

VIRGINIA: AT THE SPECIAL MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DINWIDDIE COUNTY, VIRGINIA, HELD ELECTRONICALLY IN DINWIDDIE, VIRGINIA, ON APRIL 30, 2020 AT 5:00 P.M.

PRESENT: JAMES VANLANDINGHAM – CHAIRMAN
MICHELLE OLGERS – VICE-CHAIRMAN
ROBERT SPIERS – SECRETARY-TREASURER
WILLIAM JONES
ALAN W. KISSNER
MAXWELL WATKINS
SHARON YATES

ADMINISTRATION PRESENT: TAMMIE COLLINS, DEPUTY COUNTY ADMINISTRATOR
FOR PLANNING AND COMMUNITY DEVELOPMENT
TYLER C. SOUTHALL, COUNTY ATTORNEY
MORGAN INGRAM, ECONOMIC DEVELOPMENT DIRECTOR

1. CALL TO ORDER AND ROLL CALL

Mr. VanLandingham called the meeting to order at 5:00P.M., and he made the following statement: "Welcome to the April 30, 2020 meeting of the Industrial Development Authority of Dinwiddie County, Virginia. I am Jim VanLandingham, and I presently serve as Chair of the IDA. Because of the threat posed to in-person meetings by COVID-19, this meeting is being held electronically in conformity and compliance with the Pandemic Disaster Continuity of Operations Ordinance approved by the Dinwiddie County Board of Supervisors on April 14, 2020. Notice of this meeting, including dial-in information for this meeting, was provided in the public notice for this meeting as well as the published meeting agenda. As was stated on the agenda for this meeting, Morgan Ingram, who is the Dinwiddie County Director of Economic Development, was responsible for receiving comments or questions related to the meeting. Mr. Southall is County Attorney and legal counsel to the IDA. Mr. Southall, may we please have the Roll Call?" Mr. Southall called roll.

Mr. VanLandingham was electronically present from 8817 Halifax Road, North Dinwiddie, VA. Ms. Olgers was electronically present from her home in Sutherland, VA. Mr. Spiers was electronically present from his home in Stoney Creek, VA. Mr. Jones was electronically present from 13217 Courthouse Road, Dinwiddie, VA. Mr. Kissner was electronically present from his home in North Dinwiddie, VA. Mr. Watkins was electronically present from his home in Sutherland, VA. Ms. Yates was electronically present from her home in Dinwiddie, VA.

2. APPROVAL OF/AMENDMENTS TO AGENDA

Mr. VanLandingham asked if there needed to be any amendments to the agenda. None were needed.

Upon motion by Mr. Kissner to adopt the amended agenda, seconded by Ms. Olgers, the agenda was adopted by the following vote.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Mr. Kissner, Mr. Watkins, Ms. Yates
Nays: None

3. APPROVAL OF CONTINUITY OF GOVERNMENT RESOLUTION

Mr. VanLandingham asked Mr. Southall to present the Continuity of Government Resolution. Mr. Southall explained what the resolution was and why it was necessary. Mr. VanLandingham asked if there were any questions or comments about the resolution. There were none.

Upon motion by Mr. Jones, seconded by Ms. Yates, the Continuity of Government Resolution was approved as presented by the following vote.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Mr. Kissner, Mr. Watkins, Ms. Yates
Nays: None

RESOLUTION OF INDUSTRIAL DEVELOPMENT AUTHORITY OF DINWIDDIE COUNTY, VIRGINIA AUTHORIZING THE ADOPTION OF PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS TO ENSURE THE CONTINUITY OF GOVERNMENT DURING THE COVID-19 PANDEMIC DISASTER

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 March 17, 2020, the Board of Supervisors of Dinwiddie County, Virginia (“BOARD”) confirmed the declaration of local emergency made by the local director of emergency management on March 16, 2020, and on April 14, 2020, the BOARD found that the COVID-19 Pandemic constitutes a “disaster” as defined in 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, on April 14, 2020, the BOARD, pursuant to Virginia Code § 15.2-1413, adopted an Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with Pandemic Disaster (“Ordinance”); and

WHEREAS, through its Ordinance, the BOARD specifically found 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, through its Ordinance, the BOARD further found that the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the INDUSTRIAL DEVELOPMENT AUTHORITY OF DINWIDDIE COUNTY, VIRGINIA and all local and regional boards, commissions, committees and authorities created by the BOARD or to which the BOARD 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; and

WHEREAS, through its Ordinance, the BOARD adopted certain procedures to ensure the continuity of government during the COVID-19 Pandemic disaster (“Continuity Procedures”), suspended any deadlines applicable to Public Entities and their staff during the COVID-19 disaster, and authorized Public Entities, at their discretion, to postpone non-emergency public hearings and action items during the disaster; and

WHEREAS, the **INDUSTRIAL DEVELOPMENT AUTHORITY OF DINWIDDIE COUNTY, VIRGINIA** is a Public Entity included within the scope of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the **INDUSTRIAL DEVELOPMENT AUTHORITY OF DINWIDDIE COUNTY, VIRGINIA** hereby incorporates by reference and adopts the Continuity Procedures prescribed in the Ordinance, a copy of the text of which is attached hereto; and

BE IT FURTHER RESOLVED that the **INDUSTRIAL DEVELOPMENT AUTHORITY OF DINWIDDIE COUNTY, VIRGINIA** hereby authorizes and directs its officers and staff to take all steps reasonably necessary or appropriate to implement such Continuity Procedures and to develop any specific procedures as applicable and appropriate for the **INDUSTRIAL DEVELOPMENT AUTHORITY OF DINWIDDIE COUNTY, VIRGINIA** provided that such specific procedures are consistent with the terms and conditions of the Ordinance; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect during the pendency of the Ordinance including for any applicable period upon the re-adoption of the Ordinance by BOARD.

ADOPTED by the **INDUSTRIAL DEVELOPMENT AUTHORITY OF DINWIDDIE COUNTY, VIRGINIA**.

4. DINWIDDIE IDA SMALL BUSINESS COVID-19 DISASTER GRANT FUND

Mr. VanLandingham stated that the next item is a proposal for the Dinwiddie IDA Small Business COVID-19 Disaster Grant Fund. He asked Ms. Ingram to present the proposal to create the grant program. She spoke about the background of the grant and eligibility. The grant funds would not exceed \$100,000. Mr. Jones asked a question about the time period and Ms.

Ingram informed the Board they would be approving who would receive grant money at their regular May meeting. Ms. Yates commended staff for getting this together. Mr. Spiers asked a question about the effect of SBA application. Ms. Ingram answered that it will affect the score of the application but not be an automatic disqualification. Mr. Spiers also asked if businesses in the Town of McKenney would be eligible and Ms. Collins said they were. Ms. Olgers asked if non-profits are disqualified and the answer was no. Mr. Kissner asked if there would be a second wave of grants and Ms. Ingram stated they had no plans for more than this first one at this time. Ms. Olgers asked for what purpose the money had been previously earmarked. Ms. Collins stated it was simply IDA funds not already slated for a specific purpose. Mr. Southall then explained the resolution. Language for non-profits was inserted into the resolution. Mr. VanLandingham asked if there was any further discussion or questions. There were no further questions or comments.

Upon motion by Mr. Kissner, seconded by Ms. Olgers, the Dinwiddie IDA Small Business COVID-19 Disaster Grant Fund Resolution was approved as amended by the following vote.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Mr. Kissner, Mr. Watkins, Ms. Yates

Nays: None

**RESOLUTION OF THE BOARD OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
DINWIDDIE COUNTY, VIRGINIA FOR COVID-19 GRANT PROGRAM**

WHEREAS, the COVID-19 pandemic has spread worldwide, including in the United States of America, the Commonwealth of Virginia, and Dinwiddie County, causing significant illness, loss of life, and economic disruption; and

WHEREAS, pursuant to Virginia Code Section 15.2-4901, the intent of the legislature in authorizing the creation of industrial development authorities was so “that such authorities may be able to promote industry and develop trade by inducing manufacturing, industrial, governmental, nonprofit, and commercial enterprises and institutions of higher education to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources, and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, and convenience or prosperity”; and

WHEREAS, pursuant to Virginia Code Section 15.2-4905(13), the Industrial Development Authority of Dinwiddie County, Virginia (the “IDA”) has the authority “to make . . . grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development”; and

WHEREAS, the IDA Board finds that local businesses have been adversely impacted by COVID-19, resulting in a business climate that is arguably more difficult than any that has been seen in decades; and

WHEREAS, the IDA Board does hereby find that the creation of a Small Business COVID-19 Disaster Grant Fund in the amount of \$100,000 to commercial enterprises and non-profits within

Dinwiddie County so that local small businesses (including non-profit entities) may remain in existence or otherwise support the economy during the pandemic is for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or the promotion of their prosperity;

BE IT THEREFORE RESOLVED THAT the Board of the Industrial Development Authority of Dinwiddie County, Virginia (the "Board") does hereby authorize and direct that that the marketing materials and grant application for the Small Business COVID-19 Disaster Grant Fund be published and that applications be taken with a submission deadline of 5 p.m. on May 12, 2020.

BE IT FURTHER RESOLVED THAT pursuant to Virginia Code Section 2.2-3109(B)(ii), the Chairman of the IDA shall be authorized to find in writing as the administrative head of the IDA that the purposes of the grant program cause competitive bidding or negotiation to be contrary to the best interest of the public.

BE IT FURTHER RESOLVED THAT each grant application shall certify that (x) the application is not made by or for the financial benefit of any of the following persons or their immediate family members (where immediate family members includes a spouse and any other person who resides in the same household of such person or is a dependent of such person): (i) any IDA board member, (ii) any officer or employee of Dinwiddie County (including, but not limited to, the Board of Supervisors and the Planning Commission), or (iii) any constitutional officer of Dinwiddie County or any employee of a constitutional officer and (y) the award of an IDA COVID-19 grant to the applicant would not violate the Virginia State and Local Government Conflict of Interest Act.

BE IT FURTHER RESOLVED THAT the IDA Board directs the Deputy County Administrator for Planning and Community Development and the Director of Economic Development to screen the applications with any necessary legal advice from the County Attorney's Office to provide a recommendation on grant awards for the IDA at its regular May meeting.

5. DEPUTY COUNTY ADMINISTRATOR OF PLANNING AND COMMUNITY DEVELOPMENT COMMENTS

Ms. Collins commented on the IDA's positive engagement with staff and community during the COVID-19 pandemic.

Ms. Collins told the Board that the local newspaper would like to work with the IDA in spotlighting local businesses. It would be \$50/week. Currently there was no action needed on this but Ms. Collins simply wanted to inform them. There was some discussion among the Board on what businesses would be selected and how.

6. INDUSTRIAL DEVELOPMENT AUTHORITY BOARD MEMBER COMMENTS

Mr. Jones asked questions about the grant application process and his questions were answered.

Ms. Olgers then asked about the letterhead used for the grant application and adding EEO language on it.

Mr. Spiers stated that he supports this grant program and wishes it to go well.

7. **ADJOURNMENT**

Mr. VanLandingham asked if there was any further business. There was none.

Upon motion by Mr. Jones, seconded by Mr. Kissner, the meeting was adjourned at 5:53 P.M. by the following vote.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Mr. Kissner, Mr. Watkins, Ms. Yates

Nays: None