

**CRAIG COUNTY BOARD OF SUPERVISORS
MEETING MINUTES
December 2nd, 2021**

AT A REGULAR MEETING of the Craig County Board of Supervisors conducted on the 2nd day of December 2021 at 6:00 p.m. in the Craig County Court House Courtroom.

PRESENT: Jesse Spence – Chair
Carl Bailey-Supervisor
Kathi Toelke, Supervisor
Rusty Zimmerman – Vice Chair
Lindsey Dunne– Supervisor

Dan Collins – County Administrator

OPEN MEETING

Meeting was called to order at 6:00 p.m. by Mr. Spence. The invocation was given by Mr. Zimmerman, followed with the Pledge of Allegiance.

**REQUESTS TO POSTPONE, ADD TO OR CHANGE THE ORDER OF AGENDA
ITEMS**

Additions to New Business

Items VII-H, R21-95, Resolution Transferring Funds RY 22 for the Commissioner of Revenue.

CONSENT ITEMS

Mr. Spence presented the consent items to the Board:

- A. November 4th, 2021
- B. Claims and Warrants

Mr. Bailey made a motion, seconded by Ms. Dunne, to approve the minutes and consent items with Resolution R21-88. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

R21-88

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF CRAIG
COUNTY, VIRGINIA, HELD AT THE CRAIG COUNTY COURTHOUSE
ON THURSDAY, DECEMBER 2nd, 2021

**RESOLUTION APPROVING AND CONCURRING IN CERTAIN ITEMS SET
FORTH ON THE BOARD OF SUPERVISORS AGENDA FOR THIS DATE
DESIGNATED AS THE CONSENT ITEMS**

BE IT RESOLVED by the Board of Supervisors of Craig County, Virginia, as follows:

1. That the certain section of the agenda of the Board of Supervisors for November 4th, 2021 designated as the Consent Items be, and hereby is, approved and concurred in as to each item separately set forth in said section designated Items 1 through 2, inclusive, as follows:
 1. Approval of minutes – November 4th, 2021
 2. Claims and Warrants
2. That the Clerk to the Board is hereby authorized and directed where required by law to set forth upon any of said items the separate vote tabulation for any such item pursuant to this resolution.

The Board of Supervisors of Craig County, in a regular meeting on Thursday the 2nd day of December 2021 adopted this Resolution.

BRIEFINGS

- A. Ray Varney, VDOT: Mr. Varney provided the board with a Monthly Report. Ashely Smith gave update on drainage project and funding to move forward for late winter early Spring. Updated reports on more mowing, grading and gravel, ditch, and shoulder work repair on Route 311. Bids for Meadow Creek have been reviewed and will be awarded soon.
- B. Broad Band: No broadband update
- C. Brian Powell, Hurt & Proffitt provided the board with a presentation. Mr. Powell gave an update on our overall review of the work from this past year. Developing real estate data base, using mapping of parcels and information to create Craig County GIS system. Website should be ready to go live in January with a couple of fixes, mentioning mapping lines specifically.
- D. Scott Wickham, CPA CFE gave an audit presentation with an overview of all departments.

APPOINTMENTS

- A. Resolution R21-89, Resolution Appointing Tom Cantrell as Fire Marshall for the County of Craig. Mr. Bailey made a motion, seconded by Ms. Toelke to approve, Resolution R21-83 Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

R21-89

APPOINTMENT OF FIRE MARSHAL

WHEREAS, Section §27-30 of the Code of Virginia as amended, provides that Craig County may appoint a Fire Marshal to carry out certain duties as delineated thereunder: and,

WHEREAS, Section §27-34.2 of Code of Virginia, as amended, provides that Craig County may authorize the local Fire Marshal shall have the authority of summons and warrants and,

WHEREAS, Section §27—34.2:1 of the Code of Virginia, as amended, provides that Craig County may authorize the local Fire Marshal to exercise the powers authorized by the Fire Prevention Code; and,

WHEREAS, Thomas Cantrell has met all the requirements of the Virginia Department of Housing and Community Development, Virginia Department of Fire Programs and received his certification, and,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Craig County, Virginia, hereby appoints Thomas Cantrell Craig County Fire Marshal as authorized in the Code of Virginia Section §27-30.

HEAR THE PUBLIC

Public hearing for comment on proposed Ordinance to Amend Transient Occupancy tax.

Open public hearing at 6:31 pm.

No public comment.

Closed public hearing at 6:33pm.

ORDINANCE NO. 2021-06

**ORDINANCE AMENDING, RESTATING, AND REORDAINING CHAPTER 38, ARTICLE IX,
OF THE CRAIG COUNTY CODE TO CONFORM WITH THE CODE OF VIRGINIA**

WHEREAS, the Craig County Board of Supervisors (the "Board") has determined that Chapter 38, Article IX of the Craig County Code merits amendment to conform with recent amendments to the Code of Virginia; and,

WHEREAS, Virginia Code § 58.1-3819 authorizes localities to collect transient occupancy tax on the gross proceeds of room rentals of hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days; and,

WHEREAS, Virginia Code § 58.1-3819 has been amended to provide that beginning September 1, 2021, the transient occupancy tax shall be computed upon the basis of the total charges or the total price paid for use or possession of the room(s), including fees charged by accommodations intermediaries for facilitating the sale between the accommodations provider and the person purchasing the accommodations; and,

WHEREAS, Virginia Code § 58.1-3826 has been amended to further provide that for any room rental where an accommodations provider contracts with an intermediary (i.e. a booking company) to facilitate the sale of accommodations and the intermediary charges the customer for the room and also an accommodations fee, the intermediary would be deemed the dealer for the transaction and would be required to separately state the taxes on the invoice and to collect the taxes on the entire amount paid for the use or possession of the room;

WHEREAS, after notice and public hearing, the Board of Supervisors wishes to amend the Craig County Code to comport with state law and to fully encompass the revisions embodied in §§ 58.1-3819 and 58.1-3826.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Craig County, Virginia, that Chapter 38, Article IX of the Craig County Code is hereby amended and re-numbered to read as follows:

**ARTICLE IX
Transient Occupancy Tax**

NOW, THEREFORE, BE IT ORDAINED by the Craig County Board of Supervisors that Chapter 38, Article IX of the Craig County Code is hereby repealed, replaced and reordained as follows:

ARTICLE IX. TRANSIENT OCCUPANCY TAX

Sec. 38-300. Definitions.

The following words and phrases when used in this section shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

Accommodation(s): any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, house, or any other place in which rooms or accommodations for lodging are regularly furnished to transients for consideration. The term accommodations includes but is not limited to any short-term rental as defined in Virginia Code § 15.2-983.

Accommodations fee: the amount paid to or retained by the accommodations intermediary for facilitating the sale. The accommodations fee shall be distinctly set out as a separate item.

Accommodations intermediary: any person other than an accommodations provider who facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee, which fee it retains as compensation for facilitating the sale. For the purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"*Accommodations intermediary*" does not include a person:

- (1) If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to that person; or
- (2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to the person is equal to the price paid by the person to the accommodations provider for the accommodations, and (ii) the only compensation received by the person facilitating the sale of the accommodation is a commission paid from the accommodations provider to that person.

Accommodations provider: any person who furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession, or the sale of the right to use or possess.

Commissioner: The commissioner of the revenue of Craig County.

Person: Any individual, firm, partnership, association, corporation, person acting in a representative capacity, or any group of individuals acting as a unit.

Room rental: The total price, exclusive of any tax imposed on such charge, paid by the customer for the use or possession of any accommodations. If the price paid by the customer includes any charge for services or accommodations in addition to the use or possession of the room or space at such accommodations, then the portion of such price paid by the customer for the use or possession of the room or space shall be distinctly set out and billed as a separate item.

Total price paid: the total price charged to the customer. It will include the room charge and the accommodations fee, if any.

Transient: Any individual, or group of individuals, who obtains the use or possession of any room or space in any accommodations for a period of less than 30 consecutive days for which a price is charged.

Treasurer: The treasurer of Craig County.

Sec. 38-301. Registry of Accommodations/ Short-Term Rentals.

A. Prior to offering any property located in Craig County for transient accommodations, each accommodations provider thereof shall register with the commissioner upon such forms, and setting forth such information, as the commissioner of the revenue may prescribe. Each registration shall remain valid for a term of one (1) year, and shall be renewed by the operator annually for every year that such operator offers short-term rentals within the County.

B. An accommodations provider may register more than one property on a single registration and shall add to an existing registration any subsequent additions of property.

C. The obligations and remedies imposed herein are in addition to all other provisions of law, including without limitation the requirements imposed under the Craig County Code of Ordinances.

D. No registration shall be required pursuant to this section who is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et. seq., Code of Virginia); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; (iv) licensed or registered with the County of Craig related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

Sec. 38-302. Levy and rate of tax.

In addition to any other tax imposed by law, there is hereby imposed and levied a tax of five (5) percent of the total price paid by or for a customer for use or possession of any lodging accommodations for continuous occupancy for fewer than 30 consecutive days. The tax shall be collected at the time and in the manner provided by this article.

Sec. 38-303. Exceptions.

No tax shall be payable hereunder in any of the following instances:

(1) On room rental paid by any federal, state, county or city official or employee when on official business, and the government concerned either pays the rental or reimburses the employee or official.

(2) On room rental paid to any hospital, medical clinic, convalescent home or home for aged people.

Sec. 38-304. Collection.

A. For sales of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the amount of the transient occupancy tax from the person paying for the accommodations when the charges for the accommodations are paid.

B. For sales of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall collect the transient occupancy tax computed on the total price paid.

C. The taxes required to be collected hereunder shall be deemed to be held in trust by the person required to collect the same until remitted as hereinafter required.

D. The revenues collected from that portion of the tax over two percent shall be designated and spent for promoting tourism, travel or business that generates tourism or travel for Craig County.

Sec. 38-305. Reports and remittance.

The person collecting transient occupancy tax shall make out a report upon such forms, and setting forth such information, as the commissioner may prescribe, showing the total price paid by the customer for the use or possession of a room or space occupied for lodging and the tax required to be collected and shall sign and deliver the same to the treasurer with a remittance of such tax. Such reports and remittances shall be made on or before the twentieth day of each month covering the amount of tax collected during the preceding month. Any accommodations provider may, upon written application to, and with good cause shown, and upon the written consent of the commissioner, make reports and remittances on an accounting period basis. Any remittances made hereunder by check or money order shall be payable to Craig County.

Sec. 38-306. Penalty and interest for failure to register.

A. Any accommodations provider required to register under this ordinance who offers a property as an accommodation or short-term rental without having first registered such property with the County shall be presented with a notice of violation and given 15 days from the date of the notice of violation to register with the Commissioner of the Revenue without penalty. Failure to register within the 15 days will result in a penalty of \$500.00. Notices of violation shall be posted on the property and mailed by First-Class U.S. Mail to the address shown on the property tax records of the County. Any operator assessed a penalty shall be prohibited from offering the property as a short-term rental until the penalty is paid and the property is registered as a short-term rental property. The commissioner is empowered to issue notices of violation and impose the penalty provided for herein.

B. Any accommodations provider who is found to have violated this ordinance or other applicable state laws, County ordinances or other regulations relating to short-term rentals, on more than three (3) occasions shall be prohibited from registering and offering the property in question for short-term rental.

Sec. 38-307. Penalty and interest for nonpayment of tax.

If any person shall fail or refuse to remit to the treasurer any of the taxes required to be collected and paid under this section, or fail or refuse to submit the reports required by this section within the time and in the amount specified in this section, there shall be added to such taxes by the treasurer a penalty of five percent if the failure is for not more than one month, with an additional five percent for each additional month, or fraction thereof, during which the failure continues, not to exceed 25 percent in the aggregate; however, in no case shall the penalty be less than \$10.00 and such minimum penalty shall

apply whether or not any tax is due for the period in which such return was required. In addition, there shall be added to such unpaid tax interest at the rate of eight percent per annum on the amount of tax delinquent, such interest to commence on the first day of the month following the month in which such taxes are due.

Sec. 38-308. Failure to collect, report or remit tax; action by commissioner of the revenue.

If any person shall fail or refuse to collect, in whole or in part, or properly to report or remit, transient occupancy taxes within the time required by this section, the commissioner shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the taxes due. As soon as the commissioner has procured such facts and information he shall make his estimate of the tax due and proceed to determine and assess against such person such estimated tax due together with the penalties and the total amount thereof shall be payable within ten days from the date of such notice; however, before any determination or assessment is made by the commissioner that any person is liable for tax penalty and interest under this section, he shall give such person notice and an opportunity to be heard concerning such possible determination and assessment.

Sec. 38-309. Records.

It shall be the duty of every person liable for the collection and payment to the County of transient occupancy taxes imposed by this section to keep and preserve for a period of five years such suitable records as may be necessary to determine the amount of such tax as he may have been liable for collection of and payment to the County, which records the commissioner and the treasurer shall have the right to inspect and copy at all reasonable times.

Sec. 38-310. Cessation of business.

Whenever any person required to collect and pay to the County any tax under this article shall cease to operate or otherwise dispose of his business, any tax payable to the County shall become immediately due and payable, and such person shall immediately make a report and pay the tax due.

Sec. 38-311. Additional penalties.

A. Any person willfully failing or refusing to file a return as required under this article shall, upon conviction thereof, be guilty of a class 1 misdemeanor, and each violation or failure to comply shall constitute a separate offense punishable as provided in section 1-15, except that any person failing to file such return shall be guilty of a class 3 misdemeanor, punishable as provided in section 1-15, if the amount of tax lawfully assessed in connection with the return is \$1,000.00 or less. Any person violating or failing to comply with any other provision of this article shall be guilty of a class 1 misdemeanor, punishable as provided in section 1-15.

B. Except as provided in subsection (a) of this section, any corporate or partnership officer, as defined in Code of Virginia, § 58.1-3906, or any other person required to collect, account for or pay over the tax imposed under this article, who willfully fails to collect or truthfully account for and pay over such tax, or who willfully evades or attempts to evade such tax or payment thereof, shall, in addition to any other penalties imposed by law, be guilty of a class 1 misdemeanor, punishable as provided in section 1-15.

C. The punishment provided for in this section shall be in addition to any other remedy for the collection of taxes provided for by law.

D. Any criminal case brought pursuant to this section may be prosecuted by either the attorney for the Commonwealth or other attorney charged with the responsibility for prosecution of a violation of local ordinance.

Sec. 38-312. Powers and duties of commissioner of the revenue.

It shall be the duty of the commissioner to ascertain the name of every accommodations provider in the County subject to the tax levied by this section. The commissioner shall have the power to adopt rules and regulations not inconsistent with the provisions of this section for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied.

Sec. 38-313. Duty of treasurer.

The treasurer shall have the power and duty of collecting the taxes imposed and levied under this article and shall cause the same to be paid into the general treasury for the County. The treasurer shall have all the enforcement powers as authorized by Code of Virginia, tit. 58.1, as amended, for purposes of this article.

Secs. 38-314 -- - Reserved.

Voting as recorded, Mr. Zimmerman made a motion, seconded by Ms. Toelke, voting as follows Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

- A. Resolution R21-90 to Adopt the Virginia State Fire Prevention Code (VSFPC). Mr. Zimmerman made a motion, seconded by Ms. Dunne. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunn, yes, Mr. Bailey, yes and Mr. Spence, yes.

R21-90

**TO ADOPT THE VIRGINIA STATE FIRE PREVENTION
CODE (VSFPC)**

WHEREAS The County of Craig continues to improve and replace older structures and strives to meet today's fire and building codes, we find it very difficult to review and enforce these codes.

WHEREAS our distance from the City of Roanoke makes it time consuming and difficult for the State Fire Marshal's office employees to conduct the day-to-day activities and inspections on a regular schedule.

WHEREAS, to resolve this issue, it has been decided by the Craig County Board of Supervisors to appoint its own Fire Marshal with some enforcement authority.

WHEREAS Craig Adopts the 2015 (VSFPC) Virginia State Fire Prevention Code in its entirety (VSFPC).

- A. Resolution R21-91 Amending the FY -2022 to finalize Health Department Budget. Motion made by Mr. Bailey and seconded by Ms. Dunne. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunn, abstained, Mr. Bailey, yes and Mr. Spence, yes.

R21-91

**A RESOLUTION TRANSFERRING FUNDS FOR
THE 2021-2022 FISCAL YEAR BUDGET
FOR CRAIG COUNTY**

WHEREAS, the Board of Supervisors is requested to amend the Fiscal Year 2021-2022 budget as presented below, and

WHEREAS, the Craig County Health Department had submitted a budget for FY22 in the amount of \$60,037, and has now increased the budget amount to \$75,245 due to increased costs, and

WHEREAS, at year end of FY 21 we had an unused balance of \$4,334 which will be applied to the additional amount needed, which will leave \$10,874 needed for the FY22 budget year, and

WHEREAS, it is the desire to transfer the above funding from the monies set aside in Contingency for the costs of these described budget changes below

FROM:

Contingency
10,874.00

4-100-091410-5850

TO:

Craig County Health Dept
10,874.00

4-100-051200-5610

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Craig County that the following budget amendment transfers be and is hereby approved for fiscal year 2021-2022.

The Board of Supervisors of Craig County in a regular meeting on 2nd day of December 2021 approved this resolution.

- B. FY 2022-Budget Schedule, to adopt the new calendar year budget schedule. Mr. Zimmerman commented on wanting to get the heads of the department together. Mr. Collins suggested March 17th and invitation. Mr. Zimmerman asked for a separate meeting to discuss the bigger picture. Mr. Spence suggested creating extra time for March 17th for those who would like to participate. Mr. Collins suggested an invitation meeting start at 5 pm in his budget message. Mr. Bailey made a motion, seconded by Mr. Zimmerman. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunn, yes, Mr. Bailey, yes and Mr. Spence, yes.

- C. Consider Holiday Closing schedule for Clerks Office requested by the Judge effecting the Court house staff only for December 30th closing for an extra day. Ms. Dunne made a motion, seconded by Mr. Spence. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunn, yes, Mr. Bailey, yes and Mr. Spence, yes.

- D. Resolution R21-92 Establishing Regular BOS meeting Schedule for 2022. Mr. Bailey made a motion, seconded by Ms. Dunne. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunn, abstained, Mr. Bailey, yes and Mr. Spence, yes.

R21-92

AT A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF CRAIG COUNTY
HELD AT THE COURTHOUSE
THE 2nd DAY OF DECEMBER 2021

**A RESOLUTION ESTABLISHING THE REGULAR MEETING
SCHEDULE FOR THE CRAIG COUNTY BOARD OF
SUPERVISORS FOR CALENDAR YEAR 2022**

BE IT RESOLVED by the Board of Supervisors of the Craig County as follows:

1. For calendar year 2022, regular meetings of the Board shall be held on the first Thursday of each month, commencing at 6:00 p.m. All regular meetings shall be held in the Circuit Court Courtroom of the Courthouse in New Castle:

January 6, 2022	April 7, 2022	July 7, 2022	October 6, 2022
February 3, 2022	May 5, 2022	August 4, 2022	November 3, 2022
March 3, 2022	June 2, 2022	September 1, 2022	December 1, 2022

2. Should the day established by the Board as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following Thursday, without action of any kind by the Board.

3. Should the Chairman or Vice Chairman, if the Chairman is unable to act, find and declare that weather or other conditions are such that it is hazardous for members to attend the regular meeting, then the regular meeting shall be held on the next following Thursday. Such findings shall be communicated to the members of the Board and the media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the rescheduled meeting and no further advertisement shall be required.

4. Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body has been completed.

ON MOTION OF BOARD MEMBER, Mr. Carl Bailey, to adopt this Resolution and carried by the following votes:

Ayes: 5

Nays: 0

Absent: _____ 0 _____

- E. Resolution R21-93, Approving the opioid Abatement fund, Settlement Allocation and Memorandum., Ms. Toelke made a motion, Mr. Bailey seconded. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunn, abstained, Mr. Bailey, yes and Mr. Spence, yes.

R21-93

**RESOLUTION TO APPROVE THE COUNTY OF
CRAIG'S
PARTICIPATION IN THE PROPOSED SETTLEMENT
OF OPIOID-RELATED CLAIMS AGAINST MCKESSON,
CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN,
AND THEIR RELATED CORPORATE ENTITIES**

WHEREAS the opioid epidemic that has cost thousands of human lives across the country also impacts the County of Craig, Virginia (the "County") by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the County's various departments and agencies; and

WHEREAS, the County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the County; and

WHEREAS, due to the impacts of the opioid epidemic, the County has claims probable of assertion against McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, along with certain of their related corporate entities, for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed the County; and

WHEREAS, the County seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them; and

WHEREAS, the County desires and intends to participate in the settlements in order to recover its share of the funds that the settlement would provide.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Craig, Virginia that the County's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, is **APPROVED**;

And, **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of Craig, Virginia that the County Administrator and the County Attorney are authorized to execute the documents, and take such other actions, necessary to effectuate the County's participation in the settlements, including, without limitation, execution of the Participation Agreement (Settlement Participation Form), the Settlement Agreement dated July, 2021, any required release of claims against settling entities, and the Virginia's Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding.

This Resolution shall take effect immediately.

Date of Adoption: December 2nd, 2021

Recorded Roll Call Votes:

Jesse Spence, Chair:	<u> Y </u>
Carl Bailey, Vice Chair:	<u> Y </u>
Rusty Zimmerman:	<u> Y </u>
Lindsey Dunne:	<u> Y </u>
Kathi Toelke:	<u> Y </u>

ATTEST:

Administrator Dan Collins, County
and Clerk of the Board

- A. Resolution R21-93 Approving Participant in the Proposed Settlement of Opioid Related Claims, Ms. Dunne made a motion, seconded by Ms. Toelke. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunn, abstained, Mr. Bailey, yes and Mr. Spence, yes.

**RESOLUTION OF THE CRAIG COUNTY BOARD
OF SUPERVISORS
TO APPROVE VIRGINIA OPIOID ABATEMENT FUND
AND SETTLEMENT ALLOCATION MEMORANDUM OF
UNDERSTANDING**

WHEREAS, the County of Craig, Virginia (the "County"), through its elected representatives and counsel, and the Commonwealth of Virginia, through the Office of the Attorney General, mutually seek to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities; and,

WHEREAS, the County and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same; and,

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them; and

WHEREAS, under the settlement proposals, the amount of funds the Commonwealth of Virginia receives depends on the level of participation by Virginia localities; and

WHEREAS, the County desires and intends to participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, in order to participate in the settlements and receive its share of settlement funds, the County desires and intends to join and approve the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding relating to the allocation and use of such litigation recoveries.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Craig, Virginia, that the County of Craig, Virginia hereby authorizes, joins, approves, and confirms the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding attached hereto and incorporated herein by reference thereto as Exhibit "A", and directs the County Administrator to execute and enter into such Memorandum of Understanding on behalf of the County; and

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of Craig, Virginia, that the County Administrator and the County Attorney are

authorized to take such further action as is necessary accomplish the purposes of this resolution.

This Resolution shall take effect immediately.

Date: December 2nd, 2021

Recorded Roll Call Votes:

Jesse Spence, Chair:	<u> </u> Y <u> </u>
Carl Bailey, Vice Chair:	<u> </u> Y <u> </u>
Rusty Zimmerman:	<u> </u> Y <u> </u>
Lindsey Dunne:	<u> </u> Y <u> </u>
Kathi Toelke:	<u> </u> Y <u> </u>

ATTEST:

Dan Collins, County Administrator
and Clerk of the Board

- B. Resolution R21-95 Transferring funds FY 22 for the Commissioner of Revenue, Mr. Bailey made a motion, seconded by Mr. Zimmerman. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunn, abstained, Mr. Bailey, yes and Mr. Spence, yes.

R21-95

**A RESOLUTION TRANSFERING FUNDS FOR
THE 2021-2022 FISCAL YEAR BUDGET
FOR CRAIG COUNTY**

WHEREAS, the Craig County Board of Supervisors (CCBoS) adopted the 2021-2022 Budget on May 6, 2021 for planning purposes, and

WHEREAS, upon approval of the 2021-2022 budget it was the request of the Board of Supervisors that any transfer from personnel line items to operating line items or from operating line items to personnel line items must first be approved by the Board of Supervisors, and

WHEREAS, it is the request of the Commissioner of the Revenue that the total amount of \$2,184 be transferred from various departments as listed below to the personnel line for part time salaries for additional funding for payroll, now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Craig County that the following budget amendment transfers be and is hereby approved for fiscal year 2021-2022.

Department Commissioner of Revenue 12310

Transfer From:	General Fund 100 12310	Amount
3320	Maintenance copier contract	200
3321	NADA	50
3322	Consulting services	100
3600	Advertising	100
5210	Postage	100
5540	Convention	200
5542	Training	200
5810	Dues/memberships	100
6012	Books/subscriptions	75
6001	Office Supplies	1,059
	Total transfer out	2,184

Transfer To:			
	General Fund 100 12310		Amount
1300	Part Time Salaries		2,184
	Total transfer to		2,184

The Board of Supervisors of Craig County in a regular meeting on 2nd day of December 2021 approved this resolution.

INFORMATIONAL

- A. Craig County Recreation & Conservation Association
- B. Available Fuel Storage/Reserve in Craig County, Mr. Collins will work on report.
- C. Cigarette Tax Rate, Mr. Collins presented his research on surrounding counties and their cigarette tax rate for the coming year. The Board discussed number of stamps, adjustment rate, and budget. The Board discussed bringing back the Cigarette Tax Ordinance in the new year. Mr. Spence made a motion to change to .30 cents, Ms. Dunne seconded, Voting was as follows: Mr. Zimmerman, no, Ms. Toelke, yes, Ms. Dunn, yes, Mr. Bailey, no and Mr. Spence, yes. Mr. Collins will work on a new ordinance with the change and bring it to the Board in the new year on a timeline that works for the Treasurer and Commissioner.
- D. Letter to R. Fannin, Regulatory Project Manager, Army Corps Engineers
- E. DEQ grant award for Litter Prevention and Recycling
- F. Refreshments in the Jury room for Ms. Toelke

REPORTS AND INQUIRIES FROM THE BOARD AND COUNTY ADMINISTRATOR

- a. Mr. Collins, Cares money, \$135,000 paid to upgrade Radio Equipment Replacement Project, radios are ordered.
- b. Payments on the Crown Building start in February 2022.
- c. Johns Creek Dam safety modifications, called Morgan Griffith office to ask if the infrastructure money will would help with payment on dams.
- d. Reception for Ms. Toelke, thank you for your service.

HEAR THE PUBLIC

Mike Carper spoke to the board as a businessman regarding the recent cigarette tax increase. Mr. Carper thanked the board for listening and reviewing the cigarette tax. Stamps have been ordered and will proceed with 40 cent increase and revisit in New year. Mr. Carper noted that would impact the county in collecting taxes, employees, and discussed Town vs County. Mr. Carper appreciated the cigarette tax to be reconsidered.

Jason Matyas looks forward to joining and thanked Kathi for her service. Mr. Matyas read out loud the Doctrine of the lesser Magistrates to the board giving a summary and gave a copy to the Board.

ADJOURN

Mr. Spence adjourned the meeting at 7:25 pm.

_____, CHAIRMAN
CRAIG COUNTY BOARD OF SUPERVISORS

_____, CLERK
CRAIG COUNTY BOARD OF SUPERVISORS
