor or sub grantee.
- The employees' rights under 41 U.S.C. Section 4712 shall survive termination of this agreement.

VII. SPECIAL TERMS AND CONDITIONS:

- A. **WARRANTY OF MATERIALS AND WORKMANSHIP:** The Contractor warrants that, unless otherwise specified, all materials and equipment incorporated in the work under the contract shall be new, in first class condition, and in accordance with the contract documents. The Contractor further warrants that all workmanship shall be of the highest quality and in accordance with contract documents and shall be performed by persons qualified at their respective trades.
1. Work not conforming to these warranties shall be considered defective.
 2. This warranty of materials and workmanship is separate and independent from and in addition to any contractor's other guarantees or obligations in this contract.
- B. **SIGNAGE REQUIREMENTS:** The Contractor must give credit to the Federal Aid in Sport Fishing Restoration program as the source of funding for the Contractor's project by using crediting logo identified in 50 CFR Part 86.26.
- C. **CANCELLATION OF CONTRACT:** The department reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 30 days written notice to the contractor. Any contract cancellation notice shall not relieve the contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of the cancellation.
- D. **INDEPENDENT CONTRACTOR:** When providing the services specified under this contract the Contractor shall not be deemed an "employee" or "agent" of the Virginia Department of Health. The Contractor shall act as an independent contractor and is responsible for obtaining and maintaining appropriate liability insurance, payment of all FICA, State and Federal taxes, and complying with other similar requirements which are customary in the industry. In addition, the Contractor certifies that they are not an

employee, nor do they currently employ employees of the Virginia Department of Health.

- E. **USE OF PREMISES:** The Contractor shall operate, maintain and use the facilities throughout their useful life (at least 25 years) for the purpose stated in the Scope of Work, and must obtain written approval from the appropriate U.S. Fish and Wildlife Service Regional Director before converting the facilities to another use. The Owner shall allow reasonable access to all recreational vessels and may charge equitable fees. User fees collected shall only be used for the operation and maintenance of facilities funded during and after the grant closure. Those individuals using the transient slips shall be granted access to the shore and basic features such as restrooms, sanitary waste pump-out and dump station.

In the event ownership of this project changes, the Virginia Department of Health, Office of Environmental Health Services, Division of Onsite and Water Services, Environmental Engineering, and Marina Programs shall be promptly notified in writing.

This Memorandum of Understanding shall be incorporated into the sales document and becomes binding upon the new owner until a new agreement is executed.

- F. **NONDISCRIMINATION OF CONTRACTORS :** A contractor shall not be discriminated against in the award of this agreement because of race, religion, sexual orientation, gender identity color, sex, national origin, age, political affiliation, disability, veteran status, faith-based organizational status, any other basis prohibited by state law relating to discrimination in employment or because the vendor employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific agreement is not in its best interest. If the award of this agreement is made to a faith-based organization and an individual, who applies for or receives goods, services, or disbursements provided pursuant to this agreement objects to the religious character of the faith-based organization from which the individual receives or would receive the goods, services, or disbursements, the public body shall offer the individual, within a reasonable period of time after the date of his objection, access to equivalent goods, services, or disbursements from an alternative Contractor

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be duly executed intending to be bound thereby. This Memorandum of Understanding becomes effective on the date of the last signature.

CONTRACTOR:		VIRGINIA DEPARTMENT OF HEALTH:	
By:	<i>[Signature]</i>	By:	<i>[Signature]</i> for Dr. Levine
Title:	County Administrator	Title:	Chief Deputy Commissioner
Date:	September 26, 2017	Date:	10.17.17

Note: This public body does not discriminate against faith-based organizations in accordance with the

Code of Virginia, §§ 2.2-4343.1 or against a Contractor because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.



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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 86

Boating Infrastructure Grant Program; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 86

[Docket No. FWS-R9-WSR-2011-0083;
FVWF941009000007B-XXX-FF09W11000]

RIN 1018-AW64

Boating Infrastructure Grant Program

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are revising regulations governing the administration of the national Boating Infrastructure Grant Program (BIG). We published a proposed rule in the *Federal Register* on March 28, 2012. We received responses from the public during the 60-day comment period with recommendations for changes, support for certain parts of the proposed rule, and requests for more time to review the proposed rule. We published a second proposed rule in the *Federal Register* on April 25, 2014, with a 90-day comment period. The final rule simplifies and clarifies some sections, responds to comments on both proposed rules, and considers other approaches to carrying out this grant program.

DATES: The final rule is effective on June 5, 2015.

FOR FURTHER INFORMATION CONTACT: Lisa E. Van Alstyne, Wildlife and Sport Fish Restoration Program, Division of Policy and Programs, U.S. Fish and Wildlife Service, 703-358-1942.

SUPPLEMENTARY INFORMATION:**Executive Summary**

The Sportfishing and Boating Safety Act of 1998 established the Boating Infrastructure Grant Program (BIG). The Fish and Wildlife Service carries out the program through regulations published at 50 CFR part 86. The regulations establish a process for States, the District of Columbia, Commonwealths, and territories (States) to receive grants by proposing projects to construct and maintain facilities for transient recreational vessels at least 26 feet long. There are two subprograms in BIG. BIG Tier 1—State competes on the State level for eligible projects, and BIG Tier 2—National competes on a national level for eligible projects. Examples of eligible costs are floating docks, piers, navigational aids, boat slips, limited dredging, and restrooms.

BIG receives its funding from 2 percent of the annual appropriation from the Sport Fish Restoration and

Boating Trust Fund. The Trust Fund receives revenue from: (a) Taxes on sport fishing equipment, electric outboard motors, and sonar devices; (b) taxes on special motorboat fuels and gasoline attributable to motorboats and nonbusiness use of small power equipment; and (c) import duties on fishing tackle, yachts, and pleasure craft. In FY 2015, the Service awarded over \$14.3 million to States for eligible projects.

This BIG final rule is the first comprehensive update since 2001. In developing this rule, we considered the recommendations of the 2005 review of BIG published by the Sport Fishing and Boating Partnership Council, a Service Federal Advisory Committee. We actively worked with the Council and our other partners, such as the States Organization for Boating Access, BoatUS, States, and the boating public.

Background

This final rule revises title 50, part 86 of the Code of Federal Regulations (CFR), which is “Boating Infrastructure Grant (BIG) Program.” The primary users of these regulations are agencies in the 50 States, the Commonwealths of Puerto Rico and the Northern Mariana Islands, the District of Columbia, and the territories of Guam, the U.S. Virgin Islands, and American Samoa. We use *State* or *States* in this document to refer to any or all of these jurisdictions.

These regulations tell States how they may apply for and use funds from the Sport Fish Restoration and Boating Trust Fund that are dedicated by law to BIG (Dingell-Johnson Sport Fish Restoration Act, 16 U.S.C. 777c, g, and g-1).

The Catalog of Federal Domestic Assistance at <https://www.cfda.gov> describes BIG under 15.622. BIG offers grants in two subprograms, BIG Tier 1—State and BIG Tier 2—National, to construct, renovate, and maintain boating infrastructure facilities for transient recreational vessels at least 26 feet long.

We published a proposed rule for BIG in the *Federal Register* on March 28, 2012 (77 FR 18767), with a 60-day comment period ending May 29, 2012. We received 22 responses from the public. Fifteen included comments applicable to the proposed rule and 11 included requests for more time to review the proposed rule. We responded to comments and published a second proposed rule in the *Federal Register* on April 25, 2014 (79 FR 23210), with a 90-day comment period ending July 24, 2014.

We received 13 responses to the proposed rule published at 79 FR 23210.

Some of the comments we received support our changes or approaches and others recommend further changes or considerations. A few comments requested more information or explanation.

We address these comments in the following section.

Response to Public Comments

We arrange the public comments by sections of the proposed rule. We do not duplicate a response we give in one section in another section. We do not present comments exactly as stated unless we enclose text within quotation marks. In many instances, we combine several similar comments and show as a single comment. We state in the response to each comment any action taken and explain our response. Some public comments led us to reexamine sections or approaches beyond the specific public comment. Based on this reexamination, we make changes to improve clarity, consistency, organization, or comprehensiveness.

We make some changes for clarification and uniformity that we do not specifically discuss. We do not explain minor changes that do not significantly affect content. We discuss any substantive changes that resulted from this reexamination in our responses to the comments. We use the word *grantee* in our responses to refer to a State that receives a BIG award. It may also apply to a subgrantee with which a State agency has a formal agreement to construct, operate, or maintain a BIG-funded facility.

The regulations at 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (78 FR 78590, December 26, 2013), became effective for Federal grants on December 26, 2014. Many citations within this regulation have been updated to reflect the current authority. The term *grant period* is replaced with the term *period of performance* at 2 CFR 200.77 and we reflect that change in both the Response to Public Comments and the body of the rule.

We use the term *proposed rule* to refer to the proposed rule published in the *Federal Register* at 79 FR 23210, April 25, 2014.

We include all sections of the proposed rule and indicate if we received no comments.

Subpart A—General**Section 86.1 What does this part do?**

In this section, we introduce the terms BIG Standard and BIG Select to identify the subprograms in BIG. We consider

the terms *Tier 1* and *Tier 2* in the current rule as bureaucratic and nondescriptive of the BIG subprograms, so we proposed different names. We received many comments and some suggestions for alternative subprogram names. Most commenters stated that since the program has been active for so long, a major change would be confusing to those routinely interacting with the program. Some States noted that they have developed materials that use the current subprogram names and they would have to recreate those materials if we were to implement new subprogram names. To compromise between the commenters' desire to keep the familiar *Tier* designations and our desire to make the names more explanatory, we accept a combination of suggested subprogram naming and designate the subprograms as *BIG Tier 1—State* and *BIG Tier 2—National*. Adding the terms *State* and *National* reflects the level at which grants are competed. Continued use of *Tier 1* and *Tier 2* supports familiarity and allows for States to use printed materials on hand, changing to add the new subprogram naming as is practical and convenient for them.

Section 86.2 What is the purpose of BIG?

We received one comment supporting our statement of the purpose of BIG. The commenter said that "the proposed rules are consistent with that mission" and he commends the Service for continuing to focus on such facilities.

Section 86.3 What terms do I need to know?

We received one comment supporting our clarification of *day dock* use.

General

Comment 1: Clarify that the grant for a BIG-funded facility includes both Federal funds plus matching funds.

Response 1: We make no change based on this comment. The definition of *grant* includes this information.

Comment 2: Recommend adding definitions for *grantee* and *subgrantee* to help applicants understand their role in the overall rule.

Response 2: We make no change based on this comment. Section 86.1 distinguishes between a grantee and a subgrantee.

Comment 3: Add the term *subgrantee* and include a description of the wide range of potential subgrantees to include educational institutions.

Response 3: We make no change to definitions based on this comment and refer to Response 2. We do add institutions of higher education to the

list of potential subgrantees at § 86.17(b).

Comment 4: Add *award* to the terms and define it as different from a *grant*.

Response 4: We make no change based on this comment. We make minor changes to the definition of *grant* to better reflect the definition at 2 CFR 200.51. The term *Federal award* at 2 CFR 200.38 refers to several types of financial assistance. To define *award* may cause confusion.

Capital Improvement

Comment 5: Clarify what you mean by *repairing*. Does *capital improvement* include routine operation and maintenance?

Response 5: We make no change based on this comment. The word *repairing* is a common term and is clear in that it means to restore an existing structure to serve an intended purpose. *Capital improvement* does not include operation or maintenance in that a capital improvement must increase the structure's useful life by 10 years or cost at least \$25,000.

Comment 6: What is the basis for using \$25,000 as a cap in the definition of *capital improvement*?

Response 6: We make no change based on this comment. There is not a \$25,000 cap in the definition of *capital improvement*. Rather, it is a minimum threshold based on the amount in 49 CFR part 24 above which a grantee must get an appraisal before acquiring real property in a WSFR-administered program. In the coming years, we will change other regulations to reflect this value.

Contractor/Concessioner

Comment 7: We received several comments stating that the term *contractor* was unclear and used inconsistently with the typical understanding of the term.

Response 7: We agree and change the term to *concessioner*. We expanded on the definition to clarify intent.

Facility

Comment 8: Recommend changing the word *boaters* to *eligible users*.

Response 8: We make no change based on this comment. The definition of *BIG-funded facility* is specific to eligible users, but the definition of *facility* is broader and applies to all boaters.

Comment 9: Clarify that a facility can be owned by one entity, but leased long-term to another to operate and manage.

Response 9: We make no change based on this comment. We discuss that an entity other than the owner may operate a facility in the definition of *concessioner* and at § 86.17.

Grants.gov

We received one comment asking us to clarify to subgrantees that States must apply for BIG funds through <http://www.grants.gov>. Upon further consideration, we add the definition of *grants.gov* at § 86.3 to improve clarity in the rule.

Maintenance

We received several comments supporting our definition of *maintenance* and making maintenance an allowable action for BIG Tier 1—State grants.

Comment 10: Suggest you give clarification for janitorial activities in the definition of *maintenance*.

Response 10: We make no change to the definition, but clarify at § 86.16 actions we identify as janitorial.

Comment 11: The examples in the definition of *maintenance* numbered (1) Lubricating components of BIG-funded equipment and (3) Painting, pressure washing, and repointing masonry seem to be janitorial in nature and not maintenance.

Response 11: We make no change based on this comment. The examples given at (1) and (3) are maintenance actions that are done on an occasional or cyclical basis to help maintain the equipment and structures that are part of the BIG-funded facility.

To clarify our approach, *maintenance* is focused on preserving the equipment and structures for use into the future. *Operations* are done on a daily or weekly cycle (more often than cyclical maintenance) and are actions that support the availability of the equipment and structures for current public use.

Navigable Waters

Comment 12: Clarify in the definition if the waterway is supposed to connect to another waterway to give cruising linkage, or if the intent is to open the waterways definition to include large water bodies that do not give linkage to another waterway.

Response 12: We clarify the definition to mean passage of eligible vessels within the water body. To be *navigable water* for the purposes of BIG, we do not require the water body to have a navigable passage to another water body. However, the water body must be large enough to support eligible vessel travel within the water body.

Operation

Comment 13: What does *service labor* mean?

Response 13: We change the term to *service worker*. This means anyone whose job duties are to offer services to

the public. Some examples of service workers are dock hands, rest room/shower attendants, and travel assistants.

Personal Property

Comment 14: Suggest you give examples of personal property that would be eligible as match as described at § 86.32(b). Are there any limits to the types of personal property that would be eligible as match? Allowing personal property as match seems to be in conflict with § 86.32(c)(2) that states match must be an eligible activity or cost, but personal property is not listed as an eligible action at § 86.11.

Response 14: We make no change based on this comment. We do not give a list of examples of personal property in the definition because the possibilities are so extensive, it may be perceived as limiting. Personal property must meet the criteria for match at § 86.32 and must support the BIG-funded project and the eligible actions or costs of the BIG-funded project. Personal property is basically anything that is not real property, and as real property has very limited eligibility in BIG, the majority of actions and costs for a BIG-funded project will involve personal property. Personal property in a BIG-funded project may include equipment, building materials, supplies, and many other items.

Project Cost

Comment 15: Recommend rewording to state, "the Federal Share awarded through the BIG Grant and all Match given that the award is contingent upon combining the two items to complete the Project."

Response 15: We make no change based on this comment. The definition we give is clear and consistent with the definition at other regulations.

Program Income

Comment 16: Does the reference to period of performance include useful life?

Response 16: No. A period of performance begins with the grant start date and ends with the grant end date. All costs for work performed are incurred during the period of performance. The period of useful life extends past the period of performance. We make no change based on this comment.

Real Property

Comment 17: In the examples of real property, suggest removing the term *fixed dock* and replacing it with *permanent dock*.

Response 17: We make no change based on this comment. The word *fixed*

supports that the dock is physically and firmly attached to land.

Transient

We received a comment supporting that in the proposed rule we clarify day dock usage.

Comment 18: Recommend that the definition of "transient" be increased to 30 days to allow increased flexibility for long-distance travelers.

Response 18: We received comments in prior reviews asking us to consider increasing the time allowed in the definition of *transient*. We reconsidered all comments on the subject and change the definition of *transient* to include a stay up to 15 days. This will allow for eligible boaters to arrange for a 2-week stay, which is a more typical visit than 10 days, and gives one-day flexibility for arrival and departure.

Comment 19: Clarify if an eligible vessel staying at a large water body that is not navigably connected to another water body must be removed from the water at the end of the transient period.

Response 19: We make no change based on this comment. *Transient* defines the period a recreational vessel at least 26 feet long may stay at any single BIG-funded facility to be an eligible vessel. We make no additional restrictions.

Useful Life

Comment 20: Recommend replacing *routine care* with *operation* in this definition.

Response 20: We make no change based on this comment. *Routine care* is broader and includes operation, best management practices, enforcing marina rules and regulations, and other actions that together add to the care of BIG-funded items.

Subpart B—Program Eligibility

Section 86.10 Who may apply for a BIG grant?

Comment 21: The same commenter suggested at several sections of this rule that we change our grant process to allow individual public and private facility owners to circumvent the State and directly apply for BIG grants. He suggests that States may continue to be advisors, but there is a large burden on States when named as the applicant for all BIG projects. The response below applies to all related comments.

Response 21: We make no change based on this comment. Limiting BIG awards to States is based on the statute that established the program (see Pub. L. 105–178, sec. 7404(a) and (d), June 9, 1998).

Section 86.11 What actions are eligible for funding?

We received several comments that support eligible actions in the proposed rule and one that specifically supports using BIG funding for monitoring BIG projects.

Comment 22: We received a comment supporting our proposed language that boat wash stations are ineligible for funding and another requesting we reconsider allowing boat wash stations as eligible under BIG. One commenter supports boat wash stations as an eligible action, stating that they are used in saltwater environments to prepare the bottom surfaces of transient vessels for boat repairs and to improve performance.

Response 22: We make no change and do not include boat wash stations as eligible because:

- Boat wash stations require that boats be removed from the water to accomplish the desired results. This is potentially an auxiliary service to transient boaters on rare occasions, but not a primary benefit for transient vessels.

- We do not include other equipment to repair and maintain vessels as eligible for BIG funding.

States may seek to fund boat wash stations under the Dingell-Johnson Sport Fish Restoration Recreational Boating Access subprogram as described at 50 CFR part 80.

Comment 23: Add recording fees as an eligible action as this will be required when we record the Notice of Federal Participation as described at § 86.18.

Response 23: We agree and make the change.

Comment 24: Consider adding at § 86.11(a)(2)(i) *cultural* to formally include those studies as eligible.

Response 24: We agree and make the change.

Comment 25: Recommend adding at § 86.11(a)(5)(vi), a reference that directs readers to the definition of *marketing*.

Response 25: We make no change based on this comment. The rule has a definition of public communication and adding a reference to marketing in this paragraph may be confusing.

Comment 26: In reference to § 86.11(a)(6) [(a)(7) in the final rule], can actions such as coordinating and monitoring be used as match for a BIG Tier 2—National grant or is it allowed only under BIG Tier 1—State grants?

Response 26: We make no change based on this comment. These actions may be offered as match when approved as project costs for an individual BIG Tier 2—National grant project and

completed during the period of performance. These actions may be associated with implementing a Statewide BIG program and may be offered as match under BIG Tier 1—State.

Comment 27: What is the process for requesting and receiving prior approval for preaward costs? How far in advance can preaward costs be approved?

Response 27: We make no change based on this comment. We will consider approving preaward costs only if an applicant negotiates with us in anticipation of the BIG award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred during the BIG period of performance and only with our written approval. The applicant assumes all risk and we will not reimburse the preaward costs if it does not receive a BIG grant. An applicant should discuss possible preaward costs with us as early in the process as possible.

Section 86.12 What types of construction and services does boating infrastructure include?

Comment 28: Recommend adding dredging.

Response 28: We make no change based on this comment. Dredging is an action and not infrastructure.

Comment 29: Recommend adding floating restrooms as possible infrastructure.

Response 29: Floating restrooms are already included at § 86.12(e). We make a minor clarifying change.

Comment 30: Why do you include access to communication and provisions in the definition of harbor of safe refuge?

Response 30: We make no change based on this comment. Our research indicates that a harbor of safe refuge includes these amenities that support vessels during an emergency.

Comment 31: Suggest at § 86.12(e) you refer to § 86.11(c) and encourage Clean Vessel Act funding.

Response 31: We make no change based on this comment. This section describes what is included in boating infrastructure. We would confuse readers to include funding information here.

Section 86.13 What operational and design features must a facility have where a BIG-funded facility is located?

We received a comment that supports the change in the proposed rule that no longer requires operators to inform boaters of the location of other

pumpouts. We also received a comment supporting flexibility in water access.

Comment 32: Clarify how security and safety is a required operational and design feature, but law enforcement is not an eligible action.

Response 32: We make no change based on this comment. Law enforcement is inconsistent with the authorizing legislation (Pub. L. 105–178, June 9, 1998) and is not an eligible action. The type of security and safety that a BIG-funded facility must offer is consistent with the mission of BIG in that it offers reasonable accommodations that give eligible users basic protection. Examples are: Lighting, gates, and communication.

Comment 33: Move items at § 86.43(n) to this section as it applies to operation and design and not what to include in a grant application.

Response 33: We agree and move much of the information at § 86.43(n) to § 86.13(b)(1) through (4).

Comment 34: The reference to depth requirements is confusing. Recommend having docking or mooring sites with water access at least 6 feet deep at mean low tide in tidal waters or a minimum of 6 feet in nontidal waters.

Response 34: We make no change based on this comment. We are asking applicants to consider the water conditions at the proposed site of the BIG-funded facility and any reasons for potential depth fluctuation that could affect access by eligible vessels. We do not wish to limit this consideration to tidal or nontidal influences, but to consider natural influences and those created by human activity.

Section 86.14 How can I receive BIG funds for facility maintenance?

We received a comment supporting the flexibility for States to use BIG Tier 1—State funding for maintenance. We received a comment asking us to clarify how to extend useful life when BIG funds are used for maintenance at a facility that has received a BIG grant in the past. We clarify that a grantee must extend the useful life of the capital improvements affected by the maintenance, as appropriate.

Section 86.15 How can dredging qualify as an eligible action?

We received a comment supporting our approach for dredging and dredging-related actions in BIG.

Comment 35: Suggest that the amount of the total BIG grant the Service will allow for dredging be increased from 10 percent to 20 percent.

Response 35: In the proposed rule we allowed using BIG funds for dredging if costs for dredging-related actions do not

exceed 10 percent of total BIG project costs or \$200,000, whichever is less. After further consideration, we remove the 10 percent limit and will allow dredging costs up to \$200,000 for both BIG Tier 1—State and BIG Tier 2—National grants.

Comment 36: Change the term *basin* to *area used by eligible users*.

Response 36: We make no change based on this comment. The regulations limit the amount of BIG funds available for dredging and eliminate the need for allocating funds to only eligible users.

Comment 37: Recommend changing § 86.15(b)(1) from *lowest tide* to *mean low water*.

Response 37: We remove the term at § 86.15(b)(1) and substitute a reference to § 86.13(a)(6) for the language that the commenter finds confusing.

Comment 38: Recommend deleting the requirement at § 86.15(d) as it is unnecessary and will likely require a new form.

Response 38: We make no change based on this comment. We include this paragraph in response to concerns from prior and current comment periods for a method or directive to ensure that grantees maintain a dredged area. A new form will not be necessary. When a State signs the Standard Form 424B or 424D it certifies that it will follow all regulations.

Comment 39: Recommend adding language at § 86.15(d) to allow flexibility for responding to unusual circumstances that affect water level.

Response 39: We add “under typical conditions” to indicate that we will consider flexibility under extraordinary factors that affect water level.

Comment 40: Is dredging eligible only at a facility that has received BIG funds in the past?

Response 40: No. Dredging is an eligible action. As with all other eligible actions, there is no requirement to have received a prior grant. We make no change based on this comment.

Section 86.16 What actions are ineligible for BIG funding?

We received comments that agree with the concepts in this section, specifically that we list land as an ineligible cost.

Comment 41: Clarify the difference between:

- The ineligible action at § 86.16(a)(8)(ii) General marina or agency newsletters or Web sites promoting the marina or agency; and
- The eligible action at § 86.11(a)(5)(iv) Marina newsletter articles, marina or agency Web pages, and other communications you produce

that are directly related to the BIG-funded project.

Response 41: We make no change based on this comment. The difference is that the eligible action at § 86.11(a)(5)(iv) is specific to and directly supports the BIG-funded project. The ineligible action at § 86.16(a)(8)(ii) is general in nature and focused primarily on the marina or agency apart from the BIG project or program. If a marina or agency includes specific BIG-funded project or BIG program information in any general agency communications, it may allocate the information and education costs accordingly.

Comment 42: Suggest you revise § 86.16(a)(5) to clarify that roads and parking lots and possibly other land surface improvements may be funded with BIG if there is damage to the surface as a result of completing the BIG project.

Response 42: We clarify at § 86.11(a)(1) that repairing or restoring roads, parking lots, walkways, and other surface areas damaged as a direct result of BIG-funded construction is an eligible action. This must be limited only to the surface that receives the damage and a reasonable surrounding distance needed to insure the public can safely travel on the surface.

Comment 43: Remove the word *facilities* at § 86.16(a)(6) as it may create confusion when interpreting definitions at § 86.3.

Response 43: We agree and make the change.

Comment 44: Clarify the differences between maintenance and janitorial duties at §§ 86.3 and 86.16.

Response 44: We make no change at § 86.3 based on this comment. We clarify § 86.16(a)(2) by giving examples of possible janitorial duties.

Section 86.17 Who must own the site of a BIG-funded facility?

Comment 45: What documentation would a grantee need from a subgrantee that does not own the site of a BIG-funded facility to show it follows § 86.17(a)?

Response 45: We make no change based on this comment. We state in § 86.17(a) that any entity that does not own the site of a BIG-funded project must have a contractual arrangement showing that it, or the owner, will operate the BIG-funded facility for the useful life. The contractual arrangement must convey grant responsibilities to a subgrantee or operator and it must be acceptable to the State. The documentation will become part of the application when we award the grant. If

the owner signs the grant, there is no need for additional documentation.

Comment 46: Clarify that State agencies other than the agency receiving the grant may be subgrantees.

Response 46: We agree and change the section to clarify this.

Comment 47: May Federal agencies, corporations, companies, and partnerships qualify as subgrantees?

Response 47: We make no change based on this comment. Corporations, companies, and partnerships that we will accept as subgrantees are either commercial enterprises or nonprofit organizations and are already listed as eligible subgrantees. A Federal agency may participate as a landowner that has a contractual relationship with a State subgrantee or through a reimbursable agreement. However, a Federal agency cannot be a subgrantee.

Comment 48: Remove the requirement that subgrantees that are commercial enterprises are subject to future regulations.

Response 48: We agree and removed § 86.17(c)(2) because we are uncertain how future regulations will be applied. We retain information at § 86.17(c)(1) as § 86.17(c) to remind grantees and subgrantees that businesses have other Federal requirements they must follow.

Section 86.18 How can I ensure that a BIG-funded facility continues to serve its intended purpose for its useful life?

We received comments that support this section.

Comment 49: What does the word "record" mean at § 86.18(b)?

Response 49: We make no change based on this comment. Recording means entering into a book of public records the written instruments affecting the grant interest in the real property it is located on. Recording with reference to the deed notifies all interested parties of the grantee's continuing responsibility to manage the BIG-funded facility for the purposes of the grant.

Comment 50: When would we know if a Notice of Federal Participation is required?

Response 50: We make no change based on this comment. A grantee must record a Notice of Federal Participation for all projects according to guidance from your Regional Office. We may, in consultation with a State, conclude that the project is too small to justify the cost of recording. If we approve that approach, the grantee is not required to record the interest for that project. Even if we tell the grantee we do not require them to record the interest, a State may choose to record it, or require its subgrantee to record it.

Comment 51: You should not require recording of the Federal interest after applications are received. Adding these requirements later can jeopardize partner relationships.

Response 51: We make no change based on this comment. We clarify this section based on other comments. It is the State's responsibility to direct potential subgrantees to these regulations or otherwise alert them to this and other potential obligations, compliance requirements, and future responsibilities.

Section 86.19 What if a BIG-funded facility would benefit both eligible and ineligible users?

We received comments supporting the changes that allow us to work with a grantee to correctly allocate costs after the application is received, but before we consider the application for award. We remove § 86.19(b) as it restates information in the opening paragraph. We renumber §§ 86.19(c) through (h) as §§ 86.19(b) through (g).

Comment 52: Remove assigning "100 percent" of the project costs as it is confusing.

Response 52: We define "project cost" at § 86.3 as the combination of the Federal share and the matching share. However, in the interest of clarity we rephrase to state "all eligible project costs" instead of "100 percent."

Comment 53: Change § 86.19(c) [now § 86.19(b)] so that applicants must properly allocate funds before the due date. The breakdown on allocated costs must be shown at the time of the application and not when the Director announces the award. Applications for BIG Tier 2—National grants cannot be reviewed and ranked without appropriate information.

Response 53: We make changes to clarify this paragraph. We expect that applicants will read both the regulations and the Notice of Funding Opportunity (NOFO) and make good faith efforts to appropriately allocate funds in their applications. However, we do not wish to reject an application simply for an error or misinterpretation in allocating funds. We include this paragraph so that we have the flexibility to work with the applicant before the award to resolve any problems. Paragraph (a) of this section clearly states that we expect an applicant to show and explain in the application the breakdown of costs and reasoning behind the cost allocation. We change paragraph (c) to clarify that after the application due date, we may work with applicants to resolve any issues. However, we must approve how an applicant allocates funds before we will

consider the application for a possible award.

Comment 54: Recommend you refer to § 86.43(i) at § 86.19(a)(2) of this section to link the two sections.

Response 54: We agree and insert the reference.

Comment 55: The example at § 86.19(d)(1) [now § 86.19(c)(1)] should have costs allocated between eligible and ineligible uses. Marinas may intentionally design or relocate uses to take advantage of BIG funding and also get a secondary benefit.

Response 55: We make no change based on this comment. An application must clearly state the primary purpose of the project and justify the approach. If BIG-eligible projects have a secondary use that does not interfere with the primary purpose, there is no loss to the program objectives.

Comment 56: The exception at § 86.19(d)(3) [now § 86.19(c)(3)] could be problematic. For example, a gangway with an estimated cost of \$4,500 does not have to allocate funds between eligible and ineligible uses. What happens if the gangway goes to bid and comes in costing \$10,000? The first expectation was that the BIG grant would cover 100 percent of the costs; in the second, the BIG grant covers only 90 percent of the costs, leaving \$1,000 for the applicant to give as additional match. On top of that, would the \$10,000 have to be allocated between eligible and ineligible uses after the fact?

Response 56: We make no change based on this comment. We include this section to reduce the burden of allocating costs for components of the BIG-funded project that have relatively little value. Section 86.19(d)(3) [now § 86.19(c)(3)] states that each year we will post the minimal value in the annual NOFO based on the formula as applied to the maximum award we offer that year. If the maximum award (Federal plus match) is \$2 million, applying the formula will allow States to forego allocating costs for a component with a value of \$5,000 or less.

In the scenario given in the comment, the total estimate for the gangway is \$4,500, which means the grantee will receive \$3,375 in BIG funding and give \$1,125 in non-Federal match. After the grant is awarded, if the actual cost of an item is \$5,500 more than originally projected, the grantee must pay the extra cost from a non-Federal source. If an applicant does not allocate costs for an item because the estimated value is below the threshold and later finds the actual cost exceeds that value, it must contact the Regional Office. The

Regional Office will inform the applicant or grantee if it must assume additional costs to compensate for ineligible use. Regardless of whether an applicant chooses the option at § 86.19(c)(3), if the cost of a component is more than twice the original estimate, the grantee will incur additional, unexpected costs.

It is always an option for the applicant to choose to allocate costs for all components of the grant, regardless of the value. We offer the option at § 86.19(c)(3) as an alternative, but applicants do not have to use it.

Subpart C—Federal Funds and Match

We received a comment supporting all amendments and additions to this subpart.

Section 86.30 What is the source of BIG funds?

No comments received.

Section 86.31 How does the Service know how much money will be available for BIG grants each year?

No comments received.

Section 86.32 What are the match requirements?

Comment 57: Recommend you change the word "State" at § 86.32(a) to "you" to reflect the convention stated at § 86.1(b).

Response 57: We agree and make the change.

Section 86.33 What information must I give on match commitments, and where do I give it?

We received comments supporting the changes and specifically for removing the requirement for all match providers to produce a letter of commitment.

Section 86.34 What if a partner is not willing or able to follow through on a match commitment?

We received a comment supporting this section.

Subpart D—Application for a Grant

Section 86.40 What are the differences between BIG Standard (now BIG Tier 1—State) and BIG Select (now BIG Tier 2—National) grants?

Comment 58: We received several comments supporting the flexibility to increase annual BIG Tier 1—State funding. We also received comments that stated their support is contingent on adequate funds for BIG Tier 2—National projects.

Response 58: We agree that flexibility for larger funding amounts through Tier 1—State grants will allow States to plan smaller projects that could not

successfully compete for Tier 2—National funds, but are beneficial to eligible users. We revised this section to assure States they will receive funding for requests up to \$200,000 annually. We also add that we may increase the annual award a State may request if there are enough funds available and it is advantageous to the program. This will allow us to be flexible in awarding funding during the award period and potentially during the funding year, if we determine it is in the best interest of BIG.

Comment 59: Recommend that flexibility for awarding BIG Tier 1—State be considered only if BIG Tier 2—National applications do not exceed available funds in a given fiscal year. The BIG Tier 1—State NOFO should be posted after BIG Tier 2—National applications are received and after consulting with stakeholders.

Response 59: We make no change based on this comment. We adjust this section as discussed in Response 58, but the availability of BIG Tier 1—State funds will not depend on how much remains after the BIG Tier 2—National selections are made. We want to assure States they will have adequate BIG funding to maintain a viable program and to plan for needed actions. However, we will retain the flexibility to limit initial BIG Tier 1—State awards to \$200,000 and have the flexibility to consider adding requested BIG funds above this threshold later during the funding year if additional funds are available.

Comment 60: If you are considering more than a 20 percent increase in the minimum funding for BIG Tier 1—State, you should first seek stakeholder input.

Response 60: We make no change based on this comment. However, we will consider consulting with our partners on possible approaches for implementing future annual changes.

Section 86.41 How do I apply for a grant?

Comment 61: You should inform subgrantees in the regulations that the State will send in their applications through <http://www.grants.gov>.

Response 61: We add the definition of [grants.gov](http://www.grants.gov) at § 86.3 and state that we require States to use <http://www.grants.gov> to apply for BIG grants.

Comment 62: Clarify at § 86.41(b) that the term "certify" means to sign.

Response 62: We make no change based on this comment. Certifying by an authorized State representative may be done electronically or by other means in the future. We will inform applicants of acceptable ways to certify in the annual NOFO.

Comment 63: Clarify that the agency eligible to apply for a BIG grant must be the one designated by the Governor and not a specific State agency.

Response 63: We make no change based on this comment. It is clear at § 86.10 that only one agency in each State may apply for BIG and the officials who may designate that agency in your State.

Comment 64: Switch § 86.41(b) and (c) to reflect that the form must be certified before submitting the grant application.

Response 64: We agree and make the recommended change.

Section 86.42 What do I have to include in a grant application?

Comment 65: Remove “budget information” from the list of items required in a grant application as it is already required at § 86.43 under project statement.

Response 65: We agree and removed budget information from the list of required items. We also clarify by adding a reference to § 86.43 in this paragraph.

Comment 66: Delete paragraph (c) as it refers to what is needed after the award. Recommend adding this to § 86.61.

Response 66: We agree and clarify this section to reflect what an applicant must include at the time of application. We refer to § 86.61 for additional requirements that will become part of the application after we approve the project.

Section 86.43 What information must I put in the project statement?

Comment 67: This section is burdensome for applicants, some with minimal grant experience, and requires unnecessary information. Recommend clarifying or changing to indicate additional information would be required once the project is selected for funding.

Response 67: We make no change based on this comment. The commenter did not state what parts of this section are burdensome. The State is the applicant and should work with potential subgrantees to develop the project statement. The information required in the project statement is standard for most grant programs. It is also necessary to determine allowability of costs and to rank applications in a competitive grant program.

Comment 68: The requirement to add names and qualifications of known contractors is burdensome at the application stage.

Response 68: We change the term *contractor* to *concessioner* at

§ 86.43(e)(2). We ask an applicant to give information in an application on known or anticipated concessioners or subgrantees. If an applicant has not identified concessioners or subgrantees in the application, it must inform us of this and be ready to respond to our requests for this additional information following § 86.42(c).

Comment 69: Combine this section with the criteria at §§ 86.51 through 86.60 to simplify preparing and reviewing applications.

Response 69: We make no change based on this comment. The project statement is required for both BIG Tier 1—State and BIG Tier 2—National applications. The criteria at §§ 86.51 through 86.60 are applied only to BIG Tier 2—National applications. It would be confusing to those applying for a BIG Tier 1—State grant to include criteria with the project statement. We will consider giving nonregulatory assistance to BIG Tier 2—National applicants to help them include criteria in their project statements.

Comment 70: This section appears to be solely for the purpose of aligning with WSFR’s project reporting system, Wildlife Tracking and Reporting Actions for the Conservation of Species (TRACS). Clarify the content and reduce redundancy.

Response 70: We make no change based on this comment. A project statement (called a program narrative statement) was required by Office of Management and Budget (OMB) Circular No. A–102 and is supported by 2 CFR part 200, § 200.210 and appendix I to part 200. We give further details in this rule to help applicants give us the information we need to make informed decisions for funding. We use many terms that correlate to the TRACS performance reporting system to reduce confusion when completing those reports.

Comment 71: One commenter suggested alternative language for this section.

Response 71: We do not make any suggested change that applies only to BIG Tier 2—National, or that is a minimal change that does not significantly improve the final rule. We appreciate the examples and additional information the commenter presents and will consider them for future nonregulatory guidance. We did not use the word “engineering” in discussing the approach because we do not want to confuse applicants into thinking it is a requirement to employ an engineer. We used some of the suggestions to reformat the paragraph at § 86.43(i) and to clarify or further explain at paragraphs (b), (c), (e), (g)(3), (i), and (j).

Comment 72: Combine purpose and objective.

Response 72: We make no change based on this comment. Purpose and objective are two separate and distinct parts of a project statement. The purpose refers to the reason for the project and will include verbs such as create, improve, and increase. Objectives are brief guidelines that will help a grantee achieve project goals by stating more specifically the intended outputs, such as: The number of slips for transient boaters, the linear feet of new dock space, the time needed to complete that goal, and any information that describes that the goal is attainable and relevant.

Comment 73: You should give examples of measurable and verifiable objectives.

Response 73: We make no change based on this comment. We will consider offering further guidance outside of regulation.

Comment 74: It may be difficult for applicants to state a useful life for a capital improvement at the application stage.

Response 74: We make changes to clarify approach and expectations. At § 86.43(f), we change “state” to “estimate” and add a sentence that a grantee will finalize useful life during the approval process. This change informs an applicant that it must include information on useful life in the application, but it will be reviewed and may be changed, if necessary, when it receives an award. We also make clarifying changes at § 86.75, which is § 86.74 in this final rule.

An applicant may seek guidance from technical literature and from vendors, engineers, and others knowledgeable individuals to estimate the useful life of each capital improvement. We will reject an application that does not have the required estimates for useful life. Once a project is approved for an award, the Service may confer with the grantee on the estimate given in the application. A grantee must finalize the useful life before the award.

If an applicant is seeking points for the criterion at § 86.51(c)(2) as described at § 86.59(b)(2), it must give adequate information in the application to support the request for consideration under the criterion. If we find before we approve the grant that an applicant cannot show a reasonably expected increased benefit to earn the extra point(s), we will subtract the point(s) related to that criterion from the total score for that project and adjust awards accordingly.

Comment 75: No minimum useful life is identified. The current rule states

useful life is 20 years. Does this mean applicants can decide another period for useful life?

Response 75: We explained in the preamble of the proposed rule published at 77 FR 18767 on March 28, 2012, that we propose to eliminate the 20-year requirement and replace it with a useful life requirement based on capital improvements. The useful life determination described at §§ 86.73 and 86.74 will help grantees to better understand their responsibilities.

Section 86.44 What if I need more than the maximum Federal share and required match to complete my BIG-funded project?

We revise this section in response to a comment that asked us to reference this section at § 86.73. Upon further consideration, we concluded the two sections contain almost identical content, so we combine all the information at § 86.44.

Comment 76: Add an option to this section that will allow grantees to reduce the scope of their project if they find that actual costs greatly exceed projected costs.

Response 76: We make no change based on this comment. In BIG Tier 2—National project review and ranking, the scope is a major factor that influences the amount of points that a project receives. If the scope were reduced, it could impact the score and ranked order. It is important that applicants are thorough when preparing their application and consider all factors that could influence costs during the period of performance.

Section 86.45 If the Service does not select my grant application for funding, can I apply for the same project the following year?

No comments received.

Section 86.46 What changes can I make in a grant application after I submit it?

Comment 77: Clarify and give examples for changes after the due date as found at paragraph (b). If part of an application is found to be ineligible, will you allow applicants to change the scope, budget, etc., and continue the review and ranking?

Response 77: We clarify and reformat paragraph (b) to state that if an applicant proposes using BIG funds for an action that we identify as ineligible, we will decide on a case-by-case basis whether we will consider the rest of the application for funding. We do not give examples in the regulation as there are many possible scenarios and to give any examples may make the regulation more

confusing. We may seek advice from the applicant or members of the advisory panel, but we will make the final decision. If we decide to accept the application with the ineligible costs removed, we will ask the applicant to change the application accordingly.

Comment 78: Delete paragraph (f) on accepting reduced funding as this does not foster the competitive aspect of the program unless offered to all non-funded applicants.

Response 78: We make changes in this paragraph to clarify this issue. We review and rank all competitive grant applications according to the BIG criteria, arrange them in ranked order, and award available funds to projects, starting with those ranked the highest. The amount of available funds and the amount of funding requests never match. Paragraph (f) describes the approach we may use when funding is still available, but the next ranked project cannot be funded at the level requested. We may approach the applicant for the next highest ranked project to offer the remaining funds. If the applicant declines, we may continue the process to maximize BIG Tier 2—National funding.

Subpart E—Project Selection

We received a comment supporting all amendments and additions to this subpart.

Section 86.50 Who ranks BIG Tier 2—National grant applications?

No comments received.

Section 86.51 What criteria does the Service use to evaluate BIG Tier 2—National applications?

Comment 79: Suggest a project achieve a score of at least 65 percent of the total available in order to be considered for funding. A project that receives below this score is clearly not competitive and should not be considered, even if there is funding available.

Response 79: We agree with the approach to set a minimum standard for funding BIG Tier 2—National applications as an incentive for developing more competitive projects. As we did not discuss this in the proposed rule, we change this section to allow us to set a scoring standard in the NOFO. We will use feedback from States, advisors, and others to assess if we wish to set a minimum total score standard. We may announce in the NOFO a minimum total score of 23, which is 65 percent of the maximum total score available in criterion at paragraphs (a) and (b).

Comment 80: Consider awarding points for projects in federally designated disaster areas so we can leverage BIG funds to aid in the recovery.

Response 80: We make no change based on this comment. We score competitive applications based on need as described at § 86.52. We will consider all factors in an application that address the need for the project, including those factors as they may relate to disaster response and rebuilding.

Comment 81: We received two comments recommending we adjust the points in the ranking criteria to create a possible total of 100. One of these comments includes removing § 86.51(c)(2) and (c)(3). One commenter included a table that showed these changes and added designations from § 86.43 that correspond to the criteria.

Response 81: We do not accept the suggestions for revising scoring and removing two paragraphs at § 86.51(c). Many comments we received in response to the proposed rule published at 77 FR 18767, March 28, 2012, stated they want a point range for scoring each criterion, but that a wide range is not effective. In response, we reduced the point range for scoring in the proposed rule published April 25, 2014. We received comments supporting §§ 86.51(c)(2) and (c)(3) and we will retain those sections.

The criterion at § 86.51(c)(2) is important because it encourages applicants to consider the future, plan for projects that extend the availability of the BIG-funded facility, and improve services to eligible users. This criterion also addresses the desire for grantees to build projects using design and processes that improve resiliency to the effects of climate change. Many States asked us to include the criterion at § 86.51(c)(3) to recognize the value of those operators who voluntarily participate in Clean Marina and other similar programs. We agree and recognize the benefit to eligible users.

We agree that information to help applicants relate criteria to the project statement is desirable, but not through this regulation. We will work with our partners to develop and distribute further guidance to help applicants.

Comment 82: The criterion at § 86.51(a)(2) does not address justification for the cost of the project. Instead, it focuses on comparing costs with benefits as a means of comparing one application to another. Recommend changing the question to be more about how costs compare to benefits rather than if the costs are justified by the benefits.

Response 82: We do not make a change at § 86.51(a)(2), but we agree that the explanation for this criterion at § 86.53 could be interpreted that we would compare an application to others in the same grant cycle. We change § 86.53 to state we will consider the costs as they relate to the benefits for individual projects and not as projects compare to each other in the same grant cycle. We also add guidance at paragraph § 86.53(d) recommending that an applicant inform us if project costs are inflated due to: (a) Specialized materials to increase the useful life, (b) the cost of transporting materials to a remote location, (c) unusual costs associated with producing benefits at a certain site or in a certain geographic area, or (d) the cost of providing environmentally friendly facilities.

Comment 83: Recommend replacing *in-kind* with *substantial* because *in-kind* is just another type of match and it should not matter what type of match it is.

Response 83: We make no change based on this comment. We received many comments on this subject while preparing for this rulemaking. We responded to recommendations to allow us to consider the nonmonetary contributions of partners as well as the monetary contributions. The purpose of the criterion at § 86.51(b)(2) is to allow for partnerships in smaller communities to rank well even if they do not result in large financial contributions. The word *substantial* is subjective and could result in negating the spirit of giving credit for smaller contributors.

Section 86.52 What does the Service consider when evaluating a project on the need for more or improved boating infrastructure?

When evaluating a project on the need for more or improved boating infrastructure facilities as described at § 86.52(c), we will consider creating accessibility for eligible vessels by increasing water depth. We received a comment supporting this factor.

Section 86.53 What factors does the Service consider for benefits to eligible users that justify the cost?

We make changes to this section based on comments received under § 86.51. See Response 82.

Comment 84: Construction costs can vary widely across the country for reasons such as meeting hurricane standards, installing bubbler systems where ice is a factor, and adding transportation costs for remote locations. Recommend applicants be told to explain why higher costs may be justified.

Response 84: We agree and make changes as discussed in Response 82.

Comment 85: Recommend adding consideration for costs associated with making the project a harbor of safe refuge.

Response 85: We agree and add paragraph (e) to tell applicants to include this information.

Section 86.54 What does the Service consider when evaluating a project on boater access to significant destinations and services that support transient boater travel?

We received a comment supporting the focus on both attractions and boater services in the ranking criterion at § 86.51(a)(3).

Comment 86: Recommend including proximity to a harbor of safe refuge under this criterion.

Response 86: We agree and add at paragraph (c) that we will consider *safety* as well as *services*.

Section 86.55 What does the Service consider as a partner for the purposes of these ranking criteria?

No comments received.

Section 86.56 What does the Service consider when evaluating a project that includes more than the minimum match?

Comment 87: Recommend deleting the word *cash* at paragraph (a) because it precludes additional points for in-kind contributions.

Response 87: We make no change based on this comment. In-kind contributions are discussed at § 86.57.

Comment 88: We received two comments recommending a different standard for awarding points based on percentage of additional cash match. Both recommendations were based on increasing the total points at § 86.51 that may be considered for this criterion for a maximum of 25 points.

Response 88: We did not accept the recommended changes at this section as we did not accept the related recommended changes in Comment 81. However, upon further review we change the percent ranges to encourage applicants to offer more match to their project.

Section 86.57 What does the Service consider when evaluating contributions that a partner brings to a project?

No comments received.

Section 86.58 What does the Service consider when evaluating a project for a physical component, technology, or technique that will improve eligible user access?

No comments received.

Section 86.59 What does the Service consider when evaluating a project for innovative physical components, technology, or techniques that improve the BIG project?

Comment 89: We consider § 86.59(b)(4) and (5) to be unneeded and a potential obstacle to participation. These two requirements are typically considered during project design and would be enforced during the permitting process.

Response 89: We make no change based on this comment. This section is not a requirement, and there is no reason for it to be an obstacle to participation. This section allows us to consider additional points for innovative physical components, technology, or techniques that improve the BIG project. The items at § 86.59(b)(4) and (5) are examples of how an applicant could qualify for these additional points by exceeding the compliance requirements. If an applicant is required to use a physical component, technology, or technique to comply with local, State, or Federal regulations, then we do not consider additional points under this criterion. This section is for applicants who voluntarily choose an innovative approach that increases the resilience of project components or otherwise improves the project.

Section 86.60 What does the Service consider when evaluating a project for demonstrating a commitment to environmental compliance, sustainability, and stewardship?

We received a comment that supports the additional point we offer for marinas that have received official recognition for their voluntary commitment to exceeding required standards.

Section 86.61 What happens after the Director approves projects for funding?

No comments received. We delete § 86.42(c) and refer to this section.

Subpart F—Grant Administration

Section 86.70 What standards must I follow when constructing a BIG-funded facility?

No comments received.

Section 86.71 How much time do I have to complete the work funded by a BIG grant?

We received several comments supporting the length of the period of performance and the amendment to allow a first extension for up to 2 years. The commenters state that the length of the period of performance is important to ensure project completion.

Comment 90: Clarify that we could have almost 6 years to complete a project if we combine the 3-year period of performance with the 3-year period of obligation.

Response 90: There is potential that combining the obligation period with the period of performance could result in 6 years from the beginning of the fiscal year the project is awarded to the end of the period of performance. However, this may not always be true. A grantee may coordinate with us after we award a grant to set a start date for the period of performance within the obligation period. We add that we will work with a grantee to set a start date within the 3-year period of obligation.

Section 86.72 What if I cannot complete the project during the period of performance?

No comments received.

Section 86.73 What if I need more funds to finish a project?

Comment 91: Recommend adding a reference in this section to § 86.44 as the two sections are related.

Response 91: We agree, and upon further review we consider most of § 86.73 and § 86.44 to be redundant. We revise § 86.44 to include additional information from § 86.73 and delete the content of § 86.73. We renumber §§ 86.74 through 86.79 as §§ 86.73 through 86.78.

Section 86.74 [now § 86.73] How long must I operate and maintain a BIG-funded facility, and who is responsible for the cost of facility operation and maintenance?

Comment 92: Recommend the owner of the BIG-funded facility be responsible for continued operation and maintenance and not the State.

Response 92: We make no change based on this comment. A State may enter into a contractual agreement with the facility owner, subgrantee, or other type of operator that designates them as the responsible party for continued operation and maintenance. However, should they not fulfill their obligations, the State as grantee is ultimately responsible.

Section 86.75 [now § 86.74] How do I determine the useful life of a BIG-funded facility?

Comment 93: We received two comments recommending this section be simplified to avoid confusion.

Response 93: We considered these comments and clarify this section by presenting it as a step-by-step process. We emphasize that the initial application must include a useful life

estimate, but the estimate may be based on information from resources that are typically available when developing a grant application. We also clearly allow a State to choose only one of the methods for finalizing useful life in the grant and use that method exclusively for BIG in that State.

Comment 94: Recommend changing the language so that it is clear how to apply the process. It is unclear how components relate to the larger systems and what would happen if a smaller component is no longer useful, but necessary for continued use of a larger one. For example, if a gangway costs less than \$25,000 and it falls into disrepair, can the operator remove and not replace it, even if it is necessary to access the dock system?

Response 94: We changed this section to clarify at § 86.74(a)(1)(iv) and (v) that each smaller component must be associated with a capital improvement. If it supports more than one, the smaller component must be associated with the capital improvement with the longest expected useful life.

Section 86.76 [now § 86.75] How should I credit BIG?

No comments received.

Section 86.77 [now § 86.76] How can I use the logo for BIG?

No comments received.

Section 86.78 [now § 86.77] How must I treat program income?

We received a comment supporting our approach to clarifying program income.

Comment 95: Recommend you add that we should tell you if project construction is completed before the end of the period of performance to reduce the impact of income earned.

Response 95: We agree and add paragraph (e) to recommend grantees tell us when project construction is completed.

Section 86.79 [now § 86.78] How must I treat income earned after the period of performance?

No comments received.

Subpart G—Facility Operations and Maintenance

Section 86.90 How much must an operator of a BIG-funded facility charge for using the facility?

We received several comments supporting the change to allow marinas to offer services for free if that is the prevailing rate.

Comment 96: What if a town or city council mandates a high fee just to raise

revenue? It seems unfair to make boaters pay the higher fee.

Response 96: We agree and added language at § 86.90(c) that we will accept a State or locally imposed fee schedule if it is reasonable and does not impose an undue burden on eligible users.

Comment 97: Clarify that when determining prevailing rates that similar facilities are being compared. It would not be fair to compare the rates from a private, member-only marina to a public or private marina open to the public. Another example of differing types of facilities would be a public dock connected to a city center compared to a public dock connected to an island.

Response 97: We state at § 86.90(a) that the facilities we consider when determining prevailing rates must offer similar services or amenities. We respond to this comment by adding that they are to be similarly situated as well.

Section 86.91 May an operator of a BIG-funded facility increase or decrease user fees during its useful life?

No comments received.

Section 86.92 Must an operator of a BIG-funded facility allow public access?

Comment 98: Change the word "operator" to "contractor" to match the definitions.

Response 98: We make no change to this section based on this comment. We clarify by adding the term "operator" at § 86.3.

Section 86.93 May I prohibit overnight use by eligible vessels at a BIG-funded facility?

Comment 99: Clarify if we can change to a day-use only facility after the project is completed, but before it reaches the end of its useful life. Would we use the guidance at Subpart H to do this?

Response 99: If a grantee wishes to convert a Tier 1-State or a Tier 2-National project from an overnight to a day-use facility, it must contact the Regional Office for guidance. A subgrantee must contact their State, which will in turn contact the Regional Office. The change in usage will alter the scope of the project, and deviation from the original project scope may constitute a breach of a grant agreement. Grantees must receive our approval before making any changes in the scope of a project at any time during its useful life. [See 2 CFR 200.201(b)(5) and 200.308(b)]

Section 86.94 Must I give information to eligible users and the public about BIG-funded facilities?

We received several comments supporting the change to allow using signs and other forms of emerging communication to inform eligible users about the facility and eligible uses.

Subpart H—Revisions and Appeals

Section 86.100 Can I change the information in a grant application after I receive a grant?

No comments received.

Section 86.101 How do I ask for revision of a grant?

No comments received.

Section 86.102 Can I appeal a decision?

No comments received.

Section 86.103 Can the Director authorize an exception to this part?

No comments received.

Subpart I—Information Collection

Section 86.110 What are the information collection requirements of this part?

No comments received.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

The Regulatory Flexibility Act requires an agency to consider the

impact of final rules on small entities, *i.e.*, small businesses, small organizations, and small government jurisdictions. If there is a significant economic impact on a substantial number of small entities, the agency must perform a Regulatory Flexibility Analysis. This is not required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The Small Business Regulatory Enforcement Fairness Act (SBREFA) amended the Regulatory Flexibility Act to require Federal agencies to state the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

We have examined this final rule's potential effects on small entities as required by the Regulatory Flexibility Act. We have determined that the changes in the final rule do not have a significant impact and do not require a Regulatory Flexibility Analysis because the changes:

a. Give information to State fish and wildlife agencies that allows them to apply for and administer grants more easily, more efficiently, and with greater flexibility. Only State fish and wildlife agencies may receive BIG grants.

b. Address changes in law and regulation. This helps grant applicants and recipients by making the regulation consistent with current standards.

c. Reword and reorganize the regulation to make it easier to understand.

d. Allow small entities to voluntarily become subgrantees of agencies and any impact on these subgrantees would be beneficial.

The Service has determined that the changes primarily affect State governments and any small entities affected by the changes voluntarily enter into mutually beneficial relationships with a State agency. They are primarily concessioners and subgrantees and the impact on these small entities will be very limited and beneficial in all cases.

Consequently, we certify that because this final rule will not have a significant economic effect on a substantial number of small entities, a Regulatory Flexibility Analysis is not required.

In addition, this final rule is not a major rule under SBREFA (5 U.S.C. 804(2)) and will not have a significant impact on a substantial number of small entities because it does not:

a. Have an annual effect on the economy of \$100 million or more.

b. Cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local

government agencies; or geographic regions.

c. Have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. The Act requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of a final rule with Federal mandates that may result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any 1 year. We have determined the following under the Unfunded Mandates Reform Act:

a. As discussed in the determination for the Regulatory Flexibility Act, this final rule will not have a significant economic effect on a substantial number of small entities.

b. The regulation does not require a small government agency plan or any other requirement for expending local funds.

c. The programs governed by the current regulations and enhanced by the changes potentially assist small governments financially when they occasionally and voluntarily participate as subgrantees of an eligible agency.

d. The final rule clarifies and improves upon the current regulations allowing State, local, and tribal governments and the private sector to receive the benefits of grant funding in a more flexible, efficient, and effective manner.

e. Any costs incurred by a State, local, or tribal government or the private sector are voluntary. There are no mandated costs associated with the final rule.

f. The benefits of grant funding outweigh the costs. The Federal Government provides up to 75 percent of the total project costs in each requested grant to the 50 States, the Commonwealth of Puerto Rico, and the District of Columbia. The Federal Government will also waive the first \$200,000 of match for each grant to the Commonwealth of the Northern Mariana Islands and the territories of Guam, the U.S. Virgin Islands, and American Samoa. Of the 50 States and 6 other jurisdictions that voluntarily are eligible to apply for grants in these programs

each year, 95 percent have participated. This is clear evidence that the benefits of this grant funding outweigh the costs.

g. This final rule will not produce a Federal mandate of \$100 million or greater in any year, *i.e.*, it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

Takings

This final rule will not have significant takings implications under E.O. 12630 because it will not have a provision for taking private property. Therefore, a takings implication assessment is not required.

Federalism

This final rule will not have sufficient Federalism effects to warrant preparing a federalism summary impact statement under E.O. 13132. It would not interfere with the States' ability to manage themselves or their funds. We work closely with the States administering these programs. They helped us identify those sections of the current regulations needing further consideration and new issues that prompted us to develop a regulatory response. In drafting the final rule, we received comments from the Sport Fishing and Boating Partnership Council, a nongovernmental committee established under the Federal Advisory Committee Act; the States Organization for Boating Access; the Joint Federal/State Task Force on Federal Assistance Policy; and individual States.

Civil Justice Reform

The Office of the Solicitor has determined under E.O. 12988 that the rule will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. The final rule will help grantees because it:

- a. Updates the regulations to reflect changes in policy and practice and recommendations received during the past 14 years;
- b. Makes the regulations easier to use and understand by improving the organization and using plain language;
- c. Modifies the final rule to amend 50 CFR part 86 published in the **Federal Register** at 66 FR 5282 on January 18, 2001, based on subsequent experience; and
- d. Adopts recommendations on new issues received from State fish and wildlife agencies and the Sport Fishing and Boating Partnership Council since we published the current rule.

Paperwork Reduction Act

This final rule does not contain new information collection requirements that require approval under the PRA (44

U.S.C. 3501 *et seq.*). OMB has reviewed and approved the U.S. Fish and Wildlife Service application and reporting requirements associated with the Boating Infrastructure Grant Program and assigned OMB Control Number 1018-0109, which expires September 30, 2015. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We have analyzed this rule under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and part 516 of the Departmental Manual. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement/assessment is not required due to the categorical exclusion for administrative changes given at 516 DM 8.5A(3).

Government-to-Government Relationship With Tribes

We have evaluated potential effects on federally recognized Indian tribes under the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), E.O. 13175, and 512 DM 2. We have determined that there are no potential effects. This final rule will not interfere with the tribes' ability to manage themselves or their funds.

Energy Supply, Distribution, or Use (E.O. 13211)

E.O. 13211 addresses regulations that significantly affect energy supply, distribution, and use, and requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not a significant regulatory action under E.O. 12866 and does not affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

List of Subjects in 50 CFR Part 86

Administrative practice and procedure, Boats and boating safety, Fishing, Grants administration, Grant programs, Harbors, Intermodal transportation, Marine resources, Natural resources, Navigation (water), Recreation and recreation areas, Reporting and recordkeeping requirements, Rivers, Signs and symbols, Vessels, Water resources, Waterways.

Regulation Promulgation

For the reasons discussed in the preamble, we amend title 50 of the Code of Federal Regulations, chapter I, subchapter F, by revising part 86 to read as follows:

PART 86—BOATING INFRASTRUCTURE GRANT PROGRAM

Subpart A—General

Sec.

- 86.1 What does this part do?
- 86.2 What is the purpose of BIG?
- 86.3 What terms do I need to know?

Subpart B—Program Eligibility

- 86.10 Who may apply for a BIG grant?
- 86.11 What actions are eligible for funding?
- 86.12 What types of construction and services does boating infrastructure include?
- 86.13 What operational and design features must a facility have where a BIG-funded facility is located?
- 86.14 How can I receive BIG funds for facility maintenance?
- 86.15 How can dredging qualify as an eligible action?
- 86.16 What actions are ineligible for BIG funding?
- 86.17 Who must own the site of a BIG-funded facility?
- 86.18 How can I ensure that a BIG-funded facility continues to serve its intended purpose for its useful life?
- 86.19 What if a BIG-funded facility would benefit both eligible and ineligible users?

Subpart C—Federal Funds and Match

- 86.30 What is the source of BIG funds?
- 86.31 How does the Service know how much money will be available for BIG grants each year?
- 86.32 What are the match requirements?
- 86.33 What information must I give on match commitments, and where do I give it?
- 86.34 What if a partner is not willing or able to follow through on a match commitment?

Subpart D—Application for a Grant

- 86.40 What are the differences between BIG Tier 1—State grants and BIG Tier 2—National grants?
- 86.41 How do I apply for a grant?
- 86.42 What do I have to include in a grant application?
- 86.43 What information must I put in the project statement?
- 86.44 What if I need more than the maximum Federal share and required match to complete my BIG-funded project?
- 86.45 If the Service does not select my grant application for funding, can I apply for the same project the following year?
- 86.46 What changes can I make in a grant application after I submit it?

Subpart E—Project Selection

- 86.50 Who ranks BIG Tier 2—National grant applications?

- 86.51 What criteria does the Service use to evaluate BIG Tier 2—National applications?
- 86.52 What does the Service consider when evaluating a project on the need for more or improved boating infrastructure?
- 86.53 What factors does the Service consider for benefits to eligible users that justify the cost?
- 86.54 What does the Service consider when evaluating a project on boater access to significant destinations and services that support transient boater travel?
- 86.55 What does the Service consider as a partner for the purposes of these ranking criteria?
- 86.56 What does the Service consider when evaluating a project that includes more than the minimum match?
- 86.57 What does the Service consider when evaluating contributions that a partner brings to a project?
- 86.58 What does the Service consider when evaluating a project for a physical component, technology, or technique that will improve eligible user access?
- 86.59 What does the Service consider when evaluating a project for innovative physical components, technology, or techniques that improve the BIG project?
- 86.60 What does the Service consider when evaluating a project for demonstrating a commitment to environmental compliance, sustainability, and stewardship?
- 86.61 What happens after the Director approves projects for funding?

Subpart F—Grant Administration

- 86.70 What standards must I follow when constructing a BIG-funded facility?
- 86.71 How much time do I have to complete the work funded by a BIG grant?
- 86.72 What if I cannot complete the project during the period of performance?
- 86.73 How long must I operate and maintain a BIG-funded facility, and who is responsible for the cost of facility operation and maintenance?
- 86.74 How do I determine the useful life of a BIG-funded facility?
- 86.75 How should I credit BIG?
- 86.76 How can I use the logo for BIG?
- 86.77 How must I treat program income?
- 86.78 How must I treat income earned after the period of performance?

Subpart G—Facility Operations and Maintenance

- 86.90 How much must an operator of a BIG-funded facility charge for using the facility?
- 86.91 May an operator of a BIG-funded facility increase or decrease user fees during its useful life?
- 86.92 Must an operator of a BIG-funded facility allow public access?
- 86.93 May I prohibit overnight use by eligible vessels at a BIG-funded facility?
- 86.94 Must I give information to eligible users and the public about BIG-funded facilities?

Subpart H—Revisions and Appeals

- 86.100 Can I change the information in a grant application after I receive a grant?

- 86.101 How do I ask for a revision of a grant?
- 86.102 Can I appeal a decision?
- 86.103 Can the Director authorize an exception to this part?

Subpart I—Information Collection

- 86.110 What are the information-collection requirements of this part?

Authority: 16 U.S.C. 777c, g, and g–1.

Subpart A—General

§ 86.1 What does this part do?

(a) This part tells States how they may apply for and receive grants from the Boating Infrastructure Grant program (BIG) Tier 1-State and Tier 2-National subprograms. Section 86.40 describes the differences between these two subprograms.

(b) The terms *you*, *your*, and *I* refer to a State agency that applies for or receives a BIG grant. *You* may also apply to a subgrantee with which a State agency has a formal agreement to construct, operate, or maintain a BIG-funded facility.

(c) The terms *we*, *us*, and *our* refer to the U.S. Fish and Wildlife Service.

§ 86.2 What is the purpose of BIG?

The purpose of BIG is to construct, renovate, and maintain boating infrastructure facilities for transient recreational vessels at least 26 feet long.

§ 86.3 What terms do I need to know?

For the purposes of this part, we define these terms:

BIG-funded facility means only the part of a facility that we fund through a BIG grant.

Boating infrastructure means all of the structures, equipment, accessories, and services that are necessary or desirable for a facility to accommodate eligible vessels. See § 86.12 for examples of boating infrastructure.

Capital improvement means:

- (1) A new structure that costs at least \$25,000 to build; or
- (2) Altering, renovating, or repairing an existing structure if it increases the structure's useful life by 10 years or if it costs at least \$25,000.

Concessioner means an entity with which a State has a written agreement to operate or manage a BIG-funded facility. The agreement with a concessioner may or may not involve a financial exchange. A concessioner is not a contractor or vendor. You pay a contractor or vendor to perform specific duties or supply specific materials according to a written contract. Concessioners, vendors, and contractors are not grant recipients.

Construction means the act of building or significantly altering,

renovating, or repairing a structure. Clearing and reshaping land and demolishing structures are types or phases of construction. Examples of structures are buildings, docks, piers, breakwaters, and slips.

Director means:

- (1) The Director of the Fish and Wildlife Service whom the Secretary of the Interior has delegated authority to administer BIG nationally; or
- (2) A deputy or another person whom the Director has delegated authority over BIG.

Eligible user means an operator or passenger of an eligible vessel.

Eligible vessel means a transient recreational vessel at least 26 feet long. The term includes vessels that are owned, loaned, rented, or chartered. The term does not include:

- (1) Commercial vessels;
- (2) Vessels that dock or operate permanently from the facility where a BIG-funded project is located; or
- (3) Vessels that receive payment to routinely transport passengers on a prescribed route, such as cruise ships, dive boats, and ferries.

Facility means the structures, equipment, and operations that:

- (1) Provide services to boaters at one location; and
- (2) Are under the control of a single operator or business identified in the grant application.

Grant means an approved award of money, the principal purpose of which is to transfer funds from a Federal awarding agency to the non-Federal entity (grantee) to carry out an authorized public purpose and includes the matching cash and any matching in-kind contributions. The legal instrument used is a grant agreement.

Grants.gov is a centralized location for States and other entities to find and apply for Federal funding. It is located at <http://www.grants.gov>. We require States to use grants.gov, or any system that replaces it, to apply for BIG grants.

Maintenance means keeping structures or equipment in a condition to serve the intended purpose. It includes cyclical or occasional actions to keep facilities fully functional. It does not include operational actions such as janitorial work. Examples of maintenance actions are:

- (1) Lubricating mechanical components of BIG-funded equipment;
- (2) Replacing minor components of a BIG-funded improvement, such as bolts, boards, and individual structural components; and
- (3) Painting, pressure washing, and repointing masonry.

Marketing means an activity that promotes a business to interested

customers for the financial benefit of the facility. It may include a plan for sales techniques and strategies, business communication, and business development. A business uses marketing to find, satisfy, and keep a customer.

Match means the value of any cash or in-kind contributions required or volunteered to complete the BIG-funded facility that are not borne by the Federal Government, unless a Federal statute authorizes such match. Match must follow the criteria at 2 CFR 200.306(b).

Navigable waters means waters that are deep and wide enough for the passage of eligible vessels within the water body.

Operation means actions that allow a BIG-funded facility or parts of a BIG-funded facility to perform their function on a daily or frequent basis. Examples of operation are janitorial work, service workers, facility administration, utilities, rent, taxes, and insurance.

Operator means an individual or entity that is responsible for operating a BIG-funded facility. An operator may be a grantee, a subgrantee, a concessioner, or another individual or entity that the grantee has an arrangement with to operate the BIG-funded facility.

Personal property means anything tangible or intangible that is not real property.

Program income means gross income earned by the grantee or subgrantee that is directly generated by a grant-supported activity, or earned as a result of the grant, during the period of performance.

Project means one or more related actions that are eligible for BIG funding, achieve specific goals and objectives of BIG, and in the case of construction, occur at only one facility.

Project cost means total allowable costs incurred under BIG and includes Federal funds awarded through the BIG grant and all non-Federal funds given as the match or added to the Federal and matching shares to complete the BIG-funded project.

Public communication means communicating with the public or news media about specific actions or achievements directly associated with BIG. The purpose is to inform the public about BIG-funded projects or the BIG program.

Real property means one, several, or all interests, benefits, and rights inherent in owning a parcel of land. A parcel includes anything physically and firmly attached to it by a natural or human action. Examples of real property in this rule include fee and leasehold interests, easements, fixed

docks, piers, permanent breakwaters, buildings, utilities, and fences.

Regional Office means the main administrative office of one of the Service's geographic Regions in which a BIG-funded project is located. Each Regional Office has a:

(1) *Regional Director* appointed by the Director to be the chief executive official of the Region and authorized to administer Service activities in the Region, except for those administered directly by the Service's Headquarters Office; and

(2) *Division of Wildlife and Sport Fish Restoration (WSFR)* or its equivalent that administers BIG grants.

Renovate means to rehabilitate all or part of a facility to restore it to its intended purpose or to expand its purpose to allow use by eligible vessels or eligible users.

Scope of a project means the purpose, objectives, approach, and results or benefits expected, including the useful life of any capital improvement.

Service means the U.S. Fish and Wildlife Service.

State means any State of the United States, the Commonwealths of Puerto Rico and the Northern Mariana Islands, the District of Columbia, and the territories of Guam, the U.S. Virgin Islands, and American Samoa.

Transient means travel to a single facility for day use or staying at a single facility for up to 15 days.

Useful life means the period during which a BIG-funded capital improvement is capable of fulfilling its intended purpose with adequate routine care and maintenance. See §§ 86.73 and 86.74.

Subpart B—Program Eligibility

§ 86.10 Who may apply for a BIG grant?

One agency in each eligible State may apply for a BIG grant if authorized to do so by:

- (a) A statute or regulation of the eligible jurisdiction;
- (b) The Governor of the State, Commonwealth, or territory; or
- (c) The Mayor of the District of Columbia.

§ 86.11 What actions are eligible for funding?

(a) The following actions are eligible for BIG funding if they are for eligible users or eligible vessels:

- (1) Construct, renovate, or maintain publicly or privately owned boating infrastructure (see § 86.12) following the requirements at § 86.13. This may include limited repair or restoration of roads, parking lots, walkways, and other surface areas damaged as a direct result of BIG-funded construction.

(2) Conduct actions necessary to construct boating infrastructure, such as:

- (i) Engineering, economic, environmental, historic, cultural, or feasibility studies or assessments; and
- (ii) Planning, permitting, and contracting.

(3) Dredging a channel, boat basin, or other boat passage following the requirements at § 86.15.

(4) Install navigational aids to give transient vessels safe passage between a facility and navigable channels or open water.

(5) Produce information and education materials specific to BIG or a BIG-funded project and that credit BIG as a source of funding when appropriate. Examples of eligible actions include:

- (i) Locating BIG-funded facilities on charts and cruising guides;
- (ii) Creating Statewide or regional brochures telling boaters about BIG and directing them to BIG-funded facilities;
- (iii) Advertising a BIG-funded facility in print or electronic media with the emphasis on BIG, the BIG-funded facility, or services for eligible users, and not on marketing the marina as a whole;

(iv) Marina newsletter articles, marina or agency Web pages, and other communications you produce that are directly related to the BIG-funded project;

(v) Giving boaters information and resources to help them find and use the BIG-funded facility; and

(vi) Public communication.

(6) Record the Federal interest in the real property.

(7) Use BIG Tier 1—State grant awards to administer BIG Tier 1—State and BIG Tier 2—National grants, or grant programs, Statewide. This includes coordinating and monitoring to ensure BIG-funded facilities are well-constructed, meet project objectives, and serve the intended purpose for their useful life; and to manage BIG grant performance or accomplishments.

(b) You may ask your Regional Office to approve preaward costs for eligible actions. You incur preaward costs at your own risk, as we will only reimburse you for preaward costs we approved if you receive a grant.

(c) Applicants may seek funding for installing pumpout facilities through the Clean Vessel Act Grant Program (CVA) instead of including the cost as part of a BIG grant application. A State may require a pumpout be funded through CVA, Catalog of Federal Domestic Assistance number 15.616.

(d) Other actions may qualify for BIG funding, subject to our approval, if they

achieve the purposes of BIG. We will describe actions we approve and how they are eligible for BIG funding in the full text of the annual Notice of Funding Opportunity (NOFO).

§ 86.12 What types of construction and services does boating infrastructure include?

Boating infrastructure may include:

(a) Boat slips, piers, mooring buoys, floating docks, dinghy docks, day docks, and other structures for boats to tie-up and gain access to the shore or services.

(b) Fuel stations, restrooms, showers, utilities, and other amenities for transient-boater convenience.

(c) Lighting, communications, buoys, beacons, signals, markers, signs, and other means to support safe boating and give information to aid boaters.

(d) Breakwaters, sea walls, and other physical improvements to allow an area to offer a harbor of safe refuge. A *harbor of safe refuge* is an area that gives eligible vessels protection from storms. To be a harbor of safe refuge, the facility must offer a place to secure eligible vessels and offer access to provisions and communication for eligible users.

(e) Equipment and structures for collecting, disposing of, or recycling liquid or solid waste from eligible vessels or for eligible users.

§ 86.13 What operational and design features must a facility have where a BIG-funded facility is located?

(a) At project completion, a facility where a BIG-funded facility is located must:

(1) Be open to eligible users and operated and maintained for its intended purpose for its useful life;

(2) Clearly designate eligible uses and inform the public of restrictions;

(3) Offer security, safety, and service for eligible users and vessels;

(4) Be accessible by eligible vessels on navigable waters;

(5) Allow public access as described at § 86.92;

(6) Have docking or mooring sites with water access at least 6 feet deep at the lowest tide or fluctuation, unless the facility qualifies under paragraph (c) of this section; and

(7) Have an operational pumpout station if:

(i) Eligible vessels stay overnight; and

(ii) Available pumpout service is not located within 2 nautical miles; or

(iii) State or local laws require one on site.

(b) We will waive the pumpout requirement if you show in the grant application the inability to install a pumpout.

(1) We will review your request and will grant the waiver if you present circumstances that show:

(i) A hardship due to lack of utilities or other difficult obstacles, such as a BIG-funded facility on an island with no power or a remote location where the equipment cannot be serviced or maintained regularly;

(ii) State or local law does not allow septic-waste disposal facilities at the location;

(iii) You are in the process of applying for a CVA grant for the same award year as the BIG grant to install a pumpout station as part of the BIG-funded facility; or

(iv) You have received a CVA grant and will install a pumpout station as part of the BIG-funded facility on or before the time the BIG-funded facility is completed.

(2) When we waive the pumpout requirement, the BIG-funded facility must inform boaters:

(i) They are required to properly treat or dispose of septic waste; and

(ii) Where they can find information that will direct them to nearby pumpout stations.

(3) If we deny your request, we will follow the process described in the annual NOFO.

(4) If you seek an allowance based on this paragraph, you must include supporting information in the grant application as described at § 86.43(n)(1).

(c) We will allow water access at a depth less than 6 feet if you can show that the BIG-funded facility will serve its intended purpose for typical eligible users that visit that location.

(d) Any of these design features may already be part of the facility, or be funded through another source, and need not be included as part of the BIG project.

§ 86.14 How can I receive BIG funds for facility maintenance?

(a) For BIG Tier 1—State and BIG Tier 2—National grants:

(1) You may request BIG funds for facility maintenance only if you will complete the maintenance action during the period of performance.

(2) You may apply user fees collected at the BIG-funded facility after the period of performance to the maintenance of the facility.

(b) For BIG Tier 1—State grants:

(1) You may request BIG funds for one-time or as-needed maintenance costs at any BIG-eligible facility as long as the costs are discrete and follow paragraph (a) of this section.

(2) If you use BIG funds for maintenance at a facility that has received a BIG grant in the past, you must extend the useful life of each affected capital improvement accordingly.

(3) States may limit or exclude BIG maintenance funding they make available to subgrantees.

(c) For BIG Tier 2—National grants, you may request BIG funds for maintenance if it directly benefits eligible users and is directly related to the BIG project. You are responsible for all maintenance costs after the period of performance except as provided at paragraph (b) of this section.

§ 86.15 How can dredging qualify as an eligible action?

(a) Dredging in this part includes the physical action of removing sediment from the basin and any associated actions, such as engineering, permitting, dredge-material management, and other actions or costs that occur because of the dredging. Dredging can qualify as an eligible action under the grant only if the costs for the dredging-related actions do not exceed \$200,000.

(b) When you complete the project, the BIG-funded dredged area must:

(1) Have navigable water depth to accommodate eligible vessels as described at § 86.13(a)(6);

(2) Allow safe, accessible navigation by eligible vessels to, from, and within the BIG-funded facility; and

(3) Allow eligible vessels to dock safely and securely at transient slips.

(c) You must show in the grant application that:

(1) Dredging is needed to fulfill the purpose and objectives of the proposed project; and

(2) You have allocated the dredging costs between the expected use by eligible vessels and ineligible vessels.

(d) You certify by signing the grant application that you have enough resources to maintain the dredged area at the approved width and depth for the useful life of the BIG-funded facility, under typical conditions.

§ 86.16 What actions are ineligible for BIG funding?

(a) These actions or costs are ineligible for BIG funding:

(1) Law enforcement.

(2) Direct administration and operation of the facility, such as salaries, utilities, and janitorial duties. Janitorial duties may include:

(i) Routine cleaning;

(ii) Trash and litter collection and removal; and

(iii) Restocking paper products.

(3) Developing a State plan to construct, renovate, or maintain boating infrastructure.

(4) Acquiring land or any interest in land.

(5) Constructing, renovating, or maintaining roads or parking lots.

except limited action as described at § 86.11(a)(1).

(6) Constructing, renovating, or maintaining boating infrastructure for:

- (i) Shops, stores, food service, other retail businesses, or lodging;
- (ii) Facility administration or management, such as a harbormaster's or dockmaster's office; or
- (iii) Transportation, storage, or services for boats on dry land, such as dry docks, haul-outs, and boat maintenance and repair shops.

(7) Purchasing or operating service boats to transport boaters to and from mooring areas.

(8) Marketing. Examples of ineligible marketing actions include:

- (i) Giveaway items promoting the business or agency;
- (ii) General marina or agency newsletters or Web sites promoting the marina or agency;
- (iii) Exhibits at trade shows promoting anything other than the BIG-funded facility; and
- (iv) Outreach efforts directed at the marina as a business or the agency as a whole and not focused on BIG or the BIG-funded facility.

(9) Constructing, renovating, or maintaining boating infrastructure that does not:

- (i) Include design features as described at § 86.13;
- (ii) Serve eligible vessels or users; and
- (iii) Allow public access as described at § 86.92.

(10) Purchase of supplies and other expendable personal property not directly related to achieving the project objectives.

(b) Other activities may be ineligible for BIG funding if they are inconsistent with the:

- (1) Purpose of BIG; or
- (2) Applicable Cost Principles at 2 CFR part 200, subpart F.

§ 86.17 Who must own the site of a BIG-funded facility?

(a) You or another entity approved by us must own or have a legal right to operate the site of a BIG-funded facility. If you are not the owner, you must be able to show, before we approve your grant, that your contractual arrangements with the owner of the site will ensure that the owner will use the BIG-funded facility for its authorized purpose for its useful life.

(b) Subgrantees or concessioners may be a local or tribal government, a nonprofit organization, a commercial enterprise, an institution of higher education, or a State agency other than the agency receiving the grant.

(c) Subgrantees that are commercial enterprises are subject to 2 CFR part

200, subparts A through D, for grant administrative requirements.

§ 86.18 How can I ensure that a BIG-funded facility continues to serve its intended purpose for its useful life?

(a) When you design and build your BIG-funded facility, you must consider the features, location, materials, and technology in reference to the geological, geographic, and climatic factors that may have an impact on its useful life.

(b) You must record the Federal interest in real property that includes a BIG-funded capital improvement according to the assurances required in the grant application and guidance from the Regional WSFR Office.

(c) If we direct you to do so, you must require that subgrantees record the Federal interest in real property that includes a BIG-funded capital improvement.

(d) If we do not direct you to act as required by paragraph (c) of this section, you may require subgrantees to record the Federal interest in real property that includes a BIG-funded capital improvement.

(e) You must state in your subaward that subgrantees must not alter the ownership, purpose, or use of the BIG-funded facility as described in the project statement without the approval of you and the WSFR Regional Office.

(f) You may impose other requirements on subgrantees, as allowed by law, to reduce State liability for the BIG-funded facility. Examples are insurance, deed restrictions, and a security interest agreement, which uses subgrantee assets to secure performance under the grant.

§ 86.19 What if a BIG-funded facility would benefit both eligible and ineligible users?

You may assign any share of the costs to the BIG grant only if the BIG-funded facility or a discrete element of the BIG-funded facility benefits only eligible users. If a cost does not exclusively benefit eligible users, you must allocate costs accordingly. A discrete element has a distinct purpose, such as a fuel station, pumpout facility, breakwater, or dock system.

(a) You must clearly show and explain in the project statement:

- (1) The anticipated benefits of each project, discrete elements, and major components;
- (2) The breakdown of costs, as described at § 86.43(i), including the basis or method you use to allocate costs between eligible and ineligible users; and
- (3) Your reasoning in determining how to allocate costs, based on

paragraphs (a) through (e) of this section and any other guidance in the annual NOFO.

(b) After you submit the application, if we do not agree with your cost allocation using paragraph (a) of this section, we will contact you. We may ask you to clarify your information. If we do not agree that the allocation is equitable, we may negotiate an equitable allocation. We must be able to agree that you are appropriately allocating costs between eligible and ineligible users based on the expected use before we consider your application for award.

(c) If a proposed BIG-funded facility, or a discrete element, minor component, or single action of the BIG-funded project, gives a secondary or minimal benefit to all users, we will not require you to allocate costs between eligible and ineligible users for that benefit. Examples of how we will apply this rule are:

(1) The primary purpose is to benefit eligible users directly, with the secondary benefit for both eligible and ineligible users. You must clearly state the exclusive benefit to eligible users in your application. The secondary benefit cannot exclude eligible users from the primary purpose. For example, if you construct a dock system for exclusive use by eligible vessels and a secondary benefit of the dock system is protection of the marina from wave action, you would not have to allocate costs for the secondary benefit. However, the secondary benefit cannot be docking for ineligible vessels because it would exclude eligible users from the primary purpose.

(2) The secondary benefit to ineligible users is not the primary purpose, is minimal, and you do not add special features to accommodate ineligible users. For example, you do not have to allocate costs between user groups for a gangway from the transient dock, designed exclusively for eligible users, even though it is accessible to the general public. However, if you construct the gangway to accommodate the expected ineligible users, then you must allocate costs between user groups.

(3) The expected benefits to both eligible and ineligible users have minimal value. If the component has a value of .0025 percent or less than the maximum available Federal award plus required match, you do not have to allocate costs for that component. We will post the amount of the minimal value each year in the annual NOFO. For example, if the total maximum Federal award and required match for a BIG Tier 2—National project is \$2 million, you do not have to allocate costs between user groups for any

discrete project element, component, or action with a value of \$5,000 or less.

(d) Examples of actions for which you must allocate costs between user groups are the following, unless paragraph (b) of this section applies:

(1) You propose a 200-foot dock for eligible user tie-up spaces that you attach to the shore at a boat launch. It will attract ineligible use as a tie-up for boaters as they enter and exit the water. You must allocate costs between the expected eligible and ineligible use.

(2) You propose a breakwater, fuel station, pumpout station, restroom, dredging, navigational aids, or other multiuse or multipurpose action.

(e) Examples of actions for which you do not need to allocate costs between user groups are:

(1) You propose to construct, renovate, or maintain docks specifically for eligible vessels.

(2) You propose to produce information and educational materials specific to BIG.

(f) You must clearly inform boaters when access by ineligible users is limited or restricted following the guidance at § 86.94.

(g) We may ask you to clarify or change how you allocate costs in your grant application if they do not meet our standards. We may reject costs or applications that do not allocate costs between eligible and ineligible users according to the requirements of this section and the NOFO.

Subpart C—Federal Funds and Match

§ 86.30 What is the source of BIG funds?

(a) BIG receives Federal funding as a percentage of the annual revenues to the Sport Fish Restoration and Boating Trust Fund (Trust Fund) [26 U.S.C. 4161(a), 4162, 9503(c), and 9504].

(b) The Trust Fund receives revenue from sources including:

(1) Excise taxes paid by manufacturers on sportfishing equipment and electric outboard motors;

(2) Fuel taxes attributable to motorboats and nonbusiness use of small-engine power equipment; and

(3) Import duties on fishing tackle, yachts, and pleasure craft.

§ 86.31 How does the Service know how much money will be available for BIG grants each year?

(a) We estimate funds available for BIG grants each year based on the revenue projected for the Trust Fund. We include this estimate when we issue a NOFO at <http://www.grants.gov>.

(b) We calculate the actual amount of funds available for BIG grants based on tax collections, any funds carried over from previous fiscal years, and available unobligated BIG funds.

§ 86.32 What are the match requirements?

(a) The Act requires that you or another non-Federal partner must pay at least 25 percent of eligible and allowable BIG-funded facility costs. We must waive the first \$200,000 of the required match for each grant to the Commonwealth of the Northern Mariana Islands and the territories of American Samoa, Guam, and the U.S. Virgin Islands (48 U.S.C. 1469a).

(b) Match may be cash contributed during the funding period or in-kind contributions of personal property, structures, and services including volunteer labor, contributed during the period of performance.

(c) Match must be:

(1) Necessary and reasonable to achieve project objectives;

(2) An eligible activity or cost;

(3) From a non-Federal source, unless you show that a Federal statute authorizes the specific Federal source for use as match; and

(4) Consistent with 2 CFR 200.29 and 200.306, and any other applicable sections of 2 CFR part 200. This includes any regulations or policies that replace or supplement 2 CFR part 200.

(d) Match must not include:

(1) An interest in land or water;

(2) The value of any structure completed before the beginning of the period of performance, unless the Service approves the activity as a preaward cost;

(3) Costs or in-kind contributions that have been or will be counted as satisfying the cost-sharing or match requirement of another Federal grant, a Federal cooperative agreement, or a Federal contract, unless authorized by Federal statute; or

(4) Any funds received from another Federal source, unless authorized by Federal statute.

§ 86.33 What information must I give on match commitments, and where do I give it?

(a) You must give information on the amount and the source of match for your proposed BIG-funded facility on the standard grant application form at <http://www.grants.gov>.

(b) You must also give information on the match commitment by the State, a subgrantee, or other third party in the project statement under "Match and Other Contributions."

(c) In giving the information required at paragraph (b) of this section, you must:

(1) State the amount of matching cash;

(2) Describe any matching in-kind contributions;

(3) State the estimated value of any in-kind contributions; and

(4) Explain the basis of the estimated value.

§ 86.34 What if a partner is not willing or able to follow through on a match commitment?

(a) You are responsible for all activity and funding commitments in the grant application. If you discover that a partner is not willing or able to meet a grant commitment, you must notify us that you will either:

(1) Replace the original partner with another partner who will deliver the action or the funds to fulfill the commitment as stated in the grant application; or

(2) Give either cash or an in-kind contribution(s) that at least equals the value and achieves the same objective as the partner's original commitment of cash or in-kind contribution.

(b) If a partner is not willing or able to meet a match commitment and you do not have enough money to complete the BIG-funded facility as proposed, you must follow the requirements at §§ 86.44 and 86.100.

Subpart D—Application for a Grant

§ 86.40 What are the differences between BIG Tier 1—State grants and BIG Tier 2—National grants?

COMPARISON OF BIG TIER 1—STATE AND BIG TIER 2—NATIONAL GRANTS

	BIG Tier 1—State	BIG Tier 2—National
(a) What actions are eligible for funding? (b) What is the amount of Federal funds I can receive in one BIG grant?	Those listed at § 86.11 Each year we make at least \$200,000 available to each State. We may increase the award that States may request annually to an amount above \$200,000 if enough funds are available and it is advantageous to the program mission. We announce each year in the annual NOFO posted at http://www.grants.gov the maximum Federal funds you may request.	Those listed at § 86.11 except § 86.11(a)(7). We may limit funding to a maximum award of \$1.5 million. We may increase the maximum funding you may request if enough funds are available and it is advantageous to the program mission. We announce each year in the annual NOFO posted at http://www.grants.gov the recommended maximum Federal funds you may request.
(c) How many grant applications can I submit each year?	Each State can only request up to the annual funding limit each year. You can do this by sending in one grant application with one project or multiple projects. The Regional WSFR Office may ask a State with multiple projects to prepare a separate grant request for each project, as long as the total of all projects does not exceed the annual funding limit.	No limit.
(d) How does the Service choose grant applications for funding?	We fund a single grant or multiple grants per State up to the maximum annual funding amount for that year.	We score each grant application according to ranking criteria at § 86.51. We recommend applications, based on scores and available funding, to the Director. The Director selects the applications for award.

§ 86.41 How do I apply for a grant?

(a) If you want to apply to be a subgrantee, you must send an application to the State agency that manages BIG following the rules given by your State. We award BIG funds only to States.

(b) The director of your State agency (see § 86.10) or an authorized representative must certify all standard forms submitted in the grant application process in the format that we designate.

(c) States must submit a grant application through <http://www.grants.gov>. The Catalog of Federal Domestic Assistance (CFDA) number for BIG is 15.622.

(d) If your State supports Executive Order 12372, Intergovernmental Review of Federal Programs, you must send copies of all standard forms and supporting information to the State Clearinghouse or Single Point of Contact identified at http://www.whitehouse.gov/omb/grants_spoc/ before sending it through <http://www.grants.gov>.

§ 86.42 What do I have to include in a grant application?

(a) When you submit a BIG grant application, you must include standard forms, a BIG project statement as described at § 86.43, documents, maps, images, and other information asked for in the annual NOFO at <http://www.grants.gov>, CFDA 15.622, in the format we ask for.

(b) You must include supporting documentation explaining how the proposed work complies with

applicable laws and regulations. You must also state the permits, evaluations, and reviews you need to complete the project. After we approve your project, you will follow guidance at § 86.61 to complete requirements that will become part of your application.

(c) After we review your application, any responses to our requests to give more information or to clarify information become part of the application.

(d) Misrepresentations of the information you give in an application may be a reason for us to:

- (1) Reject your application; or
- (2) Terminate your grant and require repayment of Federal funds awarded.

§ 86.43 What information must I put in the project statement?

You must put the following information in the project statement:

(a) *Need.* Explain why the project is necessary and how it fulfills the purpose of BIG. To demonstrate the need for the project you must:

(1) For construction projects, describe existing facilities available for eligible vessels near the proposed project. Support your description by including images that show existing structures and facilities, the proposed BIG-funded facility, and relevant details, such as the number of transient slips and the amenities for eligible users.

(2) Describe how the proposed project fills a need or offers a benefit not offered by the existing facilities identified at paragraph (a)(1) of this section.

(3) Give information to support the number of transient boats expected to use the area of the proposed project and show that the existing facilities identified at paragraph (a)(1) of this section are not enough to support them.

(b) *Purpose.* State the desired outcome of the project in general or abstract terms, but in such a way that we can review the information and apply it to the competitive review. Base the purpose on the need as described in paragraph (a) of this section.

(c) *Objectives.* Identify specific, measurable, attainable, relevant, and time-bound (SMART) outputs related to the need you are addressing.

(d) *Results or benefits expected.* (1) Describe each capital improvement, service, or other product that will result from the project, and its purpose.

(2) Describe how the structures, services, or other products will:

- (i) Achieve the need described at paragraph (a) of this section; and
- (ii) Benefit eligible users.

(e) *Approach.* (1) Describe the methods to be used to achieve the objectives. Show that you will use sound design and proper procedures. Include enough information on the status of needed permits, land use approvals, and other compliance requirements for us to make a preliminary assessment.

(2) Give the name, contact information, qualifications, and role of each known concessioner or subgrantee.

(3) Explain how you will exercise control to ensure the BIG-funded facility continues to achieve its authorized

purpose during the useful life of the BIG-funded project.

(f) *Useful life.* Estimate the useful life in years of each capital improvement for the proposed project. Explain how you estimated the useful life of each capital improvement. You must reference a generally accepted method used to determine useful life of a capital improvement. You will finalize useful life during the approval process. See §§ 86.73 and 86.74.

(g) *Geographic location.* (1) State the location using Global Positioning System (GPS) coordinates in the format we ask for in the annual NOFO.

(2) State the local jurisdiction (county, city, town, or equivalent), street address, and water body associated with the project.

(3) Include maps in your application, such as:

(i) A small State map that shows the general location of the project;

(ii) A local map that shows the facility location and the nearest community, public road, and navigable water body; and

(iii) Maps or images that show proximity to significant destinations, services that support eligible users, terrain considerations, access, or other information applicable to your project.

(iv) Any other map that supports the information in the project statement.

(h) *Project officer.* If the Federal Aid Coordinator for the State agency will be the project officer, enter the term *State Federal Aid Coordinator* under this heading. If the State Federal Aid Coordinator will not be the project officer, give the name, title, work address, work email, and work telephone number of the contact person. The project officer identified should have a detailed knowledge of the project. State whether the project officer has the authority to sign requests for prior approval, project reports, and other communications committing the grantee to a course of action.

(i) *Budget narrative.* Provide costs and other information sufficient to show that the project will result in benefits that justify the costs. You must use reasonably available resources to develop accurate cost estimates for your project to insure the successful completion of your BIG-funded facility. You should discuss factors that would influence project costs as described at § 86.53(d). Costs must be necessary and reasonable to achieve the project objectives.

(1) You must state how you will allocate costs between eligible and ineligible users following the requirements at § 86.19 and explain the method used to allocate costs equitably

between anticipated benefits for eligible and ineligible users.

(2) State sources of cash and in-kind values you include in the project budget.

(3) Describe any item that has cost limits or requires our approval and estimate its cost or value. Examples are dredging and preaward costs.

(j) *Match and other partner contributions.* Identify the cash and in-kind contributions that you, a partner, or other entity contribute to the project and describe how the contributions directly and substantively benefits completion of the project. See §§ 86.32 and 86.33 for required information.

(k) *Fees and program income, if applicable.* (1) See § 86.90 for the information that you must include on the estimated fees that an operator will charge during the useful life of the BIG-funded facility.

(2) See §§ 86.77 and 86.78 for an explanation of how you may use program income. If you decide that your project is likely to generate program income during the period of performance, you must:

(i) Estimate the amount of program income that the project is likely to generate; and

(ii) Indicate how you will apply program income to Federal and non-Federal outlays.

(l) *Relationship with other grants.* Describe the relationship between the BIG-funded facility and other relevant work funded by Federal and non-Federal grants that is planned, expected, or in progress.

(m) *Timeline.* Describe significant milestones in completing the project and any accomplishments to date.

(n) *General.* (1) If you seek a waiver based on § 86.13(b), you must include the request and supporting information in the grant application following the instructions in the annual NOFO.

(2) Include any other description or document we ask for in the annual NOFO or that you need to support your proposed project.

(o) *Ranking criteria.* In BIG Tier 2—National applications, you must respond to each of the questions found in the ranking criteria at § 86.51. We also publish the questions for these criteria in the annual NOFO at <http://www.grants.gov>.

(1) In addressing the ranking criteria, refer to the information at §§ 86.52 through 86.60 and any added information we ask for in the annual NOFO.

(2) You may give information relevant to the ranking criteria as part of the project statement. If you take this approach, you must reference the

criterion and give supporting information to reflect the guidance at §§ 86.52 through 86.60.

§ 86.44 What if I need more than the maximum Federal share and required match to complete my BIG-funded project?

(a) If you plan a BIG project that you cannot complete with the recommended maximum Federal award and the required match, you may:

(1) Find other sources of non-Federal funds to complete the project;

(2) Divide your larger project into smaller, distinct, stand-alone projects and apply for more than one BIG grant, either in the same year or in different years. One project cannot depend on the anticipated completion of another; or

(3) Combine your BIG Tier 1—State and BIG Tier 2—National funding to complete a project at a single location.

(b) If you are awarded a grant and find you cannot complete a BIG project with the Federal funds and required match, you may:

(1) Find other sources of non-Federal funds to complete the project.

(2) Consider if BIG Tier 1—State funds are available to help complete the project. This is not a guaranteed option.

(3) Ask for approval to revise the grant by following the requirements at subpart H of this part.

(c) For BIG Tier 2—National grants, we review and rank each application individually, and each must compete with other applications for the same award year.

(d) If you receive a BIG grant for one of your applications, we do not give preference to other applications you submit.

(e) If you do not complete your project, we may take one or more of the remedies for noncompliance found at 2 CFR 200.338, and any other regulations that apply.

§ 86.45 If the Service does not select my grant application for funding, can I apply for the same project the following year?

Yes. If we do not select your BIG grant application for funding, you can apply for the same project the following year or in later years.

§ 86.46 What changes can I make in a grant application after I submit it?

(a) After you submit your grant application, you can add or change information up to the date and time that the applications are due.

(b) After the application due date and before we announce selected projects, you can add or change information in your application only if it does not affect the scope of the project, would not affect the score of the application,

and is not a correction (see paragraph (c) of this section).

(1) During this period we may ask you to change the useful life following the requirements at § 86.74 or allocation of costs between users of the BIG project following the requirements at § 86.19.

(2) If your application proposes using BIG funds for an action we identify as ineligible, we will decide on a case-by-case basis whether we will allow you to change your application to remove identified ineligible costs and if we will consider your application for funding.

(c) You must inform us of any incorrect information in an application as soon as you discover it, either before or after receiving an award.

(d) We may ask you at any point in the application process to:

(1) Clarify, correct, explain, or supplement data and information in the application;

(2) Justify the eligibility of a proposed action; or

(3) Justify the allowability of proposed costs or in-kind contributions.

(e) If you do not respond fully to our questions at paragraph (d) of this section

in the time allotted, we may decide not to consider your application for funding.

(f) If your application is competitive, but funding is limited and we cannot fully fund your project, we may tell you the amount of available funds and ask you if you wish to accept the reduced funding amount. We will decide on a case-by-case basis if we will consider changes to the scope of your project based on the reduced funding. Any changes to the scope of a project must not result in reducing the number of points enough to lower your project's ranking position. If you choose to accept the reduced amount, you must amend your application to reflect all changes, including the difference in Federal and non-Federal funding.

Subpart E—Project Selection

§ 86.50 Who ranks BIG Tier 2—National grant applications?

We assemble a panel of our professional staff to review, rank, and recommend grant applications for funding to the Director. This panel may

include representatives of our Regional Offices, with Headquarters staff overseeing the review, ranking, and recommendation process. Following the requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix), the Director may invite nongovernmental organizations and other non-Federal entities to take part in an advisory panel to make recommendations to the Director.

§ 86.51 What criteria does the Service use to evaluate BIG Tier 2—National applications?

Our panel of professional staff and any invited participants evaluate BIG Tier 2—National applications using the ranking criteria in the following table and assign points within the range for each criterion. We may give added information to guide applicants regarding these criteria in the annual NOFO on <http://www.grants.gov>. This may include the minimum total points that your application must receive in order to qualify for award.

Ranking criteria	Points
(a) Need, Access, and Cost Efficiency	20 total possible points.
(1) Will the proposed boating infrastructure meet a need for more or improved facilities?	0–10.
(2) Will eligible users receive benefits from the proposed boating infrastructure that justify the cost of the project?	0–7.
(3) Will the proposed boating infrastructure accommodate boater access to significant destinations and services that support transient boater travel?	0–3.
(b) Match and Partnerships	10 total possible points.
(1) Will the proposed project include private, local, or State funds greater than the required minimum match?	0–7.
(2) Will the proposed project include contributions by private or public partners that contribute to the project objectives?	0–3.
(c) Innovation	6 total possible points.
(1) Will the proposed project include physical components, technology, or techniques that improve eligible-user access?	0–3.
(2) Will the proposed project include innovative physical components, technology, or techniques that improve the BIG-funded project?	0–2.
(3) Has the facility where the project is located demonstrated a commitment to environmental compliance, sustainability, and stewardship and has an agency or organization officially recognized the facility for its commitment?	0–1.
(d) Total possible points	36.

§ 86.52 What does the Service consider when evaluating a project on the need for more or improved boating infrastructure?

In evaluating a proposed project under the criterion at §§ 86.51(a)(1) on the need for more or improved boating infrastructure facilities, we consider whether the project will:

(a) Construct new boating infrastructure in an area that lacks it, but where eligible vessels now travel or would travel if the project were completed;

(b) Renovate a facility to:

- (1) Improve its physical condition;
- (2) Follow local building codes;

(3) Improve generally accepted safety standards; or

(4) Adapt it to a new purpose for which there is a demonstrated need;

(c) Create accessibility for eligible vessels by reducing wave action, increasing depth, or making other physical improvements;

(d) Expand an existing marina or mooring site that is unable to accommodate current or projected demand by eligible vessels; or

(e) Make other improvements to accommodate an established eligible need.

§ 86.53 What factors does the Service consider for benefits to eligible users that justify the cost?

(a) We consider these factors in evaluating a proposed project under the criterion at § 86.51(a)(2) on whether benefits to eligible users justify the cost:

- (1) Total cost of the project;
- (2) Total benefits available to eligible users upon completion of the project; and

(3) Reliability of the data and information used to decide benefits relative to costs.

(b) You must support the benefits available to eligible users by clearly

describing them in the project statement and explaining how they relate to *Need* at § 86.43(a).

(c) We will consider the cost relevant to all benefits to eligible users that are adequately supported in the application. We may consider the availability of preexisting structures and amenities, but only in the context of the need identified at § 86.43(a).

(d) Describe in your application any factors that would influence project costs, such as:

(1) The need for specialized materials to meet local codes, address weather or terrain, or extend useful life;

(2) Increased transportation costs due to location; or

(3) Other factors that may increase costs, but whose actions support needed benefits.

(e) Describe any costs that are associated with providing a harbor of safe refuge.

§ 86.54 What does the Service consider when evaluating a project on boater access to significant destinations and services that support transient boater travel?

In evaluating a proposed project under the criterion on boater access at § 86.51(a)(3), we consider:

(a) The degree of access that the BIG-funded facility will give;

(b) The activity, event, or landmark that makes the BIG-funded facility a destination, how well known the attraction is, how long it is available, and how likely it is to attract boaters to the facility; and

(c) The availability of services and safety near the BIG-funded facility, how easily boaters can access them, and how well they serve the needs of eligible users.

§ 86.55 What does the Service consider as a partner for the purposes of these ranking criteria?

(a) The following may qualify as partners for purposes of the ranking criteria:

(1) A non-Federal entity, including a subgrantee.

(2) A Federal agency other than the Service.

(b) The partner must commit to a financial contribution or an in-kind contribution, or to take a voluntary action during the period of performance.

(c) In-kind contributions or actions must be necessary and contribute directly and substantively to the completion of the project. You must explain in the grant application how they are necessary and contribute to completing the project.

(d) A governmental entity may be a partner unless its contribution to completing the project is a mandatory

duty of the agency, such as reviewing a permit application. A voluntary action by a government agency or employee is a partnership.

§ 86.56 What does the Service consider when evaluating a project that includes more than the minimum match?

(a) When we evaluate a project under the criterion for match at § 86.51(b)(1), we consider how much cash the applicant and partners commit above the required minimum match of 25 percent of project costs.

(b) The contribution may be from a State, a single source, or any combination of sources.

(c) We will award points as follows:

Percent cash match	Points
26–30	1
31–35	2
36–40	3
41–45	4
46–50	5
51–80	6
81 or higher	7

(d) We must waive the first \$200,000 in match for the entities described at § 86.32(a). We will determine the required match by subtracting the waived amount from the required 25 percent match and award points using the table at paragraph (c) of this section.

§ 86.57 What does the Service consider when evaluating contributions that a partner brings to a project?

(a) We consider these factors for partner contributions in evaluating a proposed project under the criterion at § 86.51(b)(2):

(1) The significance of the contribution to the success of the project;

(2) How the contribution supports the actions proposed in the project statement;

(3) How the partner demonstrates its commitment to the contribution; and

(4) The ability of the partner to fulfill its commitment.

(b) We may consider the combined contributions of several partners, according to the factors at paragraph (a) of this section.

(c) To receive consideration for this criterion, you must show in your application how a partner, or group of partners, significantly supports the project by addressing the factors in paragraph (a) of this section.

(d) You may describe partner contributions in the project statement.

(e) Under this criterion, partner contributions need not exceed the 25 percent required match.

§ 86.58 What does the Service consider when evaluating a project for a physical component, technology, or technique that will improve eligible user access?

(a) In evaluating a proposed project under the criterion at § 85.51(c)(1), we consider whether the project will increase the availability of the BIG-funded facility for eligible users or improve eligible boater access to the facility by:

(1) Using a new technology or technique; or

(2) Applying a new use of an existing technology or technique.

(b) We will not award points for following access standards set by law.

(c) We will consider if you choose to complete the project using an optional or advanced technology or technique that will improve access, or if you go beyond the minimum requirements.

(d) To receive consideration for this criterion, you must describe in the grant application the current standard and how you will exceed the standard.

§ 86.59 What does the Service consider when evaluating a project for innovative physical components, technology, or techniques that improve the BIG project?

(a) In evaluating a proposed project under the criterion at § 86.51(c)(2), we consider if the project will include physical components, technology, or techniques that are:

(1) Newly available; or

(2) Repurposed in a unique way.

(b) Examples of the type of innovations we will consider are components, technology, or techniques that:

(1) Extend the useful life of the BIG-funded project;

(2) Are designed to allow the operator to save costs, decrease maintenance, or improve operation;

(3) Are designed to improve BIG-eligible services or amenities;

(4) Reduce the carbon footprint of the BIG-funded facility. *Carbon footprint* means the impact of the total set of greenhouse gas emissions;

(5) Are used during construction specifically to reduce negative environmental impacts, beyond compliance requirements; or

(6) Improve facility resilience.

§ 86.60 What does the Service consider when evaluating a project for demonstrating a commitment to environmental compliance, sustainability, and stewardship?

(a) In evaluating a project under the criterion at § 86.51(c)(3), we consider if the application documents that the facility where the BIG-funded project is located has received official recognition for its voluntary commitment to

environmental compliance, sustainability, and stewardship by exceeding regulatory requirements.

(b) The official recognition must be part of a voluntary, established program administered by a Federal or State agency, local governmental agency, Sea Grant or equivalent entity, or a State or Regional marina organization.

(c) The established program must require the facility to use management and operational techniques and practices that will ensure it continues to meet the high standards of the program and must contain a component that requires periodic review.

(d) The facility must have met the criteria required by the established program and received official recognition by the due date of the application.

§ 86.61 What happens after the Director approves projects for funding?

(a) After the Director approves projects for funding, we notify successful applicants of the:

- (1) Amount of the grant;
- (2) Documents or clarifications required, including those required for compliance with applicable laws and regulations;
- (3) Approvals needed and format for processing approvals; and
- (4) Time constraints.

(b) After we receive the required forms and documents, we approve the project and the terms of the grant and obligate the grant in the Federal financial management system.

(c) BIG funds are available for Federal obligation for 3 Federal fiscal years, starting October 1 of the fiscal year that funds become available for award. We do not make a Federal obligation until you meet the grant requirements. Funds not obligated within 3 fiscal years are no longer available.

Subpart F—Grant Administration

§ 86.70 What standards must I follow when constructing a BIG-funded facility?

(a) You must design and build a BIG-funded facility so that each structure meets Federal, State, and local standards.

(b) A Region or a State may require you to have plans reviewed by a subject-matter expert if there are questions as to the safety, structural stability, durability, or other construction concerns for projects that will cost more than \$100,000.

§ 86.71 How much time do I have to complete the work funded by a BIG grant?

(a) We must obligate a grant within 3 Federal fiscal years of the beginning of the Federal fiscal award year.

(b) We will work with you to set a start date within the 3-year period of obligation. We assign a period of performance that is no longer than 3 years from the grant start date.

(c) You must complete your project within the period of performance unless you ask for and receive a grant extension.

§ 86.72 What if I cannot complete the project during the period of performance?

(a) If you cannot complete the project during the 3-year period of performance, you may ask us for an extension. Your request must be in writing, and we must receive it before the end of the original period of performance.

(b) An extension is considered a revision of a grant and must follow guidance at § 86.101.

(c) We will approve an extension up to 2 years if your request:

- (1) Describes in detail the work you have completed and the work that you plan to complete during the extension;
- (2) Explains the reasons for delay;
- (3) Includes a report on the status of the project budget; and
- (4) Includes assurance that you have met or will meet all other terms and conditions of the grant.

(d) If you cannot complete the project during the extension period, you may ask us for a second extension. Your request must be in writing, and we must receive it before the end of the first extension. Your request for a second extension must include all of the information required at paragraph (b) of this section and, it must show that:

- (1) The extension is justified;
- (2) The delay in completion is not due to inaction, poor planning, or mismanagement; and
- (3) You will achieve the project objectives by the end of the second extension.

(e) We require that the Regional Director and the Service's Assistant Director for the Wildlife and Sport Fish Restoration Program approve requests to extend a project beyond 5 years of the grant start date.

§ 86.73 How long must I operate and maintain a BIG-funded facility, and who is responsible for the cost of facility operation and maintenance?

(a) You must operate and maintain a BIG-funded facility for its authorized purpose for its useful life. See §§ 86.3, 86.43(f), and 86.74.

(b) Catastrophic events may shorten the useful life of a BIG-funded facility. If it is not feasible or is cost-prohibitive to repair or replace the BIG-funded facility, you may ask to revise the grant to reduce the useful-life obligation.

(c) You are responsible for the costs of the operation and maintenance of the BIG-funded facility for its useful life, except as allowed at § 86.14(b).

§ 86.74 How do I determine the useful life of a BIG-funded facility?

You must determine the useful life of your BIG-funded project using the following:

(a) You must give an informed estimate of the useful life of the BIG-funded project in your grant application, including the information in Steps 1, 2, and 3, in paragraphs (a)(1) through (3) of this section, as applicable.

(1) *Step 1.* Identify all capital improvements that are proposed in your project. We may reject your application if you do not include an estimate for useful life.

(i) Use the definition of *capital improvement* at § 86.3.

(ii) The capital improvement must be a structure or system that serves an identified purpose.

(iii) Consider the function of the components in your application and group those with a similar purpose together as structures or systems.

(iv) All auxiliary components of your project (those that are not directly part of the structure or system) must be identified as necessary for the continued use of an identified capital improvement. For example, a gangway is not part of the dock system, but is necessary for access to and from the dock system, so it could be included in the useful life of the dock system.

(v) Attach an auxiliary component as identified at paragraph (a)(1)(iv) of this section to only one capital improvement. If it supports more than one, choose the one with the longest useful life.

(vi) Examples of structures or systems that could potentially make up a single capital improvement are a: Rest room/shower building; dock system; breakwater; seawall; basin, as altered by dredging; or fuel station.

(2) *Step 2.* Estimate the useful life of each capital improvement identified in Step 1 in paragraph (a)(1) of this section.

(i) State how you determine the useful life estimate.

(ii) Identify factors that may influence the useful life of the identified capital improvement, such as: Marine environment, wave action, weather conditions, and heavy usage.

(iii) Examples of sources to obtain estimates for useful life information when developing your application are: Vendors, engineers, contractors, or others with expertise or experience with a capital improvement.

(3) *Step 3.* If you are asking us to consider additional points for a physical

component, technology, or technique under the criterion at § 86.51(c) that will increase the useful life, you must describe in your application:

(i) The capital improvement or component that you will apply the criterion at § 86.51(c) to;

(ii) The expected increase in useful life;

(iii) The sources of information that support your determination of an extended useful life; and

(iv) A description of how you expect the useful life will be increased.

(b) After you submit your application, but before we award your grant, you must:

(1) Confirm the useful life for each capital improvement using a generally accepted method.

(2) Provide any additional documents or information, if we request it.

(3) Consult and obtain agreement for your final useful life determinations at the State or Regional level, or both.

(4) Revise your application, as needed, to include the final useful life determination(s).

(c) If we find before we award the grant that you are unable to support your determination of an extended useful life at § 86.51(c), we will reduce your score and adjust the ranking of applications accordingly.

(d) You must finalize useful life in your grant by one of the following methods:

(i) State several useful-life expectations, one for each individual capital improvement you identified at paragraph (a)(1) of this section; or

(ii) State a single useful life for the whole project, based on the longest useful life of the capital improvements you identified at paragraph (a)(1) of this section.

(e) States may decide to use only one of the methods described at paragraph (d) of this section for all BIG-funded projects in their State.

§ 86.75 How should I credit BIG?

(a) You must use the Sport Fish Restoration logo to show the source of BIG funding:



(b) Examples of language you may use to credit BIG are:

(1) A Sport Fish Restoration—Boating Infrastructure Grant funded this facility thanks to your purchase of fishing equipment and motorboat fuel.

(2) A Sport Fish Restoration—Boating Infrastructure Grant is funding this construction thanks to your purchase of fishing equipment and motorboat fuel.

(3) A Sport Fish Restoration—Boating Infrastructure Grant funded this pamphlet thanks to your purchase of fishing equipment and motorboat fuel.

(c) States may ask for approval of alternative language to follow ordinances and restrictions for posting information where the project is located.

§ 86.76 How can I use the logo for BIG?

(a) You must use the Sport Fish Restoration logo on:

(1) BIG-funded facilities;

(2) Printed or Web-based material or other visual representations of BIG projects or achievements; and

(3) BIG-funded or BIG-related educational and informational material.

(b) You must require a subgrantee to display the logo in the places and on materials described at paragraph (a) of this section.

(c) Businesses that contribute to or receive from the Trust Fund that we describe at § 86.30 may display the logo in conjunction with its associated products or projects.

(d) The Assistant Director or Regional Director may authorize other persons, organizations, agencies, or governments not identified in this section to use the logo for purposes related to BIG by entering into a written agreement with the user. The user must state how it intends to use the logo, to what it will attach the logo, and the relationship to BIG.

(e) The Service and the Department of the Interior make no representation or endorsement whatsoever by the display of the logo as to the quality, utility, suitability, or safety of any product, service, or project associated with the logo.

(f) The user of the logo must indemnify and defend the United States and hold it harmless from any claims, suits, losses, and damages from:

(1) Any allegedly unauthorized use of any patent, process, idea, method, or device by the user in connection with its use of the logo, or any other alleged action of the user; and

(2) Any claims, suits, losses, and damages arising from alleged defects in the articles or services associated with the logo.

(g) No one may use any part of the logo in any other manner unless the Service's Assistant Director for Wildlife and Sport Fish Restoration or Regional

Director authorizes it. Unauthorized use of the logo is a violation of 18 U.S.C. 701 and subjects the violator to possible fines and imprisonment.

§ 86.77 How must I treat program income?

(a) You must follow the applicable program income requirements at 2 CFR 200.80 and 200.307 if you earn program income during the period of performance.

(b) We authorize the following options in the regulations cited at paragraph (a) of this section:

(1) You may deduct the costs of generating program income from the gross income if you did not charge these costs to the grant. An example of costs that may qualify for deduction is maintenance of the BIG-funded facility that generated the program income.

(2) Use the addition alternative for program income only if:

(i) You describe the source and amount of program income in the project statement according to § 86.43(k)(2); and

(ii) We approve your proposed use of the program income, which must be for one or more of the actions eligible for funding at § 86.11.

(3) Use the deduction alternative for program income that does not qualify under paragraph (b)(2) of this section.

(c) We do not authorize the cost-sharing or matching alternative in the regulations cited at paragraph (a) of this section.

(d) For BIG Tier 1-State grants with multiple projects that you may complete at different times, we recommend that States seek our advice on how to apply for and manage grants to reduce unintended program income.

(e) If your project is completed before the end of the period of performance, we recommend you notify us and ask for advice on how to adjust the period of performance to manage potential program income.

§ 86.78 How must I treat income earned after the period of performance?

You are not accountable to us for income earned by you or a subgrantee after the period of performance as a result of the grant except as required at §§ 86.90 and 86.91.

Subpart G—Facility Operations and Maintenance

§ 86.90 How much must an operator of a BIG-funded facility charge for using the facility?

(a) An operator of a BIG-funded facility must charge reasonable fees for using the facility based on prevailing rates at other publicly and privately owned local facilities similarly situated

and offering a similar service or amenity.

(b) If other publicly and privately owned local facilities offer BIG-funded services or amenities free of charge, then a fee is not required.

(c) If the BIG-funded facility has a State or locally imposed fee structure, we will accept the mandated fee structure if it is reasonable and does not impose an undue burden on eligible users.

(d) You must state proposed fees and the basis for the fees in your grant application. The information you give may be in any format that clearly shows how you arrived at an equitable amount.

§ 86.91 May an operator of a BIG-funded facility increase or decrease user fees during its useful life?

(a) An operator of a BIG-funded facility may increase or decrease user fees during its useful life without our prior approval if they are consistent with prevailing market rates. The grantee may impose separate restrictions on an operator or subgrantee.

(b) If the grantee or we discover that fees charged by the operator of a BIG-funded facility do not follow § 86.90 and the facility unfairly competes with other marinas or makes excessive profits, the grantee must notify the operator in writing. The operator must respond to the notice in writing, and either justify or correct the fee schedule. If the operator justifies the fee schedule, the grantee and we must allow reasonable business decisions and only call for a change in the fee schedule if the operator is unable to show that the increase or decrease is reasonable.

§ 86.92 Must an operator of a BIG-funded facility allow public access?

(a) *Public access* in this part means access by eligible users, for eligible activities, or by other users for other activities that either support the purpose of the BIG-funded project or do not interfere with the purpose of the BIG-funded project. An operator of a BIG-funded facility must not allow activities that interfere with the purpose of the project.

(b) An operator of a BIG-funded facility must allow public access to any part of the BIG-funded facility during its useful life, except as described at paragraphs (e) and (f) of this section.

(c) An operator of a BIG-funded facility must allow reasonable public access to other parts of the facility that would normally be open to the public and must not limit access in any way that discriminates against any member of the public.

(d) The site of a BIG-funded facility must be:

(1) Accessible to the public; and

(2) Open for reasonable periods.

(e) An operator may temporarily limit public access to all or part of the BIG-funded facility due to an emergency, repairs, construction, or as a safety precaution. (f) An operator may limit public access when seasonally closed for business.

§ 86.93 May I prohibit overnight use by eligible vessels at a BIG-funded facility?

You may prohibit overnight use at a BIG-funded facility if you state in the approved grant application that the facility is only for day use. If after we award the grant you wish to change to day use only, you must follow the requirements at subpart H of this part.

§ 86.94 Must I give information to eligible users and the public about BIG-funded facilities?

(a) You must give clear information using signs or other methods at BIG-funded facilities that:

(1) Direct eligible users to the BIG-funded facility;

(2) Include restrictions and operating periods or direct boaters where to find the information; and

(3) Restrict ineligible use at any part of the BIG-funded facility designated only for eligible use.

(i) You do not need to notify facility users of any restrictions for shared-use areas and amenities that you have already decided have predictable mixed use and you have allocated following § 86.19.

(ii) You must notify facility users of benefits that you decide are only for eligible users, such as boat slips and moorage.

(b) You may use new technology and methods of communication to inform boaters.

Subpart H—Revisions and Appeals

§ 86.100 Can I change the information in a grant application after I receive a grant?

(a) To change information in a grant application after you receive a grant, you must propose a revision of the grant and we must approve it.

(b) We may approve a revision if:

(1) For BIG Tier 1—State and BIG Tier 2—National awards, the revision:

(i) Would not significantly decrease the benefits of the project; and

(ii) Would not increase Federal funds.

(2) For BIG Tier 2—National awards, the revision:

(i) Involves process, materials, logistics, or other items that have no significant effect on the factors used to decide the score; and

(ii) Keeps an equal or greater percentage of the non-Federal matching share of the total BIG project costs.

(c) We may approve a decrease in the Federal funds requested in the application subject to paragraph (b) of this section.

(d) The Regional WSFR Office must follow its own procedures for review and approval of any changes to a BIG Tier 1—State grant.

(e) The Regional WSFR Office must receive approval from the WSFR Headquarters Office for any changes to a BIG Tier 2—National grant that involves cost or affects project benefits.

§ 86.101 How do I ask for a revision of a grant?

(a) You must ask for a revision of a grant by sending us the following documents:

(1) The standard form used to apply for Federal assistance, which is available at <http://www.grants.gov>. You must use this form to update or ask for a change in the information that you included in the approved grant application. The authorized representative of your agency must certify this form.

(2) A statement attached to the standard form at paragraph (a)(1) of this section that explains:

(i) The proposed changes and how the revision would affect the information that you submitted with the original grant application; and

(ii) Why the revision is necessary.

(b) You must send any revision of the scope to your State Clearinghouse or Single Point of Contact if your State supports this process under Executive Order 12372, Intergovernmental Review of Federal Programs.

§ 86.102 Can I appeal a decision?

You can appeal the Director's, Assistant Director's, or Regional Director's decision on any matter subject to this part according to 2 CFR 200.341.

(a) You must send the appeal to the Director within 30 calendar days of the date that the Director, Assistant Director, or Regional Director mails or otherwise informs you of a decision.

(b) You may appeal the Director's decision under paragraph (a) of this section to the Secretary of the Interior within 30 calendar days of the date that the Director mailed the decision. An appeal to the Secretary must follow procedures at 43 CFR part 4, subpart G, "Special Rules Applicable to Other Appeals and Hearings."

§ 86.103 Can the Director authorize an exception to this part?

The Director can authorize an exception to any requirement of this part that is not explicitly required by

law if it does not conflict with other laws or regulations or the policies of the Department of the Interior or the Office of Management and Budget (OMB).

Subpart I—Information Collection

§ 86.110 What are the information-collection requirements of this part?

OMB has reviewed and approved the U.S. Fish and Wildlife information

collection requirements (project narratives, reports, and amendments) in this part and assigned OMB Control No. 1018–0109. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. You may send comments on any aspect of the information collection requirements to

the Service Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

Dated: April 21, 2015.

Michael Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2015–09961 Filed 5–5–15; 8:45 am]

BILLING CODE 4310–55–P

**THE COUNTY OF SURRY, VIRGINIA
BROADBAND EXPANSION**

PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** (“Agreement”) made and entered this ____ day of _____, 2020, by and among **THE COUNTY OF SURRY, VIRGINIA** (the “Grantee” or “County”) a political subdivision of the Commonwealth of Virginia, **PGEC ENTERPRISES, LLC**, (“PGECE”) a Virginia limited liability company authorized to transact business in the Commonwealth of Virginia, and the **ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF SURRY, VIRGINIA** (the “Authority”), a political subdivision of the Commonwealth of Virginia, collectively referred to as the “Parties.”

WITNESSETH:

WHEREAS, in 2018, the County and Authority entered into a Fiber to the Home Broadband Performance Agreement (“Broadband Agreement”) with PGECE to provide connections to homes and businesses in the County; and

WHEREAS, as a part of Phase I of the Broadband Agreement, the County and Authority provided PGECE a Five Hundred Thousand Dollars (\$500,000.00) grant and in return PGECE agreed to provide and make available consistent and reliable broadband service to a minimum of 250 new subscribers in the County and PGECE has since made broadband available to approximately 300 businesses and residences covered by the VATI grant; and

WHEREAS, as a result, the Parties agree that PGECE has met its contractual obligations under Phase I; and

WHEREAS, prior to implementing Phase II of the Broadband Agreement, the County, with the assistance of PGECE as co-applicants, submitted an application to the Department of Housing and Community Development (“DHCD”) for funding to expand fiber to the home to areas not currently served by a broadband provider in the County; and

WHEREAS, the aforementioned DHCD application contained a request by the County of Two Million Two-Hundred Twenty Five Thousand Dollars (\$2,225,000.00) of funding through the Virginia Telecommunication Initiative Program (VATI) with the County providing a local funding match of Two Million Two Hundred Twenty Five Thousand Dollars (\$2,225,000.00) of which Five Hundred Thousand Dollars (\$500,000.00) had been previously dedicated for Phase II of the 2018 Broadband Agreement; and

WHEREAS, on January 22, 2020, DHCD announced that it offered the County a Two Million, Two Hundred Twenty Five Thousand Dollars (\$2,225,000.00) grant under the VATI program in response to the application of the County; and

WHEREAS, as a condition of VATI, the County agrees to provide a matching grant in the amount of Two Million, Two Hundred Twenty Five Thousand Dollars (\$2,225,000.00) for a total of Four Million Four Hundred Fifty Thousand Dollars (\$4,450,000.00) collectively the “Grant Funds” (including the previously dedicated \$500,000.00 for the funding of Phase II of the 2018 Broadband Agreement);and

WHEREAS, it is agreed that the previously dedicated Five Hundred Thousand Dollars (\$500,000.00) for the funding of Phase II of the 2018 Broadband Agreement is to be considered a part of and included in the Two Million, Two Hundred-Twenty-Five Thousand Dollars (\$2,225,000.00) matching grant provided by the County under the terms of this Agreement; and

WHEREAS, the County agrees to waive any penalties against PGECE for any nonperformance of any terms of the 2018 Broadband Agreement; and

WHEREAS, pursuant to the terms of the VATI grant, an estimated 1,339 serviceable residences and business units are located in the VATI territory of the County which is shown on the map attached hereto as Exhibit A which will gain internet access to broadband service up to 1G download/1G upload (plus an additional 250 businesses and residences that may be outside of the VATI area as satisfaction of Phase II of the Broadband Agreement); and

WHEREAS, the grant agreement between DHCD and the County (the “DHCD Agreement”) will impose certain responsibilities on the County in accepting the VATI grant; and

WHEREAS, as contemplated in the DHCD application for funding submitted by Surry County, the County, the Authority and PGECE wish to outline the responsibilities of the Parties.

NOW THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the Parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties covenant and agree as follows:

1. **Recitals.** The recitals listed above are hereby incorporated by reference.
2. **Definitions.** For purposes of this Agreement, the following terms shall have the following definitions:
 - (a) **“Broadband Availability”** shall mean the availability of the connection necessary to access broadband for structures that are within one thousand feet of a VDOT road where an existing PG Electric pole or other access point is located.
 - (b) **“Broadband”** shall mean a minimum broadband speed of twenty-five (25) Mbps down and three (3) Mbps up and up to 1G download/1G upload as defined by the FCC.
 - (c) **“Consistent”** shall mean ability of the Broadband Service to maintain promised speeds at periods of peak use.
 - (d) **“Passings”** shall mean the number of residences/business serviceable units that will have access to broadband fiber connectivity.

(e) **“Reliable”** shall mean the ability to maintain service in the case of storms or system breakdowns consistent with industry standards for a rural fiber optic network.

3. **Broadband Agreement.** As the VATI grant enables further expansion of broadband access in the County and whereas broadband expansion in Surry County, Virginia is a single project aimed at enhancing the economic development and growth of the community, this Agreement supersedes the Broadband Agreement dated September 24, 2018, by and among the parties hereto. It is further agreed that Parties to the 2018 Broadband Agreement are no longer obligated to perform any of the terms of said Agreement and it is expressly understood that the County and Authority are no longer obligated to pay the Five Hundred Thousand Dollars (\$500,000.00) for Phase II as provided for in the 2018 Broadband Agreement.

4. **Contract Documents.**

The Contract Documents shall consist of this Agreement, along with the following exhibits (collectively, “Contract Documents”) which are attached hereto and incorporated herein (and not listed in order of precedence):

1. Exhibit A- VATI coverage map
2. Exhibit B- the DHCD Agreement (Grant Contract Number VATI #2020SC-002), and Terms and Conditions, with DHCD and Surry County as the only Parties to the Agreement
3. Exhibit C-the submitted application
4. Exhibit D- project management schedule and budget

5. **Scope of Work.** PGECE shall perform and complete the project described herein including but not limited to installation of approximately 113 miles of fiber optic cable and purchase and install necessary electronic equipment required to make available consistent and reliable broadband service to an estimated 1,339 businesses and residences in the VATI area of the County as demonstrated in the Exhibit A map, with up to 1G download/1G upload on or before June 4, 2021 (plus an additional 250 businesses and residences that may be outside of the VATI area as satisfaction of Phase II of the Broadband Agreement).

6. **Term.** The work as described in this Agreement shall commence upon execution of this Agreement and said work shall be completed on or before June 4, 2021 as required under the terms of this Agreement.

7. **Disbursement of Grant Funds.**

(a) The total project cost is anticipated to be Four Million Four Hundred Fifty Thousand Dollars (\$4,450,000.00) comprised of the following:

VATI contribution	\$2,225,000.00
County local match	<u>\$2,225,000.00</u>

\$4,450,000.00

- (b) PGECE agrees to use the Grant Funds in accordance with the terms and conditions in this Agreement.
 - (c) All Parties acknowledge and understand that performance of this project and payment of Grant Funds to Grantee under the terms of the DHCD Agreement are contingent upon execution of the DHCD Agreement by the County and upon payment of the funds to the County through VATI. Payments to PGECE pursuant to this Agreement are subject to the appropriation of funds by the County to the Authority in accordance with the payment process outlined in Paragraph 9. of this Agreement.
8. **Process of Payment by the County and Authority to PGECE.** PGECE shall submit monthly invoices and supporting documentation to the County for payment to PGECE for the project during the construction phase subject to the following:
- (a) The County shall review and verify all pay requests from PGECE and verify that preconstruction or construction work has been completed or equipment has been ordered and received prior to distributing funds.
 - (b) The County shall have thirty (30) days after its receipt of pay requests from PGECE, to verify any billed preconstruction and/or construction has been completed and billed equipment orders have been received by PGECE, to deliver the requested payment of Grant Funds by the County to the Authority.
 - (c) Subject to the delivery of the Grant Funds by the County to the Authority and within seven (7) days of its receipt of the Grant Funds, the Authority shall disburse the Grant Funds to PGECE.
 - (d) The Authority will not have any obligation to disburse any portion of the Grant Funds provided for in this Agreement until and unless the Authority has received such funds from the County.
 - (e) PGECE agrees to complete the Project on or before June 4, 2021. In the event PGECE fails to complete the Project described in this Agreement on or before the completion date or any extension or extensions thereof, PGECE shall not be required to return any funds paid to PGECE under the Terms of the Agreement.
9. **Speed Validation Data.** PGECE shall provide information to the County and DHCD, when requested, of subscribers and speed package selected, as well as speed validation data to ensure that the proposed outcomes have been met and broadband speeds meet VATI criteria.

10. Reporting.

(a) Monthly Reports. During the term of this Agreement, PGECE shall provide monthly reports, no later than the 10th day of each month, to the County which shall include:

- (i) Construction Status; and
- (ii) Expenditures to date (VATI and Non-VATI funds); and
- (iii) Number of passings; and
- (iv) Number of subscribers (i.e. residential, business, and community anchors); and
- (v) Verification that the installed speed is equivalent to the subscriber ordered speed. (VATI requires the minimum availability of 25 Mbps download and 3 Mbps upload).

(b) Final project progress report. PGECE shall submit a final progress report to the County which shall include items (a)(i-v) as provided in this paragraph number 10.

(c) Post-closeout report. PGECE shall provide to the County a post-closeout report on subscribers at six (6) months and one (1) year from project closeout. The reports shall include items (a)(i-v) as provided in this paragraph number 10.

11. Extensions. If circumstances occur that are beyond the reasonable control of PGECE, PGECE shall provide a written request to the County documenting the need for a reasonable extension. Upon receipt by the County of the written request, the County agrees to request an extension from DHCD and apply any extension granted to the County from DHCD to PGECE.

12. Notices. Any notices required or permitted under this Agreement shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return of certified mail or overnight courier package not accepted by the addressee):

If to PGECE, to:

Cary J. Logan, Jr., President
PGEC Enterprises, LLC
7103 General Mahone Hwy
Waverly, Virginia 23890

with copy to:

F. Lewis Wyche, Jr., Esquire
F. Lewis Wyche, Jr., P.C.
6405 Courthouse Road
P.O. Box 160
Prince George, Virginia 23875

and:

Garland Slaughter Carr
Williams Mullen
200 South 10th Street, Suite 1600
Post Office Box 1320 (23218)
Richmond, VA 23218

If to the County, to:
Melissa Rollins, County Administrator
45 School Street
Surry, Virginia 23883

with copy to:
County Attorney
45 School Street
Surry, Virginia 23883

If to the EDA, to:
Chair
45 School Street
Surry, Virginia 23883

with copy to:
County Attorney
45 School Street
Surry, Virginia 23883

13. Miscellaneous.

- (a) Governing Laws; Venue.** This Agreement is made, and is intended to be performed, in the Commonwealth of Virginia and shall be construed and enforced by the laws of the Commonwealth of Virginia without regard to its conflict-of-laws provisions.
- (b) Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.
- (c) Severability.** If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restarted to reflect the original intentions of the Parties as nearly as possible in accordance with applicable law.
- (d) Entire Agreement.** This Agreement is the entire agreement between the Parties as to the contained subject matter, and supersedes all other agreements, whether written or oral, and may only be modified or amended in writing signed by the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Performance Agreement as of the date first written above.

**PGEC ENTERPRISES, LLC,
a Virginia limited liability company**

By: _____
Cary J. Logan, Jr., President and CEO

Date: _____

**THE COUNTY OF SURRY, VIRGINIA,
a political subdivision of the Commonwealth of Virginia**

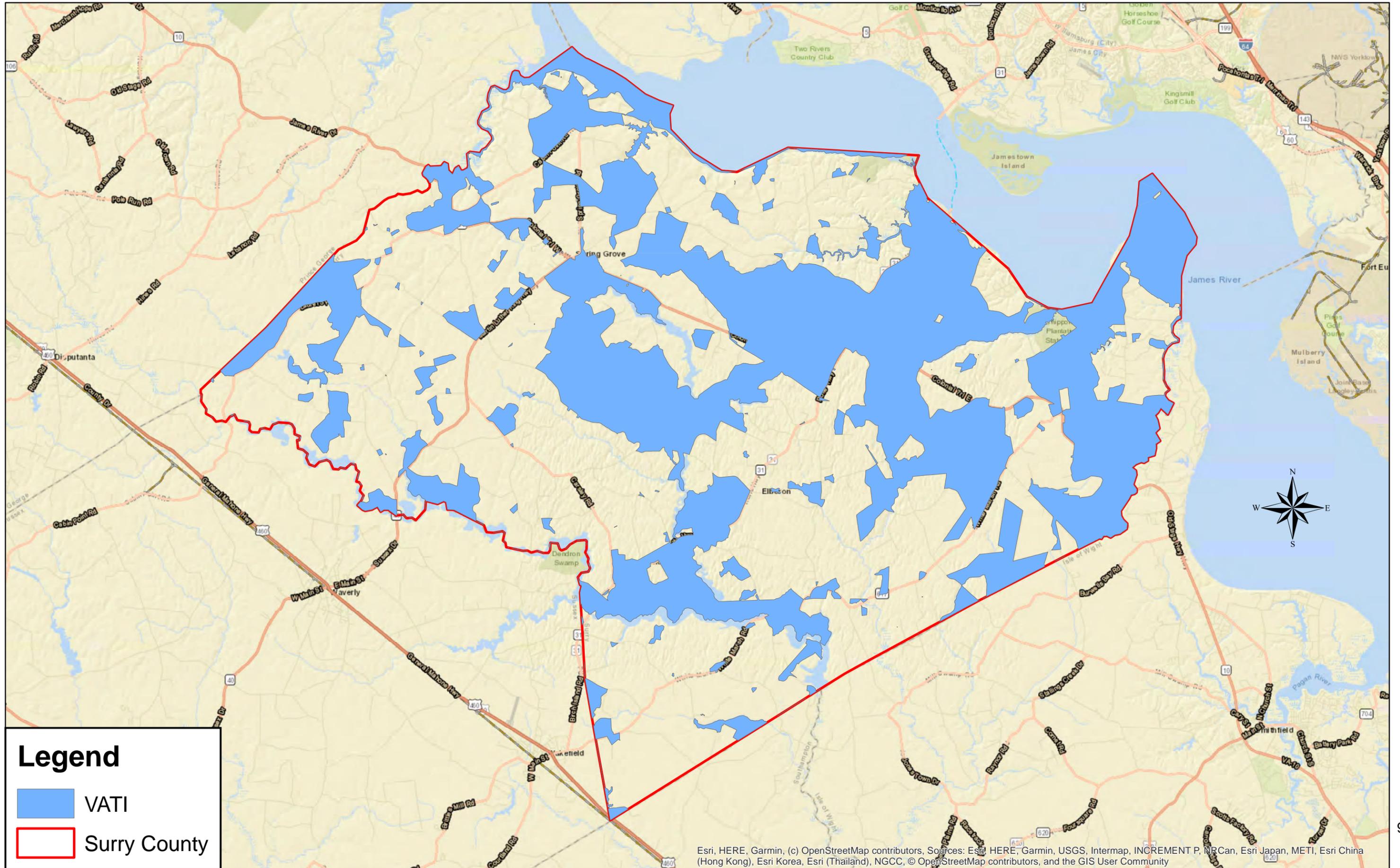
By: _____
Melissa Rollins, Acting County Administrator

Date: _____

**ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF SURRY,
VIRGINIA, a political subdivision of the Commonwealth of Virginia**

By: _____
Robert Chandler, Chair

Date: _____



Legend

-  VATI
-  Surry County

Esri, HERE, Garmin, (c) OpenStreetMap contributors, Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

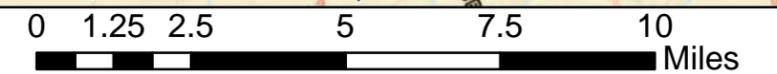


EXHIBIT B

CONTRACT#: VATI #2020SC-002

GRANTEE: **Surry County**

AGREEMENT

This AGREEMENT, entered into on the 4 day of June, 2020, by and between the Virginia Department of Housing and Community Development hereinafter referred to as “DHCD” and Surry County, hereinafter referred to as “GRANTEE.”

WITNESSETH

WHEREAS, the Commonwealth of Virginia has been authorized to distribute and administer the Virginia Telecommunication Initiative (VATI), and

WHEREAS, DHCD has been authorized to distribute and administer VATI funds according to the program guidelines and criteria, and

WHEREAS, the Project as described in the VATI application submitted by the GRANTEE has achieved a sufficiently high ranking through a competitive application selection system to qualify for VATI funding based on the program guidelines and criteria,

Now THEREFORE, the above-mentioned parties hereto do mutually agree as follows:

1. DHCD agrees to award the GRANTEE a Virginia Telecommunication Initiative grant in the amount of Two Million, Two Hundred Twenty Five Thousand Dollars (\$2,225,000).
2. DHCD agrees to provide the GRANTEE with technical assistance in setting up and carrying out the administration this project.
3. The GRANTEE will commence and carry out in partnership with PGEC Enterprises, LLC a broadband construction project designed to provide access to broadband services in Surry County from the Town of Surry to Dendron, Scotland, Poolesville and Claremont.
4. The GRANTEE must review all remittances/invoices from PGEC Enterprises, LLC and verify that pre-construction, and construction work has been completed, or equipment has been ordered and received prior to distributing VATI funds.
5. DHCD will conduct an Interim and Final Compliance Review. The GRANTEE will make all records available upon request by DHCD.
6. The GRANTEE shall retain financial records, supporting documents, statistical records, and all other records pertinent to the VATI award for a period of no less

than **five years** from the date of submission of the final expenditure report. When applicable, all contractors or GRANTEE shall comply with the Virginia Public Procurement Act § 2.2-4300 et seq. of the Code of Virginia, which requires that all original bids together with all documents pertaining to the award of a contract shall be retained in accordance with a retention period of at least five years.

7. The GRANTEE shall complete the Grant Activities as described in the CONTRACT DOCUMENTS on or before **June 4, 2021**. If the ACTIVITIES are not completed by that date all Grant funding and this AGREEMENT may be terminated and the GRANTEE shall return all unexpended funds, unless an amendment to the CONTRACT DOCUMENT provides otherwise.

PROJECT TITLE: Surry County/ Prince George Electric Broadband 2020

GRANT ACTIVITIES:

- 1) Construction of 113 miles of fiber
- 2) Electronics

OUTCOMES: **1,339 serviceable units will gain access to broadband service up to 1G download/1 G upload.**

REPORTING: Monthly and final progress reports to include:

- 1) Construction Status
- 2) Expenditures to date
- 3) Number of passings
- 4) Number of subscribers (i.e. residential, business, and community anchors)
- 5) Verify that the installed speed is equivalent to the subscriber ordered speed. VATI requires the minimum availability of 25 Mbps download and 3 Mbps upload.

TERMS and CONDITIONS

1. A total of Two Million Two Hundred Twenty Five Thousand Dollars (\$2,225,000) in matching funds is committed to this project by the GRANTEE or Co-Applicant, PGEC Enterprises, LLC. To be eligible, matching funds must be used to support eligible expenses as outlined in the approved budget.
2. PGEC Enterprises, LLC will provide speed validation data to the GRANTEE and/or a DHCD representative to ensure that the proposed project outcomes have been met and broadband speeds meet VATI criteria.
3. DHCD agrees to make payment to the GRANTEE upon receipt of a remittance with supporting documentation. Submissions of remittance may be made allowing approximately thirty (30) days to receive funds.
4. GRANTEE agrees to provide the following reports to DHCD:
 - a. Monthly progress reports must be submitted to DHCD no later than the 15th of each month. The reports must document VATI and Non-VATI funds obligated and expended to date and the actions taken on key deliverables, including but not limited to construction status, numbers of passings of serviceable units and number of subscribers.
 - b. Final project progress report. This report must document the total VATI and Non-VATI funds expended and the actions taken on key deliverables.
 - c. Post-closeout report on subscribers at six (6) months and one (1) year from project closeout
5. Grantee shall make all project documents available for an interim and final compliance review.
6. The Grantee must use the Centralized Application and Management System (CAMS) to provide all documentation including but not limited to:
 - a. After the AGREEMENT has been executed, the GRANTEE must submit the project budget into CAMS.
 - b. All correspondence, including contract amendment and budget revision request documents, must be uploaded into “Reports and Communication” in CAMS as *correspondence* documents.
 - c. All DOCUMENTS required by this contract must be uploaded into “Reports and Communication” in CAMS as *contract* documents.
 - d. All remittance requests must be submitted through “Remittance” in CAMS. If documents are submitted in “Reports and Communication” at the same time as a remittance request, the explanation text box at the bottom of the Remittances screen must note this fact.

7. To expedite receipt of payment, it is recommended that Grantees contact the Virginia Department of Accounts (DOA) to arrange for electronic transfer of VATI funds. The forms to establish electronic payment with DOA are available at www.doa.virginia.gov. At the home page, click on the Electronic Data Interchange (EDI) link button on the right. Scroll down to the Trading Partner Agreement and Enrollment form for Localities and Grantees. Print the form, fill it out and submit it. Instructions on completing the form are on the third page of the document.

8. The GRANTEE shall submit one of the following financial documents for the GRANTEE's fiscal year identified below: Financial Statement**, Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA), Audited Financial Statement prepared by an Independent CPA or an audit required by the Code of Federal Regulations (CFR), (2 CFR 200 Subpart F), audited by an Independent CPA. Please see the table below to determine which document your organization is required to submit. The threshold requirements outlined below are the *minimal* standards required by DHCD. We strongly encourage all organizations receiving funds from DHCD to undertake the highest level of financial management review to ensure practices and procedures are fully examined and evaluated.

Threshold Requirement	Document
Total annual expenditures \leq \$100,000 (Regardless of source)	Financial Statement prepared by organizations**
Total annual expenditure between \$100,001 and \$300,000 (Regardless of source)	Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA)
Total annual expenditures $>$ \$300,000 (Regardless of source)	Audited Financial Statement prepared by an Independent CPA
Federal expenditures \geq \$750,000	2 CFR 200 Subpart F--Audited by an Independent CPA

**Does not require preparation by a CPA

Entities shall file the required financial document in the Centralized Application and Management System (CAMS) within nine (9) months after the end of their fiscal year or 30 (thirty) days after it has been accepted (Reviewed Financial Statement, Audited Financial Statement, and Single Audit Act only) -whichever comes first.

The full DHCD Audit Policy, including an explanation of the specific document requirements, can be found online at:

http://www.dhcd.virginia.gov/images/DHCD/DHCD_Audit_Policy.pdf

9. GRANTEE agrees to recognize DHCD's support for Surry County and Surry County's efforts to expand broadband in all project related communication with the media and its marketing publications. The following statement is suggested:

“This program/project was funded/supported in collaboration with the Commonwealth of Virginia’s Telecommunication Initiative.”

In witness whereof, the parties hereto have executed or caused to be executed by their duly authorized official this AGREEMENT in duplicate, each copy of which will be deemed an original.

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

BY: _____ DATE: _____
Tamarah Holmes, Ph.D, Director, Office of Broadband

City of Richmond,
Commonwealth of Virginia

I do certify that Tamarah Holmes, personally appeared before me and made oath that she is the Director, Office of Broadband at the Department of Housing and Community Development and that she is duly authorized to execute the foregoing document.

My commission expires: _____.

Given under my hand this _____ day of June, 2020.

Notary Public Registration Number

Surry County

BY: _____ DATE: _____
Melissa Rollins, Acting County Administrator

Surry County
Commonwealth of Virginia

I do certify that Melissa Rollins, personally appeared before me and made oath that she is the Acting County Administrator of Surry County, Virginia and that she is duly authorized to execute the foregoing document.

My commission expires: _____.

Given under my hand this _____ day of June, 2020.

Notary Public Registration Number

Application to DHCD Submitted through CAMS

Surry County

Surry County/ Prince George Electric Broadband 2020

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Application ID: 64508132019090405
Application Status: In Progress - DHCD
Program Name: Virginia Telecommunications Initiative 2020
Organization Name: Surry County
Organization Address: 45 School Street
Surry, VA 23883-0065
Profile Manager Name: Melissa Rollins
Profile Manager Phone: (757) 294-5273
Profile Manager Email: mrollins@surrycountyva.gov

Project Name: Surry County/ Prince George Electric Broadband 2020
Project Contact Name: Jonathan Lynn
Project Contact Phone: (757) 294-5271
Project Contact Email: Jlynn@surrycountyva.gov
Project Location: 45 School Street
Surry, VA 23883-0000
Project Service Area: Surry County

Total Requested Amount: \$2,225,000.00
Required Annual Audit Status: Accepted

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Surry County

Surry County/ Prince George Electric Broadband 2020

Budget Information:

Cost/Activity Category	DHCD Request	Other Funding	Total
Telecommunications	\$2,225,000.00	\$2,225,000.00	\$4,450,000.00
Construction	\$2,225,000.00	\$1,725,000.00	\$3,950,000.00
Other: Fiber Services, Equipment, End	\$0.00	\$500,000.00	\$500,000.00
Total:	\$2,225,000.00	\$2,225,000.00	\$4,450,000.00

Budget Narrative:

Surry County supported via resolution a local funding match of \$2,225,000 representing 50% of the cost of the total project. The County had previously dedicated \$500,000 in the FY 19-20 budget for the current fiber to the home project with PGEC Enterprises. This equates to an additional commitment of \$1,725,000 that the County is willing to allocate for this project.

Questions and Responses:

1. Project Area

Explain why and how the project area(s) was selected. Describe the proposed geographic area including the boundaries of the project area (e.g. street names, local and regional boundaries, etc.). Attach a copy of the map of your project area(s). Label map: Attachment 1 –Project Area Map.

Answer:

The geographic area for this proposed project includes most of Surry County's 310 square miles and is bounded the north by the James River, west and south, the Sussex County municipal line, and East the Isle of Wight Municipal line as noted on the attached Project Area map. The project area was selected after consultation between the County and PGEC and meets the eligibility criteria established by the Virginia General Assembly and the Department of Housing and Community Development ("DHCD") for a Virginia Telecommunication Initiative ("VATI") award. It aligns with the footprint of PGEC long-term expansion plan to implement broadband infrastructure incrementally from areas within or near our electrical utility service areas and adjacent to communities where PGEC currently provides or is expanding broadband service. Surry County's effort to make broadband services available to constituents spanned more than seven years and is supported by business and residential constituents as evidenced by Broadband Planning grant and survey results and frequent requests by constituents about the status of public wireless internet programs and frustrations regarding continued delays. Surry County and the Virginia Department of Housing and Community Development cofounded a Broadband Planning study, completed in 2008. The surveyed business and residential constituents about internet services, satisfaction with existing service, likelihood of subscribing to fee based wireless internet service, and patterns of internet use. The study findings, report summary tables convincingly demonstrate that Surry County residential constituents are 1) Dissatisfied with current ISP, 83%, of whom use Dial Up providers. 80% of residential constituents reported that they are dissatisfied due to poor connection and insufficient bandwidth, high costs and unreliable service. Residential

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Surry County/ Prince George Electric Broadband 2020

constituents reported that their reliance on the internet requires that they access it using dial up and other technology for distance learning, web site hosting, online sales and training. Residents anticipate a significant uptick in use with improvements in broadband infrastructure and reported continuing existing uses and additional uses to include video conferencing, voice service and accessing tele-medicine opportunities. The 2008 Broadband Planning study reported similar findings for Surry County Business Constituents. 78% of business survey respondents reported using dial-up ISPs internet service and reported dissatisfaction in the areas of connection speed, bandwidth and price. Anticipated future use included advertising, online sales, web hosting and training. An important note related to the business survey respondents is that approximately 55% reported incomes of less than \$50,000 annually, categorizing most as small business users, employing 1-4 persons. There are an estimated 100 residential and commercial locations within the road center in the proposed Project area. In summary in combination with previously awarded connect America funding, the PGEC, Surry County and VDHCD grant funding, residential and commercial facilities in the County will have the opportunity to subscribe to the fiber to the home or business project.

2.

Describe your outreach efforts to identify existing providers in the selected project area. Provide a detailed explanation of how this information was compiled and the source(s). Provide a map and list of all existing providers (fixed and wireless) and speeds offered within the project area. Label Map: Attachment 2 – Existing Provider Map; label documentation: Attachment 3 – Documentation on CAF Funding Area.

Answer:

The project area chosen for this VATI grant submission currently does not have any provider that offers high-speed service set out by DHCD at <10 Mbps/1Mbps. Surry County owns a fiber network which starts south of Town and travels through the center of the Town of Surry. It serves anchor institutions such as the County's Administration Building and Sheriff's Office. SCS Broadband is one of two ISPs which provisions services from this fiber line. The fiber has a limited number of ports and very limited expansion capability without incurring significant cost.

380 Communications, located within the Town of Surry, is the second current ISP provider with an advertised basic service for \$69.95 for 3-4Mbps and a business plan for \$94.95 for 5-6Mbps. There are no other ISPs in the project area that meet speed requirements of 10Mbps or greater in advertised speeds. There are no DSL or cable services available in the Town of Surry today. The sole wireless ISP provider is 380 Communications which offers service only within the Surry municipal limits.

3. Project Need/Description

To be eligible for VATI, applicants must demonstrate that the proposed project area(s) is unserved. An unserved area is defined as an area with speeds of 10 Mbps / 1 Mbps or less and with less than 10 percent service coverage within the project area. Describe any anticipated service overlap with current providers within the project area.

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Provide specific information as to how you determined the percentage overlap. Label Attachment: Attachment Documentation Unserved Area VATI Criteria.

Answer:

Surry County proposes a partnership with Prince George Electric Cooperative (PGEC) to construct and extend service to areas that presently are unserved by any broadband provider. The project will be an extension of current fiber-to-the-home project currently underway. Surry County consists of 310 square miles, nearly all is unserved or underserved by broadband. In 2018, the County Board of Supervisors with support of the Economic Development Authority entered into an agreement with PGEC Enterprises for Phase I of a fiber-to-the-home partnership to provide connections to homes or businesses. The purpose of the public-private partnership between Surry County and PGEC Enterprises dba Ruralband, along with other local municipal partners, is to achieve the goal of having 100% of the Prince George Electric Cooperative service area in the county served by fiber-to-the-home. Additionally, PGEC Enterprises dba Ruralband will install fiber lines and will own and maintain the fiber system for the County. PGEC Enterprises dba Ruralband will provide internet service and handle all maintenance and billing. PGEC Enterprises dba Ruralband proposes at a minimum to offer three levels of broadband speed: 100 mbps/50 mbps upload, 100 mbps/100 mbps upload, and up to 1 Gbps/1 Gbps upload. The proposed project target unserved areas defined as having broadband speeds of 10 Megabits per second (Mbps) download and 1 Mbps upload or less to areas not currently covered in the County.

4. Provide the number of residential serviceable units in the project area(s). Describe the eligible premises that will be served by the proposed project and the basis for these projections.

Answer:

1,253 residential units available for service based on 2018 Census Data.

Broadbandnow.com was used as a resource to identify the following data points:

The average download speed in Surry is 2.46 Mbps. This is 95.9% slower than the average in Virginia and 1706.5% slower than the national average.

- x There are 9 internet providers in Surry with 3 of those offering residential service.
- x Surry is the 518th most connected city in Virginia ahead of Waverly, Wakefield, and Spring Grove behind Williamsburg and Fort Eustis.
- x There are 194 internet providers in all of Virginia.
- x Approximately 6,000 people in Surry County don't have access to any wired internet.
- x There are 5 companies offering business internet services in Surry.

- x 100% of Surry residents are still severely limited in wired broadband choices.

- x No one in Surry County has access to a fiber optic broadband connection.

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Virginia is the 26th most connected state in the U.S.

5. Indicate the numbers of businesses and community anchor institutions the proposed area. Also indicate the number of home-based businesses. Provide specific information.

Answer:

In 2017, Surry County, VA had a population of 6.67k people with a median age of 41 and a median household income of \$54,656. Between 2016 and 2017 the population of Surry County, VA decreased by 0.906% and its median household income declined from \$56,632 to \$54,656. According to the Census American Community Survey, Five Year estimate, the most common occupations for those who live in Surry County, VA, are Manufacturing (457 people), Retail Trade (362 people), and Health Care & Social Assistance (362 people). This chart shows the share breakdown of the top 50 occupations for residents of Surry County, VA, though some of these residents may live in Surry County elsewhere. Surry County Administration estimates that deployment of broadband infrastructure will create 235 home-based businesses. The Virginia Employment Commission's Economic Profile publication for 2017 lists the top fifty major employers as Virginia Electric & Power Company Inc., The Albemarle County School Board, County of Surry, S.W. Edwards and Sons, Windsor Mill, Fluor Daniel Corporation, Surry County Department of Social Services, Barlett Nuclear, Coggin Electric Resources, Seward Lumber Company Inc., Sho Enterprises LLC, Virginia Department of Transportation, United States Postal Service, Carrolls Foods, Association for Preservation, Dominion Technical Solutions, Tidewater Testing Service, Blaney Services, 7-Eleven, Ace Charter Service, Dolgenc Schorsch, Anna's Pizza of Surry, Wayne Garnett Logging, Johnson Brothers, Virginia - Commonwealth Foundation, BB & T Corp, Mojitos Mexican Grill, Virginia State Department of Health, Trucking Company, John R. Curtis Jr., June R. Tunstall, MD, Marion C Sowder, South Fork Logging LLC, Eastern Forestry Tree Services, James L. Kirby Jr., R.A., Goodrich Trucking, Virginia State Police, Virginia Farm Bureau Mutual Insurance, Inc., Virginia Tech Cooperative Extension, Excavating & Hauling Inc., and Joes Alignment & Exhaust. Additionally, the Surry County Revenue's office indicates that approximately 235 +/- Home Based Business license holders exist in Surry County. (08/30/19)

6. Understanding that projected take rates are an estimate, provide the anticipated take rate within one year of project completion and describe the basis for the estimate. Also describe the marketing activities, outreach plan) to be implemented to reach the identified population in the project area.

Answer:

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Prince George Electric Coop estimates the take rate projection is 30%. Marketing & implementation for the broadband project include an aggressive direct mail campaign outreach through the RURALBAND sales department. Additionally, advertising and traditional media will be ongoing, as well as mail inserts for our existing electrical u

7. For wireless projects only: Please explain the ownership of the proposed wireless infrastructure. If a wireless co-applicant own or lease the radio mast, tower, or other raised structure infrastructure will be installed?

Answer:

N/A- This is not a wireless project.

8. Provide the proposed download and upload speeds for the project area. Detail whether dedicated or shared bandwidth, and detail the technology that will be used. This detail may include a map or schematic diagram, as appropriate. Describe the Internet service offerings to be provided of this project and your price structure for these services. The service offerings should include download and upload speeds, bandwidth, and price per month.

Answer:

Customers within 1,000 feet of a VDOT road can subscribe for bandwidth and receive 100 Mbps download and 3 Mbps upload, with no caps on data usage. Additional subscription options include 100 Mbps upload and download for \$74/per month, 100 Mbps download and upload for \$100/per month, and 100 Mbps upload and download for \$179/per month.

9. Provide a description of the network system design used to deliver broadband service to the Internet point(s) of presence to end users, including the network components that would be added by the proposed project. Also describe specific advantages of using this design. Provide a detailed explanation on how this information was compiled and source(s). For wireless projects, include a propagation map including the proposed project. Label Map: Attachment 5 Propagation Map

Answer:

The internet access delivery infrastructure is assembled from 4 discrete subnetwork components. All equipment is connected via fiber optic cables, including to the home optical network terminal (FTTH). This design allows us to upgrade electronics subcomponents without affecting the area or requiring re-investment in equipment across the board. In addition to allowing smoother migration and scaling capabilities, it also allows us to implement N/A (high availability) features as each piece of the network is separated. Standard based protocols (BGP, CGNAT, DHCPv6, 802.1Q tagging) will be used to interconnect each piece. PGE Enterprise ESC, DBA RURALBAND, will build, own, and maintain all fiber optic facilities needed to reach each location. PGE Enterprise ESC, DBA RURALBAND, will be utilizing GPON technology that is engineered for a distributed split architecture. Each distributed split section using GPON ports from the Calix E7, will be uniquely engineered to ensure capacity for anticipated future growth. Each location will be eligible for all performance tiers including

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1G symmetrical data and telephone service. The in-home optical network (Calix 844G) is equipped for both data and telephone end user services.

10. Project Readiness

What is the current state of project development (e.g. planning, preliminary engineering/easements/permits, final design, etc.)? Prepare a detailed project timeline or construction specific tasks, staff, contractor(s) responsible, collection of data, etc., and estimate. Provide any Memorandums of Understanding (MOUs) or Memorandums of Agreement (if not allowable), letters of support, etc. The timeline should include all activities being contracted for execution with DHCD. Label Attachments: Attachment 6 - Timeline/Project Schedule; Attachment 7 - Relationship between Applicant/Co-Applicant; Attachment 8 - Letter of Intent

- i. If the partnership is formalized in a written agreement, provide a copy of that agreement.
- ii. If the partnership has not been formalized, provide a short description of the partnership, the applicant's commitment, or other contribution to the project for the applicant, co-applicant, and DHCD.
- iii. If applicant is not a locality(s) in which the project will occur, please provide a letter of support from the locality.

Answer:

The project is shovel ready. The fiber network will be deployed within existing VDOT easements. The company has extensive experience with fiber installation and delivery of broadband services to constituents in multiple localities in the Crater region (Garysville, Newsville, Prince George, Wakefield. Prince George Electric Cooperative commenced operating without interruption providing high-speed internet solution to the under served rural communities Prince George County meet a need in 2017. PGEC has methodically continued to move forward with implementation of broadband expansion to communities neighboring Prince George County. This historical project completion and service delivery consistent with budget expectations. The County is confident relative to staff and experience to continue this positive implementation experience.

11. Matching funds: Provide a description of the matching funds the applicant and co-applicant are providing for the proposed project (VATI funding cannot exceed 80 percent of total project cost). The matching funds must be completed. Label Attachments: Attachment 9 - Documentation of Match Funding Sources Table;

- i. For each element of matching funds in the description, indicate the type of matching funds (e.g. in-kind contribution).
- ii. Identify whether the applicant or co-applicant is responsible for providing each element of matching funds.
- iii. Include copies of vendor quotes or documented cost estimates supporting the matching funds.

Answer:

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Surry County/ Prince George Electric Broadband 2020

PGEC Enterprises, LLC Funding and Cost Estimates Description

The estimated cost is \$4.45 million dollars to expand broadband fiber-to-the-home across the area with costs contributed to each service are as follows:

Investment Costs for Broadband fiber-to-the-Home Surry County

Surry County Distribution Facilities	Fiber Services	End Use Equipment	Total
2,492,000	1,691,000	267,000	4.45m (4,450,000)

12. Applicant and Co-Applicant: A description of the public-private partnership involved local government assistance: Local government co-applicants should demonstrate a lower overall cost and further assist in the timely completion of construction, including rights of way, easements, and other issues that may hinder or delay timely construction detail if this project includes additional partners such as municipal providers, middle-owned utilities

Answer:

Included as an attachment is a copy of the fully executed agreement between Surry Electric Cooperative (PGEC). The Economic Development Authority (EDA) through a c Board of Supervisors entered into an agreement in August 2018 with Prince George Enterprises for Fiber to the Home broadband services. The prescriptive requirements that PGEC will connect 500 homes to the PGEC fiber infrastructure and offer inter 18 months of execution of the agreement. Surry County and PGEC will expand the agreement with approval of the proposed 2020 VATI grant.

13. Identify key individuals, including name and title, who will be responsible for the market. Provide a concise description of their role and responsibilities for the project. Present format.

Answer:

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Surry County

Surry County/ Prince George Electric Broadband 2020

2019 VATI Grant

Name	Title	Project Role
Mr. Delon Brown	Network Administrator	County's point of contact for information; technical support lead
Mrs. Carol Swin CPA, CPFO, CIA, CGMA	Finance Manager	Provides fiduciary oversight, financial services to ensure fiscal compliance
Mrs. Melissa Ro	Asst. County Administrator	County Administrative Contact and responsibilities on the project; the
Mr. Jonathan Ly	County Administrator	County's overall point of contact for documents
Rhonda L. Russe Ed.D.	Project Consultant RRM Consultants	County's contact for questions and
Ms. Renee Chap	PGEC Enterprises, DBA RuralBa	PGEC Governmental liaison and overall administration; addresses any issues
Mr. Casey Logar	PGEC Enterprises, DBA RuralBa	PGEC chief executive officer; approval
Community Representative,	Virginia Department of Housing Community Development	Grant compliance and technical support

14. Project Budget and Cost Appropriateness

Applicants shall provide a detailed budget as to how the grant funds will be utilized, equipment and construction costs and a justification of proposed expenses. Expenses cost estimates. Label Attachment: Attachment 11 Derivation of Costs; Attachment Supporting Costs; Attachment 13 Supporting Documentation of Cost Estimates.

Answer:

PGEC Enterprises, LLC Funding and Cost Estimates Description

The estimated cost is \$4.45 million dollars to expand broadband fiber-to-the-home across the area with costs contributed to each service are as follows:

109

Investment Costs for Broadband fiber-to-the-Home Surry County

Application to DHCD Submitted through CAMS

Surry County

Surry County/ Prince George Electric Broadband 2020

Surry County Distribution Facilities	Fiber Services	End Use Equipment	Total
2,492,000	1,691,000	267,000	4.45m (4,450,000)

15. The cost benefit index is comprised of three factors: (i) state share for the total project cost, (ii) the number of serviceable units, and (iii) the internet speed. From these statistics, individual cost benefit scores for each of the three component scores are averaged together and converted to a 30-point scale to provide the following three pieces of information:

- a. Total State funding requested / Total Project cost
- b. Number of serviceable units
- c. Highest residential speed available

Answer:

- a. Total State funding requested / Total Project cost - \$2,225,000.00
- b. Number of serviceable units- 1,253
- c. Highest residential speed available- 1 Gbps upload and 1 Gbps download.

16. A brief description of applicant and co-applicant's history or experience with managing broadband communication facilities in the Commonwealth of Virginia and elsewhere.

Answer:

Prince George Electric Cooperative started as a pilot program in 2016 that has become a full-scale provider operation for Prince George Electric Cooperative's subsidiary PGEC Enterprises. The project began as part of the cooperative's efforts to create a smart grid to link the electric cooperative's backbone that provides fiber optic cable to the homes of customers to give them services that may otherwise not be offered in the area. Surry County has to date committed to receive broadband services. The Prince George County project has been completed over the last twelve months. PGEC Enterprises has brought over 240 Prince George Electric Cooperative's expanded to provide service in Sussex and Surry Counties. Surry County partnered with Atlantic Broadband Communities, Incorporated, to co-locate a fiber hub with Mid-Atlantic Broadband 110. The fiber traveling over the county owned fiber networks is transported across the Surry County Atlantic Broadband Communities, Inc. network and to the World Wide Web. The network

Application to DHCD Submitted through CAMS

Surry County

Surry County/ Prince George Electric Broadband 2020

undertaken to bring lower cost wholesale Internet services to the County and advance communication needs. Because of the limited number of customers connected directly, develop an agreement with a wireless provider(s) was a critical part of the viability plan. In November 2013, Surry County's fiber network was lit and offered circuits that provide greater reliability, increased bandwidth, and costs that are significantly lower than those used by two of our community's largest employers used before transferring service to the County for government operations, the Surry Branch of the Blackwater Regional Library, Windsor, and now all serviced by the network. The County's wireless network is facilitated by the network truncate at the tower base. Wireless services are offered in and around the Town of Broadband has approximately 40 subscribers. In addition the County has utilized income to expand broadband access in the community.

17. Commonwealth Priorities

Additional points will be awarded to proposed projects that reflect Commonwealth priorities if the project fits into a larger locality or regional universal broadband plan.

Answer:

Virginia's top priorities as espoused by the governor include expanding broadband access. Broadband expansion in rural areas can improve business, education and health care across the commonwealth. To date there are over 600,000 Virginians that don't have access being reduced by a concerted effort to devote more resources to broadband expansion. VATI grant opportunity. Building universal broadband internet service is a priority of the Administration, as evidenced by a multi million dollar multi year \$250 million plan to expand across the commonwealth. The Virginia Telecommunications Initiative supports this goal. The state uses to measure impact - potential connections per public dollar, essential households, businesses or lots receive access to the internet that they didn't have before. Surry County performs favorably with this metric. Additionally, Surry County proposes to match the grant for the grant proposal.

18. Additional Information

Any other equitable factor that the applicant desires to include. Applicants are limited to three attachments. Label Additional Attachments as:

- a. Attachment 14 Two most recent Form 477 submitted to the FCC or equivalent
- b. Attachment 15 Copy of Public Notice
- c. Attachment 16 XXXXXXXX
- d. Attachment 17 XXXXXXXX

111

Application to DHCD Submitted through CAMS

Surry County

Surry County/ Prince George Electric Broadband 2020

e. Attachment 18 XXXXXXXX

f. Attachment 19 XXXXXXXX

Answer:

n/a

Attachments:

Map(s) of project area, including proposed infrastructure

PGECFOIAExemption8312019102455.zip

Map(s) or schematic of existing broadband providers (inventory of existing assets)

ISPMaps91201980152.zip

Documentation that proposed project area is not designated for Connect America Funding (CAF)

ISPMaps91201980209.zip

Documentation that proposed project area is unserved based on VATI criteria

ISPMaps91201980221.zip

Propagation Map if Wireless Project

THISISNOTAWIRELESSPROJECT8312019111750.pdf

Project Management Plan

Attachment6SurryCountyTimeline830201920632.xlsx

Documentation of relationship between applicant and co-applicant (formal or informal)

SurryCoPerformanceAgreement1PGEC816201974158.pdf

Letters of Support

SupportLetters829201934935.zip

Application to DHCD Submitted through CAMS

Surry County

Surry County/ Prince George Electric Broadband 2020

Documentation for in-kind contributions, including value(s)

BroadbandResolutionAPPROVED827829201924543.pdf

Funding Sources Table

VATIFundingSourcesTable9242018933238312019101637.pdf

Derivation of Cost (Project Budget)

CopyofDerivationofCostsWorksheet11162016228387242017448181829201933613.xlsx

Documentation supporting project costs (i.e. vendor quotes)

NDA91201972451.zip

Supporting documentation for costs estimates

RuralBandPGECInternetNetworkVATIPGCounty829201950116.pdf

Two most recent Form 477 submitted to FCC

FOIAExemptionInformation830201920518.pdf

Copy of Public Notice

SurrypublicnoticeVATIGrant80119816201974437.pdf

Optional

ResumesProjectTeam8282019125455392201982924.zip

Optional

TransmittalLetterCAOSurryCounty830201990145.pdf

Optional

BroadbandFundingSourceTable1829201934703.pdf

Notes:

Prince George Electric has elected to use the FOIA provisions of the Code and deliver proprietary information directly to the VDHCD

Application to DHCD Submitted through CAMS

Surry County

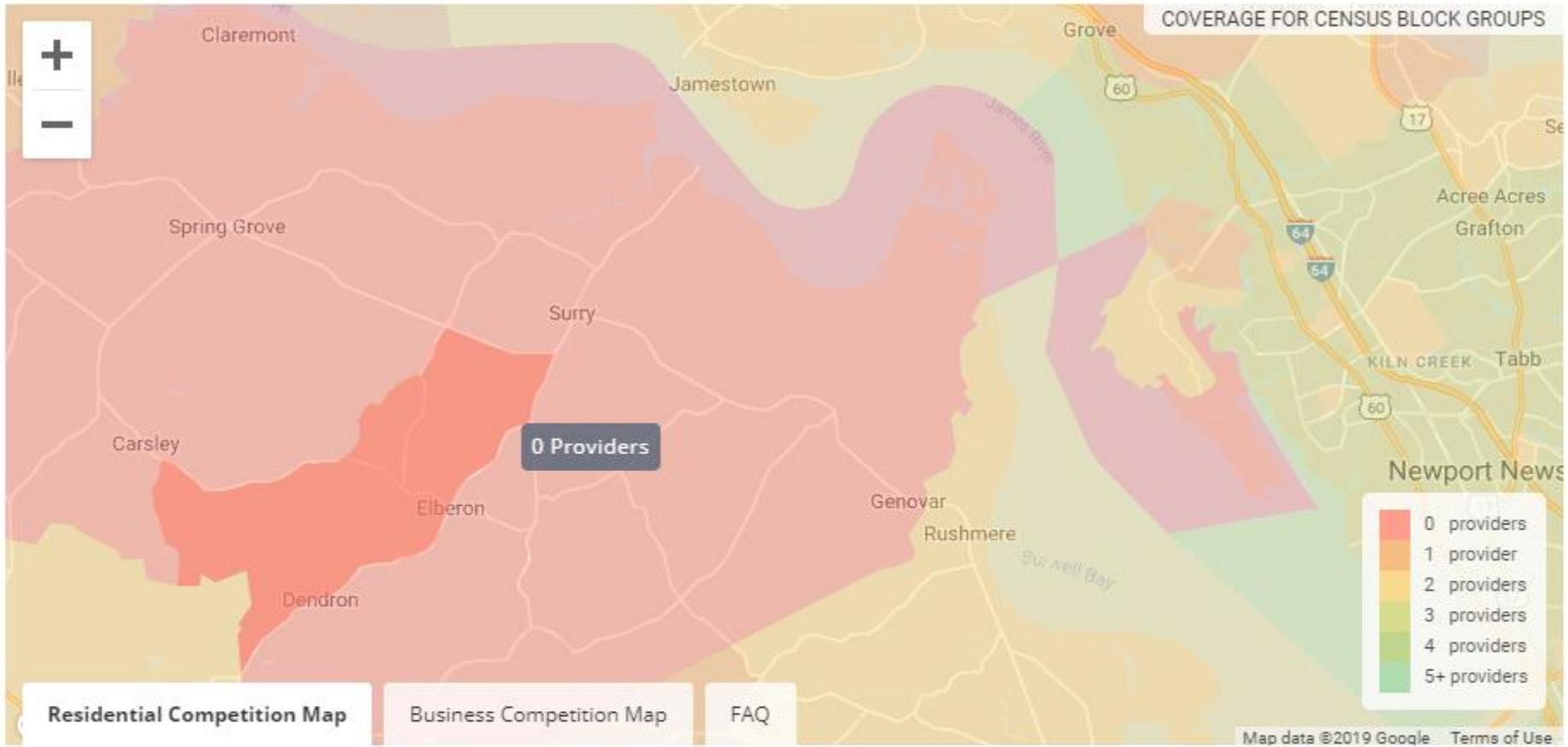
Surry County/ Prince George Electric Broadband 2020

for the VATO 2020 grant submittal. These items include project area maps, vendor costs information, promulgation maps, etc. Mrs. Melissa D. Rollins, Assistant County Administrator, will serve as the primary point of contact for this project. Mrs. Rollins can be contacted at 757-294-5273 or mrollins@surrycountyva.gov .

Surry County Project Area



Broadbandnow.com Surry County Virginia



Surry is the **518th**

most connected city in Virginia ahead of Waverly, Wakefield, and Spring Grove, but Jamsburg and Fort Eustis.

Approximately **6,000**

people in Surry County don't have access to any wired internet.

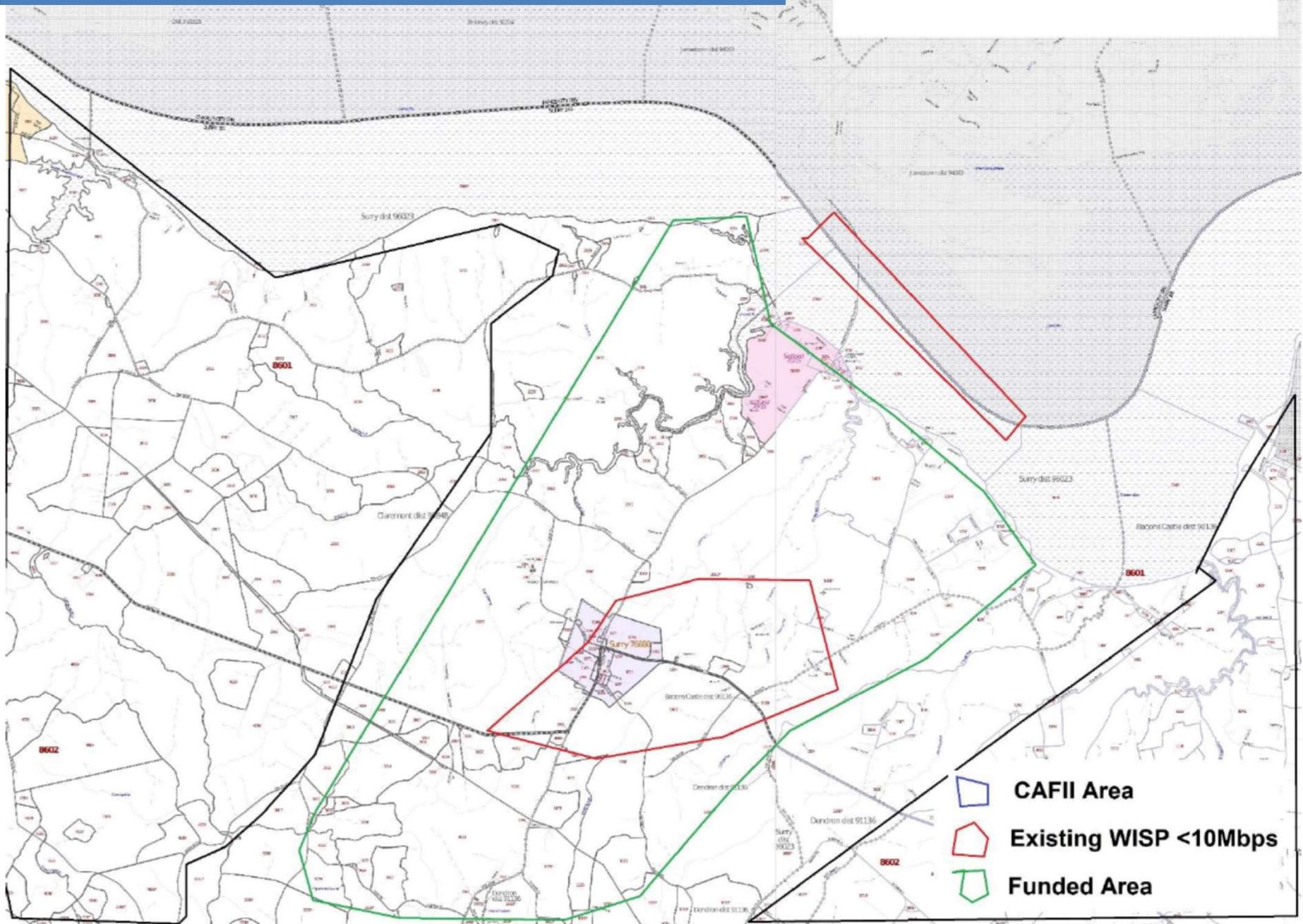
In Surry County, approximately **116**

7,000

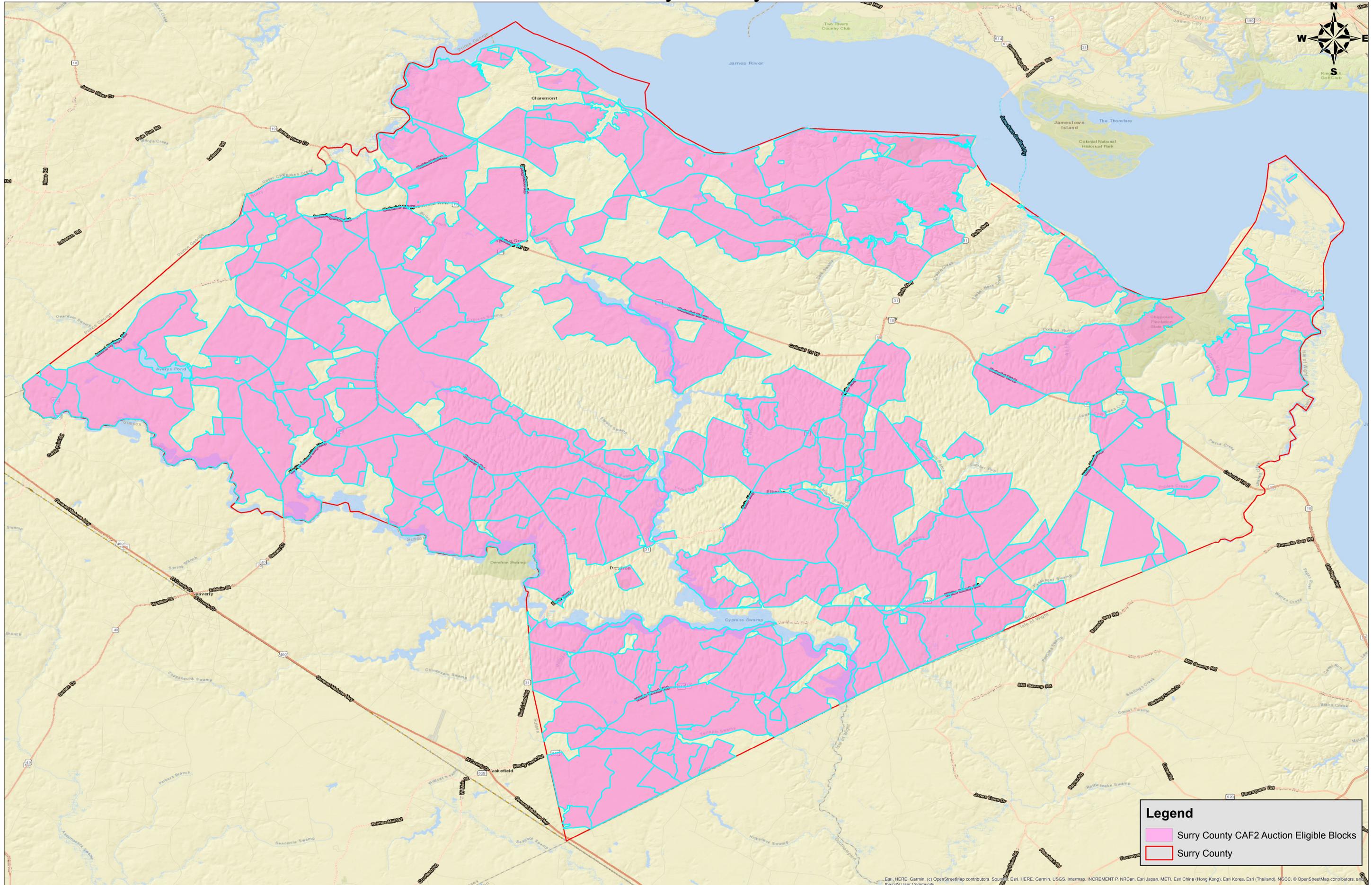
people do not have access to 25 Mbps wired broadband.

Surry County, Virginia

Existing ISP and CAFII Funding Map



Surry County



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NSCC, © OpenStreetMap contributors, and the GIS User Community

Three maps are included in the zip folder titled ISP maps. Following is a summary of the information gleaned from each map:

Broadband Now Map

The color coded map reports that there are no current fiber internet providers in Surry County and that 6,000 people in Surry County do not have access to wired internet. Of Surry County's 2017 population of 6,540, 92% do not have internet access.

CAF II Funding Area Map

The CAF II funding area map demonstrates that Surry County falls outside of areas proposed for funding.

FCC Broadband Map

The FCC map also confirms that there are no fixed broadband providers.

N/A

THIS IS NOT A WIRELESS PROJECT

2020	Engineering	Make Ready Construction	Fiber Construction
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

Surry County VATI Project Schedule

ECONOMIC DEVELOPMENT AUTHORITY
OF THE COUNTY OF SURRY
FIBER TO THE HOME
BROADBAND EXPANSION GRANTS

PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** (“Agreement”) made and entered this 2nd day of August, 2018, by and among **THE COUNTY OF SURRY, VIRGINIA** (the “County”) a political subdivision of the Commonwealth of Virginia, **PGEC ENTERPRISES, LLC** (“PGECE”) a Virginia limited liability company authorized to transact business in the Commonwealth of Virginia, and the **ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF SURRY, VIRGINIA** (the “Authority”), a political subdivision of the Commonwealth of Virginia,

WITNESSETH:

WHEREAS the extension of broadband provides enhanced educational opportunities and furthers workforce development which supports economic development in Surry County; and

WHEREAS the availability of secure, reliable, competitive and sustainable infrastructure is essential to meet future broadband needs; and

WHEREAS small and medium size business enterprises with greater high-speed internet use grow faster than those with less high-speed internet use; and

WHEREAS the internet is a powerful catalyst for job creation; and

WHEREAS the internet drives economic modernization; and

WHEREAS the County and Authority wish to make funds available for the purpose of inducing PGECE to expand access through “Fiber To The Home” broadband at an accelerated

ECONOMIC DEVELOPMENT AUTHORITY
OF THE COUNTY OF SURRY
FIBER TO THE HOME
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WITNESSETH:

WHEREAS the extension of broadband provides enhanced educational opportunities and furthers workforce development which supports economic development in Surry County; and

WHEREAS the availability of secure, reliable, competitive and sustainable infrastructure is essential to meet future broadband needs; and

WHEREAS small and medium size business enterprises with greater high-speed internet use grow faster than those with less high-speed internet use; and

WHEREAS the internet is a powerful catalyst for job creation; and

WHEREAS the internet drives economic modernization; and

WHEREAS the County and Authority wish to make funds available for the purpose of inducing PGECE to expand access through “Fiber To The Home” broadband at an accelerated

pace, after making a significant Capital Investment through a Fiber To The Home Broadband Expansion Grants; and

WHEREAS the County is willing to provide funds to the Authority with the expectation that the Authority will provide the funds to PGECE, provided that PGECE has agreed to meet certain performance targets relating to construction of infrastructure, and expanding access to, Fiber To The Home broadband; and

WHEREAS the County, the Authority and PGECE desire to set forth their understanding and agreement as to the payout of the Grants, the use of the proceeds of the Grants, the obligations of PGECE regarding Capital Investment and the potential for recapture or “claw back” in the event of non-performance by PGECE; and

WHEREAS, it is anticipated that the construction, equipping, operation and installation of the Fiber To The Home broadband project will require a capital expenditure of One Million Dollars (\$1,000,000.00) by PGECE; and

WHEREAS, the County and Authority desire to make an incentive grant during the Surry County 2019 fiscal year (FY19) of Five Hundred Thousand Dollars (\$500,000.00) to PGECE as an incentive for the completion of Phase I of the Fiber to the Home Broadband Project; and

WHEREAS, the County and the Authority will consider making an additional grant of Five Hundred Thousand Dollars (\$500,000.00) to PGECE as an incentive for the completion of Phase II of the Fiber to the Home Broadband Project during the Surry County 2020 fiscal year (FY20); and

WHEREAS the stimulation of additional tax revenue to the County and economic activity in the County to be generated by the Capital Investment constitutes a valid public

purpose for the expenditure of public funds and is the primary purpose of the Grants by the Authority:

NOW, THEREFORE in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

Section 1 - Definitions

For the purposes of this Agreement, the following terms shall have the following definitions:

“Broadband” – a minimum broadband speed of twenty-five (25) Mbps down and three (3) Mbps up as defined by the FCC.

“Broadband Availability” - the availability of the connection necessary to access Fiber To The Home broadband for structures that are within one thousand feet of a VDOT road where an existing PG Electric pole or other access point is located.

“Consistent” - ability of service to maintain promised speeds at periods of peak use.

“Capital Investment” - a capital expenditure by or on behalf of PGECE for the installation of a Fiber Backbone and Fiber To The Home broadband infrastructure.

“Event of Force Majeure” – any circumstances beyond a party’s reasonable control, including acts of God, flood, fire, earthquake or explosion, war, terrorism, invasion, riot or other civil unrest, embargoes or blockades in effect on or after the date of this Agreement, national or regional emergency, strikes, labor stoppages, shortages or slowdowns or other industrial disturbances, passage of law or any action taken by a governmental or public authority, including but not limited to imposing an embargo, export or import restriction, quota or other restriction or

prohibition or any complete or partial government shutdown, or national or regional shortage of adequate power, telecommunications or transportation.

“Fiber Backbone” - the principal data routes between large, strategically interconnected computer networks and core routers on the Internet.

“Fiber To The Home” – installation of fiber optic wire from a central point directly to a structure to provide high-speed internet access.

“FY19” – Surry County Fiscal Year 2019, which begins July 1, 2018 and extends through June 30, 2019.

“FY20” – Surry County Fiscal Year 2020, which begins July 1, 2019 and extends through June 30, 2020.

“Phase I” - the successful completion of the necessary infrastructure in order to result in two hundred fifty (250) connections to structures located within one thousand feet of a roadway.

“Phase II” - the successful completion of the necessary infrastructure in order to result in five hundred (500) total connections to structures located within one thousand feet of a roadway, which shall include the total number of connections made during Phase I.

“Phase I Grant”- a Five Hundred Thousand Dollars (\$500,000.00) grant to PGECE by the Authority for the Capital Investment in FY19.

“Phase II Grant” - a Five Hundred Thousand Dollars (\$500,000.00) grant in addition to the Phase I Grant to PGECE by the Authority for the Capital Investment in FY20.

“Reliable” - ability to maintain service in the case of storms or system breakdowns consistent with industry standards for a rural fiber optic network.

“Roadway” – a road that is part of the Virginia Department of Transportation (VDOT) secondary system, which is immediately adjacent to a fiber network access point owned by Prince George Electric Cooperative.

Section 2 - Broadband Installation Plan.

Within sixty (60) days of the execution of this Agreement, PGECE shall provide to the Authority a broadband installation plan for installation of the Fiber Backbone, in substantial conformity with the attached map, entitled “SURRY COUNTY, Surry County Backbone Deployment,” dated August 10, 2018. The broadband installation plan shall include, but not be limited to, the locations where PGECE proposes to install broadband infrastructure, the types of materials proposed to be used, and the capacity and lifespan of the materials.

Section 3 – Broadband Subscriptions

After the effective date of this Agreement and upon payment of the Phase I Grant to PGECE, PGECE agrees to have installed and made available consistent and reliable broadband service to a minimum number of two hundred fifty (250) new subscriber structures with one (1) year subscription, within eighteen (18) months of the receipt by PGECE of the Phase I Grant.

After the effective date of this Agreement and upon payment of the Phase II Grant to PGECE, PGECE agrees to have installed and made available consistent and reliable broadband service to a total number of five hundred (500) new subscriber structures with one (1) year subscriptions, within eighteen (18) months of the receipt by PGECE of the Phase II Grant, which shall include the total number of new subscriber structures with one year subscriptions made during Phase I.

PGECE shall provide reasonable documentation to the County and the Authority annually, beginning one (1) year after receipt by PGECE of the Phase I Grant, verifying new subscribers to broadband service with a minimum of one (1) year subscriptions each.

Section 4 - No Degrading of Service

PGECE shall ensure that there is no degrading of broadband service, as defined in this Agreement, to customers during the term of this Agreement.

Section 5 - Continuation of Service/New Customers

PGECE agrees that as long as a reasonable demand exists for broadband service, PGECE will continue to provide broadband service to existing and new subscribers, who reside within one thousand (1,000) feet of a roadway as defined herein. This section shall not affect Section 3 or Section 7 of this Agreement.

Section 6 - Disbursement of Grants

(a) Notwithstanding anything in this Agreement to the contrary, the Authority will not have any obligation to disburse any portion of the Grants under this Agreement until and unless this Agreement is approved by the County's Board of Supervisors and the Authority has received such funds from the County.

(b) Subject to the delivery of the Grants by the County to the Authority, within thirty (30) days of its receipt of the Grant funds, the Authority will disburse the Grant funds to PGECE on condition that PGECE has complied with Section 2 of this Agreement.

Section 7 – Penalty and Repayment Obligation

In the event the County and the Authority fail to implement Phase II, and after the effective date of this Agreement and the receipt by PGECE of the Phase I Grant, if PGECE fails to make available consistent and reliable broadband service to two hundred fifty (250) new subscribers within eighteen (18) months of the receipt by PGECE of the Phase I Grant as set forth in Section 3 – Broadband Subscriptions of this Agreement and the Authority has elected not to implement Phase II of the project and has not paid the Phase II Grant to PGECE, then PGECE shall refund to the Authority Two Thousand Dollars (\$2,000.00) for each subscriber not provided consistent and reliable broadband service below the required two hundred fifty (250) new subscribers in Phase I.

After the effective date of this Agreement and receipt by PGECE of the Phase II Grant, if PGECE fails to make available consistent and reliable broadband service to a total of five hundred (500) new subscribers (which shall include the total number of new subscriber connections made during Phase I) within eighteen (18) months of the receipt by PGECE of the Phase II Grant, as set forth in Section 3 – Broadband Subscriptions, of this Agreement, PGECE shall be penalized and shall refund to the Authority Two Thousand Dollars (\$2,000.00) for each subscriber not provided consistent and reliable broadband service below the required five hundred (500) new subscribers in Phase I and Phase II.

Payment shall be made upon written demand by the Authority to PGECE for such repayment. Repayment shall be due from PGECE to the Authority within thirty (30) days of the date the written demand is delivered to PGECE by the Authority. Any moneys repaid by PGECE to the Authority hereunder shall be repaid by the Authority to the County. The

Authority shall have no responsibility for the repayment to the County of any sums hereunder unless said sums have been received by the Authority from PGECE.

Notwithstanding the foregoing, the repayment obligation below shall survive the termination of this Agreement and PGECE shall not be relieved from its obligations to make any repayments for non-compliance until all of PGECE's obligations have been satisfied.

In any action or proceeding brought by the County or Authority to enforce any provision of this Agreement, the County or Authority shall be entitled to recover reasonable attorney's fees in addition to any other available remedy.

Section 8 - Event of Force Majeure

PGECE shall not be penalized under Section 7 – Penalty and Repayment Obligation, of this Agreement if prevented from meeting the new subscription requirements of this Agreement on account of an Event of Force Majeure as defined herein. If such event occurs, the time for PGECE to meet the required subscription objective in either Phase I or Phase II, shall be extended for a reasonable time before PGECE is is penalized under the terms of this Agreement.

Section 9 – Sale or Assignment of PGECE

In the event of a sale or assignment of PGEC Enterprises, LLC to any person, firm or corporation prior to PGECE's fulfillment of its obligations under the terms of this Agreement, such sale or assignment shall be made expressly subject to all terms of this Agreement.

Section 10 - Discharge by PGECE of Contract Obligations

All parties hereto understand and agree that as of the date PGECE has installed and made available, consistent and reliable broadband service to a minimum of two hundred fifty (250) new subscribers under Phase I and a cumulative minimum of five hundred (500) new subscribers under Phase II, after the effective date of this Agreement and has provided reasonable documentation to the County and to the Authority verifying same, PGECE shall have satisfied in full all of the requirements of it under the terms of this Agreement and shall be discharged from any further obligations to the County and to the Authority hereunder.

Section 11 - Miscellaneous

(a) *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement among the parties and may not be amended or modified, except in writing, signed by each of the parties hereto. Other than this Agreement, PGECE shall not be required to enter into any additional agreements or submit any additional application letters in order to receive the Grants.

(b) *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth of Virginia and shall be construed and enforced by the laws of the Commonwealth of Virginia.

(c) *Counterparts:* This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) *Severability:* If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to

reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

(e) *No Waiver.* Neither failure on the part of the County or the Authority to enforce any covenant or provision contained in this Agreement nor any waiver of any right under this Agreement shall discharge or invalidate such covenant or provision or affect the right of the County or the Authority to enforce the same right in the event of any non-performance by PGECE.

(f) *Effective Date of the Agreement.* The effective date of this Agreement shall be the date upon which it has been fully executed by the parties.

Section 12 - Notices

Any notices required or permitted under this Agreement shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return of certified mail or overnight courier package not accepted by the addressee):

if to PGECE, to:
Micheal E. Malandro, President
PGEC Enterprises, LLC
7103 General Mahone Hwy
Waverly, Virginia 23890

with copy to:
F. Lewis Wyche, Jr., Esquire
F. Lewis Wyche, Jr., P.C.
6405 Courthouse Road
Post Office Box 160
Prince George, Virginia 23875

and:
C. J. Berkeley Horne, Esquire
LeClair Ryan
919 East Main Street, 24th Floor
Richmond, Virginia 23219

if to the County, to:
Surry County Administrator
45 School Street
Surry, Virginia 23883

with copy to:

Surry County Attorney
45 School Street
Surry, Virginia 22383

if to the Authority, to:
Surry Economic Development Authority Chair
45 School Street
Surry, Virginia 22383

with copy to:

Surry Economic Development Authority Counsel
45 School Street
Surry, Virginia 22383

IN WITNESS WHEREOF, the parties hereto have executed this Performance Agreement as of the date first written above.

PGEC ENTERPRISES, LLC, a Virginia limited liability company

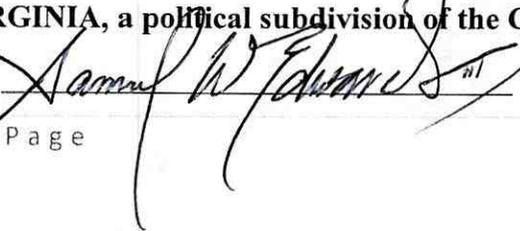
By: 

Name: M. E. Malandro

Title: Manager

Date: 9/24/18

**ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF SURRY,
VIRGINIA, a political subdivision of the Commonwealth of Virginia**

By: 

Name: Somvel W. EDWARDS III

Title: EDA CHAIRMAN

Date: 9/17/18

**THE COUNTY OF SURRY,
VIRGINIA,** a political subdivision of the Commonwealth of Virginia

By: Tyrone W. Franklin

Name: Tyrone W. Franklin

Title: County Administrator

Date: September 17, 2018

Approved as to form: Wendy R. [Signature]



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

EMILY M. BREWER
POST OFFICE BOX 5
SMITHFIELD, VIRGINIA 23431
SIXTY-FOURTH DISTRICT

COMMITTEE ASSIGNMENTS:
FINANCE
MILITIA, POLICE AND PUBLIC SAFETY
SCIENCE AND TECHNOLOGY

August 23, 2019

Mr. Erik Johnston
Director
Department of Housing and Community Development
600 East Main Street, Suite 300
Richmond, VA 23219

Dear Erik:

I am writing to strongly support the County of Surry's VATI grant application for funding. Much of Surry County does not have broadband, and this plan hopes to bring access to all of Surry. Implementing this plan will enable those citizens to join the rest of Hampton Roads and Virginia, where families can access the internet from their home.

As a member of the Broadband Advisory Council, I am fully familiar with the VATI program and I support it's goals wholeheartedly. Surry County's project aligns with the Commonwealth's goal of bringing broadband access to every Virginian and, again, I strongly support and endorse Surry County's VATI grant application.

Thank you for your consideration.

Sincerely,

Emily Brewer
Virginia House of Delegates, 64th District

Surry County Economic Development Authority
P. O. Box 65
Surry, VA 23883

August 23, 2019

Michael Drewry, Chairman
Surry County Board of Supervisors
P. O. Box 65
Surry, VA 23883

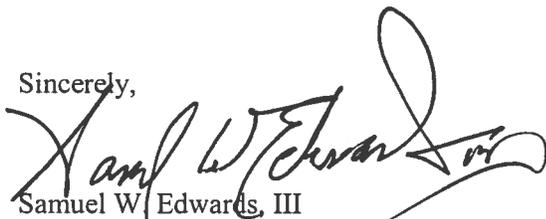
Dear Mr. Drewry:

Please allow this letter to serve as support from the Surry County Economic Development Authority (EDA) of the County's application for grant funding under the Virginia Telecommunication Initiative (VATI) to supplement construction costs by Prince George Electric Cooperative (PGEC) dba Ruralband, a private sector broadband service provider to extend service to areas currently unserved in the County.

The Economic Development Authority with the financial investment from the Board of Supervisors supported Phase I of the PGEC fiber-to-the home partnership to provide 250 connections to homes or businesses. This further extension of broadband provides enhanced educational opportunities, serves as a catalyst for job creation, fosters workforce development and drives economic modernization all of which supports economic development in Surry County.

The availability of secure, reliable, competitive and sustainable infrastructure is essential in meeting the needs of businesses and citizens is paramount. As Broadband is often referred to as a fourth utility, additional financial commitment for broadband services to reach all of Surry County is a worthwhile investment of Surry County funds to support the local match requirement up to 50% for the VATI Grant.

Sincerely,



Samuel W. Edwards, III
Chair, Surry County Economic Development Authority

cc: Members, Surry County Board of Supervisors
Jonathan Lynn, County Administrator
Melissa Rollins, Asst. County Administrator
David Harrison, Economic Development Director

From the desk of
A. Donald McEachin

August 29, 2019

Mr. Erik Johnston
Director
Department of Housing and Community Development
600 East Main Street, suite 300
Richmond, VA 23219

Dear Mr. Johnston,

I am writing to ask for your full and fair consideration of the County of Surry's 2020 Virginia Telecommunication Initiative Program (VATI) grant application. Surry County is partnering with Prince George Electric Cooperative for the first phase of a fiber-to-home project that will assist in providing broadband to homes and businesses in Surry County.

The majority of Surry County is currently underserved or unserved by broadband providing huge daily obstacles for the thousands of residents who reside there. Broadband access is essential for regional commerce, education, and public health and safety.

I applaud the Administration's goal of bringing broadband to every corner of the Commonwealth. Surry's public-private partnership with Prince George Electric Cooperative contributes to that goal.

I ask for your full and fair consideration of the County of Surry's application.

Sincerely,



Congressman A. Donald McEachin

**Supporting Surry Broadband Implementation Virginia Telecommunications Initiative Grant
Virginia Department of Housing & Community Development**

AT A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE GOVERNMENT CENTER ON AUGUST 27th AT 7:00 P.M.

Present:

The Honorable Michael H. Drewry, Chairperson
The Honorable Judy S. Lyttle, Vice-Chair
The Honorable John M. Seward
The Honorable Giron R. Wooden, Sr.
The Honorable Kenneth R. Holmes

Vote:

Aye
Aye
Aye
Aye
Aye

WHEREAS, Surry County has overwhelming support from residents and the business community to provide broadband and related services throughout the County;

WHEREAS: The deployment of Broadband is at the forefront of the County's agenda as it pertains to increasing educational opportunities, supporting businesses, creating jobs, enhancing quality of life and furthering workforce development all of which drives economic development;

WHEREAS: Surry County has implemented Phase I of a Broadband Fiber to the Home Implementation Project via an agreement between the Economic Development Authority and Prince George Electric Cooperative Enterprises to provide 250 connections at a cost of \$500,000.00;

WHEREAS: Surry County has dedicated an additional \$500,000.00 in local funds in FY 19-20 to support Phase II of the Fiber to the Home Project adding 250 connections;

WHEREAS: Surry County wishes to submit a Virginia Department of Housing and Community Development Telecommunications Initiative (VATI) Grant application in the amount of \$4,450,000.00 to further expand fiber to the home broadband connectivity to areas not currently served by a broadband provider;

WHEREAS: The anticipated beneficiaries as a result of the project include 1,253 residential constituents, and

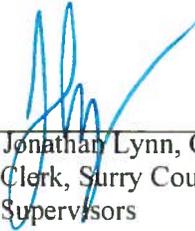
WHEREAS: Successful implementation of the grant project will result in availability to internet access availability to 100% of Surry County residents via broadband fiber infrastructure or existing wireless infrastructure; and

WHEREAS: Citizen participation requirements for DHCD funding for the project has been satisfied by advertisement of a public comment period to end on August 30, 2019 at 5:00 p.m.

NOW, THEREFORE BE IT RESOLVED, that Surry County states its intent and authorizes the submission of the Virginia Department of Housing and Community Development Community Development VATI proposal for the Surry County Broadband Implementation Project and attest to a local match of \$2,225,000.00 to support implementation of the project.

BE IT FURTHER RESOLVED, that Mr. Jonathan Lynn, County Administrator, is hereby authorized to sign and submit appropriate documents for the submittal of the Virginia Telecommunications Initiative proposal, and any subsequent contract documents to satisfy program requirements.

ATTEST:



Jonathan Lynn, County Administrator
Clerk, Surry County Board of
Supervisors

VATI FUNDING SOURCES TABLE

Please fill in the chart below with a description of the project funding source (local, federal, state, private, other), the amount from that source, the percentage of total project funding that source represents, and a description of the current status of the funds (pending, secured, etc.).

Source	Amount	%	Status
REQUESTED VATI	\$ 2,225,000.00	50%	Pending
SURRY COUNTY	\$ 2,225,000.00	50%	Resolution Approved <i>INCLUDED AS ATTACHEMENT</i>
TOTAL	\$4,450,000	100 %	

CDBG Derivation of Cost

Product	Total	VATI	Non-VATI	Source of Estimate	Date
Surry County Distribution Facilities	\$ 2,492,000	\$ 1,246,000	\$ 1,246,000	PGEB	8/16/2019
Fiber Services	\$ 1,691,000	\$ 845,500	\$ 845,500	PGEB	8/16/2019
End User Equipment	\$ 267,000	\$ 133,500	\$ 133,500	PGEB	8/16/2019
	\$ 4,450,000				
	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		
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	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		

SURRY COUNTY’S GRANT PARTNER, PGEC, EXECUTED A NONDISCLOSURE AGREEMENT WITH ITS VENDORS SPECIFIC TO PRICING. BECAUSE OF THIS AGREEMENT VERIFICATION OF VENDOR QUOTES IS NOT SUBMITTED WITH THIS GRANT PROPOSAL. PLEASE SEE THE ENCLOSED EMAIL REGARDING THIS MATTER.

From: Renee Chapline <rchapline@pgec.coop>
To: Rhonda L. Russell <rhondaakaldy@aol.com>
Cc: mrollins@surrycountyva.gov <mrollins@surrycountyva.gov>
Subject: Re: External:Re: External:
Date: Sun, Sep 1, 2019 3:07 pm

That works. Many thanks.

Get [Outlook for Android](#)

From: Rhonda L. Russell <rhondaakaldy@aol.com>
Sent: Sunday, September 1, 2019 2:22:58 PM
To: Renee Chapline <rchapline@pgec.coop>
Cc: mrollins@surrycountyva.gov <mrollins@surrycountyva.gov>
Subject: External:Re: External:

Ok I'll include a copy of this response in lieu, if that's ok?

Rhonda

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

On Sunday, September 1, 2019, Renee Chapline <rchapline@pgec.coop> wrote:

No unfortunately we are not able to provide vendor quotes as we are under NDA's with some of our vendors. We provide a cost analysis for the project. After chatting with our team this is typical in the industry.

Renee

Get [Outlook for Android](#)

From: Rhonda L. Russell <rhondaakaldy@aol.com>
Sent: Saturday, August 31, 2019 10:19:47 PM
To: Renee Chapline <rchapline@pgec.coop>
Cc: mrollins@surrycountyva.gov <mrollins@surrycountyva.gov>
Subject: External:

Hi Renee,

Was this document also included in the FOIA exempt items? Documentation supporting project costs (i.e. vendor quotes) . If so I just need to include a note under the upload link.

Thank you,

Rhonda

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**PGEC ENTERPRISES, LLC,
DBA “RURALBAND”,
INTERNET CONNECTIVITY
NETWORK**

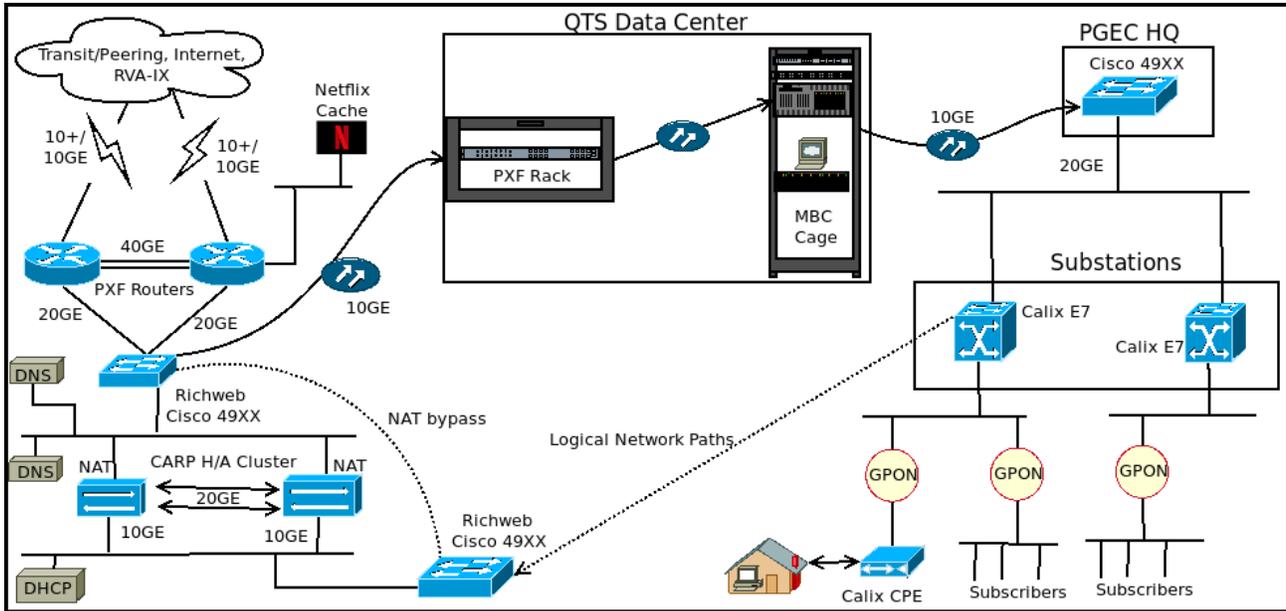
INTRODUCTION

INTERNET DELIVERY INFRASTRUCTURE:

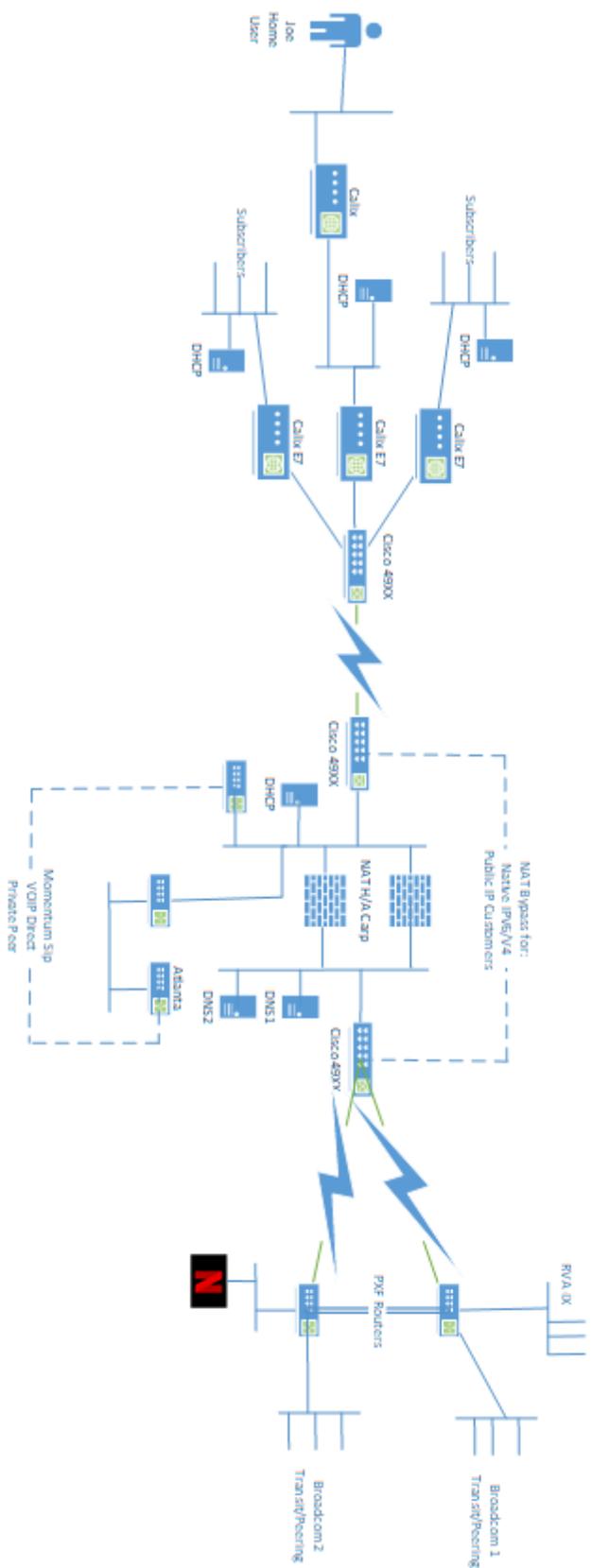
The internet access delivery infrastructure is assembled from 4 discrete subnetwork components. All equipment is connected via fiber optic cables, including to the home's optical network terminal (FTTH). This design allows us to upgrade electronics in one sub component without affecting other areas or requiring re-investment in equipment across the board. In addition to allowing smoother migrations and scaling capabilities it also allows us to implement H/A (high availability) features in each piece of the network separately. Standards based protocols (BGP, CGNAT, DHCPv6, 802.1q vlan tagging) will be used to interconnect each piece.

PGEC Enterprises, LLC, DBA "RURALBAND", will build, own and maintain all fiber optic facilities needed to reach each location. PGEC Enterprises, LLC, DBA "RURALBAND", will be utilizing a GPON technology that is engineered for a distributed split architecture. Each distributed split section, using Gpon ports from the Calix E7, will be uniquely engineered to ensure capacity for anticipated future growth. Each location will be eligible for all performance tiers, including 1G symmetrical data and telephone services. The in-home optical network terminal (Calix 844G) is equipped for both data and telephone end user services.

HIGH LEVEL DIAGRAM:



HVENS LAYER 3 Network Diagram:



NETWORK COMPONENTS:

1. Upstream Route and Peering HVENS/Pixel Factory
2. Large Scale NAT services engine (CGNAT) HVENS
3. Transport (Dark and Lit Fiber Services) MBC/Pixel Factory
4. Main Substation ring (Calix)
5. GPON subscriber rings (Calix)

1. Upstream Routing and Peering is handled on Cisco switch hardware connected in redundant 20G pathways.

2. LSN services are handled in H/A clustered (Master/Secondary) virtual appliances that do the address translation. If a hardware host or VM is unavailable, the NAT will fail over within 1 sec or less to the Secondary appliance/pathway.

3. Transport Services - this is how the fiber pathway from PGEC Enterprises, LLC, DBA "RURALBAND", is connected to Pixel Factory datacenter. Redundant MBC lit services (10G layer 2 transport) will connect PGEC Enterprises, LLC, DBA "RURALBAND", HQ to QTS datacenter in Sandston VA. This is considered a "WAVE" - multiple vlans can be carried across this WAVE. At QTS datacenter MBC will cross-connect (private fiber patch on the cross connect panel) the PGEC Enterprises, LLC, DBA "RURALBAND", port on their switch to Pixel Factory equipment. Pixel Factory will haul the service across their dark fiber to the Pixel Factory datacenter in Ashland. Inside Pixel Factory a fiber cross-connect patch will bring PGEC Enterprises, LLC, DBA "RURALBAND", HQ into the HVENS rack.

4. Main Substation ring

PGEC Enterprises, LLC, DBA "RURALBAND", will have Calix gear at each substation providing a dual-path ethernet ring to connect all substations to PGEC Enterprises, LLC, DBA "RURALBAND", HQ. 2 Substations will have single path (stub).

All internet customer traffic will be carried inside a unique private vlan for each substation. There will be a voice and data vlan at each substation.

5. GPON subscriber ring

The rings will attach the subscribers to the GPON network. This network will utilize fibers from the substation ring. Distributed splits will be located for member interconnections back to the headend. A Calix CPE will provide internet access to subscribers and perform NAT. Each distributed split port from the Calix E7, will be filled to approximately 50% capacity for future growth. At a 70% subscription rate, the redundant 10G ports to Pixel Factory will be sufficient to handle the peak usage times. If more capacity is needed, a simple upgrade of electronics will be utilized for more capacity.

DHCP EXPLANATION:

There will be 2 classes of customers, customers that need a static public ip (premium service) and standard customers which will get a CGNAT 100.64.x ip address. Standard customers will be the vast majority. They will use NAT444 (double NAT) to get translated to a public IP inside HVENS.

HVENS will also provide native ipv6 addresses to the Calix endpoints for customers that want to use v6.

HVENS will provide option 82 in DHCP (as relayed from Calix) to record the leases with subscriber information.

HVENS will provide a cisco layer 3 switch to sit at PGEC Enterprises, LLC, DBA "RURALBAND", HQ to interconnect the main Calix e7 switch to the HVENS network. This switch will break up the layer 2 domains into smaller segments. Switches have built-in limits as to the max number of MAC addresses they can handle. Note: Each subscriber = 1 MAC, 2 if using a separate interface or device for voice.

By terminating each substation's Calix subscriber vlan in a layer 3 port on the cisco switch PGEC Enterprises, LLC, DBA "RURALBAND", will be able to trade out mac table entries (layer 2) for arp table entries (layer 3) and scale up.

ENGINEERD FOR REDUNDANCY:

Redundancy options are engineered into the design to avoid single points of failure.

1. Pixel Factory has peering and transit across a wide range of 10G and faster providers and peering exchanges. Pixel Factory uses standard based BGP protocol for redundant routing.
2. Pixel Factory has redundant datacenter fabrics that the HVENS Co-Op aggregation rack attaches to at 20G on each path (total of 40G current capacity). HVENS routers peer with Pixel Factory via BGP. PGEC Enterprises, LLC, DBA "RURALBAND", will order its own dedicated IP blocks. HVENS will ensure that the IPs are announced from the PGEC Enterprises, LLC, DBA "RURALBAND", ASN (like a unique routing number that identifies PGEC Enterprises, LLC, DBA "RURALBAND").
3. HVENS servers are attached on port channels (dual physical links with per flow packet load balancing).
4. HVENS NAT appliances are clustered using OpenBSD Network Operating System (NOS) features - pf, ifstated, carp, and pfsync to allow the secondary node to take over if

the primary fails or is down for maintenance. The ifstated mechanism will allow a node to demote itself if upstream (POST-NAT) or downstream (PRE-NAT) next hop reachability is lost.

HVENS will have 2 switches in the rack (A and B paths).

5. Transport from Pixel Factory (via QTS pathway and Mid-Atlantic Fiber) to PGEC Enterprises, LLC, DBA "RURALBAND", HQ. There will be a redundant design with a 2nd pathway via a 2nd PGEC Enterprises, LLC, DBA "RURALBAND", attachment to Pixel Factory at a separate head end connection. Each pathway will utilize a 10G layer 2 transport back to Pixel Factory. These connections (middle mile) will be made through partner ships between PGEC Enterprises, LLC, DBA "RURALBAND", and Mid Atlantic Broadband.

6. There will be dual Cisco layer 3 switch terminations at the PGEC Enterprises, LLC, DBA "RURALBAND", head end that will have 2nd path redundancy.

7. PGEC Enterprises, LLC, DBA "RURALBAND", Substation ring - redundant/dual path ethernet ring. PGEC Enterprises, LLC, DBA "RURALBAND", will lease fibers from Prince George Electric Cooperative as needed to the headend and own the middle/last mile fiber to the home.

PROJECT PLAN:

Starting in January 2020, PGEC Enterprises, LLC, DBA "RURALBAND", will begin construction of the network system. PGEC Enterprises, LLC, DBA "RURALBAND", has approximately 315 locations that will be provided fiber broadband and telephone services. The middle mile and last mile fiber system will be built out concurrently with all the locations served by year end 2020.

VOIP NETWORK:

Momentum is the voip provider PGEC Enterprises, LLC, DBA "RURALBAND", will use. There will be a private peer between Pixel Factory (AS32425) and Momentum in Atlanta, GA. Pixel Factory has a 10G connection into 56 Marietta and Momentum is one suite/building over. Arrangements are made for a private cross connect over which Pixel Factory can BGP peer with Momentum. In addition, there will be a private vlan for PGEC Enterprises, LLC, DBA "RURALBAND". This vlan will allow direct ip connectivity between Momentum (the SIP carrier) and the CPE (customer prem gear) at the subscriber homes.

HVENS will pass out RFC1918 private addresses to the CPE voice gateways and allow Momentum to connect INSIDE the CGN layer. Each substation will have 2 subscriber vlans - 1 for data and 1 for voice. The data DHCP scope will use CGNAT 100.64 IP space and the voice DHCP scope will use 10.x or 172.16-31.x RFC1918 space.

Momentum will not have to pass thru the CGNAT / NAT444 appliances; they will be able to see the CPE voice gateways directly at layer2/layer 3.

HVENS will route the vlans direct to Momentum over the private peering with a GRE tunnel in place as failover in the event the cross-connect is down or another piece of gear or fiber pathway is down.

GLOSSARY

CGN/LSN: Carrier Grade Nat/Large Scale Nat is an approach by ISPs to assign their customers private IP addresses that are translated to public IP addresses embedded in the ISP network instead of at the customer's site.

Dark Fiber: Dark fiber refers to unused fiber-optic cable. It is not connected or controller by the owner. Instead, the equipment must be provided by the customer.

GRE: Generic Routing Encapsulation

HA: High Availability is a characteristic of a system, which aims to ensure an agreed level of operational performance, usually uptime, for a higher than normal period.

HVENS: High Velocity Edge Networking Services (Service offering defined by RichWeb <http://richweb.com/>)

LACP/Bond: Link Aggregation Control Protocol is a method of combining two or more connections to increase throughput. It also provides redundancy should one of the links fail. Bonding or Port-Channeling are methods that use LACP.

Lit Fiber: Lit fiber refers to fiber that has been connected by a carrier and has active wavelength(s) of light traversing it.

MBC: Mid-Atlantic Broadband Communities Corporation <https://mbc-va.com/>

NVF/VNF: Network virtual function focuses on optimization of network services.

Peering: The interconnection of separate ISP networks for the purpose of exchanging traffic.

PxF: Pixel Factory Data Center <http://pixelfactorydc.com/>

QTS: QTS Realty Trust, Inc. <https://www.qtsdatacenters.com/>

RVA-IX: Richmond Virginia Internet Exchange <http://rva-ix.net/>

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Form 477 Filing Summary

FRN: 0026799551 | Data as of: Dec 31, 2018 | Operations: Non-ILEC | Submission Status: Original - Submitted | Last Updated: Mar 7, 2019 08:07:55

Filer Identification

Section	Question	Response
Filer Information	Provider Name	PGEC Enterprises, LLC
	Holding Company Name	Prince George Electric Cooperative
	SAC ID	
	499 ID	
Data Contact Information	Data Contact Name	Casey Logan
	Data Contact Phone Number	(804) 834-2424 ext: 1003
	Data Contact E-mail	clogan@pgec.coop
Emergency Operations Contact Information	Emergency Operations Name	Casey Logan
	Emergency Operations Phone Number	(804) 834-2424 ext: 1003
	Emergency Operations E-mail	clogan@pgec.coop
Certifying Official Contact Information	Certifying Official Name	Casey Logan
	Certifying Official Phone Number	(804) 834-2424 ext: 1003
	Certifying Official E-mail	clogan@pgec.coop

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Data Submitted

Form Section	File Name	Date & Time	Number of Rows
Fixed Broadband Deployment	PGEC_fbdd_2018Q4_030419.csv	Mar 5, 2019 13:33:58	182
Fixed Broadband Subscription	PGEC_fbsd_2018Q4_030419.csv	Mar 5, 2019 12:17:14	3

Fixed Broadband Deployment

Census Block Counts by State, DBA Name and Technology

State	DBA Name	Technology	Blocks
Virginia	Prince George Electric Coop	Optical Carrier/Fiber to the End User	182
Total			182

Fixed Broadband Subscription

Fixed Broadband Subscriptions by State, Technology and End-user Type

State	Technology	Census Tracts	Subscriptions		
			Consumer	Business / Govt	Total

State	Technology	Census Tracts	Subscriptions		
			Consumer	Business / Govt	Total
Virginia	Optical Carrier/Fiber to the End User	3	328	0	328
Total		3	328	0	328

Fixed Broadband Subscriptions by Bandwidths and End-user Type

Downstream Bandwidth (in Mbps)	Upstream Bandwidth (in Mbps)	Consumer	Business / Govt	Total
30.000	30.000	328	0	328
Total		328	0	328

Fixed Broadband Subscriptions by Technology, Bandwidths and End-user Type

Technology	Downstream Bandwidth (in Mbps)	Upstream Bandwidth (in Mbps)	Consumer	Business / Govt	Total
Optical Carrier/Fiber to the End User	30.000	30.000	328	0	328
Total			328	0	328

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(RETAIN FOR YOUR RECORDS)
Form 477 Filing Summary

FRN: 0026799551 | Data as of: Jun 30, 2018 | Operations: Non-ILEC | Submission Status: Original - Submitted | Last Updated: Aug 27, 2018 17:33:24

Filer Identification

Section	Question	Response
Filer Information	Company Name	PGEC Enterprises, LLC
	Holding Company Name	Prince George Electric Cooperative
	SAC ID	
	499 ID	
Data Contact Information	Data Contact Name	Casey Logan
	Data Contact Phone Number	(804) 834-2424 ext: 1003
	Data Contact E-mail	clogan@pgec.coop
Emergency Operations Contact Information	Emergency Operations Name	Casey Logan
	Emergency Operations Phone Number	(804) 834-2424 ext: 1003
	Emergency Operations E-mail	clogan@pgec.coop
Certifying Official Contact Information	Certifying Official Name	Casey Logan
	Certifying Official Phone Number	(804) 834-2424 ext: 1003
	Certifying Official E-mail	clogan@pgec.coop

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Data Submitted

Form Section	File Name	Date & Time	Number of Rows
Fixed Broadband Deployment	FCCForm477_June2018.txt	Aug 27, 2018 17:28:48	152
Fixed Broadband Subscription	Interactive data entry		1

Fixed Broadband Deployment

Census Block Counts by State, DBA Name and Technology

State	DBA Name	Technology	Blocks
Virginia	PGECEnterprises	Optical Carrier/Fiber to the End User	152
Total			152

Fixed Broadband Subscription

Fixed Broadband Subscriptions by State, Technology and End-user Type

State	Technology	Census Tracts	Subscriptions		
			Consumer	Business / Govt	Total

State	Technology	Census Tracts	Subscriptions		
			Consumer	Business / Govt	Total
Virginia	Optical Carrier/Fiber to the End User	1	240	0	240
Total		1	240	0	240

Fixed Broadband Subscriptions by Bandwidths and End-user Type

Downstream Bandwidth (in Mbps)	Upstream Bandwidth (in Mbps)	Consumer	Business / Govt	Total
30.000	30.000	240	0	240
Total		240	0	240

Fixed Broadband Subscriptions by Technology, Bandwidths and End-user Type

Technology	Downstream Bandwidth (in Mbps)	Upstream Bandwidth (in Mbps)	Consumer	Business / Govt	Total
Optical Carrier/Fiber to the End User	30.000	30.000	240	0	240
Total			240	0	240

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Surry County VATI Grant Application Public Comment Notice

Surry County intends to apply for a 2020 Virginia DHCD Virginia Telecommunications Initiative grant to support the deployment of broadband service in the underserved areas of the county.

THE SURRY COUNTY BOARD OF SUPERVISORS intends to partner with Prince George Electric Cooperative (PGEC) and file a grant application with the Virginia Department of Housing and Community Development (DHCD) for funding from the 2020 Virginia Telecommunication Initiative Program (VATI). The primary objective of the VATI is to provide financial assistance to supplement construction costs by private sector broadband service providers, in partnership with local units of government to extend service to areas that presently are unserved by any broadband provider. The project will be an extension of the current fiber-to-the home project currently underway.

Surry County consist of 310 square miles, nearly all the area is unserved or underserved by broadband. In 2018, the Economic Development Authority with support from the Board of Supervisors entered into an agreement with PGEC Enterprises for Phase I of a fiber-to-the home partnership to provide connections to homes or businesses. The purpose of the public-private partnership of Surry County and PGEC Enterprises dba Ruralband, along with other local municipal partners, is to achieve the goal of having 100% of the Prince George Electric Cooperative service area in the county served by fiber-to-the-home. Additionally, PGEC Enterprises dba Ruralband will install fiber lines and will own and maintain the fiber system for the County. PGEC Enterprises dba Ruralband will provide internet service and handle all maintenance and billing. PGEC Enterprises dba Ruralband proposes at a minimum to offer three levels of broadband speeds: 50 mbps/50 mbps upload, 100 mbps/100 mbps upload, and up to 1 Gbps/1 Gbps upload. The proposed project must target unserved areas defined as having broadband speeds of 10 Megabits per second (Mbps) download and 1 Mbps upload or less to areas not currently covered in the County. PGEC Enterprises will be working with the County on providing the geography of the project and other details.

The application will be submitted by the September 3, 2019 deadline. In accordance with requirements of VHCD, the public is invited to submit written comments on the proposed 2020 VATI grant application. To provide a record, comments should be addressed to Melissa Rollins, Asst. County Administrator, preferably by email: mrollins@surrycountyva.gov. Comments may also be sent by letter to Melissa Rollins, P. O. Box 65, 45 School Street, Surry, VA 23883 or by calling 757-294-5273. Public comment period will be open from August 3, 2019 to August 30, 2019. A complete list of comments will be sent to VDHCD. After the application submission deadline has passed and before project approval, the agency will post electronic copies of the applications on its website. Any private sector service provider wishing to request that DHCD deem a proposed project area as ineligible for VATI must submit a challenge with the information required in this section no later than 5:00 p.m. on October 9, 2019. DHCD will have 30 business days to validate a challenge.



"The Countrie it selfe, I must confesse is a very pleasant land, rich in commodities; and fertile in soyle..."

Samuel Argall, ca. 1609

County of Surry

45 School Street, P. O. Box 65

Surry, VA 23883

www.surrycountyva.gov

Phone: 757-294-5271

Fax: 757-294-5206

Board of Supervisors

Michael A. Drewry, Chair

Judy S. Lyttle, Vice-Chair

Kenneth R. Holmes

John M. Seward

Giron R. Wooden, Sr.

Jonathan Lynn

County Administrator

September 3, 2019

Dear Grant Review Committee:

Surry County is grateful for the opportunity to submit this VATI grant application for consideration by the Department of Housing and Community Development. Surry County as a rural community is challenged to provide solutions and opportunities for reliable broadband to service all citizens and businesses. While we continue to seek methods that will provide services to all of our citizens, we believe the targeted approach outlined in the proposal provides an appropriate path to provide broadband services at speeds that will: (1) enhance educational opportunities; (2) give residents the services they desire for daily enjoyment and quality of life; and (3) sustain and attract people and business in the County.

The Surry County Board of Supervisors unanimously supports our partnership with Prince George Electric Cooperative Enterprises (PGECE) who our community already has a performance agreement for a current fiber to the home broadband expansion project. A resolution supporting a 50% local match (\$2,225,000.00) is included with the application. We believe that the proven record of PGECE to successfully accomplish similar projects in neighboring communities combined with the near completion of Surry's project under the aforementioned agreement provides an opportunity to deploy broadband to our citizens and business community in a manner that meets all grant requirements.

We sincerely appreciate your consideration of our application. Please do not hesitate to contact us if you have any concerns or questions about our proposal.

Sincerely,

Jonathan Lynn
County Administrator

Melissa Rollins
Asst. County Administrator

"Take the Rural Route to Success"

Source	Amount	%	Status of Funding Source
Surry County Board of Supervisors General Fund	\$1,725,000	39%	Supported via Resolution
Surry County Board of Supervisors General Fund	\$ 500,000	11%	Approved in the FY 19-20 Budget for the current fiber to the home expansion project with PGEC Enterprises
Requested VATI Grant Funds	\$2,225,000	50%	Pending approval of application
Total	\$4,450,000*	100%	
*Total Budget Components			
Surry County Distribution Facilities	\$2,492,000	56%	
Fiber Services	\$1,691,000	38%	
End Use Equipment	\$ 267,000	6%	
Total Costs	\$4,450,000	100%	

Biography Rhonda L. Russell, RRM Consultants

Ms. Rhonda L. Russell, was awarded a doctoral degree in Organizational Leadership/Human Services Administration at the NOVA Southeastern University Fischler College of Education, and was appointed by the Honorable Terry McAuliffe, Virginia Governor, to the Virginia Birth-Related Neurological Injury Compensation Board, an independent organization created by the Virginia General Assembly. The Virginia Birth-Related Neurological Injury Compensation Program is governed by a nine member board appointed by the Governor. The program's founding purposes include – holding down malpractice insurance costs, assuring access to obstetrical services and high quality care for children and admitted claimants over their life-time. The Virginia Birth-Related Neurological Injury Compensation Program, was the first of its kind nationally and has reserve funds of more than \$400 million. Ms. Rhonda L. Russell, a life-long resident of the Commonwealth of Virginia, currently serves as the Assistant Director Planning-Comprehensive Planning and formerly as the Director of Planning & Community Development, Surry County Virginia for fourteen years. Ms. Russell has served previously in Hampton, VA, and Elizabeth City, NC in capacities of Division Manager or Department Director for more than fifteen years. Ms. Russell has extensive public service experience primarily in local government and grantsmanship, as well as instructional experience as both a full time Professor and Adjunct Faculty Member at Hampton University, Stratford University, and the University of Phoenix. Ms. Russell has studied at Virginia Tech (Urban Planning), Blacksburg, Virginia, Old Dominion University (Public Administration), Norfolk, Virginia and Nova Southeastern University (Organizational Leadership/Human Services), Fort Lauderdale, Florida. Her passions include disability services, life-long learning, excellence in service and her adult sons. Ms. Russell is a member of the American Institute of Certified Planners, the American Society of Public Administrators, Conference of Minority Public Administrators, International City Managers Association, Alpha Kappa Alpha, Sorority, Inc., Lambda Omega Chapter, and Cathedral of Faith, Chesapeake, Virginia.

Delon M. Brown

1240 Eagle Pl • North Prince George, VA 23860 • (804) 896-4719m • delonbrown@gmail.com

**RESULTS-PROVEN INFORMATION TECHNOLOGY PROFESSIONAL: COMPTIA, MICROSOFT, DELL, AND SIX SIGMA CERTIFIED.
WITH OVER 10 YEARS OF EXPERIENCE WITH A WIDE VARIETY OF SMALL TO MEDIUM SIZED BUSINESS AND ENTERPRISE
NETWORK INFRASTRUCTURES.**

SUMMARY OF QUALIFICATIONS

- Excellent Project Management & Leadership Skills
- Great Attention to Detail
- Enterprise Migration Experience
- Able to repair, install, upgrade, and maintain desktop and notebook computers as well as printers and scanners.
- Expert In End-User Training
- Analytical Thinking And Problem Solving Skills
- Superb Leadership Skills & Customer Service
- Asset Tracking and Management
- Proficient in Microsoft Office, VDI, LANDesk, SCCM, McAfee etc.

PROFESSIONAL EXPERIENCE

Virginia College, RICHMOND, VA

Jan 2015 – Dec 2018

IT SUPPORT SPECIALIST I

Responsibilities include providing technical and problem resolution support for campus administration staff and student computers, communication systems, local server, wireless and wired network, routers, and firewalls. Additional duties include supporting other campuses remotely that are owned by ECA, ordered all computer and communication equipment, liaise with vendors, and serve as primary resource for onboarding new employees, as well as, termination of an employee.

- Serve as primary technology resource for business continuity planning and testing as well as primary resource for actual emergencies such as server or network being down.
- Perform all required logging and incident documentation required for proper analysis and follow-up.
- Perform activities with regard to security systems such as the badge access system and camera surveillance system.
- Serve as primary backup resource to corporate resident Microsoft System Engineer for server maintenance to include upgrades and patches.
- Perform on-site analysis, diagnosis, and resolution of all computer/ VOIP communication systems and network interfaces.
- Participate in various IT projects that are particular to my campus and also with other campuses when needed.
- Participate in weekly team meetings as the IT representative for the IT steering committee for my region and hold weekly meeting with the Campus President.
- Responsible for creating training material and holding training classes for Office365 applications such as OneDrive for Business, OneNote, using Excel and Word online, etc.

NTS Inc./ Richmond City Public Schools, RICHMOND, VA

Dec 2010 – Dec 2014

DESKTOP TECHNICIAN

On a daily basis troubleshoot, maintain and repair desktops, laptops, tablets, printers, audio/video, cellular phones, and hand held devices. Serve as primary IT representative for the Richmond Public Schools superintendent and Central Office. Responsible for providing advanced expert level technical services and resolutions to the 24,000+ end-user environment.

- Migrated over 1800 Windows XP machines to Windows 7 in order to ensure compliance by utilizing LANDesk, Ghost and manual imaging techniques while providing profile backups, software installation and profile migration for a seamless transition to the Customer. Established Printer Naming convention for Active Directory Implementation. Lead a five man team which setup, configured, installed and tested all printers on the printer server for 52 educational locations.
- Implemented company policies, technical procedures and standards for preserving the integrity and security of data, reports and access. Consistently met deadlines and requirements for all production work orders. Served as operating system expert, providing technical support for entire organization.

- Provide troubleshooting on software applications for all users to include Mac OSX, Microsoft Windows, Microsoft Office and various desktop software applications. HR & Finance database applications such as OnBase and AS400, Address workstation, server, and network connectivity issues. Install and relocate end-user devices. Provide one-on-one training. Manage conference room setup for corporate Audio/ Video presentations and conferences, meetings, and webinars.

Rose Of Sharon Church, WAVERLY, VA**Aug 2002 – Present****SYSTEMS ADMINISTRATOR/OPERATIONS COORDINATOR**

Providing coordination and direction for continuous improvement initiatives by analyzing and improving the processes and tools supporting the ROSAC Church & Administration. Developed and maintain website.

- Set-up and support peripherals including printers, scanners. Which includes direct-connect and networked hardware. Proactively administer, configure, and maintain Microsoft Active Directory and Group Policy environment.
- Configure and Troubleshoot Remote Access configurations and access problems using remote access software such as VPN or Remote Desktop Connection.
- provide timely and accurate PC and network solutions for both the ROSAC Campus and the Virtual Campus
- Onsite PC and Network troubleshooting and repair
- Wireless network installations and configuration
- Windows Server 2012 Essentials installation and Maintenance
- Microsoft Exchange support
- Active Directory User Maintenance and support
- Virtualization projects (VMware, Hyper-V)
- SonicWall Firewall Installations and Support

VCU Health System, RICHMOND, VA**Mar 2006 – Dec 2010****CLINICAL DESKTOP SUPPORT ENGINEER**

Responsible for providing advanced expert level customer service to the VCU Health System. Duties include troubleshooting and resolving IT related problems and installing, repairing, maintaining, and upgrading desktop and notebook computers and various models of printers. Worked on the moves, adds, and changes team that installed and configured every desktop, laptop, tablet, printer, COW (computers on wheels), that was deployed in all internal and external locations. Provided Asset management and trained new end users on the software titles and hardware in the clinics, registration areas, and ER facility.

- Configured Desktop Computers, McKesson Radiology Devices, Laptops, Tablets, and Panasonic Toughbooks for client usage.
- Successfully performed general troubleshooting and maintenance for novice and expert users on multiple platforms such as Linux, Microsoft Windows, Mac OSX.
- Coordinated hardware and software rollouts for clinical departments.
- Installed clinical specific software applications such as Citrix XenApp, Mckesson, ORMIS, RADNet, AS400, PACS, McAfee, Cerner, Dameware, Cognos, GE IDX, IDX Term, Cerdian, Lotus Notes 6.5-7.3, SMS, and SCCM software packages, also specialized application for the departments like Sharepoint, and Infopath.
- Installed, configured, and performed troubleshooting on the following printers: HP LaserJet Models 4000 Series, 4100, 4200, 4300 Series, 8000, 8150, 4014, and 4515.

Bell Industries/ Henrico County Public Schools, RICHMOND, VA**Aug 2002 – Sept 2006****SENIOR MACINTOSH SERVICE TECHNICIAN**

Responsible for performing advanced level tier hardware troubleshooting on Macintosh IBook's and PowerBooks.

- Provided component level replacement for hardware, resolution on workstations, notebook computers.
- Installed hardware and software upgrades.
- Performed bench diagnostics/technical approval for repairs. Performed final quality assurance testing.

EDUCATION, CERTIFICATIONS, & ADDITIONAL SKILLS

TECHNICAL DIPLOMA DEGREE, BETA TECH CAREER TRAINING CENTER

COMPTIA A+ CERTIFIED



MICROSOFT MCTS CERTIFIED



SIX SIGMA WHITE BELT CERTIFIED



**Six Sigma White Belt
CERTIFIED**



RECEIVED

167

AUG 17 2019

The Smithfield Times
Certified Copy

SURRY COUNTY
ADMINISTRATOR'S OFFICE

TO WHOM IT MAY CONCERN:

This is to certify that the attached Legal Notice was published in The Smithfield Times, Smithfield, Virginia, on the following dates:

August 7, 2019

Publisher

**SURRY COUNTY
VATI GRANT APPLICATION
PUBLIC COMMENT NOTICE**



Surry County intends to apply for a 2020 Virginia DHCD Virginia Telecommunications Initiative grant to support the deployment of broadband service in the underserved areas of the county.

THE SURRY COUNTY BOARD OF SUPERVISORS intends to partner with Prince George Electric Cooperative (PGECE) and file a grant application with the Virginia Department of Housing and Community Development (DHCD) for funding from the 2020 Virginia Telecommunication Initiative Program (VATI). The primary objective of the VATI is to provide financial assistance to supplement construction costs by private sector broadband service providers, in partnership with local units of government to extend service to areas that presently are unserved by any broadband provider. The project will be an extension of the current fiber-to-the-home project currently underway.

Surry County consist of 310 square miles, nearly all the area is unserved or underserved by broadband. In 2018, the County Board of Supervisors with support of the Economic Development Authority entered into an agreement with PGECE Enterprises for Phase I of a fiber-to-the home partnership to provide connections to homes or businesses. The purpose of the public-private partnership of Surry County and PGECE Enterprises dba Ruralband, along with other local municipal partners, is to achieve the goal of having 100% of the Prince George Electric Cooperative service area in the county served by fiber-to-the-home. Additionally, PGECE Enterprises dba Ruralband will install fiber lines and will own and maintain the fiber system for the County. PGECE Enterprises dba Ruralband will provide internet service and handle all maintenance and billing. PGECE Enterprises dba Ruralband proposes at a minimum to offer three levels of broadband speeds: 50 mbps/50 mbps upload, 100 mbps/100 mbps upload, and up to 1 Gbps/1 Gbps upload. The proposed project must target unserved areas defined as having broadband speeds of 10 Megabits per second (Mbps) download and 1 Mbps upload or less to areas not currently covered in the County. PGECE Enterprises will be working with the County on providing the geography of the project and other details.

The application will be submitted by the September 3, 2019 deadline. In accordance with requirements of VHCD, the public is invited to submit written comments on the proposed 2020 VATI grant application. To provide a record, comments should be addressed to Melissa Rollins, Asst. County Administrator, preferably by email:

melissa.rollins@surryva.gov

U19-123D
Aug 7/1TC

Biography Melissa D. Rollins, Assistant County Administrator

Melissa D. Rollins is the Assistant County Administrator for Surry County, having served in the role since May 2017. Prior to serving in this capacity, Melissa served six years as the Director of Finance for the City of Franklin after leaving a 16-year tenure as Surry County's Director of Finance & Information Technology. She holds a master's degree in Public Administration from Old Dominion University. She was instrumental in the County and City receiving first time accreditations from the Government Finance Officers Association for Distinguished Budget Presentation and Excellence in Financial Reporting. As the Assistant County Administrator for Surry County, she is actively engaged in Economic Development initiatives, project specials and has managerial oversight over Economic Development, Information Technology and Finance Departments. Successful grant writing experience include application to the Virginia Economic Development Partnership for industrial park site assessment and characterization grant awards and to the Obici Healthcare Foundation for healthy community grant awards. She has been accepted as an ICMA Credentialed Manager Candidate and has professional memberships with the Virginia Economic Development Association and the International Economic Development Council. She also serves on the Board of Directors for the Obici Healthcare Foundation. Her goal in life is to simply make a positive difference to others.

Electric Utility Career Resume

Robert H. Hall

PO Box 168
Waverly, VA 23890

Cell: (804) 895-0104
Email: rhall@pgec.coop

Fax: (804) 834-3544
Office: (804) 834-2424x 1016

Career History:

PGEC Enterprises LLC, Vice President: Waverly, Virginia; December 2016 to Present.

Prince George Electric Cooperative, Waverly, Virginia; May 2007 to Present.

VP and CFO – November 2014 – Present

Manager of Corporate Services – May 2007 – November 2014

Dominion Energy: April 1998-May 2007

Manager of Accounting - Dominion Retail, Inc. – September 2001 – May 2007

Financial Analyst – Virginia Power, Inc. – April 2000 – September 2001

Accountant – Virginia Power, Inc. – April 1999 – April 2000

Professional Accomplishments

Passed Virginia CPA Exam May 1999

Education:

Bachelor of Science Business Administration - Accounting 1992
Longwood University – Farmville, Virginia

Electric Utility Career Resume

Cary “Casey” J Logan Jr, P.E.

PO Box 168
Waverly, VA 23890

Cell: (804) 731-9117
Email: clogan@pgec.coop

Fax: (804) 834-3544
Office: (804) 834-2424x 1003

Career History:

PGEC Enterprises LLC, Waverly, Virginia;

President – April 2019 – Present

VP of Operations – December 2016 – March 2019

Prince George Electric Cooperative, Waverly, Virginia;

President and CEO – April 2019 – Present

VP of Engineering – July 2015 – March 2019

South Carolina Eclectic and Gas, Engineer: Columbia, SC 2006 – 2015

Square D, Engineer: Columbia, SC 2003 – 2006

Nan-YA Plastics, Engineer: Lake City, SC 2002 – 2003

Professional Affiliations:

Professional Engineer - licensed in the state of South Carolina and Virginia

Education:

Master of Business Administration Engineering - 2008
University of South Carolina; Columbia, SC

Bachelor of Science Electrical Engineering - 2002
University of South Carolina; Columbia, SC

Biography Jonathan Lynn, County Administrator

Jonathan Lynn is a local government manager with over 15 years of government experience in Georgia and Virginia, where he currently serves as County Administrator in Surry County, Virginia. With a background in planning and community development, he continues to take pride in public service projects that are collaboration based and meet those community needs previously unaddressed. He holds a B.A. in Political Science and a Master's of Public Administration, both from Georgia Southern University.

EXHIBIT D

2020	Town of Surry to Dendron	Surry to Scotland SR31	Town of Surry to Poolsville SR 10	Town of Claremont SR 10
January				
February				
March	Contract Negotiation			
April	Contract Negotiation			
May	Engineering			
June	Engineering			
June	Make Ready/Fiber Construction			
July	Make Ready/Fiber Construction	Engineering		
August	Make Ready/Fiber Construction	Engineering		
August		Make Ready/Fiber Construction		
September		Make Ready/Fiber Construction	Engineering	
October		Make Ready/Fiber Construction	Engineering	
October			Make Ready/Fiber Construction	
November			Make Ready/Fiber Construction	Engineering
December			Make Ready/Fiber Construction	Engineering
Janaury 2021				Make Ready/Fiber Construction
February				Make Ready/Fiber Construction
March				Make Ready/Fiber Construction
April				Make Ready/Fiber Construction

EXHIBIT D

Product	Total	VATI	Non-VATI	Source of Estimate	Date
Surry County Distribution Facilities	\$ 2,492,000	\$ 1,246,000	\$ 1,246,000	PGEB	8/16/2019
Fiber Services	\$ 1,691,000	\$ 845,500	\$ 845,500	PGEB	8/16/2019
End User Equipment	\$ 267,000	\$ 133,500	\$ 133,500	PGEB	8/16/2019
	\$ 4,450,000				
	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		

CDBG Derivation of Cost

	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		
	\$ -	\$ -	\$ -		

**AGREEMENT BETWEEN THE COUNTY OF SURRY AND
SHERIFF CARLOS TURNER**

**MANAGEMENT & OPERATIONS OF
EMERGENCY COMMUNICATIONS CENTER**

THIS AGREEMENT is entered into this 13th day of April, 2020 between Carlos Turner, the Surry County Sheriff (“Sheriff”) and Surry County, Virginia (the “County”) for the purpose of establishing the relationship between the Sheriff and the County regarding the management and operations of the Surry County Emergency Communication Center (the “Communications Center”).

WHEREAS, the County of Surry owns Enhanced E-911 equipment to receive telephone requests and dispatch emergency medical and fire protection services within the County; and

WHEREAS, the Sheriff employs dispatchers who work in the Communications Center, receive the calls and perform dispatch operations using the Enhanced E-911 equipment; and

WHEREAS, the Sheriff employs nine (9) full time dispatchers and four (4) part-time dispatcher(s) all of whom are non-sworn. Four (4) of the full-time positions are paid for through the State Compensation Board and five (5) of full -positions are paid for with local funds. The four (4) part-time dispatcher are paid for with local funds; and

WHEREAS, the Sheriff and the Board of Supervisors agree that the emergency communications system would operate more efficiently if an Emergency Communications Manager were to supervise the operation of the Communications Center.

NOW THEREFORE, it is agreed by the parties as follows:

1. Emergency Communications Manager.

The Board agrees that the Emergency Communications Manager, a county employee hired and directly managed by the County Administrator or his or her designee, to be responsible for the day to day operation of the Communications Center. While not an employee of the Sheriff, the Emergency Communications Manager will work with the Sheriff and/or his designee to ensure that the Communications Center is operating in an efficient and in accordance with Standard Operating Procedures.

2. Hiring and Disciplining of Dispatchers.

Since the Emergency Communications Manager is responsible for the day to day operations and serves as the manager over dispatch operations, the Emergency Communications Manager shall evaluate the dispatchers and make recommendations to the Sheriff as to both hiring and discipline of those dispatchers. Since the dispatchers will continue to be employees of the Sheriff, the actual decision to hire, discipline or

terminate dispatchers will be made by the Sheriff after consultation with the County Administrator, or his or her designee.

3. Duties of Emergency Communications Manager.

The Emergency Communications Manger will be responsible for updating the policy manual for emergency communications, supervising the Communications Center on a daily basis, doing the scheduling for the dispatchers, administering the contracts for equipment in the Communications Center, budgeting for dispatch operations as well as other duties. The job description of the Emergency Communications Manager is attached as Exhibit A.

4. Meetings.

The County Administrator, or his or her designee, the Sheriff and the Emergency Communications Manger shall meet at least quarterly to discuss the operation of the Emergency Communications Center

Termination.

Either party may terminate this Agreement by providing the other party with written notice of its intent to terminate at least ninety days prior to the date of termination.

IN WITNESS WHEREOF, the parties have executed this Agreement effective on the date first written above.

CARLOS TURNER, SHERIFF

**CLERK, BOARD OF SUPERVISORS OF
SURRY COUNTY, VIRGINIA**

Agenda Note

AGENDA ITEM

Agreement Between the County and the Sheriff– Management and Operations of the Emergency Communications Center

BACKGROUND:

Attached is the agreement between the Surry County Board of Supervisors and Sheriff Carols Turner as it pertains to the management and operations of the Emergency Communications Center. The agreement was finalized by the County Attorney in April during COVID19 operational halt for non-essential business. Details are enclosed in the agreement which are slated to foster the continued coordination and efficient operations in the emergency communication center. The Emergency Communications Manager relocated to the Sheriff’s Department in March and is currently managing and administering the day to day operations of the dispatch center.

REQUIRED ACTION -

Considering adoption of the Agreement between the County and the Sheriff on the management and operations of the emergency communications center.

ATTACHMENTS: (1) Agreement Between the County and the Sheriff

AGENDA ITEM

County of Surry Employee Re-Entry Plan – Phase I

BACKGROUND:

Information is being provided to inform the Board of Supervisors and the Public on the proposed re-entry plan for employees return to government offices and facilities. Currently, teleworking and alternative work arrangements are in place which have been working well as employees continue to provide services to the public. The purpose of developing a re-entry plan is to get employees acclimated to the workplace prior to any plans to begin to allow safe public re-entry. The plan takes into guidance issued by federal, state and local governmental agencies. Emergency Management continues to monitor the evolving circumstances surrounding COVID 19 and will continue to update the Board and citizens as often as needed.

Note: In consideration of the timeframe in which teleworking will be permissible in addition to other personnel/work circumstances as a result of the pandemic, personnel policy changes will be forthcoming for review and consideration.

REQUIRED ACTION - NONE

At the pleasure and consensus of the Board of Supervisors, the re-entry plan can be implemented at the appropriate time.

ATTACHMENTS:

- (1) Proposed Phase I Re-entry Plan for Employees**

SURRY COUNTY COVID19 PHASE 1 RE-ENTRY EMPLOYEE STANDARDS

Estimated Time Frame for Phase I – To Be Determined

Projected Time Frame for Phase II – Public Access –To Be Determined

General Guidance

Governor Ralph Northam issued [Executive Order 61](#) outlining the state’s first phase to ease some of the restrictions put in place during the coronavirus pandemic. The County’s has been essentially following the guidance of the Governor as it pertains to the closures and now the phased in approach to the re-opening of facilities and businesses.

The **Phase I** re-entry plan includes protections deemed necessary to help control the risk of infection to the public and employees. A small organization like Surry must take such risks very seriously; many departments have one employee responsible for a program. A prolonged illness preventing the employee from working could mean that the service is unavailable. The guidelines prepared should be followed to best ensure a safe and efficient Phase One- Return to Work process.

The goal is to communicate consistently to best ensure a successful re-entry. There is no one-size fits all approach. All plans may change as the COVID19 landscape continues to change. Employee feedback is encouraged so that all major concerns are addressed. It is understood that additionally re-opening guidance may be provided for specific programs and organizations (i.e. parks and recreation, farmer’s markets, visitor centers, courts). Emergency Management and Administration will continue to work with each department throughout this process as needed.

Basic Guidance: Details are further noted in the plan.

- a. **Fogging of Facilities:** All Offices will be fogged prior to staffing returning to work
- b. **Telework** – Telework will be permitted for all eligible employees (i.e. vulnerable employees) at the discretion of the Department Head or County Administrator
- c. **Alternate Shifts** – Departments Heads should utilize alternative shift management to minimize the number of employees reporting each day until normal operations are resumed. Department heads should submit a schedule to be shared electronically.
- d. **Hand Sanitizer** – Stations for hand sanitizer will be deployed at each entrance and throughout the building and should be used before exit, and each time you enter the building.
- e. **Greetings** – Employees will politely decline handshaking or hugs as part of greeting each other or the public and refrain from other standard greeting physical contact that may lead to infection.
- f. **Meetings** – All meetings of the Board of Supervisors and other Boards and Commissions will continue to be virtual until further notice.
- g. **Face Masks** – Every employee will be required to wear a facemask while in shared spaces. Shared spaces include any area where more than one employee is present. This requirement applies to County contractors and auxiliary staff as well as employees
- h. **Temperature Screening** – efforts are being made to secure temperature taking devices for all departments
- i. **Closed Spaces** – To the extent possible, operating space will be limited. Restricted areas are indicated with

signage on doors and door handles. This closure includes some offices, conference rooms.

- j. **Doors** – All internal office doors should remain in an open position to reduce touchpoints.
- k. **Cleaning** – Staff shall disinfect flat surfaces at the end of each workday. Each employee will be responsible for their individual spaces.
- l. **Touchpoints** – The Maintenance department staff will disinfect the frequent touchpoints.
- m. **HR Screening for Sick Employees** – Employees who miss work due to illness that portray COVID 19 symptoms shall inform their supervisor of their absence, who will contact HR. A COVID-19 screening will be conducted and next steps will be determined **Please see attached COVID19 Employee Health Check questionnaire.**
- n. **Travel and Training** – All external business travel and training is prohibited until further notice
- o. **Public Access** – facilities remain closed to the public with the exception of the courts.

Re-Entry Plan Protocols

- ✓ *Physical Distancing Best Practices*
- ✓ *Enhanced Cleaning and Disinfection Best Practices*
- ✓ *Enhanced Workplace Safety Best Practices*

Social & Physical Distancing

- Social Distancing” means keeping space between yourself and other people outside of your home.

To practice social or physical distancing:

- Stay at least 6 feet from others; be respectful of others
- Do not gather in groups, limit of two people in lounge for food preparation only
- Stay out of crowded places and avoid mass gatherings
- Face to Face meetings must be conducted in an area large enough to allow for recommended social distancing
- Meetings with stakeholders and customers should be conducted virtually at every opportunity
- Limit office visits and contact co-workers by phone or email
- Have lunch outside the building where you can maintain social distancing
- Remove extra chairs from rooms or place them in the corners away from a table to demonstrate and enforce proper spacing
- Use your best judgement and take sensible measures to adjust your workplace environment – BE FLEXIBLE, BE FLUID
- Social Distancing Signage, space demarcations and other provisions encouraging this safety measure will be made available and posted where needed.
- Social and Physical Distancing Barriers/shields will be provided in appropriate spaces

Enhanced Cleaning & Disinfecting

Each employee has a shared responsibility: Employees should clean and disinfect their personal workspace daily to help prevent the spread of the virus

- Disinfectants will be supplied by the County for each department.

- Employees are expected to assist in the disinfecting of touchpoints in their department (i.e. touchpoints such as light switches, doorknobs hard surfaces, shared equipment like copiers, printers, etc.).
- Internal doors should remain open to limit touchpoints.
- Employees will clean and disinfect fleet vehicles after each usage.
- Hand Sanitizing stations will be placed throughout the building
- Hand Sanitizers will be provided to each department
- Fogging of Facilities will be done monthly

Workplace Safety

- **Single Entry Point** - Employees entering the Government Center, or any offsite Government Facility will be required to do so through a single-entry point that is monitored. For example: for the Surry County Government Center, the main entrance will be the only point of entry. The following is mandated by all employees when entering public facilities:
 - **Wearing a face covering when entering and exiting facilities**
 - **Temperature Screening**
 1. Will be taken at a single-entry point in the government center
 2. Offsite Government facility temperature screening will be taken at the closest facility if that location is not equipped with a thermometer. (Every effort will be made to provide offsite locations with a thermometer)
 3. Temperatures of 100.4 F. or greater will not be allowed in the facility and must contact their Department Head Immediately.
- **Handwashing** – Wash hands as often as possible. The **CDC recommendations of frequent hand cleaning** and limiting face-to-face contact with others through social distancing as the best ways Please see the attached link to CDC Guidelines: <https://www.cdc.gov/handwashing/when-how-handwashing.html>
- **Utilize Hand sanitizer when you are unable to wash hands** – hand sanitizer stations will be provided throughout the building and provided to each department.
- **Gloves** – wearing gloves do not give an added layer of protection against the risk of coming into contact with germs. Most experts say a pair of gloves won't lower your risk of contracting COVID-19 mostly because wearing gloves provides a false sense of security that bare hands do not.
- **Face Coverings** - Follow **CDC recommendations and wear a face covering** to cover your nose and mouth, especially in situations where you may be near people. A face covering is not intended to protect the wearer, but it may prevent the spread of virus from the wearer to others. Please see the attached link to CDC Guidelines: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>

When Should Employees Wear a Face Covering: Employees are mandated to wear face mask when occupying shared areas such as hallways, bathrooms, lounge areas or any other area where more than one individual may occupy that space.

Will Face Mask Be Provided: It is recommended that employees provide their personal cloth face covering that can be washed; however, the County will provide face mask for those that do not have their own.

WHAT TO DO IF YOU ARE SICK

- If you have COVID -19 symptoms or do not feel well, **DO NOT** report to work.
- Contact your health care provider and follow all medical directives to avoid possibly exposing others. If you have questions, contact your immediate supervisor and Human Resources. (A note from health care provider may be required to resume work.) – Please see the attached link to CDC Guidelines: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>
- You should also do the following:
 1. Notify your immediate supervisor that you will not be reporting to work
 2. Complete the **questionnaire** prior to returning to work. Please see attached covid19 Employee Health Check questionnaire.
 3. **Stay home and not report to work** until you are free of the following symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants):
 - a. At least 14 days have passed since symptoms first appeared
 - b. Fever (100.4 or greater)
 - c. Signs of fever (shivering, chills, body aches, headaches, excessive sweating, etc.)
 - d. Any other symptoms (sore throat, persistent cough, sinus congestion, fatigue, etc.)

RETURNING TO WORK AFTER A QUARANTINE OR COVID 19 DIAGNOSIS

If you have been asked to quarantine after being in close contact with COVID-19 positive patient, an employee may return to work if no symptoms develop after 14 days since the last date of high risk exposure, if you remain free of symptoms. You must quarantine for the full 14-day quarantine period.

- A. The employee may return to work when they meet the following criteria:**
1. Completion of the required 14-day quarantine period
 2. Symptom-free for the last 72 hours
 3. Cleared by medical provider (Return to Work note required)
- B. Confirmed COVID-19 Case (Isolation) – After being diagnosed with COVID-19, an employee may return to work using the following clearance criteria:**
1. Completion of the required 14-day quarantine period
 2. Symptom-free for the last 72 hours
 3. Cleared by medical provider (Return to Work note required)

SURRY COUNTY COVID-19 EMPLOYEE HEALTH CHECK

To ensure the safety and wellbeing of all Surry County employees this questionnaire is required to return to work for all employees that have called out sick or have been experiencing any flu like symptoms.

- Have you had a fever in the last 24 hours, if so, how long?
- What signs and symptoms are you exhibiting?
- What date did the signs and symptoms start to occur?
- Did you feel a need to self-quarantine?
- Is anyone in your family sick, or running a fever?
- Have you sought treatment from a medical professional?
- Where you advised by any medical professional to be tested for the COVID-19 virus?
- Have you traveled outside of the country, if so where?
- Have you been in contact with anyone who has had a positive test for COVID-19?
- Emergency contact number where you can be reached?

This information will be kept completely confidential

Employee Name _____

Date _____

Return form to Department Head Upon Completion

Agenda Note: Authority to Advertise a Public Hearing for the Appropriation of \$560,295 in Coronavirus Aid, Relief, and Economic Security (Cares) Act of 2020 Coronavirus Relief Funds to a New Special Revenue Fund (Budget Amendment).

Statement: In accordance with VA Code Section 15.2-2507 an amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing a notice of a meeting and a public hearing once.

The Federal government issued \$3.1 billion in Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Funding – Coronavirus Relief Funds to the Commonwealth of Virginia and another \$200 million to Fairfax County. Counties and cities received a May 12, 2020 memo from the Secretary of Finance indicating that the Commonwealth would distribute these funds to localities based on population. Surry will receive \$560,295 on or around June 15 after signing a certification stating these funds would be used as directed. Due to the timing required get the certification turned in to the Virginia Dept. of Accounts, Board consensus was received to have the Board Chairman, Acting County Administrator and Finance Director sign the certification, and the signed certification was submitted to the Department of Accounts before Friday May 15, 2020.

REQUIRED ACTION: AUTHORITY TO ADVERTISE A PUBLIC HEARING FOR THE APPROPRIATION OF \$560,295 IN CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT OF 2020 CORONAVIRUS RELIEF FUNDS TO A NEW SPECIAL REVENUE FUND (BUDGET AMENDMENT) ON JULY 2, 2020.

MEMORANDUM

TO: Surry County Board of Supervisors

FROM: William G. Saunders, IV, AICP, CZA, Director
Department of Planning & Community Development

DATE: May 26, 2020

REF: Spring Grove Solar III, LLC - Request for Public Hearing

At their May 18, 2020 meeting, the Surry County Planning Commission forwarded recommendations to the Board of Supervisors on the following three applications for Spring Grove Solar III, LLC:

- Comprehensive Plan Amendment No. 2020-01
- Conditional Rezoning No. 2020-01
- Conditional Use Permit No. 2020-02

These applications relate to the expansion of the Urban Grid land holdings for solar, electric-generating facilities in the county under CUPs #2018-03 and #2018-04.

The subject property consists of one parcel, irregularly shaped, beginning + 2850' west of the intersection of Colonial Trail West/SR 10 and Hollybush Road/SR 618, extending along the south side of Colonial Trail W/SR 10 for + 2800' with an average depth of + 5300'. The property is referred to as Tax Parcel No. 26-4C.

This item is before you tonight to request approval to advertise for public hearings for these applications for the July 2, 2020 Board of Supervisor's meeting.

ORDINANCE TO RE-ADOPT THE EMERGENCY ORDINANCE APPROVED BY THE BOARD OF SUPERVISORS ON APRIL 23, 2020 CONCERNING CONTINUITY OF GOVERNMENT OPERATIONS DURING THE DECLARED COVID-19 PANDEMIC UNDER SECTION 15.2-1413 OF THE CODE OF VIRGINIA AND TO EXTEND THE EXPIRATION DATE OF SAID ORDINANCE UNTIL NO LATER THAN OCTOBER 23, 2020.

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

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

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

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

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

WHEREAS, on April 16, 2020, the Board of Supervisors of Surry County, Virginia confirmed the declaration of local emergency made by the local director of emergency management on March 13, 2020; and

WHEREAS, the Board of Supervisors finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat;” and

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

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

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

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

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

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

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

WHEREAS, the Board of Supervisors of Surry County adopted emergency Ordinance 2020-01 on April 23, 2020 to effectuate temporary changes in certain deadlines and to modify public

meeting and public hearing practices and procedures to address continuity of operation of government associated with the pandemic disaster; and

WHEREAS, Ordinance 2020-01 was adopted for a 60-day period and must be re-adopted pursuant to Section 15.2-1427 of the Code of Virginia prior to June 23, 2020.

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

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Board of Supervisors, the School Board, the Planning Commission, Board of Zoning Appeals, Board of Equalization, and all local and regional boards, commissions, committees and authorities created by the Board of Supervisors or to which the Board of Supervisors appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.
2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:
 - a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
 - b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
 - c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify

- the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
- d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and
 - e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and
 - f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

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

IT IS FURTHER ORDAINED, that each incorporated town within the boundaries of Surry County, Virginia are encouraged, authorized and/or directed to declare its own state of local

emergency and disaster or incorporate by reference the County's local state of emergency and disaster and to adopt an ordinance for the continuity of town government.

IT IS FURTHER ORDAINED, that the provisions of this Ordinance shall expire on October 23, 2020, unless rescinded by the Board of Supervisors sooner. Upon rescission by the Board of Supervisors or automatic expiration as described herein, this Ordinance shall terminate and normal practices and procedures of government shall resume.

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

This Ordinance shall be effective upon its adoption.

Adopted this ____ day of June, 2020.

Melissa Rollins
Acting County Administrator

Robert Elliott
Chair

Publisher's Certificate of Publication

STATE OF VIRGINIA

SURRY COUNTY PUBLIC NOTICE Continuity of Government

Ann Potter, being duly sworn, on oath says she is and during all times herein stated has been an employee of Smithfield Newsmedia, LLC. publisher and printer of the The Smithfield Times (the "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

05/20/20, 05/27/20
2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.
3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney

At its regular meeting on Thursday, June 4, 2020, the Board of Supervisors shall consider adoption of an ordinance to effectuate temporary changes in certain deadlines and to modify public meeting and public hearings practices and procedures to address continuity of operations associated with the COVID-19 pandemic disaster.

This ordinance, authorized by Va. Code §15.2-1413 will allow, but not require, the County Board of Supervisors and other County Boards and Commissions to hold meetings by all electronic means, without a physical quorum being present. The County will publish notice of how citizens will be able to view the meetings as they are in progress and to participate in any public hearings and provide public comments. The ordinance also suspends any required deadlines on County employees but encourages them to meet such deadlines as practical. The ordinance will remain in effect for six months and normal business will return at that time unless the Board terminates the ordinance before then.

A full copy of the Ordinance may be obtained on the Surry County website at www.surry-countyva.gov

The meeting will be conducted by electronic means according to measures adopted by the County of Surry Ordinance Number 2020-01. The call-in number to participate is [1-877-568-4106, access code: 447-043-91] and information can be found on the County of Surry's website describing additional ways the public may participate.

Questions may be directed to Melissa Rollins, Acting County Administrator, at mrollins@surrycountyva.gov.

**BY ORDER OF THE
BOARD OF SUPERVISORS
SURRY COUNTY, VIRGINIA**

Ann Potter, Employee

Subscribed and sworn to before me this
27th Day of May, 2020



Amy M. Whitaker, Notary Public
Beaufort County, NC
My commission expires 08-25-2023

Account # 198350
Ad # 1046477

SURRY COUNTY ADMINIST
P.O. BOX 65
SURRY VA 23883

**AN ORDINANCE TO ADD ARTICLE VII- FOOD AND BEVERAGE TAX,
SECTIONS 16-558 THROUGH 16-569, TO CHAPTER 16- LICENSES, TAXATION
AND MISCELLANEOUS REGULATIONS OF THE SURRY COUNTY CODE AS
ALLOWED BY STATE CODE**

WHEREAS, as result of the 2020 General Assembly Session, Section 58.1-3833 of the Code of Virginia has been amended to authorize counties to levy a tax at an amount not to exceed six percent on food and beverages sold by a restaurant and eliminates the referendum requirement; and

WHEREAS, imposing a meals tax will broaden the County’s tax base, diversify the sources of revenue for the County, as well as help fund a variety of operational needs; and

WHEREAS, the Board of Supervisors desires to impose a food and beverage tax and update the County Code to reflect the new state law.

NOW, THEREFORE, be it ordained by the Board of Supervisors of Surry County, that Article VII, Sections 16-558 through 16-559, is hereby adopted and added to Chapter 16-Licenses, Taxation and Miscellaneous Regulation in the Surry County Code as follows:

CHAPTER 16 – LICENSES, TAXATION AND MISCELLANEOUS REGULATIONS

ARTICLE VII. – FOOD AND BEVERAGE TAX

Sec. 16-558. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them by this section. Words and phrases used in this article that are not defined herein shall have the meanings ascribed to them under section 1-2 of this Code, if any, and, if not defined therein, the meanings commonly attributable to them in normal and customary usage.

Beverage: Any alcoholic beverages as defined in § 4.1-100 of the Code of Virginia, 1950, as amended, and nonalcoholic beverages, any of which are served as part of a meal.

Caterer: A person who furnishes meals on the premises of another, for compensation.

Commissioner: The commissioner of the revenue of the County and any of his or her duly authorized deputies, assistants, employees or agents.

Food: Any and all edible refreshments, foodstuffs or nourishment, liquid or otherwise, including beverages as herein defined, purchased in or from a restaurant or from a caterer, whether such food is intended to be, or actually is, consumed on the seller's premises or elsewhere, except snack foods.

Meal: the term “meal” means any prepared food and beverage, sold for human consumption, whether designated as breakfast, lunch, dinner, supper or by some other name, and without regard to the manner, time, and place of service or consumption.

Purchaser: Any person who purchases food in or from a restaurant, caterer or other vendor.

Restaurant:

(1) Any place where food is prepared for service to the public on or off the premises, or any place where food is served. Examples of such places include but are not limited to lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and colleges, and kitchen areas of local correctional facilities subject to standards adopted under Code of Virginia, § 53.1-68. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.

(2) Any place or operation which prepares or stores meals for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include but are not limited to operations preparing or storing food for catering services, push-cart operations, hotdog stands, and other mobile points of service. Such mobile points of service are also deemed to be restaurants unless the point of service and of consumption is in a private residence. The term also includes any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include, but are not limited to, operations preparing or storing food for catering services, pushcart operations, hot dog stands and other mobile points of service. Such mobile points of service are also deemed to be restaurants unless the point of service and of consumption is in a private residence. The word "restaurant" shall not mean a grocery store, convenience store or supermarket except for any space or section therein designated or used as a delicatessen which sells prepared foods ready for human consumption or for the sale of prepared sandwiches and single-meal platters.

Seller: Any person who sells food in or from a restaurant and any caterer.

Snack foods: the term "snack foods" means any candy, chewing gum, peanuts and other nuts, popcorn, and unopened prepackaged cookies, crackers, donuts, potato chips and other items of essentially the same nature consumed for essentially the same purpose.

Treasurer: The Treasurer of the County, and any of his or her duly authorized deputies, assistants, employees, or agents.

Sec. 16-559. - Exemptions.

The following purchases of food shall not be subject to tax under this article:

- 1) Food sold by volunteer fire departments and rescue squads; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000.00 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes.
- 2) Food furnished or sold by boardinghouses that do not accommodate transients.
- 3) Food sold by cafeterias operated by industrial plants for employees only.

- 4) Food sold by day care centers, public or private elementary, secondary schools, colleges or universities to their students or employees.
- 5) Food furnished by restaurants to their employees as part of their compensation when no charge is made to the employee.
- 6) Food furnished by a hospital, medical clinic, convalescent home, nursing home, home for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics to patients or residents thereof.
- 7) Food sold by age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served, and fees are charged for such food and beverages and are included in rental fees.
- 8) Food furnished by churches which serve meals for their members as a regular part of their religious observances.
- 9) Food and beverages sold through vending machines.
- 10) Food (i) when used or consumed and paid for by the Commonwealth of Virginia, any political subdivision of the Commonwealth of Virginia, or the United States; or (ii) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (iii) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.
- 11) Food sold by grocery stores and convenience stores except for prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.
- 12) That portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price;
- 13) That portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed twenty percent of the sales price;
- 14) Alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption; and
- 15) Food purchased for human consumption as “food” is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to the Act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and non-factory sealed beverages.

Sec. 16-560. - Levy of tax; amount.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a meals tax, pursuant to § 58.1-3833 of the Code of Virginia, 1950, as amended, is hereby levied

and imposed on the purchaser of all food and beverages served, sold or delivered for human consumption in the County in or from a restaurant, whether prepared in such restaurant or not, or prepared by a caterer. The rate of this tax shall be six percent of the amount paid for such food. In the computation of this tax, any fraction of one-half cent or more shall be treated as one cent \$0.01.

Sec. 16-561. - Payment and collection of tax.

Every seller of food with respect to which a tax is levied under this article shall collect the amount of tax imposed under this article from the purchaser on whom the same is levied at the time payment for such food becomes due and payable, whether payment is to be made in cash or on credit by means of a credit card or otherwise. The amount of tax owed by the purchaser shall be added to the cost of the food by the seller who shall remit the taxes collected to the county in accordance with section 16-562. Taxes collected by the seller shall be held in trust by the seller for the benefit of the county until remitted to the county. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to Code of Virginia, § 18.2-111.

Sec. 16-562. – Penalty for failure to report or pay tax; interest on unpaid tax

- a) If any person, whose duty it is so to do, shall fail to remit the tax required to be collected and paid under this article, within the time and in the amount specified in this article, there shall be added to such tax by the treasurer a penalty in the amount of ten percent, if the failure is for not more than 30 days, with an additional five percent for each additional 30 days or fraction thereof during which the failure continues, not to exceed 25 percent in the aggregate, with a minimum penalty of \$10.00, but in no event shall the penalty exceed the amount of the tax assessable. In addition, interest at the rate of ten percent per annum may be computed and collected upon the taxes and penalty by the treasurer beginning from the date such taxes were due and payable.
- b) If any person, whose duty it is to do so, shall fail to file a report required to be filed under this article within the time specified in this article, there shall be added to such tax by the commissioner of the revenue a penalty in the amount of ten percent with a minimum penalty of \$10.00.

Sec. 16-563. - Reports and remittances generally.

Every seller of food with respect to which a tax is levied under this article shall make out a report upon such forms and setting forth such information as the commissioner may prescribe and require, showing the amount of food charges collected and the tax required to be collected, and shall sign and deliver such report to the county treasurer with a remittance of such tax. Such reports and remittance shall be made on or before the twentieth day of each month, covering the amount of tax collected during the preceding month.

Sec. 16-564. - Duty of seller when going out of business.

Whenever any person required to collect or pay to the county a tax under this article shall cease to operate or otherwise dispose of a business required to collect or pay to the county a tax under this article, any tax payable under this article shall become immediately due and payable, and such person shall immediately make a report and pay the tax due.

Sec. 16-565. - Preservation of records.

It shall be the duty of any seller of food liable for a collection and remittance of the taxes imposed by this article to keep and preserve for a period of three years records showing gross sales of all food and beverages, the amount charged the purchaser of each such purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The commissioner shall have the power to examine such records at reasonable times and without unreasonable interference with the business of the seller, for the purpose of administering and enforcing the provisions of this article and to make copies of all or any parts thereof.

Sec. 16-566. - Enforcement; duty of commissioner of the revenue.

The commissioner shall promulgate rules and regulations for the interpretation, administration, and enforcement of this article. It shall also be the duty of the commissioner to ascertain the name of every seller liable for the collection of the tax imposed by this article who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this article. The commissioner shall have all of the enforcement powers as authorized by article 1, chapter 31 of title 58.1 of the Code of Virginia (1950), as amended, for the purposes of this article.

Sec. 16-567. - Duty of county treasurer.

The county treasurer shall have the power and duty of collecting the taxes imposed and levied hereunder and shall cause the same to be paid into the general treasury for the county. The treasurer shall have all of the enforcement powers as authorized by article 2, chapter 31 of title 58.1 of the Code of Virginia (1950), as amended, for purposes of this article.

Sec. 16-568. - Violation of article.

Any person required to collect, account for, and pay over the tax levied in this article who willfully fails to collect or truthfully account for and pay over such tax, and any such officer or person who willfully evades or attempts to evade any such tax or the payment thereof, shall be guilty of a class 1 misdemeanor. Any person who willfully violates any other provision of this article shall be guilty of a class 3 misdemeanor. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes provided for in this article. Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense.

Sec. 16-569. - Discount.

For the purpose of compensating sellers for the collection of the tax imposed by this chapter, every seller shall be allowed three percent of the amount of the tax due and accounted for in the form of a deduction on his monthly return, provided, that the amount due is not delinquent at the time of payment.

State Law Reference—Virginia Code Sections 58.1-3833, 35.1-1, 4.1-100, 58.1-3916, 15.2-1429.

This amended ordinance shall take effect July 1, 2020.

Publisher's Certificate of Publication

STATE OF VIRGINIA

Ann Potter, being duly sworn, on oath says she is and during all times herein stated has been an employee of Smithfield Newsmedia, LLC. publisher and printer of the The Smithfield Times (the "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

05/20/20, 05/27/20

2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney

SURRY COUNTY NOTICE OF PUBLIC HEARING NOTICE OF PROPOSED FOOD AND BEVERAGE TAX (MEALS TAX)

NOTICE is hereby given that the Surry County Board of Supervisors has scheduled a public hearing for Thursday, June 4, 2020, at 7:00 pm., or shortly thereafter, to hear public comments and to consider the adoption of an ordinance imposing a food and beverage tax (meals tax) of six percent. A full copy of the Ordinance may be obtained on the Surry County website at www.surrycountyva.gov.

The hearing will be conducted by electronic means according to measures adopted by the County of Surry, Ordinance Number 2020-01. The call-in number to participate is 1-877-568-4106, access code: 447-043-91 and information can be found on the County of Surry's website describing additional ways the public may participate in or otherwise offer comment before or during the meeting.

Questions may be directed to Melissa Rollins, Acting County Administrator, at mrollins@surrycountyva.gov.

**BY ORDER OF THE BOARD
OF SUPERVISORS
SURRY COUNTY, VIRGINIA**



Ann Potter, Employee

Subscribed and sworn to before me this
27th Day of May, 2020



Amy M. Whitaker, Notary Public
Beaufort County, NC
My commission expires 08-25-2023

Account # 198350
Ad # 1046480

SURRY COUNTY ADMINIST
P.O. BOX 65
SURRY VA 23883

Notice of Public Hearing Ad to be run: 5-20-2020 and 5-27-2020
Ordinance 2020-04

SURRY COUNTY NOTICE OF PUBLIC HEARING
NOTICE OF PROPOSED ZONING FEE INCREASES

NOTICE is hereby given that the Surry County Board of Supervisors has scheduled a public hearing for Thursday, June 4, 2020, at 7:00 pm., or shortly thereafter, to hear public comments and to consider the adoption of an ordinance as it relates to increasing the amounts of various zoning fees. The complete ordinance, and information concerning the documentation for the fee increases, may be obtained on the Surry County website at www.surrycountyva.gov. The proposed fees are authorized by Virginia Code Sections 1.2-2286(6), 15.2-2241(9), 62.1-44.15:54. The hearing will be conducted by electronic means according to measures adopted by the County of Surry Ordinance Number 2020-01. The call-in number to participate is 1-877-568-4106, access code: 447-043-91 and information can be found on the County of Surry's website describing additional ways the public may participate in or otherwise offer comment before or during the meeting.

Questions may be directed to Melissa Rollins, Acting County Administrator, at mrollins@surrycountyva.gov.

BY ORDER OF THE BOARD OF SUPERVISORS
SURRY COUNTY, VIRGINIA

Surry County Department of Planning and Community Development		
Fee Schedule		
Category	(Current)	(Proposed)
Zoning Permit	\$35	\$35
Sign Permit	\$35	\$35
Land Disturbing Permit (1-5 acres of disturbed area)	\$150	\$150
Land Disturbing Permit (5 or more acres of disturbed area)	\$150	\$300
Conditional Use Permit (Agricultural or Residential)	\$350	\$350
Conditional Use Permit (Commercial)	\$350	\$500
Conditional Use Permit (Industrial)	\$350	\$1,000
Wetlands Permit	\$300	\$300

Notice of Public Hearing Ad to be run: 5-20-2020 and 5-27-2020
Ordinance 2020-04

Administrative Appeal	\$200	\$300
Special Exception	\$200	\$300
Variance	\$200	\$300
Rezoning	\$500	\$500
Rezoning (Conditional)	\$500	\$1,000
Zoning Text Amendment	\$300	\$500
Comprehensive Plan Amendment	\$300	\$500
15.2-2232 Review	N/A	\$300
Site Plan Review	\$300	\$300 + \$10 per acre of disturbed area
Zoning Advertisement Fee (*Reimbursement of costs incurred)	*	*
Subdivision Plats (1-5 new lot	\$150 + \$25 per new lot	\$150 + \$25 per new lot
Subdivision Plats (6 or more new lots)	\$300 + \$25 per new lot	\$300 + \$25 per new lot
Surety Administrative Fee (New or Renewal)	N/A	\$100
Zoning Map Interpretation	\$25	\$25
Zoning Certification and Compliance Letter	\$50	\$100
Agreement in Lieu of an Erosion and Sediment Control Plan	N/A	\$50
Erosion and Sediment Control Inspections (Single Family Home or less than 5 acres of disturbed area)	N/A	\$300
Erosion and Sediment Control Inspections (5 acres of disturbed area or greater)	N/A	\$300 + \$10 per acre of disturbed area
E911 Address	\$10	\$25

Notice of Public Hearing Ad to be run: 5-20-2020 and 5-27-2020
Ordinance 2020-04

Land Development Ordinance (Copy)	\$50	\$50
Subdivision Ordinance (Copy)	\$25	\$25
Comprehensive Plan (Copy)	\$35	\$35
Zoning Map (Copy)	\$10	\$10
County Map Sheet (Copy)	\$10	\$10
County Street Map (Copy)	\$10	\$10

State law reference, 15.2-2286(A)(6), 15.2-2241(9), 62.1-44.15:54

Publisher's Certificate of Publication

STATE OF VIRGINIA

Ann Potter, being duly sworn, on oath says she is and during all times herein stated has been an employee of Smithfield Newsmedia, LLC. publisher and printer of the The Smithfield Times (the "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

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2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advance, gain or profit accrued to said officer or attorney

Ann Potter

Ann Potter, Employee

Subscribed and sworn to before me this 27th Day of May, 2020

Amy M. Whitaker



Amy M. Whitaker, Notary Public
Beaufort County, NC
My commission expires 08-25-2023

Account # 198350
Ad # 1046611

SURRY COUNTY ADMINIST
P.O. BOX 65
SURRY VA 23883

SURRY COUNTY NOTICE OF PUBLIC HEARING NOTICE OF PROPOSED ZONING FEE INCREASES

NOTICE is hereby given that the Surry County Board of Supervisors has scheduled a public hearing for Thursday, June 4, 2020, at 7:00 pm., or shortly thereafter, to hear public comments and to consider the adoption of an ordinance as it relates to increasing the amounts of various zoning fees. The complete ordinance, and information concerning the documentation for the fee increases, may be obtained on the Surry County website at www.surrycountyva.gov. The proposed fees are authorized by Virginia Code Sections 15.2-2286(6), 15.2-2241(9), 62.1-44.15-54. The hearing will be conducted by electronic means according to measures adopted by the County of Surry Ordinance Number 2020-01. The call-in number to participate is 1-877-568-4106, access code: 447-043-91 and information can be found on the County of Surry's website describing additional ways the public may participate in or otherwise offer comment before or during the meeting. Questions may be directed to Melissa Rollins, Acting County Administrator, at mrollins@surrycountyva.gov.

BY ORDER OF THE BOARD OF SUPERVISORS
SURRY COUNTY, VIRGINIA

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Conditional Use Permit (Commercial)	\$350	\$500
Conditional Use Permit (Industrial)	\$350	\$1,000
Wetlands Permit	\$300	\$300
Administrative Appeal	\$200	\$300
Special Exception	\$200	\$300
Variance	\$200	\$300
Rezoning	\$500	\$500
Rezoning (Conditional)	\$500	\$1,000
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15.2-2232 Review	N/A	\$300
Site Plan Review	\$300	\$300 + \$10 per acre of disturbed area
Zoning Advertisement Fee (*Reimbursement of costs incurred)	"	"
Subdivision Plats (1-5 new lot)	\$150 + \$25 per new lot	\$150 + \$25 per new lot
Subdivision Plats (6 or more new lots)	\$300 + \$25 per new lot	\$300 + \$25 per new lot
Surety Administrative Fee (New or Renewal)	N/A	\$100
Zoning Map Interpretation	\$25	\$25
Zoning Certification and Compliance Letter	\$50	\$100
Agreement in Lieu of an Erosion and Sediment Control Plan	N/A	\$50
Erosion and Sediment Control Inspections (Single Family Home or less than 5 acres of disturbed area)	N/A	\$300
Erosion and Sediment Control Inspections (5 acres of disturbed area or greater)	N/A	\$300 + \$10 per acre of disturbed area
E911 Address	\$10	\$25
Land Development Ordinance (Copy)	\$50	\$50
Subdivision Ordinance (Copy)	\$25	\$25
Comprehensive Plan (Copy)	\$35	\$35
Zoning Map (Copy)	\$10	\$10
County Map Sheet (Copy)	\$10	\$10
County Street Map (Copy)	\$10	\$10

State law reference, 15.2-2286(A)(6), 15.2-2241(9), 62.1-44.15-54

**AN ORDINANCE TO AMEND SECTION 12-6 OF THE CODE OF SURRY TO
INCREASE THE COURTHOUSE AND COURTROOM SECURITY FEE AS
ALLOWED BY STATE CODE**

WHEREAS, on June 2, 2002, the Board of Supervisors adopted Section 6-2 of the Surry County Code which imposes a courthouse and courtroom security fee for criminal and traffic cases; and

WHEREAS, on that same date, the Board of Supervisors adopted Section 12-6 of the Surry County Code which outlines the fee referenced in Section 6-2; and

WHEREAS, both ordinances were last amended by the Board of Supervisors on May 17, 2007; and

WHEREAS, there has since been an amendment to state code increasing the amount of courthouse and courtroom security fees a locality may assess; and

WHEREAS, the Board of Supervisors desires to update the County's Ordinances to reflect the increase as allowed by state law.

NOW, THEREFORE, be it ordained by the Board of Supervisors of Surry County, that Section 12-6 of the Surry County Code related to the courthouse and courtroom security fee is hereby amended and re-ordained as follows:

Chapter 12- FEES AND CHARGES

Sec. 12-6.- Courts

The fees referenced in chapter 6 shall be as follows:

- (1) *Additional surcharge in criminal and traffic cases arising in district are circuit courts in section 6-1(a): \$2.00.*
- (2) *Courthouse and courtroom security fee in section 6-2: ~~\$10.00~~ \$20.00.*

State Law reference— Courthouse and courtroom security fee authorized, Code of Virginia, § 53.1-120.

This amended ordinance shall take effect July 1, 2020.

Publisher's Certificate of Publication

STATE OF VIRGINIA

Ann Potter, being duly sworn, on oath says she is and during all times herein stated has been an employee of Smithfield Newsmedia, LLC. publisher and printer of the The Smithfield Times (the "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

05/20/20, 05/27/20

2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney

SURRY COUNTY NOTICE OF PUBLIC HEARING NOTICE OF PROPOSED INCREASE IN COURTHOUSE AND COURTROOM SECURITY FEES

NOTICE is hereby given that the Surry County Board of Supervisors has scheduled a public hearing for Thursday, June 4, 2020, at 7:00 pm., or shortly thereafter, to hear public comments and to consider the amendment of Sections 6-2 and 12-6 of the Surry County Code as it relates to increasing the courthouse and courtroom security fee from \$10.00 to \$20.00. A full copy of the Ordinance may be obtained on the Surry County website at www.surrycountyva.gov.

The hearing will be conducted by electronic means according to measures adopted by the County of Surry, Ordinance Number 2020-01. The call-in number to participate is [1-877-568-4106, access code: 447-043-91] and information can be found on the County of Surry's website describing additional ways the public may participate in or otherwise offer comment before or during the meeting.

Questions may be directed to Melissa Rollins, Acting County Administrator, at mrollins@surrycountyva.gov.

**BY ORDER OF THE BOARD
OF SUPERVISORS
SURRY COUNTY, VIRGINIA**

Ann Potter, Employee

Subscribed and sworn to before me this
27th Day of May, 2020



Amy M. Whitaker, Notary Public
Beaufort County, NC
My commission expires 08-25-2023

Account # 198350
Ad # 1046607

SURRY COUNTY ADMINIST
P.O. BOX 65
SURRY VA 23883

Surry County Tourism Monthly Report - May, 2020

Studies show that the travel and tourism industry has been one the most negatively affected – with losses in revenue state-wide exceeding \$519B – and yet, studies show that it may be the fastest road to recovery when restrictions are lifted. Adequate investment now could boost the health of small communities in the coming 12 – 18 months.

**NOTE: While working from home, I am utilizing my personal internet wireless device which has limited data and sometimes runs very slowly – thus limiting my ability to get things done.*

Below is a list of activities that I have been engaged in during the month of May, 2020:

Previously scheduled annual leave for week of May 25th through May 29th.

- Daily monitoring of COVID-19 Industry Support Groups for DMO's
- Attended 16 webinars/industry conference calls
- 55 email communications with stakeholders, County staff, vendors, and guests
- 44 telephone contacts with stakeholders, County staff, vendors, and potential guests
- 14 articles/research read and information disseminated to stakeholders
- 8 low/no-contact site visits to stakeholders
- Maintaining social media presence, although NOT spending on social media advertising at this time, per the advice of Economic Development Director; total of 35 posts to social media
- Posting Weekly Update to Tourism Website and Tourism Facebook page (every Tuesday)
- Maintained contact with local newspaper to provide information on local businesses and tourism initiatives – several news articles have resulted from this effort bringing much needed attention to local businesses
- Continued collaborative effort with Mrs. Gholston, Workforce Development, to implement a volunteer program to assist with personnel needs in both areas not being met due to “hiring freeze”
- Regularly submitted invoices to Finance Department for payment
- Virginia Living Magazine will publish, in their May/June publication, a special photo essay focusing on “scenic rivers”. Photos of the James River will be included and may spark interest in regional travel.

Surry County Tourism Monthly Report - May, 2020

- Received 2020 printed tourism brochure from Liskey Printing in office
- Technology appointment in office on 5/12/20 – continuing issues with new Outlook email functionality.

Projects:

- Major effort currently is to keep stakeholders informed and supplied with resources designed to help them continue to operate and/or recover from COVID-19 period
- Ongoing collaboration with stakeholders for production of “virtual experiences” to be offered during COVID-19
- Scheduled social media campaigns for 2020 have been postponed, or are being revised for launch later in the year. Currently working on “Resident Sentiment” social media campaign.
- Drafted and submitted Re-Opening Guidelines for the Surry County Visitors Center and communicated physical needs for signage and PPE to Economic Development Director/Administration/Emergency Services Dept.

Events:

- All events previously scheduled to take place in June have been cancelled.
- Collaboration with Virginia Tourism Corporation to reschedule meetings/training opportunities originally scheduled for April/May.

Respectfully submitted 6/2/20 by
Pat Bernshausen, DMO
Tourism Coordinator

SURRY COUNTY VARIOUS CONSTRUCTION PROJECTS

Monthly Report for May 2020

PREPARED FOR:

Ms. Melissa Rollins
County Administrator
45 School Street
Surry, VA 23883



PREPARED BY:



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ATTACHMENTS

- A. Attachment A – Rescue Squad Construction Schedule
- B. Attachment B – Dendron Water System Improvement Construction Schedule

PROJECT DESCRIPTION

Surry County Rescue Squad & 911 Center

The Contractor, ET Gresham, has completed the interior work on the Emergency Operations Center (EOC) side of the building and the Rescue Squad (RS) side of the building. In accordance with the Contract Specs the Contractor called for a punchlist inspection. Joe Gilbert of Alpha Corporation set up an on-site meeting on April 21, 2020 with TS3 Architects and Hickman Ambrose to perform the punchlist inspection. The results of the inspection were emailed to the Contractor on April 29, 2020. As of May 14, 2020 the Contractor stated they have completed 80% of the punchlist repairs.

continues with low-voltage electrical work on the EOC side of the building. The Contractor is currently working to complete the site-work (topsoil, grass seed, and landscaping around the BMP) in accordance with the Contract Drawings. The weather has been a factor in delaying the completion of the site-work.

The Architect and Engineer performed their walk-thru of the building to develop their punchlist on 4/22/20 as required by the specifications.



Figure 1 – RS – EOC 5-14-20



Figure 2 – Heli-Pad 5-14-20



Figure 3- EOC Interior 5-14-20



Figure 1- RS Interior 5-14-20

Town of Dendron Water System Improvements

The Contractor, Peters & White (P&W), has completed the installation of the service lines for the residents, the new meters and the necessary testing as required by the Contract Drawings and the Virginia Department of Health (VDH). The Contractor performed the required startup with the Sussex Service Authority (SSA) present. Currently the system is working, and we have no issues nor have we heard of any from SSA.

The Contractor has completed the demolition of the existing pumphouse and poured the concrete pad for Well #1.

As of May14, 2020 the Contractor had fine graded the jobsite area and spread the topsoil for landscaping as required by the specs.



Figure 1- Concrete Pad Well #1



Figure 2- Topsoil RS of Tank



Figure 3- Topsoil LS of Tank

Surry Seafood Co Maintenance and Repairs

Joe Gilbert of Alpha Corporation met with Brian Pack on May 4, 2020 to look at the floor around the bar. Joe met with Rickmond General Contracting and Pond Bros Contracting to obtain pricing to fix the sinking floor. A third (3rd) contractor was contacted but not interested as they were too busy. Pricing to fix the flooring has been forwarded to the County. Approval was received 5-14-20. Based on the restaurant re-opening the floor repairs need to be scheduled and repaired.

Windsor Mill – Fire Pump & 8” Water Line

Rickmond General Contracting (RGC) has completed the installation of the 8” Water Line in accordance with the Contract Drawings. The contractor has chlorinated and tested the lines in accordance with the specifications. The test was witnessed by Joe Gilbert of Alpha Corporation. The Contractor took the bacteria level samples as required by the VDH on 5-14-20. We are currently waiting on the results.

The Fire Pump delivery date is approximately mid-June to late June in accordance with the supplier. Once the pump is delivered RGC will install and complete the tie-in as show on the Contract Drawings.

PROJECT MANAGEMENT

1. Meetings and Inspections

No meetings are scheduled due to COVID-19.

2. Status of Project Issues

Alpha is currently working with the Contractor Peters & White as they move forward to complete the project. We are waiting on the VDH to do their inspection.

Alpha is continuing to work with Mike Ashe (TS3 Architects) and Jonathan Jackson from Bowman Consulting on the Rescue Squad to see that the Contractor completes the punchlist work in accordance with the Contract Drawings and Specs.

PROJECT SCHEDULE MANAGEMENT

Alpha's schedule analysis services during the period involved reviewing ET Gresham's March 2020 Schedule Update (Attachment A) for the Rescue Squad project, and Peters & White's December 2019 Schedule Update (Attachment B) for the Dendron Water system Improvements project.

The schedule from Peters & White had no change. The Schedule from ET Gresham has not changed.

CONCLUSION

The Town of Dendron Water System Improvements is still on schedule for completion within the Contract time of May 20, 2020. The Rescue Squad has a revised scheduled completion date of May 29, 2020 according to the latest schedule submitted by ET Gresham.

Alpha welcomes any comments or questions on the projects listed in this report.

Respectfully Submitted,

Joe Gilbert

Joe Gilbert
Program Manager

ATTACHMENT A

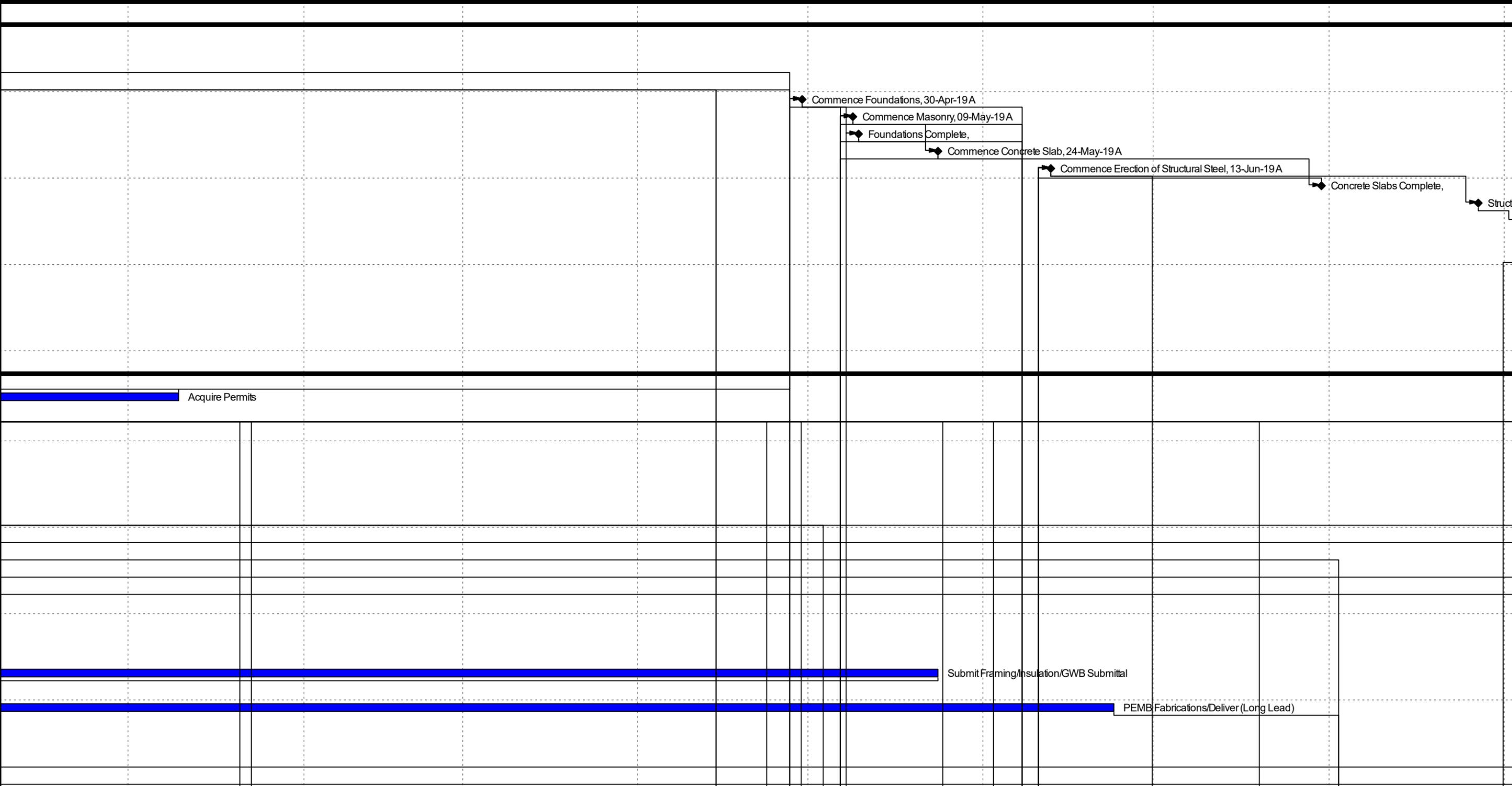
**Rescue Squad
Construction Schedule**



SURRY COUNTY RESCUE SQUAD AND EMERGENCY
OPERATIONS CENTER



December 2018				January 2019				February 2019				March 2019				April 2019				May 2019				June 2019				July 2019				August 2019				9		
09	16	23	30	06	13	20	27	03	10	17	24	03	10	17	24	31	07	14	21	28	05	12	19	26	02	09	16	23	30	07	14	21	28	04	11	18	25	01



█ Remaining Work ◆ Milestone
█ Actual Work █ Critical Remaining Work summary

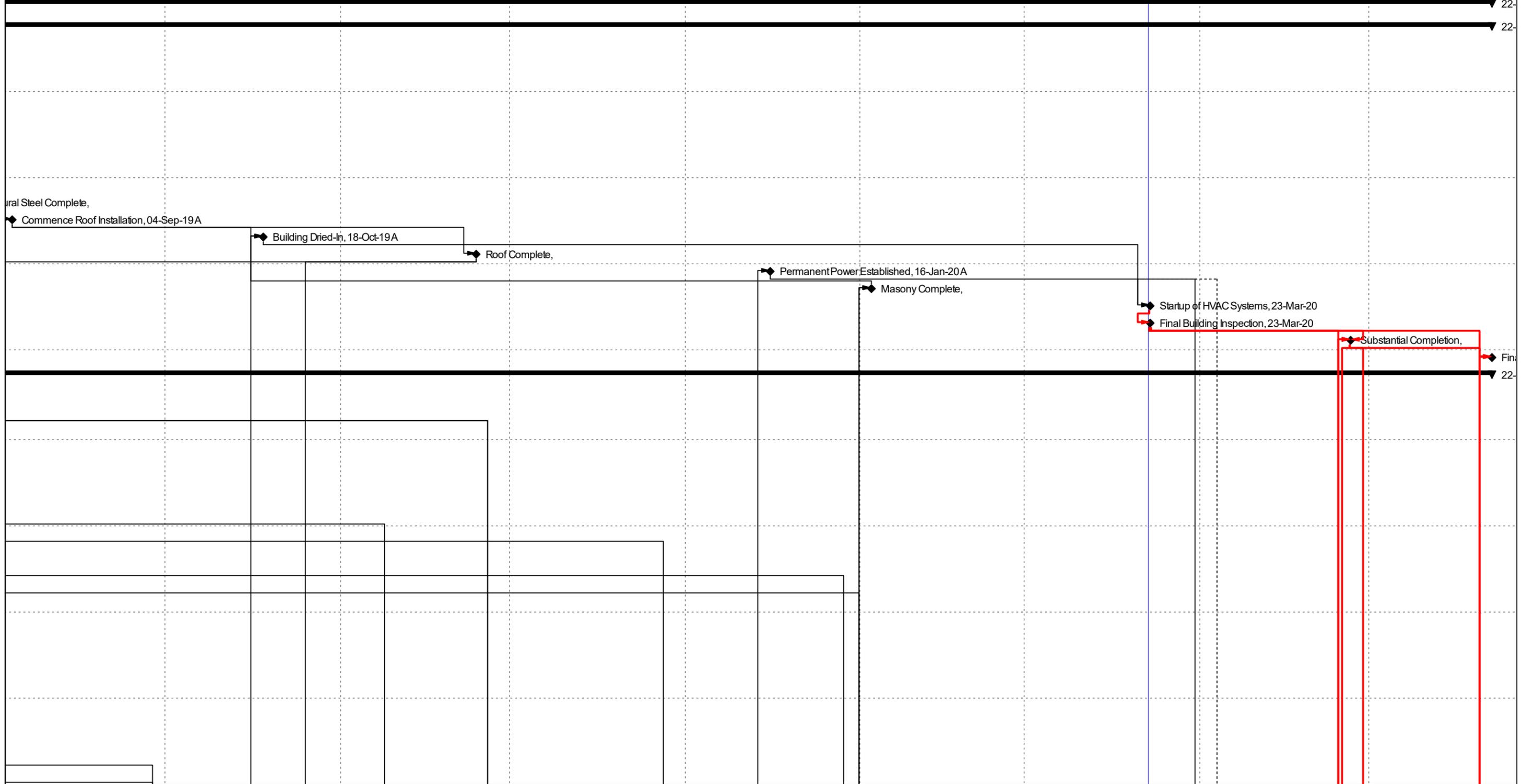
SEPTEMBER 2019 - PROGRESS UPDATE



SURRY COUNTY RESCUE SQUAD AND EMERGENCY
OPERATIONS CENTER



September 2019				October 2019					November 2019				December 2019				January 2020				February 2020				March 2020				April 2020				May 2020					
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Remaining Work ◆ Milestone
Actual Work Critical Remaining Work ◆ summary

SEPTEMBER 2019 - PROGRESS UPDATE



SURRY COUNTY RESCUE SQUAD AND EMERGENCY

OPERATIONS CENTER



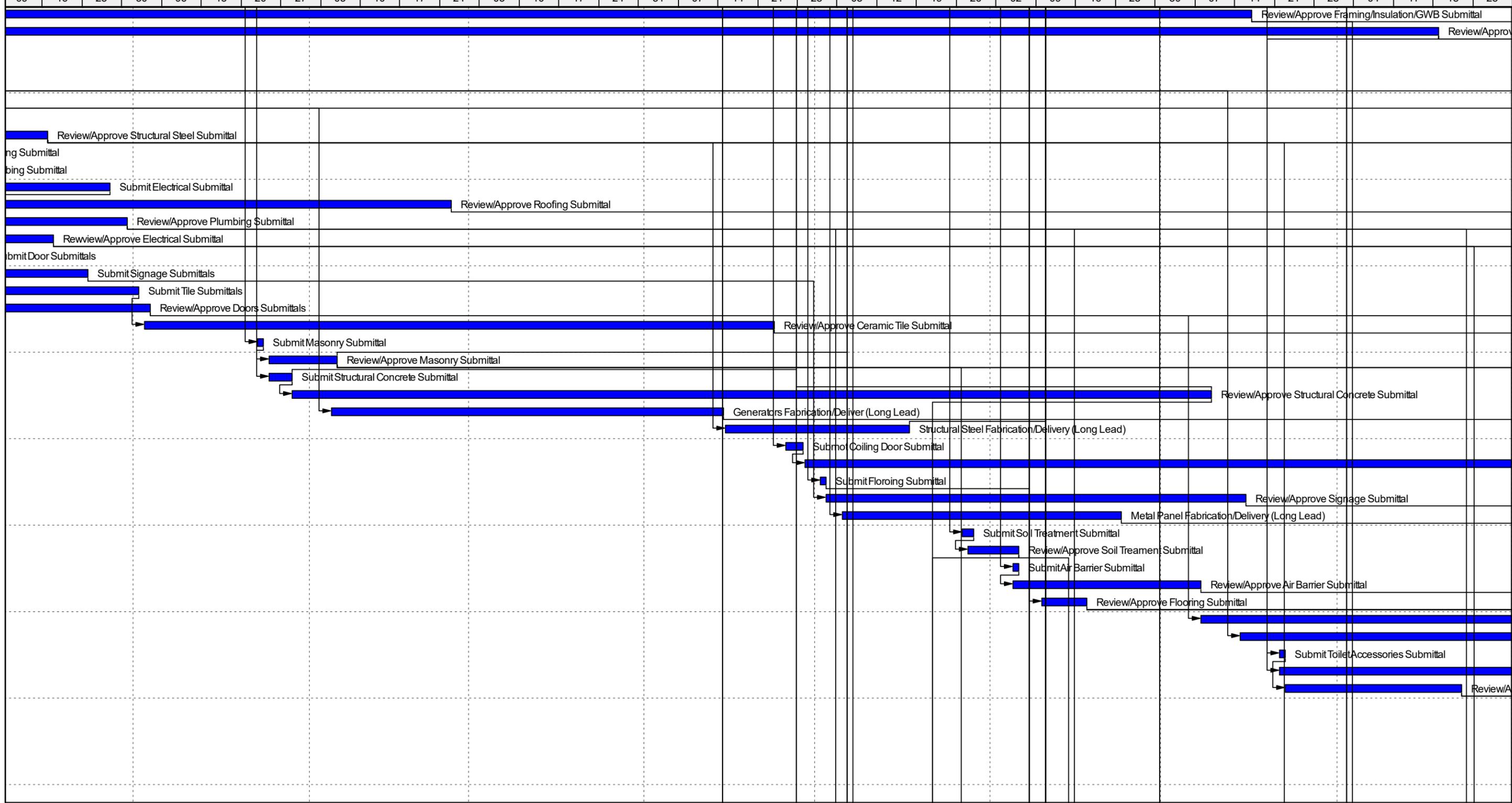
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							29	05	12	19	26	02	09	16	23	30	07	14	21	28	04	11	18	25	02							
A1420	Review/Approve Framing/Insulation/GWB Submittal	15	21-Sep-18A	17-Jul-19A	100%																											
A1430	Review/Approve HVAC Submittal	15	21-Sep-18A	19-Aug-19A	100%																											
A1440	Submit Fuel Tank Submittal	5	28-Sep-18A	01-Oct-18A	100%																											
A1450	Submit Generator Submittal	5	28-Sep-18A	01-Oct-18A	100%																											
A1460	Review/Approve Fuel Tank Submittal	15	01-Oct-18A	02-Nov-18A	100%																											
A1470	Review/Approve Generator Submittal	15	01-Oct-18A	08-Oct-18A	100%																											
A1480	Submit Structural Steel Submittal	15	05-Nov-18A	06-Nov-18A	100%																											
A1490	Review/Approve Structural Steel Submittal	15	07-Nov-18A	17-Dec-18A	100%																											
A1510	Submit Roofing Submittal	15	27-Nov-18A	28-Nov-18A	100%																											
A1530	Submit Plumbing Submittal	15	27-Nov-18A	28-Nov-18A	100%																											
A1520	Submit Electrical Submittal	15	27-Nov-18A	28-Dec-18A	100%																											
A1500	Review/Approve Roofing Submittal	15	28-Nov-18A	26-Feb-19A	100%																											
A1540	Review/Approve Plumbing Submittal	15	29-Nov-18A	31-Dec-18A	100%																											
A1550	Review/Approve Electrical Submittal	15	03-Dec-18A	18-Dec-18A	100%																											
A1560	Submit Door Submittals	15	05-Dec-18A	06-Dec-18A	100%																											
A1570	Submit Signage Submittals	15	06-Dec-18A	24-Dec-18A	100%																											
A1580	Submit Tile Submittals	15	06-Dec-18A	02-Jan-19A	100%																											
A1590	Review/Approve Doors Submittals	15	07-Dec-18A	04-Jan-19A	100%																											
A1600	Review/Approve Ceramic Tile Submittal	15	03-Jan-19A	24-Apr-19A	100%																											
A1610	Submit Masonry Submittal	5	23-Jan-19A	24-Jan-19A	100%																											
A1620	Review/Approve Masonry Submittal	15	25-Jan-19A	06-Feb-19A	100%																											
A1630	Submit Structural Concrete Submittal	15	25-Jan-19A	29-Jan-19A	100%																											
A1650	Review/Approve Structural Concrete Submittal	15	29-Jan-19A	10-Jul-19A	100%																											
A1660	Generators Fabrication/Deliver (Long Lead)	15	05-Feb-19A	15-Apr-19A	100%																											
A1670	Structural Steel Fabrication/Delivery (Long Lead)	25	15-Apr-19A	17-May-19A	100%																											
A1680	Submit Coiling Door Submittal	15	26-Apr-19A	29-Apr-19A	100%																											
A1690	Review/Approve Coiling Door Submittal	5	29-Apr-19A	24-Oct-19A	100%																											
A1700	Submit Flooring Submittal	15	02-May-19A	03-May-19A	100%																											
A1710	Review/Approve Signage Submittal	15	03-May-19A	16-Jul-19A	100%																											
A1720	Metal Panel Fabrication/Delivery (Long Lead)	15	06-May-19A	24-Jun-19A	100%																											
A1730	Submit Soil Treatment Submittal	15	27-May-19A	29-May-19A	100%																											
A1740	Review/Approve Soil Treatment Submittal	15	28-May-19A	06-Jun-19A	100%																											
A1750	Submit Air Barrier Submittal	15	05-Jun-19A	06-Jun-19A	100%																											
A1760	Review/Approve Air Barrier Submittal	5	05-Jun-19A	08-Jul-19A	100%																											
A1770	Review/Approve Flooring Submittal	15	10-Jun-19A	18-Jun-19A	100%																											
A1810	Door Fabrication/Delivery (Long Lead)	60	08-Jul-19A	11-Sep-19A	100%																											
A1820	Fuel Tank Fabrication/Delivery (Long Lead)	60	15-Jul-19A	12-Sep-19A	100%																											
A1780	Submit Toilet Accessories Submittal	15	22-Jul-19A	23-Jul-19A	100%																											
A1840	HVAC Fabrication/Delivery (Long Lead)	60	22-Jul-19A	22-Oct-19A	100%																											
A1790	Review/Approve Toilet Accessories Submittal	15	23-Jul-19A	23-Aug-19A	100%																											
A1850	Coiling Doors Fabrication/Delivery (Long Lead)	40	09-Sep-19A	10-Feb-20A	100%																											
A1800	Submit Millwork Submittal	5	29-Nov-19A	05-Dec-19A	100%																											
A1830	Submit Landscape Submittal	5	29-Nov-19A	05-Dec-19A	100%																											
A1860	Review/Approve Millwork Submittal	8	06-Dec-19A	17-Dec-19A	100%																											
A1870	Review/Approve Landscaping Submittal	15	06-Dec-19A	27-Dec-19A	100%																											
A1880	Millwork Fabrication/Delivery (Long Lead)	25	18-Dec-19A	05-Feb-20A	100%																											

■ Remaining Work ◆ Milestone
■ Actual Work ■ Critical Remaining Work → summary

SEPTEMBER 2019 - PROGRESS UPDATE



December 2018			January 2019				February 2019				March 2019				April 2019				May 2019				June 2019				July 2019				August 2019						
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█ Remaining Work ◆ Milestone
█ Actual Work █ Critical Remaining Work ▶ summary

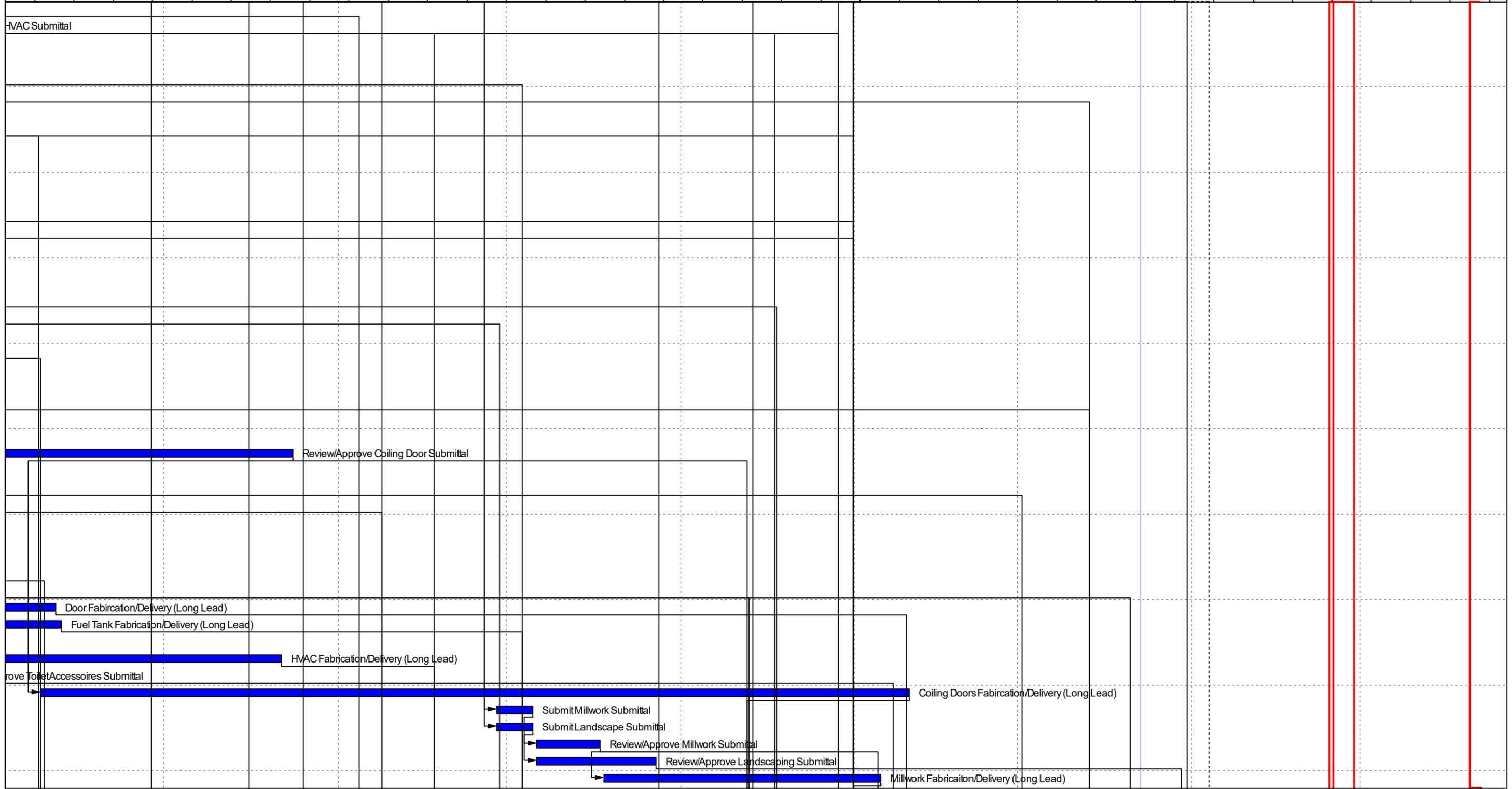
SEPTEMBER 2019 - PROGRESS UPDATE



SURRY COUNTY RESCUE SQUAD AND EMERGENCY
OPERATIONS CENTER



September 2019				October 2019				November 2019				December 2019				January 2020				February 2020				March 2020				April 2020				May 2020						
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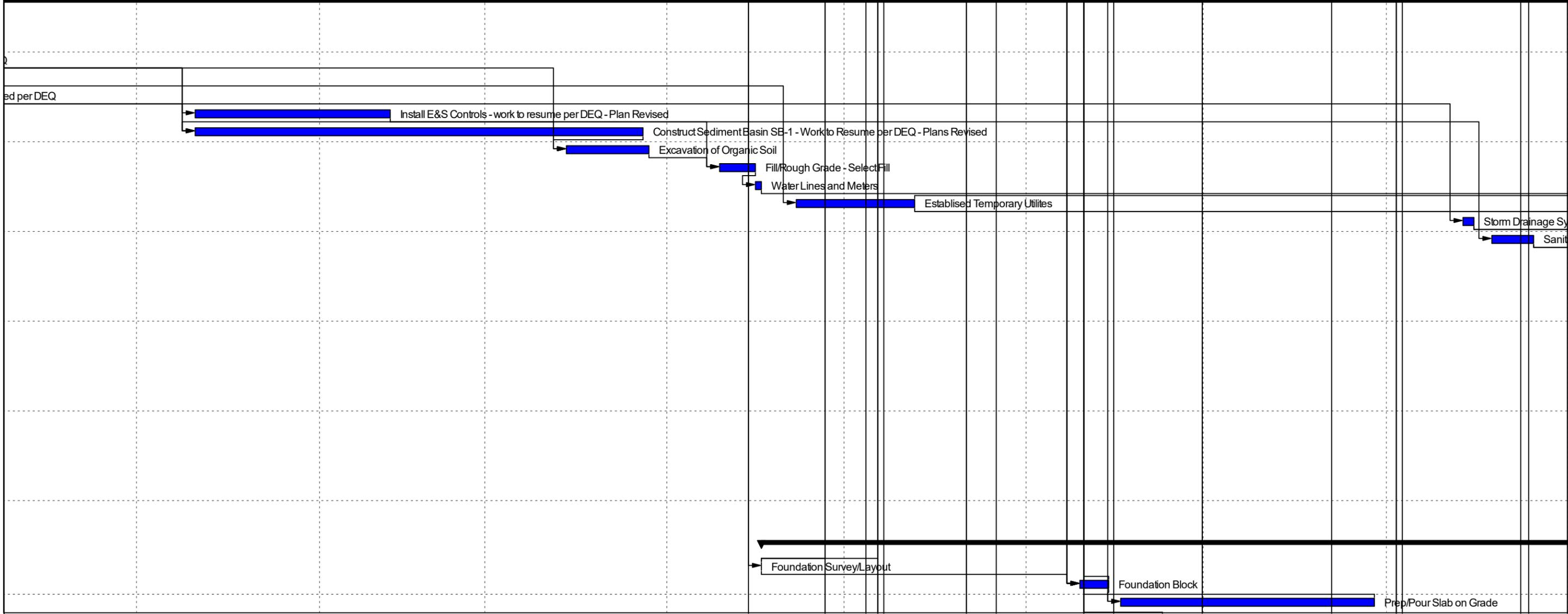
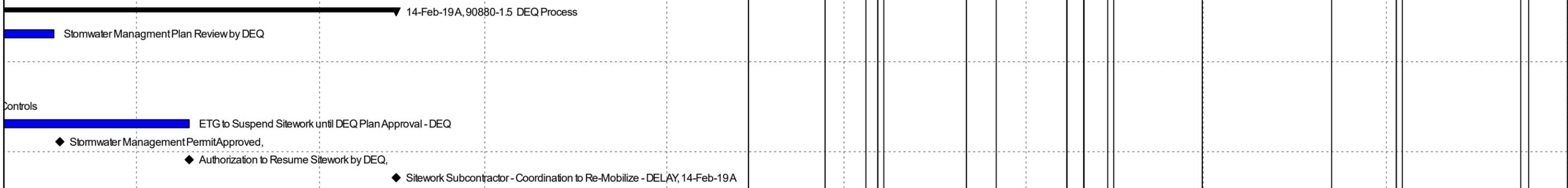


█ Remaining Work ◆ Milestone
█ Actual Work █ Critical Remaining Work ← summary

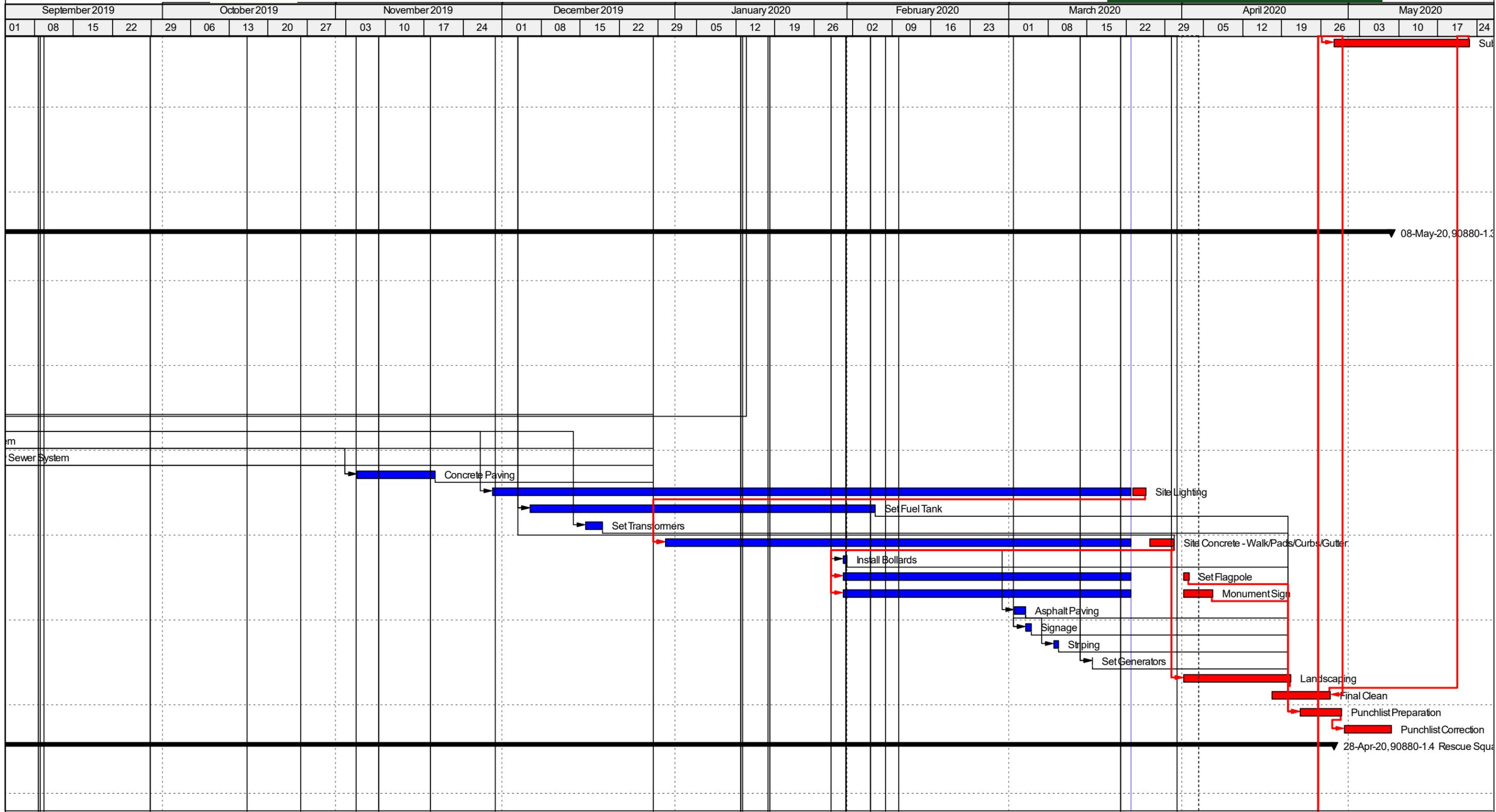
SEPTEMBER 2019 - PROGRESS UPDATE



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█ Remaining Work ◆ Milestone
█ Actual Work █ Critical Remaining Work ▼ summary

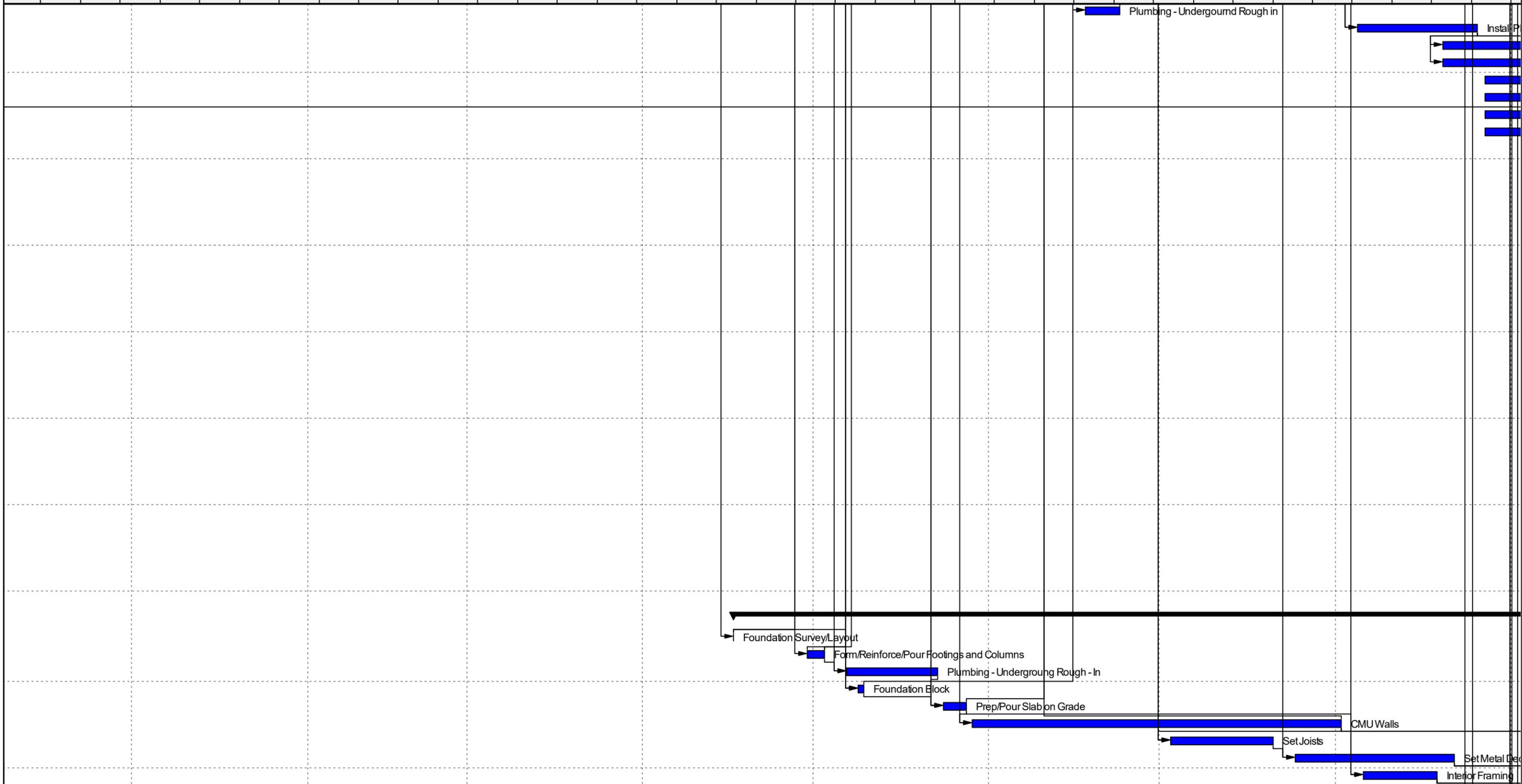


█ Remaining Work ◆ Milestone
█ Actual Work █ Critical Remaining Work ▶ summary

SEPTEMBER 2019 - PROGRESS UPDATE



December 2018				January 2019				February 2019				March 2019				April 2019				May 2019				June 2019				July 2019				August 2019				9		
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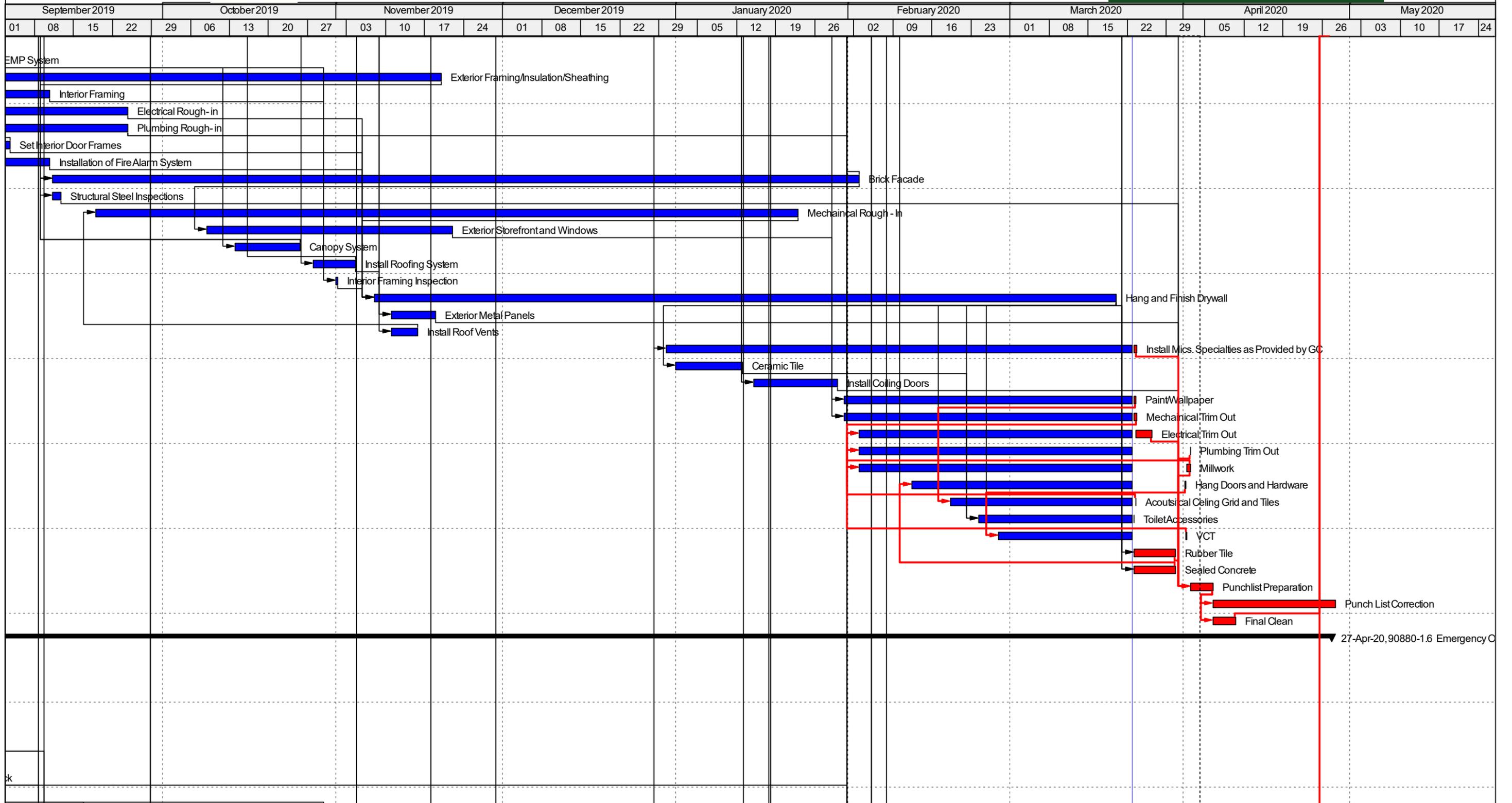


Remaining Work ◆ ◆ Milestone
 Actual Work Critical Remaining Work summary

SEPTEMBER 2019 - PROGRESS UPDATE



SURRY COUNTY RESCUE SQUAD AND EMERGENCY
OPERATIONS CENTER



27-Apr-20, 90880-1.6 Emergency O

Remaining Work ◆ ◆ Milestone
 Actual Work Critical Remaining Work summary

SEPTEMBER 2019 - PROGRESS UPDATE

ATTACHMENT B

**Dendron Water System Improvement
Construction Schedule**



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER 63 (2020)

ORDER OF PUBLIC HEALTH EMERGENCY FIVE

REQUIREMENT TO WEAR FACE COVERING WHILE INSIDE BUILDINGS

Importance of the Issue

The Commonwealth of Virginia continues to respond to the novel coronavirus (COVID-19) pandemic. Measures undertaken over the last ten weeks have slowed the spread of the virus; however, its transmission continues to threaten our communities. We must remain vigilant. In fact, as we reopen Virginia, it is critical that we become even more vigilant. Studies of the virus show that a substantial number of individuals with coronavirus are asymptomatic. In addition, individuals who contract the virus may still transmit the virus to others before ever showing symptoms. Therefore, a person with no symptoms of the virus could spread it by speaking, coughing, or sneezing. As more people venture back to businesses, employees are put in a vulnerable position when patrons come in without a face covering. We must make sure workers are safe as they interact with customers. Science shows us that face coverings can help stop the spread of the virus. That is why the Centers for Disease Control and Prevention (CDC) recommends wearing cloth face coverings, even those made from household items or common materials in public settings. I strongly urge all Virginians to wear face coverings when leaving their homes. But as to indoor settings to which the public has access, mere encouragement is not enough to protect the health and safety of Virginians.

Directive

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the *Code of Virginia*, by any other applicable law, and in furtherance of Amended Executive Order 51, and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the *Code of Virginia*, the following is ordered:

A. Face Coverings Required-Patrons

All patrons in the Commonwealth aged ten and over shall when entering, exiting, traveling through, and spending time inside the settings listed below cover their mouth and nose with a face covering, as described and recommended by the CDC:

1. Personal care and personal grooming businesses, including but not limited to, beauty salons, barbershops, spas, massage centers, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are provided.
2. All brick and mortar retail businesses, including both essential and non-essential brick and mortar retail businesses, as delineated in Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020).
3. Food and beverage establishments, including but not limited to, restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets, when permitted to reopen for indoor dining.
4. Entertainment or recreation businesses, including but not limited to, racetracks, historic horse racing facilities, theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers, bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, public and private social clubs, and all other places of indoor public amusement, once permitted to reopen to the public. Face coverings shall also be required when patrons are outdoors at these businesses if a distance of six feet from every other person cannot be maintained.
5. Train stations, bus stations, and intrastate public transportation, including buses, rideshares, trains, taxis, and cars for hire, as well as any waiting or congregating areas associated with boarding public transportation. This requirement shall not apply in any area under federal jurisdiction or control.
6. Any other indoor place shared by groups of people who are in close proximity to each other. This restriction does not apply to persons while inside their residence or the personal residence of another. Face coverings may be removed to participate in a religious ritual.
7. State or local government buildings when accessed for the purpose of securing public services, with the exception of students in daycare centers or participating in-person classes in K-12 education or institutions of higher education.

B. Face Coverings Required-Employees of Essential Retail Businesses

All employees of essential retail businesses as listed in Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020), section C, paragraph 1 shall wear a

face covering whenever working in customer facing areas. Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020) is so further amended.

C. Enforcement

The Virginia Department of Health shall have authority to enforce this Order. Any willful violation or refusal, failure, or neglect to comply with this Order, issued pursuant to § 32.1-13 of the *Code of Virginia*, is punishable as a Class 1 misdemeanor pursuant to § 32.1-27 of the *Code of Virginia*. The State Health Commissioner may also seek injunctive relief in circuit court for violation of this Order, pursuant to § 32.1-27 of the *Code of Virginia*. No minor shall be subject to criminal penalty for failure to wear a face covering. Adults accompanying minors should use the adult's best judgment with respect to placing face coverings on a minor between the ages of two through nine while inside the public areas noted above. Adults accompanying minors age 10 through 18 shall use reasonable efforts to prompt the minor to wear face coverings while inside the public areas noted above.

Medical-grade masks and personal protective equipment should be reserved for medical personnel. The use of cloth face coverings does not replace the need to maintain six feet of physical social distancing, clean and disinfect frequently touched surfaces routinely in all public settings, stay home when sick, and practice frequent handwashing.

D. Exceptions

The requirement to wear a face covering does not apply to following:

1. While eating or drinking;
2. Individuals exercising or using exercise equipment;
3. Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance;
4. Any person seeking to communicate with the hearing impaired and for which the mouth needs to be visible;
5. When temporary removal of the face covering is necessary to secure government or medical services; and
6. Persons with health conditions that prohibit wearing a face covering. Nothing in this Order shall require the use of a face covering by any person for whom doing so would be contrary to his or her health or safety because of a medical condition.

Any person who declines to wear a face covering because of a medical condition shall not be required to produce or carry medical documentation verifying the stated condition nor shall the person be required to identify the precise underlying medical condition.

E. Department of Labor and Industry

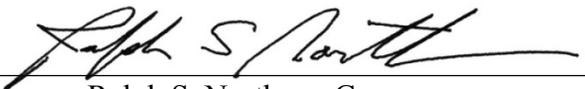
Except for paragraph B above, this Order does not apply to employees, employers, subcontractors, or other independent contractors in the workplace. The Commissioner of the Virginia Department of Labor and Industry shall promulgate emergency regulations and standards to control, prevent, and mitigate the spread of COVID-19 in the workplace. The regulations and standards adopted in accordance with §§ 40.1-22(6a) or 2.2-4011 of the *Code of Virginia* shall apply to every employer, employee, and place of employment within the jurisdiction of the Virginia Occupational Safety and Health program as described in 16 Va. Admin. Code § 25-60-20 and Va. Admin. Code § 25-60-30. These regulations and standards must address personal protective equipment, respiratory protective equipment, and sanitation, access to employee exposure and medical records and hazard communication. Further, these regulations and standards may not conflict with requirements and guidelines applicable to businesses set out and incorporated into Amended Executive Order 61 and Amended Order of Public Health Emergency Three.

Effective Date of this Executive Order

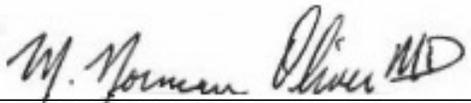
This Order is in furtherance of Amended Executive Order 51 (2020) and Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020). Further, this Order shall be effective 12:00 a.m., Friday, May 29, 2020, and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, this 26th day of May, 2020.



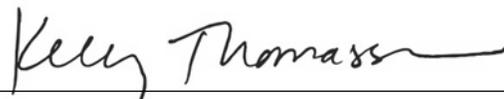


Ralph S. Northam, Governor



M. Norman Oliver, MD, MA
State Health Commissioner

Attest:



Kelly Thomasson, Secretary of the Commonwealth

Governor Northam Statement on Recent Deaths of George Floyd, Breonna Taylor, and Ahmaud Arbery

RICHMOND—Governor Ralph Northam today issued the following statement on the recent deaths of George Floyd, Breonna Taylor, and Ahmaud Arbery.

“This has been such a sad and emotional week, with too many violent and blatant reminders of how far our country is from genuine equity and fair treatment.

“George Floyd, Breonna Taylor, Ahmaud Arbery, and many others have been wrongfully killed, simply for being black. People all over our country are hurting and angry, and rightly so.

“The fear that is so common in the hearts and lives of many is real—will someone I love be next?

“No one should have to carry that type of burden but for the African American community and communities of color, this is a reality. The COVID-19 pandemic has exacerbated the weight of this struggle, highlighting long standing systemic inequities in America.

“What we see with our own eyes in Minneapolis, calls all of us to renew our commitment to working for justice—advancing cultural affirmation and respect, access to good health, education, fair housing, business opportunities, voting, and criminal justice reform. This is our shared responsibility—this is a humanity issue.

“People are crying out for justice and healing. But those aren’t feelings—they’re actions, and we have a lot of work to do in this country and in our Commonwealth. As Governor of Virginia, I make the commitment to ensure that we continue to address these issues head on, even when it is uncomfortable and difficult because I believe our diversity is our greatest strength.”

#



Dear Friend,

To say this has been a difficult and challenging week in our nation's history is a serious understatement. In addition to reaching 100,000 American lives lost to COVID-19, our nation is grappling with the latest in a string of senseless deaths of black Americans at the hands of law enforcement officers meant to protect them.

I am devastated by these incidents and each loss of life. As we all pray for peace and fight for progress, I stand with my Congressional Black Caucus colleagues working with the House Judiciary Committee to hold hearings on the murders of Ahmaud Arbery in Georgia, Breonna Taylor in Kentucky, and George Floyd in Minnesota to ensure their families receive the swift justice they deserve.

Earlier this week, I held COVID-19: Managing Our Grief, Mental Health, Stress & Trauma. During this virtual discussion, mental health experts and professionals provided wonderful advice on how to keep yourself and your family mentally healthy during these stressful times. If you missed the live event, I encourage you to go back and watch this discussion. We have been inundated with stories of suffering for several months now, and I want to make sure that you have the tools you need to take care of yourself. You can watch the video at <https://bit.ly/VA04COVIDMentalHealth>.



Next Saturday, June 6th at 10AM, my colleague Congresswoman Luria and I will be hosting a virtual Service Academy Day. This is a great event for any students who are interested in learning more about attending a service academy or who have questions about the congressional nominations process. There will be speakers from the Naval Academy, the Air Force academy, the Military Academy at West Point, the Merchant Marine Academy, and the Coast Guard Academy as well as from both congressional offices. Students and parents should register to attend at <https://bit.ly/2020AcademyDay>



Congresswoman Elaine Luria and
Congressman Donald McEachin

06. 06. 2020 | 10AM

HAMPTON ROADS SERVICE ACADEMY DAY

REGISTER
TODAY:
[bit.ly/2020
AcademyDay](https://bit.ly/2020AcademyDay)

HEAR FROM SERVICE ACADEMY REPRESENTATIVES, ALUMNI, AND
CONGRESSIONAL REPRESENTATIVES ABOUT THE CONGRESSIONAL
NOMINATIONS PROCESS



Speaking of education, are you or a loved one graduating soon? Since we cannot all be together in person this year, I would like to highlight 2020 graduates on my social media pages. Please send me a photo of you in your cap and gown or even a screenshot of your Zoom graduation ceremony. It does not matter if your child is graduating from pre-school or you are graduating from medical school or anything in between – you deserve to be celebrated for your achievements. Please email those photos to VA04.Projects@mail.house.gov

U.S. HOUSE OF REPRESENTATIVES

U.S. Congressman A. Donald
McEACHIN

SEND YOUR
GRADUATION
PHOTOS TO:

VA04.Projects@mail.house.gov

[f](#) [t](#) [i](#) @RepMcEachin

As the entire Commonwealth moves into phase one of reopening today, I know that our small businesses have many priorities to juggle in order to make sure their stores and restaurants can open safely. That is why I have chosen the ForwardRVA coalition as this week's Thank-A-Neighbor. ForwardRVA is a coalition of local community, business and governmental leaders who have come together to provide helpful information and guidelines to any small, local businesses reopening. Additionally, they will distribute 4,000 PPE kits to those businesses to help protect the safety of workers and customers. I am grateful that this coalition is helping businesses in our community reopen responsibly.



U.S. Congressman A. Donald
McEACHIN

Thank-A-Neighbor ForwardRVA



ForwardRVA, a new coalition formed to help our local businesses reopen safely, will distribute 4,000 PPE kits to small businesses in our community.

To nominate someone you know for Thank-A-Neighbor, please email VA04.Projects@mail.house.gov

Finally, I hope you have a safe and peaceful weekend with your loved ones. Please remember to wear your mask if you plan to go to any businesses or restaurants this weekend.

Sincerely,

A. Donald McEachin
Member of Congress
Virginia's 4th District

Washington, DC Office
314 Cannon HOB
Washington, DC 20515
Phone: 202-225-6365
Fax: 202-225-1170

Central Virginia Office
110 North Robinson St.
Suite 403
Richmond, VA 23220
Phone: 804-486-1840
Fax: 804-269-4139

Hampton Roads Office
131 N. Saratoga St.
Suite B
Suffolk, VA 23434
Phone: 757-942-6050

[Privacy Policy](#) | [Click here](#) to Subscribe

Please do not reply to this email. The mailbox is unattended.
To share your thoughts with Congressman McEachin please go to -- [Contact Form](#)

COVID-19 WAYS WE CAN SERVE IN VIRGINIA



There are many ways you can safely serve during the current health crisis. Here are a few ways you can help your community right now.

Deliver Meals



Seniors are particularly vulnerable and cannot risk a trip to the grocery store. These seniors are running out of supplies and need our help. Find your local food bank at <https://vafoodbanks.org/> and volunteer through a meals delivery program like Meals on Wheels or visit <https://seniornavigator.org/program-type/home-delivered-meals> for delivering meals to seniors.

Donate to a Shelter, Food Bank, or Nonprofit



Organizations that help our community are running low on food and other vital items. Help them by donating items or money during this emergency. You can contact your local Volunteer Center for a list of local organizations at <http://virginiashelp.virginia.gov/volunteering/volunteer-centers/>. For a list of food banks, visit <https://vafoodbanks.org/>.

Help with Food Distribution at a Food Bank or School



Food banks and schools are in high need of volunteers to pack, sort, and distribute food. Find your local food bank at <https://vafoodbanks.org/>. For a list of feeding sites for children in Virginia, visit https://schoolmealfinder.hoonuit.com/?filter_state=va (or text "food" or "comida" to 877-877 to learn more about food options near you).

Wellness Checks



Check on older neighbors with a call, text, or talk through the door.

Hygiene Kits



Create hygiene kits and drop off at a shelter for people experiencing homelessness to help them stay healthy. Example of Kit: <https://bit.ly/2X4sdep>

Donate Blood



The supply of donated blood is decreasing by the day. Healthy, eligible donors are urged to donate so that lives can be saved during this difficult time. Visit <https://www.redcross.org/local/virginia.html>.

Blackwater Regional Library Update: Re-Opening Schedule

We will begin the reopening process June 1, 2020 to allow staff to return to prepare to reopen to the public June 15, 2020. Between June 1-12 our buildings will be open to staff only (see schedule below) offering curbside pick-up to patrons placing holds.

Branch Schedules June 1-12, 2020 to prepare branches and offer curbside service:

	M	T	W	TH	F	S
CA	9am-5pm	12-7pm	12-5pm	9am-5pm	12-5pm	Closed
CL	Closed	9am-1pm	Closed	3-7pm	2-6pm	Closed
RL	Closed	9am-5pm	11am-7pm	9am-5pm	9am-5pm	Closed
FR	9am-5pm	11am-7pm	9am-5pm	11am-7pm	9am-5pm	Closed
SM	11am-7pm	9am-5pm	11am-7pm	9am-5pm	9am-5pm	Closed
SU	9am-5pm	11am-7pm	11am-7pm	9am-5pm	9am-5pm	Closed
WK	12-7pm	10am-5pm	9am-1pm	9am-1pm	12-5pm	Closed
WV	9am-5pm	1-7pm	12-7pm	12-5pm	9am-1pm	Closed
WI	11am-7pm	10am-5pm	10am-5pm	11am-7pm	9am-1pm	Closed

June 1-12, 2020, staff will be preparing the branches for re-opening by ensuring the following measures are in place:

- Measuring and marking floors at the circulation desk to indicate mandatory 6ft distancing.
- Ensure sneeze guards are installed at the circulation desk.

- Mark aisles to indicate one way directions where necessary
- Move furniture/seating to create mandatory 6ft distancing; store furniture or rope off seating and tables not to be used
- Post COVID-19 signage on front doors
- Create one check in station at the circulation desk where all returned materials, including the book drop, will be checked in and disinfected.
- Create a space for cleaning supplies to reside for easy use by staff
- Create signage, and post, indicating the maximum number of patrons allowed in a space; planning for 50% occupancy on June 15, 2020.
- Offer curbside pick-up for patron holds; it is mandatory all staff wear a mask when interacting with patrons.

Further information will be sent out to staff closer to reopening to ensure they are aware of the mandatory guidelines we must follow.

As stated, the library plans to reopen to the public June 15, 2020 following the necessary guidelines set forth by the Commonwealth of Virginia.

Thank you for your support during this unprecedented time! We are taking every measure offered to us to ensure our staff and patrons stay safe and healthy as they visit the library!

Bonnie L. Lauver
Interim Library Director
Blackwater Regional Library
22511 Main Street
Courtland, VA 23837
757-653-0298 Ext. 306
757-653-9374 Fax
www.blackwaterlib.org



Commonwealth of Virginia
Office of Governor Ralph S. Northam

FOR IMMEDIATE RELEASE · May 31, 2020

Office of the Governor
press@governor.virginia.gov

**Governor Northam Declares State of
Emergency and Authorizes
Assistance to Localities**

RICHMOND—Governor Ralph Northam today declared a state of emergency and authorized assistance to localities in response to escalating violence across the Commonwealth. The Governor granted a request from Mayor Levar Stoney to extend a curfew in the City of Richmond.

“This emergency declaration will provide the necessary support to localities as they work to keep our communities safe, **said Governor Northam**. “There are many voices speaking out for justice and healing across the United States and in our Commonwealth, but others are exploiting this pain and inciting violence.”

A state of emergency allows the Commonwealth to mobilize resources, including the Virginia National Guard, and pre-position people and equipment to assist localities in their efforts to de-escalate violent protests and protect public safety.

The declaration allocates \$350,000 for state and local governments and state response and recovery operations authorized and coordinated through the Virginia Department of Emergency Management.

The order extends a curfew in the City of Richmond between the hours of 8:00 PM and 6:00 AM from Sunday, May 31, 2020 through Wednesday, June 3, 2020. While the curfew is in effect, people must remain in their homes and may only leave to seek emergency services or travel to and from home, work, or places of worship.

The full text of the emergency declaration can be found [here](#).

[Full Release](#)

###

Office of the Governor, Commonwealth of Virginia | P.O. Box 1475, Richmond, VA 23218

A message from Surry County High School:

SCHS Graduation 2020:

We are pleased to inform you that a non-traditional "Drive-Through" graduation ceremony has been planned for Saturday, June 13, 2020 at 10:00 AM at Surry County High School.

Graduation plans were mailed to the families of all senior students on May 13 and posted to the school and division Facebook pages and the division website on May 14. Due to the guidelines set forth by the CDC and Governor of Virginia, this year's graduation is not a public event. Each graduate will be allowed one vehicle in the processional and the graduate can have as many people as the car will hold. No one will be permitted to ride in the back of an open bed or trailer. Please visit the following link to read Principal Wooden's letter to senior families with instructions for

graduation: <https://drive.google.com/.../1jeGIFAlMc6P9zsW6BzUsFA3bd.../view....>

For additional questions about graduation, please contact Mr. Wooden or Ms. Ward at (757) 267 2211.

Graduation Parade:

There will be a parade held along the homecoming parade route in the town of Surry on Saturday, June 13, 2020 at 2:00 PM. This event is sponsored by the Surry County Board of Supervisors, Surry County Department of Parks and Recreation, and the Concerned Parents of the Class of 2020.

For additional questions about the parade, please contact Chanique Byrd at (757) 650 0572 or Sopenia Pierce at (757) 618 6563.

Senior Spotlight:

Each graduate will be featured on the SCHS Facebook page and division website on Tuesday, June 9, 2020. This is a virtual event. Students' portraits, school activities, scholarships, college acceptances, and post-secondary plans will be shared. Graduates must return the senior information form to Ms. Ward by June 2.

Thank you for your continued support of Surry County High School. Congratulations to the Class of 2020!

SURRY COUNTY HIGH SCHOOL

1675 Hollybush Road Dendron, Virginia 23839 • PHONE (757) 267 2211 • FAX (757) 267 2978



Mr. Giron Wooden, Jr., Principal
Ms. Courtney Ward, Assistant Principal

OFFICE OF THE PRINCIPAL

May 13, 2020

Dear Parents/Guardians and Graduating Seniors of the Class of 2020:

Congratulations on your child’s progress toward the completion of the requirements for graduation from Surry County High School. As we quickly approach the end of the school year, we all want our seniors to know that we love them and look forward to celebrating their accomplishments. As a result of the COVID-19 pandemic, Surry County Public Schools will not be holding a traditional commencement ceremony this year. The administration, faculty, and staff of Surry County High School has given much thought and attention to recognizing our seniors in a timely manner, while adhering to the social distancing policies set forth by the Center for Disease Control and the Governor of Virginia. We are pleased to inform you that a non-traditional “Drive-Through” graduation ceremony/processional has been planned for **Saturday, June 13, 2020 at 10:00 AM at Surry County High School.**

Parents/Guardians, you are to be commended for your guidance that has greatly assisted your child in reaching this milestone in their life. Please continue to encourage your child to set lofty goals in pursuit of the best that life has to offer. The information which follows is designed to help facilitate the process of graduation and make the transition a smooth one. Please review the items listed below with your senior and assist him or her in completing each.

- Students must successfully complete each course that is necessary for graduation.
- Each student should have secured a regulation cap and gown: boys, blue and girls, gold. ***If you have not ordered your cap and gown by now, you can contact the representative from Herff Jones to place an order at www.vagrad.com or 804-598-0971.*** Gowns should be placed on a hanger upon purchase to help reduce wrinkles.
- Student graduates are to wear the regulation attire: girls in white dress or skirt and blouse, white dress shoes, flesh tone hose, optional jewelry that is small and discreet; and boys in white or light blue dress shirt, dark tie, black or dark blue belted dress slacks, black dress shoes and socks. Attire is expected to follow the school’s dress code.
- Graduates are expected to be present by **9:30 AM** on June 13th and are to report to the **LPJ Middle School bus loop.** ***Everyone must remain in their vehicles.***

- Vehicle line-up will begin at **9:45 AM** and the ceremony will start promptly at **10:00 AM**. Graduates will be allowed **1 car only** in the processional and you can have as many people as the car will hold. ***No one will be permitted to ride in the back of an open bed or trailer.***
- Once the vehicle reaches the middle of the bleachers on the track, the **graduate and parents only** will get out of the vehicle to receive his or her diploma cover from administration and take pictures.
- The vehicle will proceed around the track and exit the facility via the gate at Hollybush Road.
- Once the vehicle gets to that gate, if the student has fulfilled all obligations, he or she will be handed his or her diploma and will exit the premises.
- If the student has unmet obligations, he or she will be instructed to pull over to the elementary school bus loop to take care of obligations, receive diploma, and exit the premises.

The SCHS Cougar Family understands that graduation is always an exciting time and a special occasion for all. As Principal, I truly understand the desire for students to walk across stage in front of family, friends, and loved ones; however, we will only be able to hold a non-traditional graduation ceremony this school year. The administration of SCPS truly believes that taking these precautionary measures are best for the health and safety of all. If these requests are adhered to, it will be a smooth, pleasant, and lasting experience for the Class of 2020. Thank you in advance for your invaluable support and your commitment to quality education in Surry County.

Sincerely,

Giron R. Wooden, Jr.

Principal



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER SIXTY-FIVE (2020)

AND

ORDER OF PUBLIC HEALTH EMERGENCY SIX

**PHASE TWO EASING OF CERTAIN TEMPORARY RESTRICTIONS
DUE TO NOVEL CORONAVIRUS (COVID-19)**

Excluding the City of Richmond and the Northern Virginia Region

Importance of the Issue

On May 8, 2020, Executive Order 61 and Order of Public Health Emergency Three began easing business, gathering, and traveling restrictions originally imposed by Executive Order 53 and Executive Order 55 issued in March of 2020. We did this because our health data metrics showed that we were increasing testing availability, we have adequate supply of personal protective equipment and hospital bed supply, the percentage of positive tests, hospitalizations, and positive tests were trending downward. The health data metrics for some jurisdictions, however, still presented sharper challenges. Therefore, pursuant to Executive Order 62 and Order of Public Health Emergency Four (2020), later amended, the Northern Virginia Region (as defined by that Order), the County of Accomack, and the City of Richmond remained in Phase Zero. On May 29, 2020, those jurisdictions moved into Phase One.

During the weeks that the majority of Virginia has been in Phase One, the public health metrics have continued to show the same trends. Our testing is increasing, our supply of personal protective equipment is steady, our hospital bed capacity remains steady, our hospitalizations statewide have a slight downward trend, and the percentage of positive tests continue to trend downward.

Now under this Order, the majority of the Commonwealth will move into Phase Two. The Northern Virginia Region and the City of Richmond will remain in Phase One under Third Amended Executive Order 61 and Third Amended Order of Public Health Emergency Three (2020). We have made remarkable progress over the past several weeks. As we move forward, we will remain vigilant, cautious, and measured. We will continue teleworking, whenever possible, to wash our hands frequently, to not touch our faces, and to wear face coverings. Through these

efforts, we will continue to protect ourselves, our families, and our fellow Virginians as we respond to this emergency.

Directive

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the *Code of Virginia*, by any other applicable law, and in furtherance of Amended Executive Order 51 (2020), and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the *Code of Virginia*, the following is ordered:

A. EASING OF BUSINESS RESTRICTIONS

1. All Businesses

Any businesses, not listed in this section, should adhere to the Guidelines for All Business Sectors expressly incorporated by reference herein *as best practices*. This guidance is located [here](#).

2. Restaurants, Dining Establishments, Food Courts, Breweries, Microbreweries, Distilleries, Wineries, and Tasting Rooms

Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, and tasting rooms may operate delivery, take-out, and indoor and outdoor dining and beverage services, provided such businesses comply with the Guidelines for All Business Sectors, and sector-specific guidance for restaurant and beverage services incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Occupancy may not exceed the 50% of the lowest occupancy load on the certificate of occupancy, if applicable.
- b. All parties, whether seated together or across multiple tables, must be limited to 50 patrons or less.
- c. Tables at which dining parties are seated must be positioned six feet apart from other tables. If tables are not movable, parties must be seated at least six feet apart.
- d. No self-service of food (except beverages), including condiments. Condiments should be removed from tables and dispensed by employees upon the request of a customer. Buffets must be staffed by servers. For self-service beverage areas, use beverage equipment designed to dispense by a contamination-free method.

- e. Bar seats and congregating areas of restaurants must be closed to patrons except for through-traffic. Non-bar seating in a bar area may be used for customer seating as long as a minimum of six feet is provided between parties at tables.
- f. Employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.
- g. A thorough cleaning and disinfection of frequently-contacted surfaces must be conducted every 60 minutes during operation. Tabletops, chairs, and credit card/bill folders must be cleaned in between patrons.
- h. If any such business cannot adhere to these requirements, it must close.

3. Farmers Markets

Farmers markets may continue to operate, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for farmers markets incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. On-site shopping is allowed, as long as physical distancing guidelines are followed. Configure operations to avoid congestion or congregation points.
- b. Employees and vendors in customer-facing areas must wear face coverings over their nose and mouth at all times.
- c. Vendors must supply hand sanitizer stations or hand washing stations for patrons and employees.
- d. A thorough cleaning and disinfection of frequently-contacted surfaces must be conducted.
- e. If any such business cannot adhere to these requirements, it must close.

4. Brick And Mortar Retail Businesses Not Listed In Section C, Paragraph 1 (Non-Essential Retail)

Any brick and mortar retail business not listed in section C, paragraph 1 may continue to operate, provided such business complies with the Guidelines for All Business Sectors and the sector-specific guidance for brick and mortar retail expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Occupancy must be limited to no more than 50% of the lowest occupancy load on the certificate of occupancy.

- b. Employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.
- c. If any such business cannot adhere to these requirements, it must close.

5. Fitness and Exercise Facilities

Fitness centers, gymnasiums, recreation centers, sports facilities, and exercise facilities may reopen for indoor and outdoor activities, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for fitness and exercise facilities expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Patrons, members, and guests must remain at least ten feet apart during all activities.
- b. Instructors and all participants of group exercise and fitness classes must maintain at least ten feet of physical distancing between each other at all times.
- c. The total number of attendees (including both participants and instructors) in all group exercise and fitness classes cannot exceed the lesser of 30% of the minimum occupancy load on the certificate of occupancy or 50 patrons, members, and guests.
- d. Hot tubs, spas, splash pads, spray pools, and interactive play features must be closed.
- e. Outdoor swimming pools may be open for lap swimming only and must be limited to no more than three person per lane with ten feet of physical distance per swimmer.
- f. Employees working in customer-facing areas are required to wear face coverings over their nose and mouth at all times.
- g. Employers must ensure cleaning and disinfection of shared equipment after each use.
- h. Facilities shall prohibit the use of any equipment that cannot be thoroughly disinfected between uses (e.g., climbing rope, exercise bands, etc.).
- i. Businesses must supply hand sanitizer stations or hand washing stations for patrons, members, and guests.
- j. If any such business cannot adhere to these requirements, it must close.

6. Personal Care and Personal Grooming Services

Beauty salons, barbershops, spas, massage centers, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed may continue to operate, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for personal care and personal grooming services expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Occupancy may not exceed 50% of the lowest occupancy load on the certificate of occupancy with at least six feet of physical distancing between work stations and no more than two appointments per service provider at a time.
- b. Service providers and employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.
- c. Provide face coverings for clients or ask that clients bring a face covering with them, which they must wear during the service. Limit services to only those that can be completed without clients removing their face covering.
- d. A thorough cleaning and disinfection of frequently-contacted surfaces must be conducted every 60 minutes in operations, while cleaning and disinfecting all personal care and personal grooming tools after each use. If that is not possible, such items must be discarded.
- e. If any such business cannot adhere to these requirements, it must close.

7. Campgrounds

Privately-owned campgrounds as defined in § 35.1-1 of the *Code of Virginia* may continue to operate, provided they comply with the Guidelines for All Business Sectors and the sector-specific guidelines for campgrounds, which are expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. A minimum of 20 feet must be maintained between units for all lots rented for short-term stays of less than 14 nights (and not owned by individuals).
- b. Employees working in public-facing areas are required to wear face coverings over their nose and mouth at all times.
- c. It is recommended that campgrounds must strongly encourage customers to wear face coverings over their nose and mouth.
- d. The provision of hand washing in bath houses and sanitizing stations for guests and employees.

- e. If any such business cannot adhere to these requirements, it must close.

8. Indoor Shooting Ranges

Indoor shooting ranges may operate, provided they comply with the following requirements:

- a. Occupancy must be limited to 50% of the lowest occupancy load on the certificate of occupancy with at least six feet of physical distancing between individuals at all times. Use every other lane to achieve six feet of physical distancing.
- b. Employees working in customer-facing areas are required to wear face coverings over their nose and mouth at all times.
- c. Perform thorough cleaning and disinfection of frequently-contacted surfaces every 60 minutes in operation, while disinfecting all equipment between each customer use and prohibiting the use of equipment that cannot be thoroughly disinfected.
- d. Either thoroughly clean shared or borrowed equipment in between uses, or only allow the use of personal equipment at the range.
- e. If any such indoor shooting range cannot adhere to these requirements, it must close.

9. Public Beaches

All public beaches as defined in § 10.1-705 of the *Code of Virginia* may remain open to individual and family recreational activity, in addition to exercise and fishing. All such public beaches, with the exception of the beaches in the City of Virginia Beach, must comply with the requirements below.

- a. Require beachgoers to practice physical distancing of at least six feet between each person unless they are with members of the same household.
- b. Prohibit gatherings of more than 50 people.
- c. Prohibit group sports, alcohol, tents, groupings of umbrellas, and other activities and items that attract gatherings.
- d. Prohibit entertainment and programming that generate gatherings.
- e. All common areas that encourage gatherings, such as pavilions, gazebos, playsets, and picnic areas must remain closed. This does not apply to fishing piers.

- f. Implement a cleaning schedule for all high-touch surfaces made of plastic or metal such as benches and railings that includes cleaning at least every two hours between the hours of 9 a.m. and 6 p.m.
- g. Establish, train, and deploy a team to educate and promote compliance with beach rules and refer cases of noncompliance to public safety personnel, if appropriate.
- h. Establish procedures for temporary beach closure or access limitations in the event of overcrowding.
- i. Ensure adequate personal protective equipment for all lifeguards.
- j. Perform a disinfectant-level cleaning of all public restrooms every two hours with an EPA-approved disinfectant by staff or volunteers trained to follow Centers for Disease Control and Prevention (CDC) guidance on cleaning and disinfecting.
- k. For chair and umbrella rental companies, require vendors to set up chairs and umbrellas for customers, maintaining at least six feet of distance between groups, and to clean equipment between rentals following Environmental Protection Agency and CDC guidelines on cleaning and disinfecting.
- l. Post signage at all public access points to the beaches and other “cluster prone” areas providing health reminders regarding physical distancing, gathering prohibitions, options for high risk individuals, and staying home if sick. Messaging must be specific to location.
- m. Locality shall provide daily metrics to its local health department to include beach closures, complaint incidents, police reports of violence related to enforcement, and number of reports of noncompliance to be submitted each Monday.
- n. All employees and contract workers must wear a cloth face covering when not able to practice physical distancing following CDC Use of Face Cloth Coverings guidance.
- o. Employees and contract workers must have access to soap and water or hand sanitizer containing at least 60% alcohol, and locality should provide best hygiene practices to employees on a regular basis, including washing hands often with soap and water for at least 20 seconds and practicing respiratory etiquette protocols.
- p. Locality shall require all employees and contract workers to take their temperature before reporting to work and direct such employees not to report to work if they have a fever of over 100.4 degrees, have experienced chills, or have been feverish in the last 72 hours.

- q. Follow enhanced workplace safety best practices outlined in the Guidelines for All Business Sectors.

Public beaches in the City of Virginia Beach may continue to operate provided activities on the public beaches are conducted in compliance with the requirements linked [here](#) and [here](#).

10. Racetracks

Outdoor racetracks may remain open for racing events, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for racetracks expressly incorporated by reference herein and linked [here](#) and [here](#). Such guidance includes, but is not limited to, the following requirements:

- a. The event must be held at locations with the ability to restrict access (i.e. barriers and gating that would preclude the general public from accessing the event).
- b. No tailgating and camping is allowed during these events, including staff or race participants.
- c. Entrances and exits must be staffed.
- d. No spectators or members of the public are permitted to attend the event. This includes owners, family (unless the guardian of a minor child), as well as outside vendors. Only individuals essential to the operation of the event are permitted to attend.
- e. All individuals must maintain at least six feet of physical distancing between themselves and other participants.
- f. Prior to each race event, participants must self-monitor their symptoms by taking their temperature to check for fever.
- g. No public-facing amenities will be provided, including concessions, food sales, merchandise sales, hospitality, or loitering on the property, or fan experiences.

11. Recreational and Entertainment Businesses

Outdoor performing arts venues, outdoor concert venues, outdoor sports venues, outdoor movie theaters, museums, aquariums, zoos, and botanical gardens may reopen, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines, which are expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirement:

- a. The total number of attendees (including both participants and spectators) cannot exceed the lesser of 50% of the occupancy load of the venue, if applicable, or 50 persons.
- b. Install visible markers for queue lines that separate people by six feet of physical distance.
- c. Create a guest flow plan of modified queue lines into and within the facility. Determine areas likely to become bottlenecks or pinch points and adjust guest flow accordingly.
- d. Perform thorough cleaning and disinfection of frequently-contacted surfaces including digital ordering devices, check presenters, self-service areas, tabletops, bathroom surfaces, and other common touch areas every 60 minutes during operation.
- e. Where possible, install sneeze guards in front of commonly used point-of-sale or guest service stations.
- f. Employees working in customer-facing areas are required to wear face coverings over their nose and mouth.
- g. Provide hand washing or sanitizing stations for guests and employees.
- h. If any such business cannot adhere to these requirements, it must close.

12. Public and private social clubs

Public and private social clubs may reopen, provided such establishments abide by the gathering ban in section B, paragraph 2 of this Order and comply with the Guidelines for All Business Sectors and the sector-specific guidelines for public and private social clubs expressly incorporated by reference herein.

13. Recreational Sports

Indoor and outdoor recreational sports activities are permitted, provided participants and organizers of recreational sports activities comply with the Guidelines for All Business Sectors and the sector-specific guidelines for recreational sports expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Ten feet of physical distance must be maintained by all instructors, participants, and spectators, with the exception of incidental contact or contact between members of the same household. This applies during instruction and practice and during competitive events. Competition that involves close contact with other athletes must be avoided.

- b. The total number of attendees (including both participants and spectators) of outdoor recreational sports cannot exceed the lesser of 50% of the occupancy load of the venue, if applicable, or 50 persons. For sports played on a field, attendees are limited to 50 persons per field.
- c. The total number of attendees for indoor recreational sports cannot exceed the lesser of 30% of the lowest occupancy load on the certificate of occupancy or 50 persons. For sports played on a field, attendees are limited to 50 persons per field.
- d. For indoor recreational sports, spectators may not be present except parents, guardians, or caretakers who are supervising children.

14. Enforcement

Guidelines for All Business Sectors and the sector-specific guidelines appear [here](#). The Virginia Department of Health shall have authority to enforce section A of this Order. Any willful violation or refusal, failure, or neglect to comply with this Order, issued pursuant to § 32.1-13 of the *Code of Virginia*, is punishable as a Class 1 misdemeanor pursuant to § 32.1-27 of the *Code of Virginia*. The State Health Commissioner may also seek injunctive relief in circuit court for violation of this Order, pursuant to § 32.1-27 of the *Code of Virginia*. In addition, any agency with regulatory authority over a business listed in section A may enforce this Order as to that business to the extent permitted by law.

B. CONTINUED RESTRICTIONS

1. Certain Recreational and Entertainment Businesses

All public access to recreational and entertainment businesses set forth below shall remain closed:

- a. Indoor theaters, Indoor performing arts centers, indoor concert venues, and other indoor entertainment centers;
- b. Historic horse racing facilities; and
- c. Bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, carnivals, arts and craft facilities, escape rooms, and other places of indoor public amusement.

2. All Public And Private In-Person Gatherings

All public and private in-person gatherings of more than 50 individuals are prohibited. The presence of more than 50 individuals performing functions of their employment is

not a “gathering.” A “gathering” includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors.

This restriction does not apply to the gathering of family members living in the same residence. “Family members” include blood relations, adopted, step, and foster relations, as well as all individuals residing in the same household. Family members are not required to maintain physical distancing while in their homes.

- a. Individuals may attend religious services subject to the following requirements:
 - i. Religious services must be limited to no more than 50% of the lowest occupancy load on the certificate of occupancy of the room or facility in which the religious services are conducted.
 - ii. Individuals attending religious services must be at least six feet apart when seated and must practice proper physical distancing at all times. Family members, as defined above, may be seated together.
 - iii. Mark seating in six-foot increments and in common areas where attendees may congregate.
 - iv. Attendees shall not pass items to other attendees, who are not family members, as defined above.
 - v. Any items used to distribute food or beverages must be disposable, used only once, and discarded.
 - vi. A thorough cleaning and disinfection of frequently-contacted surfaces must be conducted prior to and following any religious service.
 - vii. Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 is permitted in the establishment.
 - viii. Post signage to provide public health reminders regarding social distancing, gatherings, options for high risk individuals, and staying home if sick.
 - ix. If religious services cannot be conducted in compliance with the above requirements, they must not be held in-person.

Further, any social gathering held in connection with a religious service is subject to the public and private in-person gatherings restriction in section B, paragraph 2. Additional suggested guidance can be found [here](#).

3. Institutions of Higher Education

Institutions of higher education are encouraged to continue remote learning where practical. However, such institutions may offer in-person classes and instruction, including labs and related practical training, provided they comply with all applicable requirements under the "Guidelines for All Business Sectors." No institutions of higher education shall hold or host gatherings of more than 50 individuals. Any postsecondary provider offering vocational training in a profession regulated by a Virginia state agency/board must also comply with any sector-specific guidelines relevant to that profession to the extent possible under the regulatory training requirements. Such professions may include, but are not necessarily limited to: aesthetician, barber, cosmetologist, massage therapist, nail technician, and practical nurse

4. Overnight Summer Camps

Overnight services of summer camps, as defined in § 35.1-1 of the *Code of Virginia*, must remain closed.

5. Enforcement

Violations of section B paragraphs 1, 2, 3, and 4 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the *Code of Virginia*.

C. CONTINUED GUIDANCE AND DIRECTION

1. Essential Retail Businesses

Essential retail businesses as set out below may remain open during their normal business hours. They should comply with the Guidelines for All Business Sectors expressly incorporated by reference and linked [here](#), as *best practices*. Employers are required to provide face coverings to employees.

- a. Grocery stores, pharmacies, and other retailers that sell food and beverage products or pharmacy products, including dollar stores, and department stores with grocery or pharmacy operations;
- b. Medical, laboratory, and vision supply retailers;
- c. Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
- d. Automotive parts, accessories, and tire retailers as well as automotive repair facilities;
- e. Home improvement, hardware, building material, and building supply retailers;

- f. Lawn and garden equipment retailers;
- g. Beer, wine, and liquor stores;
- h. Retail functions of gas stations and convenience stores;
- i. Retail located within healthcare facilities;
- j. Banks and other financial institutions with retail functions;
- k. Pet and feed stores;
- l. Printing and office supply stores; and
- m. Laundromats and dry cleaners.

2. State Agencies

All relevant state agencies shall continue to work with all housing partners to execute strategies to protect the health, safety, and well-being of Virginians experiencing homelessness during this pandemic and to assist Virginians in avoiding evictions or foreclosures.

3. Face Coverings

The waiver of § 18.2-422 of the *Code of Virginia* is continued, so as to allow the wearing of a medical mask, respirator, or any other protective face covering for the purpose of facilitating the protection of one's personal health in response to the COVID-19 public health emergency declared by the State Health Commissioner on February 7, 2020, and reflected in Amended Executive Order 51 (2020) declaring a state of emergency in the Commonwealth. Amended Executive Order 51 (2020) remains so amended. This waiver is effective as of March 12, 2020.

Further, where a mandatory business sector requirement in this Order conflicts with a requirement to wear a face covering in Executive Order 63 and Order of Public Health Emergency Five (2020), the business sector-specific requirement governs.

4. State Travel

Continued cessation of all official travel outside of Virginia by state employees, with increased flexibility for inter-state commuters and essential personnel.

5. Exceptions

Nothing in the Order shall limit: (a) the provision of health care or medical services; (b) access to essential services for low-income residents, such as food banks; (c) the

operations of the media; (d) law enforcement agencies; or (e) the operation of government.

6. Expiration of Order

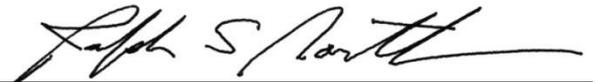
Executive Order 55 (2020) shall expire at 11:59 p.m., June 4, 2020.

Effective Date of the Executive Order

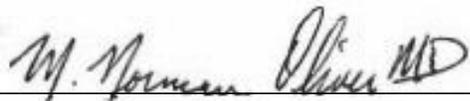
This Order shall be effective 12:00 a.m., Friday, June 5, 2020. This Executive Order shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, this 2nd day of June, 2020.



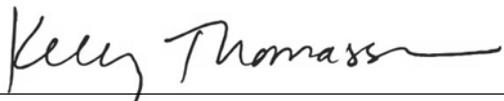


Ralph S. Northam, Governor



M. Norman Oliver, MD, MA
State Health Commissioner

Attest:



Kelly Thomasson, Secretary of the Commonwealth