

A special meeting of the Board of Supervisors of Albemarle County, Virginia, was held on Friday, July 22, 2020, at 1:00 p.m. and was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency, pursuant to Ordinance No. 20-A(8). This meeting was called by the Chair, Mr. Ned Gallaway, to allow a quorum of Board members to convene an open meeting to consider, discuss, and take action on the following: the Incident Management Team's (IMT) recommendation to an emergency ordinance establishing regulations to prevent the spread of the novel coronavirus commonly known as COVID-19.

PRESENT: Mr. Ned Gallaway, Ms. Beatrice (Bea) J. S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, and Ms. Donna P. Price.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson, Deputy County Executive, Doug Walker, County Attorney, Greg Kamptner, Clerk, Claudette K. Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m., by the Chair, Mr. Gallaway.

The meeting was called to order at 1:00 p.m. by the Chair, Mr. Gallaway. He said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(8), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Gallaway said the persons responsible for receiving public comment are the Board of Supervisors of Albemarle County.

Mr. Gallaway said the opportunities for the public to access and participate in the electronic meeting are posted on the Albemarle County website, on the Board of Supervisors homepage, and on the Albemarle County calendar.

Mr. Gallaway announced the supervisors and officers present at the meeting and instructed all other staff to introduce themselves later in the meeting when they spoke

Agenda Item No. 2. Incident Management Team's (IMT) Recommendation to an Emergency Ordinance Establishing Regulations to Prevent the Spread of the Novel Coronavirus Commonly Known as COVID-19

Mr. Jeff Richardson, County Executive, said much of the work that originated from the meeting the prior Wednesday until present day has been vetted through the Incident Management Team (IMT). He said the IMT has been in effect since approximately the 15th of March and has been running on a parallel track to day-to-day operations, with an emergency operational focus. He said he asked for a headcount that day of the number of people who have been active on a day-to-day basis -- oftentimes, involving multiple meetings in one day -- and that it was 20 County staff. He said a number of those staff were present that afternoon.

Mr. Richardson said Mr. Kamptner, County Attorney, and himself, along with the support from that staff, will walk the Board through that day, with their effort being focused on the Board to consider recommendations on COVID-19 considerations. He said the Health District was also present that day, noting that they are a vital partner for the County to continue to connect with daily. He said Dr. Denise Bonds was present, and that Mr. Ryan McKay may also be present.

Mr. Richardson said this was a work session for the Board to consider elements of Phase 2 that would be more restrictive in nature than the Commonwealth of Virginia, which was in a Phase 3 category at the time.

Mr. Richardson said he would take the lead and set the backdrop of how the Board and staff would be spending their time that day, and then would ask the Health District to step in, who would try to help the Board walk through health data trends. He said he believed the goal would be to give the Board a more regional, scorecard look that is higher in nature as the Board tries to examine the curve of the trend. He said he also knew the Board was trying to look 30 to 60 days out to try to anticipate the challenges the community has, given what they know at present.

Mr. Richardson said after the Health District wraps up and the Board has its questions answered, the presentation would go back to himself and Mr. Kamptner, who would walk the Board through recommendations that the IMT has been working judiciously on for the last 3-4 workdays. He said they want to be able to connect these recommendations to a draft emergency ordinance. He recognized that the Board has only had this draft emergency ordinance for several hours, as staff have been working through, refining and problem-solving elements of this to do their best work that afternoon.

Mr. Richardson said staff would then take guidance from the Board and if there is additional work to do that have not been contemplated, or questions the Board asks that staff did not contemplate, they will tell the Board this and may need to walk away to give it additional thought, with the Board's support.

Mr. Richardson said this was an overview of the agenda and that staff was prepared to move

ahead unless there were questions from the Board.

Hearing no questions, Mr. Richardson said he would take a moment to recognize the IMT, made up of talented staff who work for Albemarle County. He said he couldn't be prouder of the team members, and that they come from every department in County Government. He said this is in addition to their normal jobs that they are hired on to do every day to keep the County moving at an acceptable operational pace.

Mr. Richardson said the IMT has focused itself first in response mode, which has included a focus on reducing transmission of the disease. He said in every element of the steps they take, they are trying to keep transmission of the disease down with staff and the public, protect people who are higher risk for adverse health complications, and maintain an acceptable operational pace with the day-to-day business of County Government.

Mr. Richardson said they move from there into recovery and reconstitution. He said as the Commonwealth has moved through the various phases, the County has tried to prepare itself with the help of all County departments, CARES Act funding, local funding, leadership, and support from the Board to move into recovery and reconstitution. He said it continues to focus on health and safety. He said they want to try to support the most vulnerable populations within the County and facilitate a safe transition back to what "normal" means in the future. He said this includes community and economic recovery.

Mr. Richardson said in everything they have done, they have tried to be grounded in medical guidance from CDC, OSHA, the Commonwealth, the Governor, and their key partners at the table, Dr. Bonds, Mr. McKay, and their staff. He said they are a critical linchpin piece of this regional partnership that they have, which includes the City of Charlottesville and UVA.

Mr. Richardson presented his last slide, noting that he would then ask Dr. Bonds and Mr. McKay to move the Board through the health metrics and scorecard metrics that will help the Board regroup itself as far as what they are looking based on what they know currently, where they have been, and where they are. He presented a graph showing a broad perspective of confirmed cases, probable cases, and a 7-day moving average moving from the very first stages of the Emergency Declaration and into Phases 1, 2, and 3. He said these phases are driven by the Commonwealth state government.

Mr. Richardson said beginning in mid-June, somewhere between June 6 and June 21, the Board will see the moving day average take an upward trend. He said this upward trend has carried through the latter part of June into the middle of July.

Mr. Richardson said he would let the health experts step in to try to connect with the Board on more of the regional scorecard, then try to specify as much as they can as to what they intuitively see in terms of the challenges moving ahead with these scorecard metrics.

Mr. Ryan McKay said the regional scorecard is a tool that unified command (the City, County, UVA, and Emergency Operations Center (EOC)) put together as a way to have a snapshot of what is going on in the community and in the region so that they can make some operational and tactical decisions on how they need to move forward. He said this may mean things within the Health District and his staff, or it may mean something more like messaging. He said it is a broader look than what they see on their dashboard either at the district level or at the state level and is a tool that generates discussion in terms of where they are going, what they can possibly see down the road, and how they might be able to make some changes.

Mr. McKay said presented on the screen were the first 3 of 8 metrics. He noted these have evolved over time, as they have removed a couple of metrics that have been consistently met, and then looked more at some data.

Mr. McKay said to start, there is the Percent Positive Tests, which is the percentage of tests that come back positive of those who took them. He said on the state website and on the Health District's website, there is a yellow line, and what they are looking at what this looks like over 14 days in terms of an average. He said this is based on federal and state guidance as far as the measures and metrics that were put out in April and May as decisions were being made about reopening. He said looking at that trend, they want to see where they have been, what it looks like in the community, and what is the potential for spread.

Mr. McKay said in this measure, they are unmet from July 7 through July 17. He said as of Monday, the data had only gone up to July 17, so they did not yet have the next frame. He said they are still at 7.6% positive at the district level.

Mr. McKay said the next metric was New Cases, noting this is specific in terms of Charlottesville and Albemarle County as a moving average. He said what they are looking for is downward trends in that moving average. He said on July 7, it was 14. He said on July 13, it was 20.6. He said on July 20, it was 20.1. He said it was not really seeing a significant decrease from July 13 to July 20. He said this gives a picture of what spread looks like in the community.

Mr. McKay said the third metric was Hospital and Infrastructure, noting this is a critical piece. He said it was not just about what they are seeing in the community, but that they also want to understand what the hospitals' capabilities are for providing COVID care and ICU units, as well as for acute care. He

said they are also looking at what the standard ICU and acute care responses look like.

Mr. McKay said the first one is at a state level, and one thing they have done is excluded Northern Virginia. He said this is something that the Virginia Department of Health started doing back in May, with the vast majority of cases coming from Northern Virginia and the response being centralized there. He said moving this out gave them a better understanding of what is happening beyond the hot spot of Northern Virginia. He said what they are looking at here is following the COVID-positive census, and that there are increasing numbers there across the state in hospitalizations from July 7 through July 20.

Mr. McKay said the next few measures are provided either by local hospitals, or through the Virginia Hospital and Healthcare Association's dashboard, and give some insight into what they are seeing in the local hospitals to provide information about their capacity.

Mr. McKay said an important caveat to this is that UVA in particular is not just going to have individuals from the Health District, City, and County, and that they are bringing in people from across the state, and potentially from across state lines. He said the capacity for COVID at UVA is full, and acute care is at 86% capacity. He said this is changing daily, and that changes depend on what they are seeing in the community and what the need is across the state for different types of beds.

Mr. McKay said key to the ability to mitigate spread, and then contain spread when they get to a point where they are able to respond quickly and control outbreaks, is their ability to test, conduct case investigations, and do contact tracing. He said the presented measures, #4 and #5, are new measures that were implemented a couple weeks prior. He said data has started to come out from VDH about these. He said with testing capacity, VDH is pushing out what their projections should be for each month based on what they think could happen in terms of new cases, testing a certain percentage of the population.

Mr. McKay said they have had great success at increasing access to testing through their community testing program within the Health District. He said they have also had a good partnership with both hospitals to increase community access. He said Martha Jefferson has been conducting weekly testing events, and UVA has helped in different areas of the community (e.g. Southwood) where they can increase that access to testing. He said currently, this is being met, and that the access is important, which leads to Measure #5.

Mr. McKay said Measure #5 is the ability to identify cases and contact them to conduct an investigation. He said this is the initial point of contact between the Health District and the individual who has tested positive. He said on the backend of that is the contact tracing, which is getting in touch with the individuals who were in close contact (within 6 feet) for more than 15 minutes so that they can identify those individuals and provide guidance on quarantine. He said this includes isolating those who test positive and are symptomatic and quarantining those who were in close contact. He said this is critical to mitigating the spread.

Mr. McKay said the top number on the slide was 82.8% as of July 15, and that as of that day, they were back up in the mid-90s as far as making the initial contact within 24 hours, which is critical to minimizing spread. He said they have been very successful all along with the tracing these close contacts.

Mr. McKay said one thing the state has done recently is they have been using a Sara Alert system, so those close contacts can register in the system. He said they can be pinged with a call or text message to check on them in terms of symptoms and if they have questions, they can contact the Health District about what to do if they have symptoms, for which the Health District would then recommend testing.

Mr. McKay said critical in the early phases was the lack of access to Personal Protective Equipment (PPE). He said their ability to have sound, prepared healthcare infrastructure was directly dependent on the availability of all those things that keep healthcare workers safe: masks, gowns, and face shields. He said VDH and the Hospital and Healthcare Association check in with hospitals on a regular basis to make sure that they are well-equipped with what they need not just for the current moment, but for upcoming days and weeks. He said as of the day prior, adequate PPE was available, and that conservation methods are being used. He said so far, at this point, all their needs are being met, and they feel prepared.

Mr. McKay said public safety is also important, and first responders on both the law enforcement side and fire rescue also need access to PPE. He said tracking that is important because it will help them make decisions on which calls will need to use PPE, and which ones don't if there is limited supply.

Mr. McKay said there is an "unaffiliated/unmet" section. He said the regional EOC has been providing, through donation center access, various PPE for primary care providers and dental offices, working in coordination with the Health District to make sure there is an adequate supply in the community. He said supply chain reports see that there is an unmet need for this level of community distribution of PPE, which is not uncommon as they are prioritizing much of this equipment for the hospitals and first responders.

Mr. McKay said they have been tracking the percentage of metrics that they have been meeting each week. He said currently in Phase 3, they have been meeting up to 63% of the metrics.

Mr. McKay said in terms of breaking down the metric on percent positivity, he had received some data earlier that week from the analysts. He said in Phase 1, their percent positivity rate was 7.2% for the City and County, and it was 7.4% in Phase 2. He said currently, it is 8.1%. He said obviously, as they open things up, they will see more cases and a higher percent positivity rate. He said he didn't know if they wanted to see 8.1%, however, which is actually higher than what they are seeing in the counties.

Mr. McKay noted that numbers for the City's and County's positivity rates, as well as the number of cases they are seeing on a daily basis in total, are going to be higher given the population density and the higher number of individuals who live there. He said these are starting points for how they have discussions about what is going into these numbers: whether or not there are larger events for testing happening; and if a higher positivity rate is related to an outbreak in a long-term care facility or can be traced back to something like bigger social gatherings or more people in the community. He said they tie those connections so that they can identify potential clusters and outbreaks.

Mr. McKay welcomed any questions the Board may have on metrics.

Ms. Palmer said there was something she didn't quite understand on the slide about contact tracing. She said for #5, there was a moving average for new cases and investigations started within 24 hours, unmet as of July 15. She asked if the part that was unmet at that time is the tracing of those more extended contacts. She asked if they could assume, since the data was from July 15, if they were still somewhere around this number, or if they knew the contact tracing for the more extended contacts.

Mr. McKay replied that for the metric that was unmet, it was around the case investigations, which is the starting point where they are trying to reach the individual who tested positive. He said this number will fluctuate somewhat. He said the extended contact tracing piece was the one below it on the slide, which is met (at 96.9%).

Mr. McKay said there are two components of this. He said there are case investigators who are trying to identify the individual and provide them guidance on isolation, where they go through a series of questions to try to identify close contacts. He said from there, they hand this off to a contact tracer, who then notifies the individuals who may have been exposed and makes decisions on whether they need to quarantine for that 14-day period. He said for the case investigation piece, they are in the mid- to upper-90s on the average for contacting the person who tested positive within 24 hours.

Ms. Palmer said now, as of today, that first metric that says it is unmet on the chart is now met. She asked if this was correct.

Mr. McKay replied yes.

Ms. McKeel said perhaps her question was for later, but she was trying to reconcile how the delay factor works with these numbers, if her question is clear. She said she understood that what was on the slide was a snapshot in time, and that it was as close as they could get to data. She said they also know that there is a delay because people show symptoms anywhere from five or six days, up to two weeks. She said she was trying to understand that delay and how it works into the numbers, noting that perhaps the Health District would talk about that later in their discussion.

Mr. McKay replied that the delay is an assumption they must make each time. He said the numbers will obviously have a lag, and they must consider that in the discussion when they review these metrics every Monday, either with a regional sync-up or internally in the Health District. He said it is somewhat hard to reconcile that in real-time. He said they have to understand that this brings them to a starting point of a conversation, where they can say they had a number of significant testing events over the last week and there were a couple of outbreaks that will skew the numbers, for example, or where they think an additional point prevalence survey (testing everyone in a facility) will come up next.

Mr. McKay said it is difficult to use these metrics as real-time data, as Ms. McKeel pointed out, and that they have to account for that in their discussions, which is why it is used as a discussion tool as opposed to a decision tool.

Ms. Mallek asked Mr. McKay if the Health District is getting good cooperation from both patients who they are contacting and the contacts that are being traced.

Mr. McKay replied yes, in general. He said as far as he was aware, they have not had any significant issues getting people to answer phone calls. He said the percentages are indicative of that. He said they have had good success, and people have been very forthcoming with providing information about contacts. He said sometimes, there is some difficulty in getting them to answer the questions, but the investigators are trained at asking good follow-up questions based on a response. He said they were not really seeing any difficulties there.

Ms. Mallek said she was glad to hear that.

Ms. Price asked Mr. McKay if he could go back to the slide showing the chart. She said as she looks at it, it appears there was a recent downward trend at the end of the yellow line. She said when she looks at the first three rows across on the following slide, the positive trend and new cases seem to each have a slight dip but then, the state shows an increase in two weeks from 633 to 909. She asked if there is an indication that locally, Charlottesville's and Albemarle County's numbers currently reflect a slight

[inaudible] over the last few days, whereas statewide (excluding Northern Virginia) continues to show a larger increase.

Mr. McKay replied that in the last couple of days, the area has seen a decrease in positivity rate, which will fluctuate and is a 7-day average. He said the measure they are looking at takes that average and each day, averages this out over 14 days, looking at a longer trend. He said there is somewhat of a delay for #3 regarding hospitalizations because it takes perhaps a week or two for individuals to develop the most severe symptoms that will push them into the ICU for that care. He said this is another layer in the discussion, and how positivity rate doesn't necessarily reflect what is current, but what could happen in the next couple weeks if the larger number of people develop symptoms over the week or two after they initially test positive.

Ms. Price asked for the number for the positivity test rate that they are looking to be at or below in that moving average.

Mr. McKay replied that in terms of reopening, initially the highest level would be 10%. He said they would love to see things below 5%, at the very least, and see that consistently to feel good about their ability not only to mitigate spread, but to contain outbreaks that could occur or clusters that may turn into outbreaks.

Ms. Price asked if it would be fair to say that they are approximately in the middle of the range. She said they want to be at 5% or below, and do not want to be above 10%. She said currently, they are somewhere around 7% to 7.5%.

Mr. McKay replied that this was fair to say.

Ms. LaPisto-Kirtley said her question had to do with PPE. She asked if this were in critical supply for hospitals or EMT workers.

Mr. McKay replied that currently, it was not. He said this metric has been met consistently, and that he has not heard of any shortages in supplies in hospitals or with first responders.

Ms. LaPisto-Kirtley asked if more gowns and plastic face shields were required, if this would be difficult to achieve.

Mr. McKay replied that he didn't know if he could answer the question at that time.

Ms. LaPisto-Kirtley said the reason she was asking was that she knew there were problems with schools not reopening, and that for smaller children, this is problematic as they need the time with the teacher. She asked if having PPE for teachers would be practical as they work with the children.

Mr. McKay replied that the cloth face masks would be practical. He said if the teachers were to use a face shield with the face covering, it would give them another level of protection. He said in terms of N95 masks, gowns, and PPE that are used in the hospital, those should be reserved for hospital workers and first responders.

Ms. LaPisto-Kirtley asked if, at some point in time, these supplies were available, if they would be good to use at the school level.

Mr. McKay replied that it would obviously provide them with more protection, but that he would have to think about the practicality of the fit testing that goes along with it, and the availability in large numbers. He said if there are mitigation strategies that have been provided by CDC and VDH, there are ways to minimize spread within the school setting using the face coverings and, potentially, a face shield.

Ms. LaPisto-Kirtley said she was worried about grades K-3, as they need the interaction with the teachers.

Mr. Gallaway said looking at the hospital capacity and census, when looking at Martha Jefferson adult critical care and the COVID ICU at UVA, he wondered if these were equivalent or similar situations in both hospitals.

Mr. McKay asked if Mr. Gallaway was asking in terms of capacity.

Mr. Gallaway replied that he was trying to understand if there is a COVID ICU set up at UVA, why he didn't see the term "COVID ICU" at the other hospital. He asked if he should equate what they are doing to "Adult Critical Care."

Mr. McKay said he could only assume on that. He said based on the way the language is written on the VHOS update (the dashboard the Healthcare Association uses), the intent is the same -- that they are separating COVID patients from ICU patients that don't have COVID.

Mr. Gallaway said looking at that capacity, it says "full" for the ICU. He said when looking at 72% capacity in "COVID Acute Care." He asked if there is 86% capacity, how many beds 14% equates to.

Mr. McKay replied that he did not know the number of beds.

Mr. Gallaway said if 14% is 5 beds, versus 14% being 30 beds, this seems to be a metric or count that would be important here that may get lost in percentages. He said he didn't know, looking at this, that 86% capacity is enough or not enough without knowing the actual counts. He said he presumed that if they have other people coming into the ICU and if they are already at capacity for COVID patients if this pushes over into the other ICU. He said he was trying to understand the need of the hospital. He said if they see an uptick and things move, and the hospital becomes overcrowded, it would be difficult for him to guess at this without understanding whether they are overwhelmed with 10 cases or 30 cases. He said this is information he would be interested in.

Dr. Denise Bonds said she understood Mr. Gallaway's point, and that information is critical. She said they can certainly ascertain that from UVA. She said she didn't think they would ever mix COVID with non-COVID patients, as the risk of transmitting COVID to an ICU patient who was previously not infected was high, given the acuity and types of procedures they would do in a COVID setting. She said UVA has been trying hard to keep them as two separate groups, which is best practice for infection control. She said the same would be the case with acute care.

Dr. Bonds said another thing to think about with UVA in particular is that they are a regional asset, and so not all of the patients that are in the hospital, and not all of the capacity, are reserved to the Charlottesville-Albemarle community. She said she has seen counts in the past from UVA, though she hadn't seen one recently, where the majority of the individuals there are from the area. She said she has also seen censuses where a large portion are not from the area. She said this is a moving target every day, depending on how people are moving in and out and whether or not a regional hospital in Culpeper, for example, has a patient that just cannot cope with being in a regional hospital and needs the sort of facility like UVA.

Mr. Gallaway said he understood, but that to him, to look at these percentages without knowing what it breaks down to seems to be a metric. He said it was not just bed count. He said if they are at full capacity, they are not hiring more employees right away to deal with upticks in populations so then, staffing becomes an issue for capacity as well. He said for him, this was one of his major concerns: that if they have an uptick, what kind of strain and pressure they will put on the local hospitals to deal with the situation. He said although he was not criticizing, he needed to know in the decisions the Board needs to make what they are looking at, what they see unmet, and what the capacity levels are, which would be an important piece of information for him.

Dr. Bonds said that while the discussion was going on, she would send a few emails to contacts she has at UVA so that she can get a bed count. She said when they have talked to UVA in the past, there has been something that is not reflected in the scorecard, necessarily, but does go with the issue of hospitalization, which is their ability to discharge people who are ready to go back into places like long-term care facilities and other step-down types of units.

Dr. Bonds said what they have heard from UVA, and to a degree, from Martha Jefferson, is that there is a challenge in getting people who no longer need that acute care into a facility where their needs can be more appropriately met. She said this has to do with outbreaks they are having in long-term care facilities, and with the previous strategy that the CDC was recommending for [inaudible] living situations where there are two negative tests. She said they have since walked that recommendation back because what they are finding is that people shed virus for weeks and weeks afterwards, but it is not a viable virus [inaudible]. She said there was some fallback on that, but she would send some emails to see if she can find out the information Mr. Gallaway requested.

Ms. Mallek asked how Albemarle County's number is truly visible in the statistics when they are using a region. She said there was a spotlight a few days earlier where Albemarle was at 8.6% whereas, the region was at 7.4% because rural counties around Albemarle, who have fewer people and incidents, are helping their numbers look better than they actually are. She said she was concerned they do not actually have full knowledge every day of what is local in the County.

Dr. Bonds replied that there are a couple dashboards that are not public-facing that Health Directors can access, which is often where she has gotten locality-specific information with regards to testing numbers. She said they will not make this public because some of the counties are so small, the statistics are unstable and could inadvertently release someone's private information if one knew what day and where they were getting tested. She said she was trying to pull up that dashboard in real time.

Dr. Bonds said the dashboard breaks it down to the number for each locality and that currently, Albemarle's positivity rate is 7.5%. She said this is a 7-day rolling average, so in the last 7 days, there were 288 individuals that tested positive out of the 3,863 tests that were done. She said about 15% of the population, if her math was correct, has been tested. She said the Health District is meeting the requirements, as they have guidelines from the state of how many people in each locality should be tested. She said they are meeting the testing goal as well. She said this metric is for all tests and that for PCR tests only, it is 7.1%.

Dr. Bonds said they are seeing more and more serology tests, antigen tests, and antibody tests being used.

Ms. LaPisto-Kirtley asked with UVA students returning soon, what kind of impact Dr. Bonds and Mr. McKay anticipated this having on the numbers.

Dr. Bonds replied that the current plan she is aware of at UVA is that they are asking all students

to have a test within 7 days of their return to campus. She said those tests are being mailed out, and they will go to a mail order lab, so it doesn't impact the ability to get testing done locally. She said she anticipates this will cause a huge uptick for that immediate period. She said anytime they put a bolus of 28,000 tests into the system, they are likely to get people who are positive. She said it is also still not a perfect test, and some will be false positives, which they still must act on.

Dr. Bonds said for August, they are anticipating a large bolus. She said they are already seeing some of this because the athletic teams are returning, and their conference requirements are that they get tested on a regular basis. She said they have seen positives come out of that testing.

Dr. Bonds said more students mean more interactions. She said UVA is trying to put forward a reasonable plan to keep those interactions at a minimum by having large classes online, making sure people have face masks, and altering how they are going to do the cafeteria. She said at the end of the day, however, a big chunk of those students lives off campus and at that point, UVA doesn't have much control over their actions. She said they have already seen that summer students doing what students do, which is getting together and having parties and social gatherings. She said she anticipates this will continue. She said UVA is trying to clamp it down, but she doesn't know how successful they will be. She said this will cause outbreaks and will cause individuals to be positive.

Dr. Bonds said with this being said, it is not fair to put the entire burden on UVA because there were lots of social gatherings over Fourth of July weekend, for example, in the City of Charlottesville where there were two large block parties with several hundred people combined and had a large number of people who were positive out of that as well. She said people are social beings, and while they try hard to educate, people want to get together. She said the Fourth of July was an indication of what might happen on a more regular basis, going forward.

Ms. McKeel asked Dr. Bonds if UVA has reached out to her regarding concerns around fraternities and sororities, and how they might deal with those issues.

Dr. Bonds replied that she has had conversations with UVA, and that they are certainly aware of the issues of fraternities and sororities. She said she has not seen a specific plan, nor anything that says that if UVA sees a certain number of outbreaks, [inaudible] and cancel all activities. She said she didn't know, honestly, to what capacity UVA could do that. She said she went to a non-fraternity, non-sorority college and that she did not know what UVA could do about off-campus student organizations. She said while she knows they are aware of it, she doesn't know if they have specific plans, though she has expressed her concerns about it.

Ms. McKeel said many students will come back and will need to be tested. She asked if they show symptoms or, after a large gathering, need to be tested, how this capability factors into what they are talking about with lab availability.

Dr. Bonds noted that the scorecard represents what is going on right now, and that for the months of June and July, they have been very successful at getting testing. She said as Mr. McKay indicated, they have had a great partnership with Sentara Martha Jefferson. She said they have been at Washington Park every Thursday evening and would be there the following day. She said every time the Health District has gone to UVA and asked them to help with large community testing, they have scrambled and been able to do it.

Dr. Bonds said she had hoped that starting in the next week or so, UVA would be stepping into the role where they would do regular testing events in the community on the Health District's behalf. She said they had a plan set up and were setting up some regular testing sites, including some in Albemarle County and some in the City. She said she believed they were even going to hire people.

Dr. Bonds said she received an email the night before from the Executive Vice President of Health Affairs that she believes will put this in jeopardy because what she thought would happen was that they would not charge the state, or her, for any of their staff time or any of their material costs with regard to tables, tents, etc. She said the only thing they had asked for reimbursement for was actual test kits because, as one can imagine, testing 200 people per week is a considerable expense on their part. She said they are already doing a lot of testing for the state regarding point prevalence surveys at long-term care facilities and other congregate living.

Dr. Bonds said now, it looks like that deal has fallen through, in some capacity. She said they are not going to do it unless they can get their tests paid for. She said she was not sure if she had UVA's assistance in community testing now. She said she also heard, and needs to confirm with her contact at Sentara, that they will not be able to do community testing that week.

Dr. Bonds said what went from very widespread testing availability for community members has now dropped down to the Health District's team and the CVS commercial sites. She said while she thinks it's great that CVS is willing to do it, they send it to Quest labs, where they will not get the tests back for 10 days, which is useless. She said it does not help her if it takes 10 days to get a test result back.

Dr. Bonds said they had also heard from the state over a month ago that they were going to provide the Health District with additional funds so they can hire another testing team to be out in the community. She said the current testing team is paid for by a private foundation grant that generously gave them a sum of money and said, "You have indicated you needed community testing. We're going to allow you to hire that." She said it is a finite sum of money and will run out. She said it has been great and

instrumental in getting testing done, but without that additional state resource and funding, they will be hampered.

Dr. Bonds said that while things look good now, she is very worried that from the middle of August, when she doesn't necessarily have UVA, because they can't figure out how to pay for their tests, and Sentara has taken that asset back, she will be left with her testing team trying to do the best they can with the resources that they have.

Dr. Bonds said Ms. McKeel brought up a great point. She said once she has all the positives in the system, the best practice is to get their close contacts tested 5-7 days after the testing. She said there is going to be a huge backlog in the system, and they are already seeing some of that. She said there are many athletic teams that are now taking a big chunk of the UVA testing. She said because they have opened the hospital up, all the surgical patients that come in get testing before they come in for their surgery to make sure that they're not positive. She said she doesn't have commercial labs available because the southern half of the United States is in dire straits and is taking up all of LabCorp, Quest, and other commercial labs.

Dr. Bonds said this is becoming an increasingly big problem. She said the state is aware of it, but that to date, she has not seen anyone come up with a good solution to it. She said she anticipates the students coming back will have [inaudible] effects. She said primarily, they will be tested at Student Health. She said their contacts who are students can be tested at Student Health at UVA, but that there will also be community contacts that they will have to get testing for.

Ms. McKeel said as a retired UVA nurse, she remembers how important Quest was to UVA, to some degree. She said she was already hearing Quest saying, at the national level, that they are so overwhelmed now that it won't be long until they will not be able to respond. She said this was perhaps more of a comment, and that they are not going to get any help from them.

Ms. McKeel said what Dr. Bonds just said to her was very concerning.

Dr. Bonds agreed.

Ms. McKeel said her question to Dr. Bonds was if Dr. Bonds had one question she wished the Board would ask, what this would be. She said it was all about asking the right questions.

Dr. Bonds replied that an important thing for the Board to understand is that stale data is always being used, as they are always a little bit behind. She said even the testing data is a couple of days old at that point in time and will reflect what happened a week ago. She said the Board should understand that they are working with an imperfect situation.

Dr. Bonds said another important point is that it takes a while for change to happen, and so if the Board decided to defer for another week or two, the change they would see would probably be a week or two after that because it will take a while for the message to get out to individuals and cause behavior change. She said it will take a while for enforcement issues to go on. She said anything they do, the Board must think that the change now will really impact things happening two weeks from now, just as the data they see reflects events that happened two weeks ago.

Dr. Bonds said this is an uncomfortable situation for her to be in. She said she is a scientist and lives off of real, perfect data. She said they are always searching for that perfect data, but this is a situation where they just don't have it.

Dr. Bonds said she wasn't sure if this answered Ms. McKeel's question, but that it was a recognition that they are working with imperfect circumstances and are doing the best they can.

Ms. McKeel said Dr. Bonds did answer her question and that she appreciated it very much.

Ms. Palmer asked Dr. Bonds if she had a figure on what she requested from this date to cover the tests that UVA would be doing. She said although she assumed they have the capacity to complete those tests, and that they were going to do it within their lab.

Dr. Bonds replied that they do have the capacity. She said they had a shortage of reagent to run their high-capacity throughput, which she believes had been solved that week. She said as an aside, this is also becoming an issue. She said they have heard about swabs again, which is something they hadn't heard shortages of for quite some time, as well as reagent.

Dr. Bonds said when Dr. Kent sent her his email the night before, he indicated that it was about \$12,000 per week to accomplish the testing. She said this seemed somewhat high, given the number of tests that she thought that they were going to do. She said she did not have a per-test amount. She said this was not an ask, on her part, to the state, but was an ask to UVA on their behalf because the contract had to be between UVA and the state. She said it went by her and she didn't get to see what the MOU looked like. She said Dr. Kent is quoting \$12,000 per week, which seems high. She said her understanding was that they were going to do somewhere between 200-400 tests, and each test would be something on the order of \$50 per test. She said perhaps the math was right on this.

Dr. Bonds said she did not know what the holdup was and why they couldn't get this solved.

Ms. Palmer said if Dr. Bonds couldn't get it solved, she would hope that because of the importance of testing, Dr. Bonds would be reaching out to district counties and city about a request. She said they do have the CARES money and that she assumed they are allowed to spend that money on this. She said as a Board member, she would like to know what this costs because they must get the tests going.

Ms. Palmer asked Dr. Bonds if they are considering pooling of tests.

Dr. Bonds said this was a great question, but that she did not know. She said she would have to reach out to Dr. Amy Mathers and Dr. Melinda Poulter, who run that lab, to see if that has been a consideration on their end or not. She said she has heard Dr. Mathers talk about it, but she hadn't heard if she had come down one way or the other in terms of if this would work for their circumstances. She said she didn't know if the state lab has considered that or not, but she could find out.

Dr. Bonds said when she meets with Dr. Kent that afternoon, she can ask him what they were going to charge the state per test. She said she didn't know if the state included their point prevalence survey data, but she wanted to get a per-test cost so she can let the Board know what it would be if they were going to try to arrange an agreement for community testing in Albemarle.

Mr. Gallaway said when Dr. Bonds was making the point about data being delayed and where change is seen about two weeks later. He said it has been about that long that the compliance and enforcement elements the Health District was granted by the Governor and asked if she had seen any impacts or changes in her ability to enforce compliance or behavior since this change at the beginning of the month.

Dr. Bonds replied that she would be frank about the compliance. She said she thinks it was great that the Governor granted that power, but that he didn't actually give the Health District any tools to do it other than for restaurants and those facilities they already regulated and have the permit to do so. She said in the early days, they did a lot of education, called people on the phone, and tried to get them to comply.

Dr. Bonds said that since the Governor's press conference last week, the tactic they are taking now is working with the ABC Board and doing joint inspections with a food inspector and an ABC inspector. She said if they are finding violations, it will be one chance or they lose their liquor license. She said her food inspectors tell her that this is a more valuable license than just having a restaurant license, which makes sense as it is a big profit margin.

Dr. Bonds said their goal is not to put businesses out of business, but to get compliance with the mask issue. She said to the degree they can achieve that with education, they will, but they have had a couple of repeat offenders where they have tried education and will now move onto the joint business tactic to see if that doesn't get better compliance.

Dr. Bonds said her understanding for grocery stores, which has been another business that they have had lots of complaints with, is that VDACS (the primary regulatory group for grocery stores) is going to do the same tactic with ABC to go out and do a joint inspection to try to get better compliance.

Dr. Bonds said she went back to Lowe's back in May to pick up some things and no one was wearing a mask. She said no one was social distancing. She said she was just at Lowe's that weekend to pick up a few things, anticipating there would be poor mask compliance. She said she was pleasantly surprised that all the staff were wearing masks, and probably about 80%, and perhaps even 90%, of customers were wearing them. She said she thinks that generally, the message is getting out better than it was before. She said she was taking no credit for that improvement. She said they contacted them and educated, but that she thinks it has more to do with the social norms that are now in place.

Ms. Price said she lost her internet connection for a few moments and missed Dr. Bonds' summary about UVA's current testing plans. She asked Dr. Bonds if she could take a moment to summarize that.

Dr. Bonds replied that her understanding of what UVA is doing with the students is that all students will be required to have a negative test before they can come to school, and that they must have a test within 7 days of them returning to campus. She said her understanding is that they are using a mail order testing company, so it should not directly impact the ability to do testing locally. She said it will provide a huge influx of positive tests. She said anytime one tests that many people in that short period of time, someone will come back positive, whether it is a true or false positive, and still requires investigation.

Dr. Bonds said UVA will do ongoing testing at Student Health of students. She said she has not seen a definite plan of what that will look like, but it is where students will be directed to get testing. She said employees will go to Employee Health to get testing. She said both of those will be funneled through the UVA lab.

Dr. Bonds said currently, as student athletes are coming back, they are getting mandatory testing on some regular basis. She said she didn't completely know how often the football team has to get tested. She said this is mandated by their regulatory sports conference groups, who made them get testing. She said they are seeing somewhat of an impact and are seeing a number of student athletes come back positive. She said the Health District is working closely with the team physicians and trainers to get

everybody isolated in quarantine.

Ms. McKeel said Dr. Bonds had talked about information she got late afternoon the previous day from UVA.

Dr. Bonds said she didn't know if Ms. Price had heard her portion about UVA having had agreed to do community testing for the Health District. She said she heard from Dr. Craig Kent, the Vice President of Health Affairs, that the state contract that they thought they were going to get to pay for the cost of the tests and where they were going to provide all the labor on their behalf, has fallen through, and now, it is not clear that they will be able to do it because they will not do testing if they have to pay for both the employee time and test costs. She said she would have a follow-up with Dr. Kent that day at 4:00 p.m. to get a better understanding of where that fell through and see if she cannot resurrect that.

Ms. McKeel said Dr. Bonds had said the same was true at Martha Jefferson.

Dr. Bonds replied this was correct. She said Martha Jefferson has informed the Health District that this Thursday will be the last community testing event in Washington Park. She said her understanding was that they will no longer be able to do community testing after that week. She said those are two big community testing assets that will be gone.

Dr. Bonds said additionally, the Health District had been promised money from the state, which would have allowed them to hire an additional testing team. She said they still don't know where that is. She said she keeps being told that it is coming, but there seems to be some politics at the state level that are preventing that from getting down to the Health District.

Mr. Richardson thanked Dr. Bonds and Mr. McKay. He said as the Board could tell as they were asking their questions, they could see what the value of this regional partnership has been. He said Dr. Bonds and her staff have given the County more time that they needed to, and he could not thank her enough for the time.

Mr. Richardson said he would walk the Board through the recommendations from the IMT. He said Mr. Kamptner would take them through the draft emergency ordinance, with the goal to walk the Board through the applicable sections of that ordinance that are relevant to the framework of the IMT's recommendations.

Mr. Richardson presented a summary overview slide that takes all the relevant components of Phase 2 and Phase 3 and puts it onto one slide for the Board. He said it is straightforward. He said nonessential retail in Phase 2 goes to 50% capacity. He said restaurants go to 50% capacity. He said entertainment venues go to low contact. He said fitness and exercise facilities go from 75% to 30%. He said gatherings go from 250 to 50. He said personal grooming goes from being an open business with social distancing back to appointment only.

Mr. Richardson said for the purposes of the recommendations, he would point the Board to two areas where the IMT tried to develop pinpoint strategies to anticipate, as the density continues to grow in the Albemarle County area, with the UVA effect of an additional approximate 7,000 students who will enter the grounds over the next four weeks, and with UVA getting back to some sense of on-grounds normalcy. He said the question is what this is outside of the grounds and how they are able to anticipate things the County may do, with a pinpoint focus on tighter restrictions aimed at lowering the percentage likelihood of the spread of the disease.

Mr. Richardson said two areas come to mind that they have talked about. He said one is restaurants, where they are looking at indoor seating moving from Phase 3 to Phase 2, which would be indoor seating at a capacity of 50%. He said another focus is on gatherings, going from the Phase 3 250 limit back to 50. He said both deserve some explanation.

Mr. Richardson said the IMT made its recommendations based on the following. He said in terms of trend data and the discussion the Board just had with the Health District, the County has the advantage through the IMT and EOC partnership to check in several days a week, if not daily, to check in and examine how things are going, and what the trends look like. He said it is an eight-section scorecard.

Mr. Richardson said they also looked at compliance and enforceability. He reminded the Board that if they are more restrictive than what the Commonwealth is at in Phase 3, it puts an additional burden on local resources to manage the compliance and enforcement piece of this. He said the state will not step in and enforce, at a local government level, more restrictions that are over and above where the state is. He said they must have some level of understanding about compliance and how they work through this operationally in the community. He said the IMT has spent significant time over the last four or five workdays to explore what this looks like on the ground.

Mr. Richardson said finally, they focused on a responsiveness to the contact tracing community spread data. He said Dr. Bonds and Mr. McKay have spent time with the IMT, and the team asked questions, just as the Board had that day, to better understand what this means on the ground, day to day, and what the experience has been over the last several months. He said they have looked into the meaningful steps they can take to help prepare for the next 30-60 days.

Mr. Richardson said the framework of the recommendations are around food establishments, to include wineries, breweries, and distilleries, with the recommendation to focus inside. He said they are

focusing inside because when one is inside these food establishments, their mask is off, which makes it critical that there be adequate social distancing, as people are eating and drinking. He said they are focused inside of restaurants, from going from the occupancy load that is allowable, 100%, back to 50%. He said for wineries, breweries, and distilleries, if they do not have those occupancy loads, there would be a 50-person limit inside of the establishments, as well as the required 6-foot distancing.

Mr. Richardson said he would talk more about the compliance mechanism momentarily. He said they are anticipating, at a local level, a need for additional resources to carry this forward if the Board supports it. He said this required the IMT to explore a third-party contract with the appropriate vendor, which he would explain momentarily.

Mr. Richardson said the second focus area is social spread, which gets to one of the key components of this local ordinance, for the Board's consideration. He said this would be a local ordinance requiring face coverings, both indoors and outdoors, without 6-foot distancing. He said this will include an ambassador program and a signage campaign. He said he would talk more about this momentarily.

Mr. Richardson said finally, the framework focus with social spread includes the County looking at more restrictive gatherings. He said he would cover what the definition of "gatherings" is, and that they are looking at going from Phase 3 (250) back to Phase 2 in certain circumstances, with a cap of 50. He said exceptions to this would include events outside, wineries, breweries, distilleries, religious exercises (which the County Attorney could expand on), and weddings. He said with the compliance mechanism, they would place a lot of emphasis on a proactive ambassador program to be able to educate and proactively visit businesses and commercial high-traffic areas in the County, to be positive with the visit, and the need to take the compliance seriously.

Mr. Richardson said he would further explore what the compliance approach means. He noted there were representatives on the call from the Parks and Recreation Department. He said several months ago, they worked hard to recognize that there are 12 parks with the County's system, and when they were in more restrictive measures across the County, they noted that there is an importance to the parks system and the public being able to get outdoors to walk and exercise, especially during the stay-at-home order.

Mr. Richardson said they worked through an ambassador program at those parks and have ambassadors that have been inside six of the busiest parks since the onset of this with very positive results with that. He said the ambassadors are the "front porch" introduction to the parks system and are there to help citizens with their experience and answer questions. He said they are there to help ensure citizens have a positive experience with the parks system. He said it has been positively accepted across the County, and the Parks Department is very proud of the work they have done to keep the parks open. He said they have tracked activity in the parks system and that in several parks, they have had record visits and volume that year, which is understandable given what people's choices are to be able to be active under this environment.

Mr. Richardson said they would borrow this concept and make it more focused in the business community. He said with the ambassador program, they would go through a third-party vendor and would place and contract staff. He said they would train them on what the outcome of this ordinance consideration is, and they would be working with them to proactively send them into the community into popular gathering areas which include retail, food establishments, and other areas that are identified through the key partner areas that may be complaint areas, or areas of concern that may need additional visits and outreach from County Government.

Mr. Richardson said these types of visits could include ambassadors seeking out business owners and onsite management with a business signage program, a consistent business signage look to where the County is reaching out with signage if the Board agrees with the local face covering ordinance to suggest that they do now have a local ordinance in effect that expects patrons and citizens to wear face coverings when they are inside businesses, grocery stores, and retail.

Mr. Richardson said medical professionals are telling the County that this is a key initial step to lower the chance of transmission. He said this outreach program, if conducted appropriately with the right tone, could take things another step further into compliance across Albemarle County with people complying with face covering requirements.

Mr. Richardson said Mr. Lance Stewart, Facilities and Environmental Services Director, would be responsible for overseeing a contract with a third-party vendor. He said staff within County Government would be responsible for overseeing day-to-day supervision, connectivity back through incident command, connectivity to the Health Department, and so forth. He said they believe this is a positive step that goes in the right direction.

Mr. Richardson paused for questions from the Board on the framework overview. He said the next part of the process will be to ask Mr. Kamptner to take the framework and associate it into the draft ordinance, as well as to answer questions from the Board.

Ms. Palmer said currently with Phase 3, restaurants can operate at 100% capacity. She asked if most of them are trying to do the 6-foot distancing now. She said she has not been in many restaurants and was curious as to how they are handling that, assuming they were trying to do 6 feet apart.

Mr. Richardson replied that Dr. Bonds was still showing as being present on the phone call, and

that the Health Department has regulatory oversight of restaurants. He asked Dr. Bonds to offer her perspective.

Dr. Bonds replied that restaurants should distance tables 6 feet apart. She said what she finds when they do this is that their capacity is actually at about 50%. She said the Health Department has received complaints about tables not being appropriately space apart, and that they do investigate those complaints by making sure the restaurant owner is separating them, either indoors or outdoors. She said when they spoke to their technical specialist, who knows the regulations best, her feeling was that if the restaurants truly were keeping tables 6 feet apart, for almost all of the restaurants, this would be at 50% capacity. She asked Mr. McKay to confirm this.

Mr. McKay said this was correct.

Ms. Palmer said currently, they are required to keep 6 feet apart, and that the Health Department is monitoring that. She said it sounds like the County ordering them to be 50% capacity is not necessary. She asked Dr. Bonds if she could comment on that.

Dr. Bonds said they will go out if they get a complaint. She said at this point, they do not do routine inspections to measure that distance apart. She said they haven't been doing routine inspections in the field, but they are at the point where they are ready to start doing that. She said they have only been going out for complaint or for cause. She said they are supposed to be 6 feet apart and if the Health Department receives a complaint that they are not 6 feet apart, or that the tables appear too close, they will investigate that. She said she couldn't say that they have gone around to every single restaurant or food establishment in the community and confirmed that that's the case.

Dr. Bonds said they only routinely go out and inspect a restaurant every quarter, every six months, or, for a few, once a year if it is a risky establishment that is dealing with risky food unless they have cause.

Ms. Palmer said even if the Board said that indoor has to be 50% capacity, this would not change inspections, but would basically continue to do what the Health Department is doing now, at some level, depending upon their staff availability.

Dr. Bonds said this was correct. She said she didn't know for sure, but it might make it easier for restaurants in some way because they all have a maximum indoor capacity, and perhaps even an outdoor capacity with patios. She said it easier mathematics to say their maximal capacity is 50, for instance, and that they will accept reservations for up to 25 individuals on a turnaround time, such as 6:00 p.m. She said this is opposed to separating 6 feet apart, which raises questions such as whether it is 6 feet from the centers or the edges of the tables, 6 feet from the back of chairs, etc. She said there is much more to argue with, rather than to say that the capacity is a certain number. She said the converse with that is that they could have all that capacity sitting in one corner without social distancing. She said either way, there are pluses and minuses.

Ms. McKeel said when talking about restaurant capacity, it sounded to her that if they moved it back to 50% and used the capacity metric, they might not be changing so much for a restaurant, in reality, based on what they are supposed to be doing with the 6 feet.

Dr. Bonds said she believed this was correct. She asked Mr. McKay if he could elaborate.

Ms. McKeel said it makes sense to her that what Dr. Bonds is saying about the capacity is a much easier metric for them.

Mr. McKay replied that it is easier on the restaurant to make that determination and if someone makes a complaint, it is easier on whoever is enforcing that ordinance, or in the state guideline, to make a determination at that moment in time. He said there is quantitative value to that, as opposed to a judgment call.

Ms. McKeel said she could appreciate that because she has had incidents where someone has told her they were 6 feet away from her, but her sense was that they were not. She said it is very subjective at times.

Ms. McKeel asked if Mr. Richardson could go back to the slide about outdoor events and weddings. She asked for understanding about taking the gathering limit from 250 to 50, noting she thinks this is critical when considering UVA students coming back in addition to the restaurant piece. She said she wanted to make sure she understood this. She said wineries, breweries, and distilleries will be able to stay where they are because they are outside, which was her assumption.

Mr. Kamptner said this was correct.

Ms. McKeel said they will be able to spread out their patrons, which was great. She asked if they are assuming that religious exercises could go outside. She said weddings certainly could. She asked if all these requirements were hinged on being outside.

Mr. Kamptner replied that gatherings can be either indoors or outdoors. He said religious exercise was included as an exemption. He said it would be subject to the Phase 3 rules for religious institutions, rather than having the police or ambassadors getting involved in their activities.

Ms. McKeel said she was just trying to understand if these were being treated the same. She asked if the weddings could go to 250, which could be inside.

Mr. Kamptner replied yes. He said it would have to comply with the Phase 3 guidelines. He said one of the reasons why weddings were included was because of the advance time that weddings must be planned and scheduled. He said it is possible that if the Board were to adopt an ordinance that becomes effective in the next couple of weeks, there would be a major disruption of these plans.

Ms. McKeel asked if wineries, breweries, and distilleries could have gatherings of up to 250 people inside.

Mr. Kamptner replied yes, as it is written now, if they are there for a common purpose. He said they are subject to capacity limitations or a hard number. He said the thing with the farm wineries, breweries, and distilleries is that probably most (if not all) of those buildings do not have rated occupancy loads because they are exempt from the uniform statewide building code and the fire prevention code. He said currently for occupancy, there would be a limit of 50 individuals. He said there is somewhat of a disconnect between the gatherings and the occupancy provisions that they need to put in sync.

Ms. McKeel said she could see that Ms. Palmer just put a question into the chat. She said Ms. Palmer was asking if weddings were considered religious events.

Mr. Kamptner replied that they can be. He said they can either be civil ceremonies or religious ceremonies. He said another thing was that the County did not want to have to get into the middle of having to make a determination as to whether a particular ceremony is religious or is civil in nature.

Ms. Mallek said she was not familiar, having not seen the ambassadors working in person, with how their job functions and where they normally interact with people. She asked if they meet and interact with them as they are arriving at the parking area or trailhead to have a chance for a conversation, or if they are meeting people throughout the park.

Ms. Amy Smith (Parks and Recreation) said there is one station for park ambassadors at the entrances of the large parks like Chris Greene, Walnut Creek, Mint Springs, Beaver Creek, Ivy Creek, and Towe. She said they greet the customers and remind them about social distancing and all the park rules. She said there is no swimming this summer at swimming beaches. She said they also have park ambassadors at the larger parks in the parking area to make sure people are not gathering around their cars in large groups.

Ms. Mallek said this was exactly the information she needed. She said they were just speaking about indoor activities in churches. She asked if the mask rules would continue to apply for any of these places where there are exemptions unless someone is eating or drinking. She said it was explained to her that at some of the outdoor activities, they are trying to require people to wear masks when they are moving from place to place, but once they are sitting in their own compound, they might take their masks off to eat and drink.

Ms. Mallek asked how this impacts indoor religious gatherings or a wedding where it happens to be pouring down rain in the afternoon when they were supposed to meet outdoors, for instance, and the place has the opportunity to move them indoors briefly for the ceremony.

Mr. Kamptner replied that in the definition of "public places" in the ordinance, it excludes religious institutions for a couple of reasons. He said one reason is that they are allowing the Phase 3 rules to remain in place, as the rules for religious institutions require separation and seating arrangements. He said the other reason is a broader one, which is that this ordinance is trying to target the problem areas that have been identified by the Health Departments and the complaints they have received. He said it is focused on restaurants, large gatherings, and wearing face coverings in particular areas.

Mr. Kamptner said the ordinance does not cover everything. He said its scope is not as broad as Phase 2, but it does provide that anything that is not addressed expressly in this ordinance remain subject to all the Phase 3 requirements. He said even just looking at restaurants, even though if the Board were to adopt the 50% occupancy principle, there are a whole host of other requirements and guidelines that would continue to apply to restaurants under the Phase 3 Executive Order.

Ms. Mallek said she understood now why the indoor requirements for the church services do not include masks. She said all the ones she knows of so far locally are still online, which is very healthy and will hopefully continue.

Ms. Palmer said when looking at the capacity for 50 persons, as she reads this, if there is an occupancy limitation for a facility, the way it is phrased is that one can have up to 50%, or 50 people, whichever is less. She asked if this was correct.

Mr. Kamptner asked Ms. Price if she was looking at 4A.

Ms. Price replied yes.

Mr. Kamptner replied that it is an "either/or," and it depends on whether or not the building has an established occupancy load, which is a number that is identified in the Certificate of Occupancy and is

posted somewhere within the building space. He said if the occupancy is 100, then they would be allowed to have 50 people there.

Ms. Price asked what would happen if the occupancy load was 120 people. She asked if they could have up to 60 people in.

Mr. Kamptner replied yes.

Ms. Price said she just wanted to make sure that for those larger establishments, this would not unduly burden them in comparison with small establishments.

Ms. Price said she has noticed over the time of the pandemic that some retail establishments limit the number of patrons that are permitted in the store at a given time while others do not. She said there are some very large grocery stores in the area, for example, and she was not aware of there ever being any count of patrons in the store at those facilities. She said yet, there are small businesses where they do limit the number of people there. She asked if there is a reason why some grocery stores and even some [inaudible] limit their patrons.

Mr. Kamptner asked Ms. Price if she was asking if there is a reason why they are not restricting the number of people in grocery stores.

Ms. Price said she did not know that it was specifically with the ordinance as much as it is that she has noticed that some grocery stores and other establishments have limited the number of patrons that are allowed in at a given time, and that other stores (grocery stores in particular) have not. She asked if there has ever been any restriction on the number of individuals in grocery stores.

Mr. Kamptner replied that the guidelines that apply to all business sectors are supposed to restrict the occupancy of physical spaces to ensure that adequate physical distancing may be maintained (i.e. 6 feet of separation).

Ms. Price asked if Ms. Smith could answer some of her questions. She thanked Mr. Kamptner and the other staff who have been working towards this over the last week or so.

Ms. Price said she had exchanged some emails with Ms. Smith, and that she has received inquiries from some youth sports organizations about use of the parks. She asked Ms. Smith if she was able to take a general discussion on that, or if she should raise up some of the specific questions that have been raised with her.

Ms. Smith said she did not mind generally speaking and then Ms. Price could fill in the gaps with her other questions. She said during Phases 1 and 2, they did not allow field reservations for sports organizations. She said in Phase 3, the plan was to allow field reservations, and that the organizations would have to submit a plan of how they would follow all the CDC guidelines for recreational sports. She said once that plan was received in Parks and Recreation, it would be evaluated and as soon as it were approved, they would go back to the league and they could reserve the time slots on their fields.

Ms. Smith said Parks and Recreation sent out a letter on July 9 to all sports organizations letting them know about Phase 3. She said on July 15, they sent a second letter out saying that they were not going into Phase 3 and were on pause. She said this is where they are now, and the leagues are wondering when they will be able to operate and go into Phase 3.

Ms. Price asked in terms of the parks where they have the fields where the youth leagues play their games and practice, and with Ms. Smith's knowledge of those locations, if she believes there is sufficient space around them so that adequate distancing could take place if the youth leagues were permitted to move forward, practice and play games.

Ms. Smith replied that she does think there is adequate space at the fields. She said in reviewing some of the sports leagues' plans, some of the leagues were going to reduce spectators to either no spectators, or just one per player. She said if the players are 5-7 years old, for example, they would want a parent or guardian around. She said she believes there will be room for them to follow the CDC guidelines on the distancing rules of 6 feet for spectators, and 10 feet for athletics going on.

Ms. Price asked Dr. Bonds if she had any information on the contagion rate in terms of athletic events, or on the risk that has been identified in that area.

Dr. Bonds said this was a great question. She said she believed what Ms. Price was asking was that if there was one infected football player, for example, how many other football players he would infect. She said she could not say that she has seen specific numbers targeted at sports.

Dr. Bonds said any sports activity will aerosolize more particles than sitting quietly and reading under a tree, for example. She said when one exerts themselves, they are breathing heavily and if infected, they will put more viral particles in the air. She said conversely, being outside also disperses those viral particles and so, generally, they consider outdoors to be a safer place to be than indoors, which is why they allowed restaurants, for example, to open their outdoor facility before they were allowed to open their indoor facility.

Dr. Bonds said the second thing to think about is the sport itself. She said some sports will be

riskier than others. She said if one is out running track and field, for example, it will generally be safer than football (with some exceptions). She said high-contact sports with football and soccer, where players are close to each other and are breathing across each other, will put players at a greater risk than sports like softball, where there might be some close contact but generally, players are spread far apart and not so much within that 6-foot bubble.

Ms. Price said this also raises the question about fitness center and gymnasiums. She said she read that under Phase 3, they would be at 75% capacity under the state policy. She said when she works out, she breathes heavily and that wearing a mask while working out on a bike or treadmill strikes her as a very [inaudible] situation. She asked if Dr. Bonds had any thoughts on gyms or fitness centers.

Dr. Bonds said she would reiterate just what Ms. Price said. She said anyone who has been in an indoor gym knows that when they are in their exerting themselves, they are breathing heavily and expelling lots of viral particles. She said this is a risky behavior and that people do not like to wear masks in those situations, as it feels very claustrophobic.

Dr. Bonds said the Health District is encouraging gyms to spread out their exercise equipment and to do some extra cleaning. She said at the end of the day, however, it is an enclosed environment in which people are breathing heavily and probably are not wearing any sort of face covering, so it has risk associated with it. She said it is unfortunate they are in a big heat wave, but exercising outdoors is probably a safer option.

Ms. Price asked Mr. Kamptner about Section 8 regarding penalties, noting that as he was aware, she was reluctant to see an overcriminalization of conduct. She said she also recognizes that as a Dillon Rule state, there may be areas where the County has no option for violation of ordinances. She asked if there were violations and penalties, if these were things that could be subject to a civil penalty, or if they were so constrained here that they could not consider that.

Mr. Kamptner replied that they are constrained, and so different violations have been identified as Class 3 and Class 4 misdemeanors, which have punishment caps of \$500 and \$250, respectively. He said they do have authority to enforce the ordinance in a civil proceeding for continuing violations, seeking injunctive relief.

Mr. Kamptner said one reason for the cap on the Class 3 misdemeanor is so there is no threat of jail time, and another is because under state law, they cannot impose penalties that are more burdensome than what would generally be authorized by state law. He said the Health Commissioner has the authority, in a commissioner's capacity, to impose Class 1 and Class 3 misdemeanors. He said rather than to get into any future argument as to whether they exceeded their authority, they cap it at Class 3.

Ms. Price thanked Mr. Kamptner for the long hours and work he put into drafting the ordinance.

Ms. Price said she had a question for Mr. Richardson. She asked if the County were to go into this ambassador program, if there had been any ability at this point (recognizing this may not have been possible, due to time constraints) to try to estimate or calculate what the cost of this would be to the County in terms of financial expense.

Mr. Kamptner said this was an excellent question, and that Mr. Stewart could address this, as he believed there had been very preliminary work done on this. He asked Mr. Stewart if he had anything that could address this question, knowing they were in the very early stages of putting parameters around what this might look like.

Mr. Lance Stewart, Facilities and Environmental Services, said just that morning he was working on an estimate for costs per month, and over a cumulative period. He said he came up with a rough estimate of \$2,900 per month, per ambassador. He said they have not determined how many ambassadors it would take to visit an unknown number of restaurants or other businesses on a rotating business, or what their posture would be. He said he has done estimates for 1 and up to as many as 8 ambassadors, including the compensation to the contractor in terms of what they would expect for a normal labor rate, such as a security person. He said there would be some travel involved, and some expenses that they would withhold to support them. He said his range of cumulative costs, if they were to implement this in August through the end of the calendar year, would be \$123,000. He said this is a very rough estimate.

Ms. Price said she appreciated the work Mr. Stewart and his staff did on such short notice. She asked if the \$2,900 estimated average per person was the labor cost or total cost. She asked if it includes mileage and other expenses, or if it were just the hourly rate that he would calculate.

Mr. Stewart replied that it was the total cost. He said he estimated the labor and assumed 30 hours per week, with an average of 4 weeks in the month, totaling \$2,400 in wages.

Ms. Price asked if the rest would be the travel expenses and such.

Mr. Stewart replied yes.

Ms. Price asked if this would also include Social Security, FICA, and all the expenses the County would be paying.

Mr. Stewart replied that this would be the [inaudible] labor rate, plus markup of a contractor.

Ms. LaPisto-Kirtley said with the 50% capacity of persons and 6-foot distancing, her understanding was that a lot of the restaurants like the 50% capacity with social distancing, but that this ordinance would be for 50% or 50 persons, both with 6-foot distancing. She asked if her understanding was correct.

Mr. Kamptner replied they would expect that restaurants will be located in buildings that have a Certificate of Occupancy, so they would be subject to the 50% capacity regulation. He said for those buildings or structures that do not have that Certificate of Occupancy with a rated capacity, they would be subject to the 50-person rule.

Ms. LaPisto-Kirtley asked if there is a restaurant that has a private room, if it would still be 50% of the entire restaurant, or if additional people could be in the private room, such as a family gathering.

Mr. Kamptner replied that the way the ordinance is worded, which relies on the Phase 2 language provided by the state, it is the lowest occupancy load on the Certificate of Occupancy. He said if there are different spaces that have rated occupancy loads, it will be the lowest one. He said there might be situations where there are different rooms in the same building and maybe in the same restaurant, but they have different entrance and access points and different ventilation systems. He said they have not accounted for that, in this case. He said the answer is that it will be the lowest one, even if they have multiple rooms.

Ms. LaPisto-Kirtley asked if the County's enforcement policy only comes from the state.

Mr. Kamptner replied that if the Board adopts an ordinance such as this one, it would be enforced by Albemarle County Police, with the ambassadors hopefully doing a lot of the preliminary work so they never get to an enforcement posture.

Ms. LaPisto-Kirtley said she would like if Mr. Richardson could comment on the matter of many emails asking the County to close the schools, not close the schools, let UVA students come, and let UVA students not come. She said she wanted Mr. Richardson or Mr. Kamptner to make it clear that the Board does not have purview over those agencies.

Mr. Richardson said Mr. Kamptner could elaborate in more depth. He said this ordinance would not apply to UVA grounds. He said this ordinance is focused on Albemarle County proper and would exclude UVA grounds.

Mr. Richardson said as the Board knows, the State Board of Education has made it clear that they would like for local boards of education and their superintendents to work to decide, in each locality, how public schools will move forward this fall. He said this ordinance would exclude the Albemarle County Public Schools system. He said it would exclude public schools and would allow that decision to remain with the local board of education.

Mr. Kamptner said this approach is dictated by looking at the state education laws, and the state delegating to the school boards the operations of the schools, when they start, how they teach, and how the schools operate. He said because the Board's enabling authority and what they are doing with this ordinance cannot be consistent with the general laws of the state, they are backing away from that.

Mr. Kamptner noted that they are also not applying these regulations to the private schools. He said they have been shut down for a while, and for that reason, they have not been identified as a problem or issue that needs to be addressed with a targeted approach.

Mr. Kamptner said this is not the Board's one opportunity to deal with the pandemic, and as circumstances change, they may be coming back with amendments to it that change the scope.

Ms. LaPisto-Kirtley commended the staff on what they have come up with, especially separating the wineries, breweries, distilleries, and weddings from simply a huge group of people getting together and having a party of 150 people or more at some location. She said wineries, breweries, distilleries, and weddings are all businesses, and those businesses really want to make sure that they have good events and certainly do not want to be part of the COVID pandemic. She said she trusts them to do the right thing.

Ms. Palmer said she became confused on the answer Mr. Kamptner gave Ms. LaPisto-Kirtley. She said he said that if they pass the ordinance, it is the Police Department that will enforce that. She said currently, with respect to restaurants, the Health Department [inaudible] and asking them to comply. She asked if the Board passes this ordinance, if the ACPD replaces the Health Department.

Mr. Kamptner replied that it does on a very narrow issue, which is the occupancy in a restaurant. He said the state Health Department is operating under the Phase 3 rules, which allow 100% occupancy, and the County's ordinance is 50%. He said all of the other elements on how a restaurant operates would be enforced by the Health Department, so it is up to the Health Department to make certain that the tables are properly spaced, that the employees are all wearing face coverings, and similar types of issues. He said for the Police Department, it is about looking at the occupancy total and counting the heads of the nonemployees within the restaurant.

Ms. Palmer said hopefully, they would not need to do this very often.

Mr. Kamptner agreed.

Ms. Mallek asked what the reporting requirements are to the Board of Health (or others) for gyms and fitness membership organizations when they have a case.

Dr. Bonds replied that currently, a gym or a fitness center wouldn't be doing the testing, and so they have no reporting requirements. She said a physician or healthcare provider who runs a COVID test has a reporting requirement, and that the tests are rapidly reportable, such as within 24 hours. She said for the most part, those come to the Health District automatically. She said almost all labs do electronic reporting, although there are a few boutique labs that do not. She said generally, once it is in their electronic system, the Health District gets it whenever the next sync-up is, which usually happens once or twice a day.

Dr. Bonds said the gym and the sports facility, under the Department of Labor, her current understanding is that if they had an employee who was positive, they would have to tell other employees who worked in that facility that there had been a positive case. She said they cannot and should not release the name of the individual, but only that there has been a case of COVID amongst the staff.

Dr. Bonds said the Health District would work with the facility to try and decide what they should put out to clients who came that facility. She said if they have a case who was a member of a gym, they would do it on a case-by-case basis deciding whether or not they would have to notify the gym, and whether or not they would have to notify other individuals within the gym.

Ms. Mallek asked if masks will be required in the gym, as there are all sorts of news on the internet about people running marathons with 2-3 masks on to prove that it may be done. She said people may not like it, but if it's better than nothing, perhaps this is something people would live with. She asked how the County's local ordinance requiring a mask would affect the gyms. She asked if they are exempt, or if they would have to wear masks inside.

Mr. Kamptner replied that they did not include them in this ordinance.

Ms. Mallek asked what this meant. She asked if they are exempted, or just not mentioned.

Mr. Kamptner replied that they are exempted from the definition of "public place."

Ms. Mallek asked what the reason was for that.

Mr. Kamptner replied that the reason was a targeted scope for this ordinance.

Ms. Mallek asked if this was because they haven't had a problem yet, so they just cannot get there. She said they are a public business, so she didn't necessarily understand why they were put in a different category than a hardware store. She said this was something to consider as they go forward, as it is a high-risk activity. She expressed that all the exercising and heavy breathing will be difficult to manage.

Mr. Gallaway said understanding the week prior was that the athletic teams piece that the Board has been receiving emails about was put on pause to see how this ordinance would shake out. He said they were waiting to have this special meeting, see what they were going to target, and what this was going to look like. He said it was unfortunate to the teams that they were moving in one direction, then were put on hold. He said as he was watching this play out, it seems to him that they would continue and un-pause what they were already in motion of doing. He asked if this was correct.

Mr. Richardson said he believed Mr. Gallaway's overview was exactly right. He said Ms. Smith did a good job earlier of walking the Board through where they've been and where they are currently. He said the Board gave direction last Wednesday night to pause going into Phase 3. He said Ms. Smith and her staff are prepared to manage Phase 3 with leagues and fields, both with a review process and with a compliance oversight process. He said if the Board is uncomfortable with the County internally going to Phase 3 with the field availability for league play, they will continue to pause that in accordance with the Board.

Mr. Richardson said the Board's first opportunity to talk about that was last Wednesday evening, and came up when he was giving an update of the County internal operations preparing to go to Phase 3. He said the majority, if not the consensus of the Board, asked to pause going into Phase 3 for league play. He said Ms. Smith and her staff immediately reacted to that and are now approaching a week later. He said the Board has had some outreach from the community on their concerns or support, and staff is prepared to take action to continue to suspend that, or to go back into a carefully thought-out process of how they would work to bring the leagues back online, both with practice and then with league play, through a review of planning for compliance.

Mr. Richardson said the Board needs to think about this, and that staff will take their direction. He said Ms. Smith could answer more technical questions.

Mr. Gallaway said he thought he understood, and that it sounded like they would continue as they were. He said the items that were in the recommended framework did not seem to apply. He said he

couldn't imagine, even with league play in a competitive situation such as baseball teams and the programs going on now, that they wouldn't necessarily approach over 50 people anyway. He added his point about being outside. He said in his mind, he would be supportive of continuing where they had been at to go with the athletic teams situation, while the other targeted approaches seemed to be hitting the high points of his concerns.

Ms. Price asked Mr. Richardson where things stood regarding communication and potential consensus with the City of Charlottesville, UVA, and the Town of Scottsville with Albemarle County. She asked if the County were to pursue this ordinance, if they would become an outlier and would then find themselves in a situation where if they are more restrictive than the surrounding communities, they then end up putting themselves in an awkward and precarious position where on one side of the street is the City of Charlottesville, for example, and on the other side is the County of Albemarle that has imposed restrictions that adversely impact the economy of their businesses, so that people simply go across the street to the other side.

Ms. Price said the City of Richmond and Henrico County recently went through a somewhat comparable process. She asked if there was any input back from UVA or from the City of Charlottesville on the County's proposal.

Mr. Richardson said he would first speak about the City. He said County staff met with the City that Monday afternoon at the weekly regional check-in, and that UVA officials were also there. He said County staff gave a very brief overview of where they thought the draft emergency ordinance might be going. He said this was the day that the Charlottesville City Council was scheduled to meet at around 5:00 or 6:00 p.m., and they were gracious enough to give the County some time later in the afternoon, given that their time that day was limited. He said their focus was limited as well because of the full agenda they had on other items.

Mr. Richardson said the City did indicate that they were very interested in what the County was considering. He said they knew that the Board would have their dedicated work session that afternoon. He said the City indicated that they would make time for County staff to speak after that day. He said perhaps Mr. Kamptner could elaborate on this, as he may have had some discussions with the City Attorney since Monday. He said he believed that they would be interested and receptive in learning about whatever the final considerations the Board makes.

Mr. Richardson said from where he sits, as they have worked through this, they have tried to look at it through both the County lens and the City lens from an applicability standpoint. He said Ms. Price made a great point that in some scenarios, in commercial areas, perhaps one side of the road is in the County while one is in the City. He said a hopeful outcome would be that if the County takes steps to be somewhat more restrictive than the state, that they will get the City to consider doing exactly the same thing, which removes any potential confusion and problems with compliance and enforcement. He said his hope would be that whatever the Board lands on, that they are able to go back and have good discussions with the City.

Mr. Richardson said he would like the Board to consider that whatever they want to adopt, they should have a future implementation that is reasonable to give the City some time to consider this. He said they will need some time to work through this, and so coordination is important.

Mr. Richardson said that regarding UVA, he had a conference call scheduled for that evening at 5:45 p.m. with UVA as well as the City to give them a report of where they stand with this. He said UVA may have some things they want to share, as well as the City, so it will not be all about work the County is doing but is the three-party arrangement with the sharing of information. He said he hoped to share with UVA what the Board has talked about that day and what they are trying to accomplish. He said it is critical, however, that they try to dovetail with the City.

Mr. Richardson said as it relates to Scottsville and other partners, depending on what the Board decides to do, they would also take time to adequately communicate with any other affected entity. He reiterated that a future effective date gives them some time to do that.

Mr. Kamptner said he had already spoken with the City Attorney and shared the current draft of the ordinance with him before this meeting.

Ms. Price said getting feedback from the City and UVA is critical before they are to make any decision.

Ms. Mallek said there was some discussion earlier about the space on a playing field, and she supposed in what she has seen in photographs and previous things going on, unofficially in the last month, it is not that there is not enough space. She said it is that all the people are stuck in one space and are not able to manage the group of kids practicing. She said it is a different leadership than the business who has a professional obligation to do crowd control, and that it was unfair to expect that the parents, coaches, and others will be able to manage this successfully. She said it is the risk they are creating by encouraging that. She said she was very pleased to hear that people are still supporting the postponement.

Ms. Mallek said regarding what Ms. Price said, she thinks the County is a leader rather than an outlier as far as making decisions based upon prevention, and so locally focused.

Ms. Mallek asked, in terms of sports elements, what they could do about organizations practicing in groups on private property. She asked if there is any way to keep that from getting out of hand. She said this would be an after-school sports group, for example. She said every sport has ongoing events throughout the seasons, and that many of them are probably eager to get back at it. She asked where they stood on those kinds of activities that are not on school or park property.

Mr. Kamptner replied that this would be deemed as a gathering, and so there would be a limitation of 50 people if they are there for a common purpose.

Ms. Mallek said this is not really a limitation for most of those that she has seen, but it might prevent the tournament situations where people are invited to come from other places, which she was already hearing about through the grapevine. She thanked Mr. Kamptner for the clarification, noting that she was disappointed, but if this were a fact, it is what the Board needed to know.

Mr. Gallaway said it was not that it was not without any piece there. He said he couldn't speak to what Ms. Mallek has seen, but that he knew there is going to be a review process with coordinated leagues that want to get together, such as Little League. He said he appreciated the point about putting it on parents and coaches there, but that they do an exceptional job of managing those kids on a regular basis.

Mr. Gallaway said if they are going to go through a review process and are passionate about wanting to get the kids out to play, they know that it is a high standard to stick to whatever plan they put through for the review of how they are going to hit those bars. He said then, they could go back and enforce that because they had something to go by, in terms of the leagues having a plan and not meeting them.

Mr. Gallaway said if there are things that have been happening on their own prior to that, that is a different situation, in his opinion. He said in moving this forward the way the County is attempting to do it, however, he has faith in the fact that the leagues would like to get the kids out there and the social ability to do it by having the masks in place when pertinent. He said he has faith that they will adhere to that so the kids can do this, knowing that if they don't, it will shut down. He said this is just how he sees it.

Ms. Mallek said the only one she knew of was one that ran for a week and already shut down because there was an exposure of 40 people from one parent who was exposed themselves. She said this is how quickly things can get out of hand and that she was just trying to ask all the questions. She said this private activity is different from what they are trying to organize on the County's sports fields. She said she supposed they would also have the capability of having ambassadors who would be there, and perhaps the organization would pay a fee in order to pay the cost of the ambassadors to be there to make sure they are following what the expectations are, as this would change people's behaviors.

Mr. Kamptner noted that Ms. Palmer had asked him a question.

Mr. Gallaway said he did want to make sure they get the questions stated publicly in the record and not just in the chats. He said he would make sure follow-ups get addressed and asked Ms. Palmer to ask her question.

Ms. Palmer said she suggested to Mr. Kamptner that he send the Board the list of all the exempt situations. She noted the gym was exempt, as well as a variety of other things, and that Board members were asking good questions about what is exempt.

Mr. Kamptner said these were included in the definitions. He said the entities and activities that are exempt from the gathering provision are places of employment, where people are performing their functions of employment, events or activities on the grounds of an institution of higher education or school-owned property (noting this was a phrase he wanted to modify slightly to narrow it), and persons engaging in religious exercise if they are a religious institution or other place of religious significance.

Mr. Kamptner said the exemptions from public places tie into when face coverings are required. He said the exemptions from public places include institutions of higher education and other schools, fitness and other exercise facilities, religious institutions, indoor shooting ranges, and courts. He said those were selected because so far, they have not been identified as problem areas, noting that for some it is because they have been closed, and also because they have Phase 3 requirements in place that will cover their activities. He said courts are an exemption because the insides of the court buildings are controlled by the judges.

Ms. McKeel said she knew they were pushing up against their time, and that she wanted to thank Mr. Kamptner and staff for such a thoughtful document. She said she was impressed that it was five pages. She said if anyone wanted to understand what they were doing, they were not talking about a 100-page document, but about a five-page, readable document.

Ms. McKeel said she also appreciated Section 11. She said the severability clause was an excellent addition.

Ms. McKeel said for the public who have not had a chance to look at this, this ordinance would be effective August 1. She said if the Board were supporting something that day, they were not talking about it kicking in the following day, but on August 1.

Ms. McKeel said what worried her was what Dr. Bonds said to remember that even if the Board did anything that day, they were already looking at pushing off because if they approve this and it goes into effect on August 1, Dr. Bonds was talking about allowing time for people to get used to it, to understand it, and to get the word out. She said now, suddenly, they were pushing up against the middle of August.

Ms. McKeel said she recognized that the City is critical, and that she had had conversations by phone over the last week with several City Councilors. She said many of them are certainly as concerned as the Board members are. She said she also recognized that it would not be very effective and not a good idea to move forward on something that the City did not agree with as well.

Ms. McKeel said she could very easily support what she thinks of as a very reasonable and very limited document that day, which would suddenly send them to August 1 for it to even become effective. She asked how they will manage to wrap this around getting the City on board and getting this to them, then not having to wait until the middle of August to come back for an approval, which will then put them out another two weeks.

Ms. McKeel said she was trying to wrap her head around how to make this work and at the same time, accommodating what they all recognize with Scottsville and the City being on board. She said UVA should also have a chance to see this to determine if this impacts anything, they think they may want to change or do.

Mr. Richardson said these were great comments about coordination with key partners. He said August 1 is approximately one week from that day, which is about the amount of time that the Governor's Office puts things into effect, as they push things 7-10 days out. He said it was a good placeholder day.

Mr. Richardson said he would make observations on a couple of things. He said the Board meets on August 5, and the Charlottesville City Council meets on August 3. He said he would have discussions with the City that evening, and that they could have additional discussions with the City between now and Friday. He said they know for sure that if there were no special meetings, the City meets on August 3, and the Board meets on August 5.

Mr. Richardson said with the placeholder date of August 1, while every day matters, they were only talking about four days between August 1 and August 5. He said if nothing changes, the City's first time formally in a meeting to consider this would be on August 3. He said if the Board doesn't do anything else, the next time the Supervisors will meet as a Board is August 5.

Ms. McKeel asked if the City Councilors would not be offered the opportunity to call a special meeting if they think this is important.

Mr. Richardson replied that he has not had any discussion with the City about that. He said Mr. Kamptner may have spoken with the City Attorney, but that he himself had not talked with the City about the details of implementation. He said he was not even firm about if this Board would receive staff's recommendations in full, as today was the first time they have gotten into the details of this. He said the City Council could hold a meeting between now and August 5 to move this ahead. He asked Mr. Kamptner if he had anything to add.

Mr. Kamptner said that he had not heard anything to indicate that the City Council would be calling a special meeting, but it may just not have been discussed in City Hall yet.

Ms. McKeel said she is very conscious of the urgency of this. She said with August 1, August 5, and with delays, they are talking about some serious time. She said they are getting cases that are identified as positive and now, a CAT transit driver who is now positive. She said it goes on and on, and that she is very concerned that they keep pushing this ordinance down the road. She said she didn't know if they could have consensus that the Board agrees with this that day because if the City Council were going to take it up, they would need to know that the Board has consensus on this document. She said perhaps this doesn't mean a formal vote. She said she was trying to figure out the logistics.

Ms. McKeel said she would hope that the City would have a sense of urgency around that, as well as the Board of Supervisors.

Ms. Mallek said she would like to support of the argument of keeping August 1, pointing out the fact that as several people mentioned, this is something which will be evolving. She said if the Board could have four people who support this as they have discussed, it lays out the starting place to which UVA can respond and if they have suggestions to make for improvements, the Board can listen to them. She said she agreed that they could not wait 2-3 weeks for this to begin because suddenly, they will be in October.

Ms. Mallek said this is the way things happen so fast, and County staff have outdone themselves in the last 7 days, 24 hours a day, to get them to this point. She said she would be ashamed to walk away and sit around for a week and not take advantage of all the work they have done to get them here with something that is balanced, reasonable, and protective, which she hoped will bring the positivity rate back down to where it belongs, at 3%.

Ms. Mallek thanked Ms. McKeel for her points. She said if they could make a motion that day, she would be glad to second it.

Ms. McKeel said the Board ought to send the message, if it is true that all six Board members are supportive of this. She said they should at least be able to send that message to the community because without it, no one will know what to do with this, and certainly not City Council.

Ms. Palmer said she had assumed that the Board were going to vote on something that day, and she assumed it was the ordinance. She said she assumed they would then see if the City wanted to come in, and so she had two questions for staff. She noted she was in support of the ordinance, that staff did a great job, and that it is reasonable. She said she wanted to make sure that they were not moving ahead without the City, and that those logistics are straight. She said she thought, coming into this, that this was the plan if the Board agreed with this as a group.

Ms. Palmer asked if it would be reasonable, or awkward and messy, for the Board to go ahead and approve the face covering ordinance to go into effect on August 1, and then bring the other two issues, if the City and everyone agreed to it. She said she thinks they are all important, but it was a question of if there was any value in getting the face covering ordinance in place, irrespective of what others will do. She said there is good compliance in the community, anyway, and from what she has seen in the City, there is very good compliance. She said the problem is in convenience stores and similar situations in the County.

Ms. Palmer reiterated that she was very much in favor of all the items and thanked staff for their work, adding that she would be perfectly happy to vote that day.

Ms. LaPisto-Kirtley said she thought Ms. Palmer's suggestion was a good one, as she wanted to get face coverings out ASAP. She asked if, rather than on August 1, the Board should implement this on the same day City Council has their meeting so that it coincides. She asked if they implement it on August 1, if they should tweak it (as needed) on August 5.

Ms. LaPisto-Kirtley said it seemed like everyone agreed with all of what was proposed, and that she especially liked the idea of face coverings going in, no matter what. She said she was in support of what was done.

Ms. Mallek said she would lobby in favor of the full adoption because the clarification that was provided that day is so important to small businesses who are having to deal with their customers who are not giving them an easy time. She said she receive three different phone calls that morning about different country markets in the White Hall District where people are completely disregarding signs on the doors and are putting a terrible burden on the people in the stores because the County has not taken this official action. She said she thinks it will make a difference.

Ms. Mallek said there are also big-box national companies who are not following the state guidance. She said many people tell her that they will never go back to those businesses because they do not care about health or their employees. She said the same companies are getting reported day after day to the Health Department.

Ms. Mallek said she thinks the ambassador program may help. She said everything staff have worked on are very important, and that she hoped the Board would go forward with it that day.

Ms. Price said she was not in favor of piecemealing in terms of doing part of the proposed items that day, part of it the next week, and then tweaking it. She said she was more in favor of getting a consensus that day, letting County staff work with the City of Charlottesville, and moving this to August 6 for a vote after they get feedback from them. She said this leads to less confusion amongst residents because if the County makes an ordinance that day then changes it a week or so later, consistency and consensus would be advised.

Ms. LaPisto-Kirtley asked Ms. Price if she meant August 5 or August 6.

Ms. Price replied that it could be August 6.

Mr. Gallaway said August 6 was a different meeting and that it would be August 5.

Ms. Price agreed it would be August 5.

Ms. McKeel asked if there was a way, if the Board had consensus that day, which she believed they did, and are looking at August 5, to send this to City Council in correspondence, letting them know the Board feels a sense of urgency; that they are in consensus over this ordinance, but that they did not want to enact it outside of the City having a chance to review it. She asked if they would or could be willing to look at it, given the sense of urgency, before August 1 or August 5. She said she was trying to move this more quickly to the City than the first week in August and wondered if there was a way that they could encourage the City to do that. She said this would mean something that would be an outreach to the City.

Ms. Palmer said she thought they were already going to do this.

Ms. Mallek said it is important for County residents to know that the Board is making this decision for them and for the County. She said she hoped that the other jurisdictions will join them, but that the Board's decision should not be waiting for someone else to give it a blessing. She said she felt it was the

Board's responsibility to cooperate and invite the City's participation, but she felt very strongly that the Board must be affirmative about their support of this and that they are not waiting around to get someone else's approval.

Mr. Gallaway said frankly, he did not see it that way. He said he saw this as the Board doing it, and that they are trying to do their best to work out the logistics of working with their partners because they have to do that to make it make sense regionally. He said it just doesn't make sense when one crosses over the boundary to have differences in the ordinances. He said he wasn't concerned about the City saying they agree or disagree, but that it was about how the Board is laying this out, adding that they have a start date.

Mr. Gallaway said all of this will be changing over the coming weeks anyway, and that once they put it into place, they will continue to receive updated data. He said they may have to go more severe or loosen up. He said all these things will be moving at different mileposts as they march through it all.

Mr. Gallaway said he thinks it is always good practice, especially when they have an ordinance with a start date of August 1, to have time to scrutinize the ins and outs of the document. He said they had a public discussion that day. He said they will get good feedback from people, as they have in other places. He said perhaps there are questions they haven't thought of. He said he thinks sending the strong word to everyone that there is no disagreement amongst the Board and that it is clear the six Supervisors support what is there allows people to ask about considering nuances. He said it allows time to perhaps work those pieces out with staff as they come in.

Mr. Gallaway said many of the exemptions listed get rid of a lot of the emails that have come in and the concerns that are there. He said they flare out the points relative to athletics and schools. He said he was happy to put out the strong word that the Supervisors were all in support of this ordinance. He said if the Board had conversations if this were moving forward, logistically, he would be fine with something to stop them from calling yet another special meeting ahead of August 5 to be able to enact it, if they wanted to do that. He said he would keep that on the table and open.

Mr. Gallaway asked Mr. Richardson for his thoughts and comments on that, adding that he didn't think there would be any reluctance on staff if the Board were going to enact this on August 1 and then needed to get back together, and that he knew the Board was ready to do that.

Mr. Richardson said Mr. Gallaway was exactly right. He said Mr. Kamptner did all the heavy lifting of putting the emergency ordinance together, adding that he has done a superb job. He said the August 1 placeholder date was the absolute earliest that they could put this into effect, giving staff adequate time to work through logistics internally. He said this was about 6-8 days out, giving them the absolute minimum amount of time.

Mr. Richardson said to all the Supervisors who have stressed the urgency in moving ahead quickly, he hears this and appreciates the consensus and support from the Board that they are in agreement that what was laid out that day seemed to hit the right balance of the pinpoint strategy of what they would do that would be more restrictive. He said last Wednesday, staff took the Board's direction very seriously.

Mr. Richardson addressed Mr. Gallaway, telling him that frankly, to give the City of Charlottesville several days to catch back up to the County to make sure they have a chance to look at this and then, if possible, be within several days of each other in enacting this is an idea scenario. He said it eliminates confusion in the public and allows the organizations to collaborate and hopefully partner in an effective way where they achieve what they are trying to achieve. He said they are partners and are all in this together, and every Supervisor's comments are noted about the urgency to move forward. He said from an implementation standpoint, however, his explanation was the ideal.

Mr. Gallaway confirmed with the Board that there was consensus on the proposed ordinance. He said he knew staff would get to work, working with both the City and UVA as needed. He said if needed, the Board can call another special meeting and come back. He asked if there were any objections to this.

Hearing no objections, Mr. Gallaway asked Mr. Richardson if he needed anything else from the Board on that matter.

Mr. Richardson replied yes. He said he needed the Board to give him and the staff in the Parks Department some final direction. He said he heard a nice back-and-forth conversation about whether they proceed as an organization in working with the leagues, or if they would pause Phase 3 until they go further. He said he needed final direction on that, and that there were different perspectives he heard from the Board on this.

Mr. Gallaway said if he understood the question, staff was ready to move forward with the Phase 3 elements for athletics on the fields a week ago, which the Board paused until they could have the conversation on the ordinance and how it plays in. He asked the Supervisors to speak about where they were on that position, with the question being whether to allow staff to continue what they were doing under Phase 3 for athletic league play, or to pause it altogether.

Ms. Palmer said she wanted to make sure that they were talking about the Parks Department getting a plan from the leagues as to how they will operate safely. She asked if this was correct.

Mr. Gallaway replied yes.

Ms. Palmer said she agreed with this. She said she thinks the Parks Department is fully capable of getting a plan and that they will make it very clear, now that contact tracing is being done, that if this turns out to be the source of infections, the leagues will be shut down. She said she thinks this is enough of an incentive for this to be worth a try and to probably work. She said she was in favor.

Ms. McKeel said she would support that, with the caveat that if something happens, as with the entire ordinance, the Board can always come back and readjust or change things. She said she could support the plan that staff worked on.

Ms. Mallek said she was sorry to say she disagreed. She said Richmond and Washington have not been able to figure out how to do this. She said it is very unfair for the County to assign the moral obligation, as well as the legal one, to the Parks Department to somehow come up with a solution that has baffled everybody else. She said she was very much in favor of maintaining the pause. She said staff can gather plans all they want to, but that she wished the County would not give the idea to the leagues that they can begin work on July 29, as they have a long way to go to make sure that they have the ability to staff watchers for this.

Ms. Mallek said she didn't know how this would really play out, and that she didn't think the County have given themselves enough time to figure that out. She said she disagreed with the fact that they can somehow get it back again after they open this for a couple weeks. She said this is incredibly disruptive and far worse for the players, as well as for the health of the players and of everyone concerned, than to simply say, "We're not ready yet. You need to exercise on your own for a little while longer until we figure this out and see if we actually get these case numbers to come down." She said they also need to get through the fact that the students are coming back and that there is a disruption that is about to happen to the local marketplace before they even know what kind of risks are out there.

Ms. Mallek beseeched the Supervisors to let the pause stay in place.

Ms. Price said she would echo more of what Ms. Palmer said, with an addition that they move forward with the Phase 3 for the leagues to be able to play at the parks, subject to the plan that Ms. Smith and the County have already worked up; that each league has to come up with a safety plan with enforcement.

Ms. Price added that they also must look at each sport. She said Dr. Bonds addressed the issue that certain sports such as contact sports, such as basketball, football, or soccer, where the players are in closer proximity to each other raise the risk, whereas things like softball, baseball, and tennis tend to reduce the risk. She said she wanted to make sure they were not just broad-brush painting everything as needing to be either safer or riskier, but that they must look at each type of activity taking place.

Ms. LaPisto-Kirtley said she would like Dr. Bonds or Mr. McKay to address Ms. Mallek's concerns. She said she would like to hear their opinions regarding the different types of outdoor activities for children. She said while she gets the idea of getting each event to have their regulations, she is leery about anything involving close contact with kids. She said even though kids may be at low risk, they can come into contact with others.

Mr. McKay said Dr. Bonds had to leave the meeting to take other calls, but that he would fall back on what she alluded to earlier. He said the sports that involve much more close contact, and probably without face masks, such as football, soccer, basketball, are the ones that will put people at higher risk. He said tennis, softball, and baseball are sports that will provide much safer opportunities to play without increasing risks significantly to spread disease.

Ms. LaPisto-Kirtley asked if all sports wouldn't require players to wear face masks. She said even in baseball, there is contact.

Mr. McKay replied that he determines "close contact" to be under 6 feet apart for more than 15 minutes. He said even with a face covering, there is potential for contact, and so the contact the individuals would have in those sports would be limited in terms of risk of exposure.

Ms. LaPisto-Kirtley asked if she understood correctly that each organization themselves would have to come up with their own way to regulate.

Mr. Gallaway said the idea was that this is the plan the organization would be presenting to the Parks and Recreation Department.

Ms. LaPisto-Kirtley asked if nothing would be in place until after a plan is approved by the Board.

Mr. Gallaway said it sounded to him that this is the step to give them permission to be able to have field play. He said the ambassador program is part of that, where they are meeting people at the entrance to the park.

Ms. LaPisto-Kirtley asked if nothing would be implemented until this is all approved. She said in other words, the Board would have to go over the regulations the Parks and Recreation Department receives from the different agencies.

Mr. Gallaway replied that the organizations are submitting their plans to Parks and Recreation for review and if the plan is sufficient in staff's judgment, they will allow them to proceed. He said he would imagine the plan includes things such as how they are doing social distancing and what the masking is, hitting all the concerns.

Ms. Mallek said around the state, she knows there are certain regions that do not have hockey and lacrosse because of high contact. She said it is very important that they have this list that is available, which may reduce the misery for the Parks Department if they have already established which sports they are going to consider participating in this program.

Ms. Mallek asked if there was a content neutrality issue here that Mr. Kamptner needs to advise the Board on because they are picking and choosing, and that this was scary. She said there are big consequences if they get it wrong.

Mr. Kamptner asked for clarification on "content neutrality."

Ms. Mallek explained that they are picking some sports, tennis and, softball, but could be excluding others such as lacrosse and field hockey.

Mr. Kamptner replied that the Parks and Recreation Department, with the guidance that exists, is evaluating and making distinctions based upon evidence weighing the differences between different sports and the level of contact. He said these are reasonable bases to treat different activities differently.

Ms. Mallek said having seen the bruises her grandchildren come home with in playing these sports, there is plenty of contact in all the ones she mentioned. She said this very much has to be a consideration. She said as Ms. LaPisto-Kirtley mentioned, she looked forward to being able to learn about these plans that are put in and making sure there is a bigger discussion about these things. She said she was sorry she couldn't persuade anyone but would go onto the next step.

Ms. McKeel said she thought they were talking about the sports that were not close contact. She said she was happy for staff to evaluate the sports, as she thinks there are some sports that could be played right now and others that are more problematic. She asked if she missed anything along the way.

Ms. Mallek said her only concern was that if they do not make a list, then everyone else will be beating down the door to say, "I want in." She said this needs to be done to protect Parks and Recreation staff from a deluge of requests they will have to turn down. She said if there is a way the Board can establish that as part of their deliberations, this will help greatly.

Mr. Richardson asked if he could ask Ms. Smith to put some parameters around this. He asked Ms. Smith what she was talking about in terms of the sports that her department is involved in, and to give the Board more content on that.

Ms. Smith replied that Parks and Recreation has already sent the sports leagues the guidelines they would need to follow before submitting their plans. She said these guidelines were taken directly from Governor Northam's guidance, which includes seven bullet points on recreational sports. She said the leagues will have to outline how they will follow each bulleted point. She said she could send the Board a copy of this. She said Parks and Recreation, as a team, will evaluate if the league can meet all those requirements. She said there will be no approval until staff feels comfortable that the league can meet all those requirements.

Mr. Richardson said if the Board moves forward with the leagues going to Phase 3, the staff both in Parks and in Administration take the responsibility for reviewing the implementation of the plans. He said they would do this at a staff level and would not be coming back to the Board with plans for each league for a review. He said if the Board wants staff to keep the leagues in Phase 2 and not move to Phase 3, staff were prepared to take that direction.

Mr. Richardson said if they move forward, the staff within Mr. Crickenberger's department will move forward with the leagues. He said it will not be a matter of "one check-in, and you're finished." He said they are prepared with the staffing they must maintain oversight for compliance and issues. He said Ms. Smith was prepared to talk about that if the Board needed more details.

Ms. Smith said this was right. She said if staff sees for themselves or hears from others that leagues are not adhering to the necessary guidelines, staff will revoke their reservation for field use. She said they will stand behind having to uphold the guidelines.

Mr. Gallaway said he was fine with continuing with where staff was at. He said part of this was not contingent on the league plan. He said he looks at the ordinance the Board is getting ready to enact, and he sees the leagues being able to adhere to the ordinance. He said they are making exceptions for wineries, breweries, and places that are having other types of events, and the social distancing and masking requirements are all in play and allowing for those exceptions. He said he sees the leagues being able to stay under 50 people and be able to comply with social distancing and masking. He said he has faith in staff to be able to work through it and if the league is not adhering, staff can revoke their field reservation.

Mr. Gallaway said he was comfortable moving forward with it. He said as he has pointed out for other items, this will be under constant review moving forward and at any time, if they must roll it back,

they can. He said this is the nature of all the matters, and that there is nothing that doesn't adhere to that rule.

Mr. Gallaway said he was not hearing the same level of concern from their health officials as he was from others on this item. He said the exercise facility one is more disconcerting to him that the field use for athletic play, in his opinion.

Mr. Gallaway asked Mr. Richardson if he had what he needed from the Board on this.

Mr. Richardson replied yes, adding that in terms of the ambassador program staff is working on with FES, they can cross-connect with the Parks Department. He said they can speak with Ms. Smith, Mr. Crickenberger, and their staff to determine if they need to place some attention with the ambassador program to league field use. He said if this is needed, he can work with them on that if they need additional resources on the ground.

Mr. Gallaway asked if there was anything else Mr. Richardson needed.

Mr. Richardson said he would clarify things before they adjourn to make sure he could clearly restate what he heard from the Board. He said the Board was in consensus on the framework they had before them with the presentation that he, Mr. Kamptner, and staff have made on the focus areas and policy recommendations. He said there was consensus with the Board to move forward and unless there was a special meeting of the Board, they would come back at their regular meeting on August 5 to take a formal vote on adopting this local emergency ordinance.

Mr. Gallaway said alternatively, if time allows the Board to do it sooner, they could call a special meeting.

Mr. Richardson said yes.

Ms. McKeel and Ms. Palmer expressed their agreement.

Ms. Price noted that the Board had some emails about this come in during the meeting, and that she thinks the "pause" helps the Board to ensure that they come up with any tweaks they need to make. She said while she didn't think they were waiting on permission from anyone else, she thinks it is helpful to coordinate as much as they can with the City of Charlottesville and UVA.

Mr. Gallaway noted that Ms. Mallek was no longer on the call and may have been trying to get back in.

Ms. LaPisto-Kirtley agreed with Ms. Price.

Agenda Item No. 3. From the Board: Matters Not Listed on the Agenda.

Ms. Palmer thanked staff again for the report.

Ms. McKeel expressed her appreciation for the ordinance, noting it was clearly written and easy to follow.

Ms. Price thanked Mr. Kamptner for his work, acknowledging that he had put in very long days. She thanked Mr. Richardson and his staff for their diligent work.

Ms. Palmer thanked the Health Department as well.

Ms. LaPisto-Kirtley thanked everyone who contributed to the excellent proposal and for the very hard work from staff as well as the Health Department. She said she did want to ask a question about mask wearing and how feasible it is for businesses with someone saying they have a medical condition. She asked if the Health Department has guidelines on that if someone claims a medical exemption. She said this was not a discussion for that day, but something to think about.

Mr. Gallaway echoed everyone's appreciation for staff. He said he hoped that some of the questions Board members brought up that were not answered, or information they were tracking, would be brought back to the Board by the time they take a formal vote on the ordinance. He said he hoped they would have all the answers to the follow-up questions before taking formal action.

Agenda Item No. 4. From the County Executive: Report on Matters Not Listed on the Agenda

There was none.

Agenda Item No. 5. Adjourn

At 4:01 p.m., Mr. Gallaway adjourned the meeting to August 5, 2020, 2:00 p.m., an electronic meeting pursuant to Ordinance No. 20-A(8), “An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster.”

Chair

Approved by Board
Date 2/02/2022
Initials CKB