

**Caroline County  
Board of Supervisors Agenda  
Executive Summary**

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**Meeting Date:**        **March 9, 2021**

**Title:**                    **New Business – Proposed Adoption of an Emergency Ordinance to Waive Penalties for Water/Sewer Bills for Duration of COVID-19 Pandemic State of Emergency**

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*(Check Mark)*

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|---|--|
| <input type="checkbox"/> Consent                      | <input type="checkbox"/> Closed Meeting          |
| <input type="checkbox"/> Action                       | <input type="checkbox"/> Public Hearing          |
| <input type="checkbox"/> No Action (Information Only) | <input type="checkbox"/> Ordinance               |
| <input type="checkbox"/> Resolution                   | <input type="checkbox"/> PowerPoint Presentation |

**Summary:** As indicated in the attached memorandum from Director of Public Works/Utilities Joseph Schiebel, staff has prepared an emergency ordinance to allow the Board of Supervisors to consider waiving penalties on all County water and wastewater utility customers until such time as the Governor declares the state of emergency in Virginia to be over.

Most surrounding localities have taken a similar approach during the pandemic.

**Budget Impact:** Unknown

**Action(s) Requested of Board:** Adopt emergency ordinance as proposed; if adopted, the ordinance would remain in effect for 60 days, a permanent ordinance with a sunset clause may need to be adopted before the expiration of the emergency ordinance if the state of emergency remains in effect

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MEMORANDUM

**TO:** Charles M. Culley, Jr.  
County Administrator

**FROM:** Joseph C. Schiebel  
Director of Public Works/Utilities

**DATE:** March 4, 2021

**REGARDING:** **Proposed Emergency Ordinance to Waive Water and Sewer Penalties Throughout the COVID-19 Pandemic**

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On March 12, 2020, by Executive Order No. 51, Governor Ralph S. Northam declared a state of emergency in the Commonwealth of Virginia due to the spread of the COVID-19 virus and declared the anticipated effects of COVID-19 to be a disaster.

The Board of Supervisors had determined that Caroline County citizens have experienced economic hardship due to the COVID-19 pandemic and provided relief by eliminating penalties on all water and wastewater utility customers that were incurred from March 1, 2020, through January 31, 2021.

As the COVID-19 pandemic has continued and Executive Order No. 51 declaring the state of emergency is still in effect, most surrounding localities have chosen to waive water and sewer penalties throughout the entire pandemic. Staff wanted to provide an opportunity for the Board of Supervisors to waive such penalties.

Therefore staff recommends the Board of Supervisors consider waiving water and wastewater utility customers penalties from February 1, 2021 until the Governor declares an end to the state of emergency in the Commonwealth of Virginia.

Staff has prepared an emergency ordinance for the Board's consideration should it chose to waive the water and wastewater utility penalties throughout the COVID-19 pandemic.

**AN EMERGENCY ORDINANCE SUSPENDING SPECIFIC SECTIONS OF CHAPTER 93-1, SCHEDULE OF FEES AND LEVIES FOR PUBLIC UTILITIES, OF THE CODE OF CAROLINE COUNTY, VIRGINIA, TO WAVE CERTAIN UTILITY FEES;**

**WHEREAS**, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the healthcare community in responding to the novel coronavirus or “COVID-19”; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic: and

**WHEREAS**, on March 12, 2020, by Executive order No. 51, Governor Ralph S. Northam declared a state of emergency in the Commonwealth of Virginia due to the spread of the COVID-19 virus and declared the anticipated effects of the COVID-19 to be a disaster within the meaning of Virginia code Sections 44-146.16: and

**WHEREAS**, on March 13, 2020, the President of the United States found and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020: and

**WHEREAS**, the United States Federal Government, in response to the COVID-19 pandemic disaster, enacted the CORONAVIRUS Aid, Relief, and Economic Securities Act of 2020 (“CARES Act”) to provide funding for numerous programs to address the COVID-19 pandemic disaster, including 150 billion in assistance to states, local, territorial, and tribal governments for direct impacts of the COVID-19 pandemic disaster throughout the established of the Coronavirus Relief Fund (“CRF”). The Commonwealth of Virginia received approximately \$3.1 billion as its share.

**WHEREAS**, section 5001 of the CARES Act provides that the CRF may be used by state and local governments to cover costs that: (i) are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (ii) were not accounted for in the budget most recently approved as of March 27, 2020, for the Locality (except as may be permitted by the CRF guidelines established by the United States Department of the Treasury); and (iii) were incurred during the period that begins March 1, 2020, and ends on December 30, 2020.

**WHEREAS**, Virginia’s Utility Relief Program, consistent with the CARES Act, was passed by the General Assembly in November 2020 and signed by Governor Northam into law with the 2020 Special Session I Amendments to the 2020 Appropriation Act. Item 479.10 of this legislation appropriates \$100 million from the Commonwealth’s CARES Act CRF allocation to establish a COVID-19 Utility Relief Program (“Program”) and help provide direct assistance to utility customers with accounts over 30 days in arrears.

**WHEREAS**, Caroline County is a water and wastewater service provider and eligible “municipal utility” within the meaning of the Program. The Authority has applied to the State Corporation Commission (“SCC”) for a sub-allocation of the appropriated funds for the purpose

of providing direct assistance to its customers in accordance with applicable federal and state laws, regulations, and guidance (“CRF Rules”). The SCC and/or the Virginia Department of Housing and Community Development (“DHCD”) has issued an award letter to the Authority committing to funding assistance for eligible customers of the Authority in a specified amount (“Authority CRF Funds”).

**WHEREAS**, the Board of Supervisors desires for the timely, effective, and efficient implementation of the Program and provision of assistance to their eligible utility customers in accordance with the CRF Rules. The DHCD is responsible for assisting the SCC in the implementation of the Program and passing along awarded CRF funding to municipal utilities, and the Locality is willing to serve as the required fiscal agent to facilitate assistance to eligible customers experiencing economic hardship due to the COVID-19 pandemic.

**WHEREAS**, the Board of Supervisors previously waved and reimbursed all penalties from March 1, 2020, through January 31, 2021.

**WHEREAS**, the Board of Supervisors of Caroline County (the “Board”) has determined that Caroline County citizens have experienced economic hardship due to the COVID-19 pandemic and wish to provide relief by eliminating penalties on all water and wastewater utility customers throughout the entire COVID-19 pandemic.

**NOW, THEREFORE, BE IT ORDAINED** by the Board as follows:

- That all water and sewer penalties are hereby waived from February 1, 2021, until Governor Ralph S. Northam Executive order No. 51, wherein he declared a state of emergency in the Commonwealth of Virginia due to the spread of the COVID-19 virus has expired.

**ADOPTED** by the Board of Supervisors of the County of Caroline, this 9<sup>th</sup> day of March 2021.

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Chair, Board of Supervisors

ATTEST: