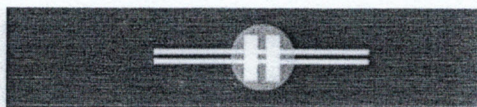


# **County Office and Department Reports**

**Elyssa Long**  
**DD Case Management Coordinator**  
**Crossroads CSB**

I began taking college courses at Southside Virginia Community College upon graduating from Kenston Forest School. I obtained an Associate of Arts and Science degree in May of 2015. Once my time at SVCC was over I transferred to Liberty University. I received a Bachelor of Science in Criminal Justice with a specialization in Criminal Psychology from Liberty in 2017. Once I completed the coursework for my Bachelor's degree I began to pursue my Masters. In July of 2019, I obtained a Masters in Human Services Counseling with a cognate in Executive Leadership from Liberty University. I have worked in the Mental Health and Human Services fields since 2016 at Crossroads Community Services Board. I started working for the CSB in 2016 as a Direct Support Professional, providing services to individuals that had developmental and intellectual disabilities. After working in this role for a year, I transferred to the Case Management Department as a Case Manager. In April of 2019, I became the Director of Case Management and have remained in this role ever since. I also am a Nationally Registered EMT and enjoy serving my community in my free time.

Social Services Board



August 31, 2020

Tracy Gee  
Office of the Administrator  
11413 Courthouse Road  
Lunenburg, VA 23952  
[tgee@lunenburgva.net](mailto:tgee@lunenburgva.net)

Reference: Referendum Language Choice

Good Morning Tracy,

I hope you and your family are doing well. During the July 9, 2020 Board of Supervisors meeting, the citizens came to discuss the current and future status of the Confederate monument located on the Lunenburg Courthouse grounds. Upon the board listening to those allowed to voice their concerns, the Board of Supervisors decided 5-2 to have the question placed on a referendum for the November 3, 2020 Election ballot as to the future status of the Confederate monument.

This decision wasn't the most popular decision for some, but for others, it was fine. Now that the paperwork has been filed and approved, the descriptive language used to present the question is not only misleading but intentionally misrepresenting the point of the people opposed to this monument remaining on the Lunenburg Courthouse grounds. Currently, the information lists the question as follows:

***"Shall the monument honoring the memory of Lunenburg soldiers and women during the Civil War remain on the Lunenburg Courthouse property?"***

Allowing for transparency so all residents understand the question and why it warrants being placed on the ballot; the appropriate question, based on the citizens' concerns, should be stated as the following:

***"Shall the Confederate monument honoring the memory of Lunenburg soldiers and women during the Civil War remain on the Lunenburg Courthouse Property?"***

As a citizen and resident of Lunenburg County, I request the language for the referendum be modified to represent the above. The current question is not forthright as to the significance of the referendum for all citizens.

*Working  
independently to  
provide a voice for  
underrepresented  
and unheard  
members of the  
community.*



**PATRICIA H. TUNLEY**

Community Advocate

PHONE (470) 230-9835

EMAIL [tunleypatricia20@gmail.com](mailto:tunleypatricia20@gmail.com)

The objective is to ensure the entire community is being represented without bias from the Board of Supervisors, who appears to represent only a small sector of Lunenburg County. More explicitly, the removal request was **not** based on the statue honoring Soldiers and/or Women in the Civil War but strictly about removing the Confederate Statue from its current location.

I understand there is a window of opportunity to have this accomplished, as there was with the request for adding the referendum on the ballots. I would expect swift action on this matter that can be handled by the county's attorney on behalf of the Board of Supervisors.

I look forward to hearing back from you in an expeditious manner, as this is a time-sensitive matter.

Regards,

*Patricia Harper-Tunley*  
Community Advocate

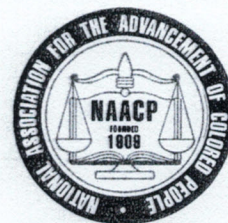
**PATRICIA H. TUNLEY**

Community Advocate

PHONE (470) 230-9835

EMAIL [tunleypatricia20@gmail.com](mailto:tunleypatricia20@gmail.com)

# LUNENBURG COUNTY BRANCH NAACP



September 3, 2020

Lunenburg County Board of Supervisors  
11413 Courthouse Road  
Lunenburg, VA 23952

Re: November 3, 2020 Referendum Question

The Lunenburg County NAACP was approached by several members of the Lunenburg County community, stating their concern for the referendum's proposed wording for the November 3, 2020 Election ballot. It is ours and the concern citizens understanding the current proposed language is as follows:

***"Shall the monument honoring the memory of Lunenburg soldiers and women during the Civil War remain on the Lunenburg Courthouse property?"***

The concern with the question is that it is not clear to all community members who will be casting their vote in November 2020 what the referendum represents. Is it about removing a statue that represents "soldiers and women during the Civil war" or a statue that represents Confederate Soldiers?

At the July 9, 2020 Board of Supervisors meeting, the citizens came to discuss the **Confederate** statue's current and future status, not a statue representing Soldiers and Women of the Civil War. Therefore, the proposed wording lacks clarity for the community. Because the language does not represent the actual discussion from the Board of Supervisors meeting, it could be construed that the wording was stated in this manner to mislead some and maybe many citizens of the county intentionally. We feel that the more appropriate question should at least contain the word "Confederate."

We, the Lunenburg County NAACP, and other concerned citizens, request that the language for the referendum question be modified to be representative of all people in the county and not just a portion of the county. We would hope in this day and time, "we the people" would be representation for all people without bias from our county leaders. We also understand that we may have missed the opportunity to have the wording for the referendum changed. However, the Lunenburg County NAACP asks that this letter be made a part of the Lunenburg County Board of Supervisors' permanent records stating our objection to the wording of the question.

Sincerely,

The Lunenburg County NAACP  
Branch 7087

---

Post Office Box 1113  
Victoria, Virginia 23974  
E-mail: lunenburg7087naACP@yahoo.com

**Landfill Liaison Report**  
**September 1, 2020**  
**August 2020 Report**

**Meridian Waste Landfill:**

1. Meridian has been working to fill in wash outs and rills along the slopes due to heavy rains this month.
2. Meridian lost two roll-off trucks during a fire at the landfill. They have been replaced.
3. The public notice for the final approval of the number three cell is running in the newspaper.
4. A new trucking company has taken over hauling trash from the Petersburg transfer station to the Lunenburg landfill.
5. Meridian updated the electric service to the maintenance building as they move towards renovation.
6. Meridian installed a back-up generator for the office.

**Citizen Complaints:**

1. The citizens and Meridian continue to disagree about dumping and paying for different types of items.

**Comments:**

1. Discussions continue on the above issue.

**Convenience Sites:**

1. Heavy trash from houses, buildings, basements and attics continue to fill sites on the weekends.

**Citizen Complaints:**

1. Citizens continue to complain about carrying items to the landfill.

**Comments:**

1. n/a

Landfill Report August 31, 2020

**New Fiscal Year-**

July 2020 County Trash 840.79 tons- average 32.33 tons daily

Non-county Trash 26,092.82 tons- average 1,003.57 tons daily

Non-deplete Trash 0 tons

Recycling 1.15 tons

Number of trucks 63 average per day

August 2020 County Trash 609.40 tons- average 27.7 tons daily

Non-county Trash 25,484.36 tons- average 1,158.38 tons daily

Non-deplete Trash 0 tons

Recycling 4.66 tons

Number of trucks 67.8 average per day

**PAYMENTS**

2<sup>nd</sup> Quarter payment 2020  
Received July 29, 2020

**Non-county Host fee**

\$ 89,497.13

**Liaison fee**

\$ 16,249.98

**Total**

\$ 105,747.11

Landfill Report August 31, 2020

**Host Fee Year**

January 2020 County Trash 560.61 tons- average 24.37 tons daily  
 Non-county Trash 18,338.51 tons- average 705.33 tons daily  
 Non-deplete Trash 0 tons  
 Recycling 7.21 tons  
 Number of trucks 54.2 average per day

February 2020 County Trash 471.94 tons- average 23.59 tons daily  
 Non-county Trash 17,196.09 tons- average 687.84 tons daily  
 Non-deplete Trash 0 tons  
 Recycling 5.73 tons  
 Number of trucks 51.03 average per day

March 2020 County Trash 584.95 tons- average 26.59 tons daily  
 Non-county Trash 20,863.87 tons- average 802.46 tons daily  
 Non-deplete Trash 0 tons  
 Recycling 1.97 tons  
 Number of trucks 60.02 average per day

April 2020 County Trash 661.69 tons- average 30.08 tons daily  
 Non-county Trash 18,538.70 tons- average 772.44 tons daily  
 Non-deplete Trash 0 tons  
 Recycling 8.18 tons  
 Number of trucks 60.80 average per day

May 2020 County Trash 586.56 tons- average 29.33 tons daily  
 Non-county Trash 18,537.89 tons- average 842.63 tons daily  
 Non-deplete Trash 0 tons  
 Recycling 1.64 tons  
 Number of trucks 62.85 average per day

June 2020 County Trash 897.64 tons- average 37.4 tons daily  
 Non-county Trash 23,614.91 tons- average 944.60 tons daily  
 Non-deplete Trash 0 tons  
 Recycling 1.87 tons  
 Number of trucks 62.85 average per day

PAYMENTS	Non-county Host fee	Liaison fee	Total
January 2020 Payment Received February 27,2020	\$ 20,905.89	\$ 4,583.33	\$ 25,489.22
February 2020 Payment Received March 25, 2020	\$ 19,603.55	\$ 5,416.66	\$ 20,020.21
	Also received outstanding balance--January Liaison Fee of \$833.33		
March 2020 Payment Received April 24, 2020	\$ 22,406.80	\$ 5,416.66	\$ 27,823.46
	*Payment short \$1,378.02 by my calculation-have contacted Meridian (Received outstanding amount 5/8/2020)		

\*Payments will be made quarterly starting in April



BOARD OF SUPERVISORS

Charles R. Slayton, CHAIRMAN  
Election District 4

Frank W. Bacon, VICE-CHAIRMAN  
Election District 3

T. Wayne Hoover  
Election District 1

Mike Hankins  
Election District 2

Edward Pennington  
Election District 5

Alvester L. Edmonds  
Election District 6

Robert G. Zava  
Election District 7



Lunenburg County Administration  
11413 Courthouse Road  
Lunenburg, VA 23952

Tracy M. Gee  
County Administrator

Telephone: (434) 696-2142  
Facsimile: (434) 696-1798

Animal Control Report to the Board of Supervisors

Date: September 2020

The following activities were conducted by Animal Control during the month of August 2020:

<u>1</u> Stray Cat(s) Picked Up	\$ <u>45<sup>00</sup></u>	Surrender Fees
<u>20</u> Stray Dog(s) Picked Up	\$ <u>185<sup>00</sup></u>	Impoundment Fees
<u>1</u> Injured or Ill Cat(s)	\$ <u>60<sup>00</sup></u>	Adoption Fees
<u>1</u> Injured or Ill Dog(s)		
<u>17</u> Cat Calls Dispatched	\$ <u>290<sup>00</sup></u>	<b>Total Fees Collected</b>
<u>49</u> Dog Calls Dispatched		
<u>7</u> Cats, Surrendered by Owner		
<u>5</u> Dogs, Surrendered by Owner		
<u>    </u> Cat Bite		
<u>2</u> Dog Bite		
<u>    </u> Cat(s) Euthanized	<u>12</u> Dog(s) Transferred to SPCA	
<u>3</u> Dog(s) Euthanized	<u>    </u> Cat(s) Transferred to SPCA	
<u>4</u> Cat Trap(s) Set	<u>4</u> Wildlife Calls	
<u>2</u> Dog Trap(s) Set	<u>4</u> pig at Large	
<u>    </u> Summons Issued	<u>1</u> Horse at Large	
<u>1</u> Animal(s) Released to ACO		
<u>    </u> Expired at Shelter and/or DOA		
<u>146</u> Telephone Calls for Animal Issues		
<u>5</u> Check License		
<u>    </u> Lost Cat(s) – Incoming Calls		
<u>    </u> Lost Dog(s) – Incoming Calls		
<u>    </u> Cat(s) Returned to Owner		
<u>6</u> Dog(s) Returned to Owner		
<u>    </u> Quarantine		
<u>1</u> Adoption—Dogs		
<u>3</u> Adoption—Cats	<u>35</u> Total Number of Animals Handled	

D. Ray Elliott ACO

D. Ray Elliott  
Animal Control Officer



Lunenburg County Sheriff's Office  
Report To The Board Of Supervisors  
August 2020



Jury Summons Served	0
Subpoenas Served	54
Summons Served	68
Levies Executed	0
Other Civil Process	54
Traffic Citations	22
Protective Orders	32
Arrests	8
Inmates Transported	3
Mental Patients	2
Extraditions	0
Circuit Court Days	5
General Court Days	3
J&DR Court Days	4

**Expense Report**

Dues	\$0.00
Postage	\$0.00
Office Supplies	\$92.17
Telephone	\$58.08
Police Supplies	\$0.00
Vehicle Maintenance & Repairs	\$1,939.85
Fuel (July)	\$1,568.67
Gallons of Fuel Use	1078

Arthur Townsend Jr  
Arthur Townsend, Jr.  
Sheriff, Lunenburg County

9/2/2020  
Date

**Second Amendment Rights  
Joe Paschal (citizen request)**

*Resolved* that these United Counties have declared themselves 2nd Amendment sanctuaries.

*Whereas* these United Counties have pleaded with the Governor and Legislators and peacefully asked for a redress of grievances these pleas were answered with tyrannical laws being put in place that will injuriously affect and harm law abiding citizens.

*Whereas* the people have brought cases to be heard before the United States Supreme Court that the Justices refused to hear.

*Resolved* that these United Counties are and of right ought to be Protected by the Constitution of Virginia and by the Constitution of these United States that they are absolved from all allegiance to the Current Legislature of Virginia and that all political connection between them is and ought to be totally dissolved.

*That it is expedient forthwith to take the most effectual measures to protect the God Given rights of the citizenry.*

*That a plan to convene a Virginia Constitutional Convention be prepared and transmitted to the respective Counties for their consideration and approbation.*

The U.S Supreme court has refused to hear 10 case brought before them concerning our 2<sup>nd</sup> Amendment

SB-35, Allows Localities to enact gun control legislation

SB-69, Restricts Handgun purchases to one a month

SB-70, Requires background checks from person to person

HB-674, Red Flag Law, allows confiscation of guns without due process

**The Declaration was adopted unanimously by the Fifth Virginia Convention at Williamsburg, Virginia on June 12, 1776**

**Virginia Declaration of Rights**

**Section 13.** That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power

**US Bill of Rights adopted December 15, 1791.**

**Amendment II (2): Right to bear arms**

A well-regulated Militia, being necessary to the security of a Free State, the right of the people to keep and bear

Arms, shall not be infringed

*"Are we at last brought to such a humiliating and debasing degradation, that we cannot be trusted with arms for our own defense?"*

*~ Patrick Henry~*

*"The great object is that every man be armed. Everyone who is able may have a gun."*

*~ Patrick Henry*

The constitution was created to restrain the government, we the people have a right to exercise this restraint! The current legislature has injuriously legislated our children's rights away. For this reason we need to call for a Virginia Constitution Convention.

I. We need to have a State electoral college for all statewide elections, each county would have one electoral vote that vote would go to the party having the most votes in that county

II. The gun laws of the Commonwealth must mirror the federal gun laws at the time of convention

III. The Governor can seek a consecutive 2<sup>nd</sup> term, only with a 66 and 2 thirds vote in the theUpper house

IV. All Judges and magistrates should be elected officials

V. Redefine the criminal justice system in the Commonwealth do away with the felony and misdemeanor system to a violent or non-violent system

**RESOLUTION OF LUNENBURG COUNTY BOARD OF SUPERVISORS**

WHEREAS, in acknowledgment of its deep commitment to the rights of all citizens of, and visitors to, Lunenburg County to keep and bear arms, Lunenburg County Board of Supervisors previously declared Lunenburg County to be a 'Second Amendment Sanctuary', and

WHEREAS, certain legislation has been passed in the Virginia General Assembly that allows localities to, by ordinance, ban otherwise lawfully possessed and transported firearms from certain public spaces, causing law-abiding citizens to be exposed to a patchwork of local ordinances as they travel throughout the Commonwealth, and

WHEREAS, the Lunenburg County Board of Supervisors acknowledges the significant economic contribution made to our community by tourists and visitors and does not wish to discourage travel to Lunenburg County, and

WHEREAS, Lunenburg County wishes to welcome all law-abiding citizens who wish to live in, visit, or otherwise participate in the economy of our community, including those citizens and visitors who choose to legally carry a firearm for personal protection, and

WHEREAS, the Lunenburg County Board of Supervisors does not wish to infringe on the rights of the citizens of, or visitors to, Lunenburg County to keep and bear arms, and

WHEREAS, the Lunenburg County Board of Supervisors wishes to express its continued opposition to any law that would unconstitutionally restrict the rights of the citizens of, and visitors to, Lunenburg County to keep and bear arms.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Lunenburg County Virginia:

That the Lunenburg Board of Supervisors hereby declares Lunenburg County, Virginia shall not exercise any authority granted to it by § 15.2-915(E) of the Code of Virginia to regulate or prohibit the otherwise legal purchase, possession, or transfer of firearms or ammunition.

The undersigned clerk of the Board of Supervisors of the County of Lunenburg, hereby certifies that the resolution set forth above was adopted during an open meeting on <DATE>, 2020, by the Board of Supervisors with the following votes:

## Tracy Gee

---

**From:** David B. [dcbaden@yahoo.com]  
**Sent:** Monday, July 6, 2020 8:11 PM  
**To:** tgee@lunenburgva.net  
**Subject:** Subject: Please introduce and support a resolution to NOT pass any more local gun-control

**Follow Up Flag:** Follow up  
**Due By:** Thursday, July 30, 2020 4:00 PM  
**Flag Status:** Flagged

As a hunter, land owner and part-time resident of Lunenburg County, I urge you to introduce and support the following resolution to NOT pass any gun-control affecting local government buildings, parks, recreation and community centers, or permitted events including adjacent streets, or affecting the legal purchase, possession, or transfer of firearms or ammunition, even though a new state law allows for such ordinances.

Here is a link to download the model resolution I would like you to support:  
[https://vcld.org/resources/2AResolutions/2A\\_Counties/Lunenburg.docx](https://vcld.org/resources/2AResolutions/2A_Counties/Lunenburg.docx)

Please let me know what you are going to do regarding introducing and supporting this resolution.

Sincerely,  
David Badenchini

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---

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Please let me know what you are going to do regarding introducing and supporting this resolution.

Sincerely,  
David Badenchini



**PITTSYLVANIA COUNTY BOARD OF SUPERVISORS  
RESOLUTION # 2020-07-05**

---

**VIRGINIA**, at a Regular Business Meeting of the Pittsylvania County Board of Supervisors ("Board"), held on July 21, 2020, the following Resolution was presented and adopted:

**WHEREAS**, in acknowledgment of its deep commitment to the rights of all citizens of, and visitors to, Pittsylvania County, Virginia ("County"), to keep and bear arms, the Board declared the County to be a "Second Amendment Sanctuary;" and

**WHEREAS**, certain legislation has been passed in the Virginia General Assembly that allows localities to, by Ordinance, ban otherwise lawfully possessed and transported firearms from certain public spaces, causing law-abiding citizens to be exposed to a patchwork of local ordinances as they travel throughout the Commonwealth; and

**WHEREAS**, the Board acknowledges the significant economic contribution made to our community by tourists and visitors and does not wish to discourage travel to the County; and

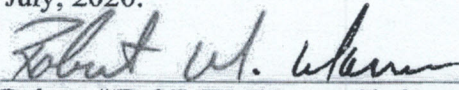
**WHEREAS**, the County wishes to welcome all law-abiding citizens who wish to live in, visit, or otherwise participate in the County's economy, including those citizens and visitors who choose to legally and responsibly carry a firearm for personal protection; and

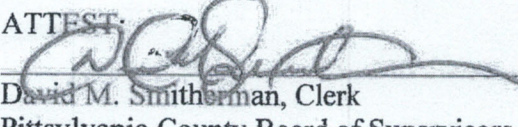
**WHEREAS**, the Board not wish to infringe on the rights of the citizens of, or visitors to the County to keep and bear arms; and

**WHEREAS**, the Board wishes to express its continued opposition to any law that would unconstitutionally restrict the rights of the citizens of, and visitors to the County to keep and bear arms.

**NOW, THEREFORE, BE IT RESOLVED** by that the Board declares that it shall not exercise any authority granted to it by § 15.2-915(E), Code of Virginia, 1950, as amended, to regulate or prohibit the otherwise legal purchase, possession, or transfer of firearms or ammunition.

Given under my hand this 21<sup>st</sup> day of July, 2020.

  
\_\_\_\_\_  
Robert ("Bob") W. Warren, Chairman  
Pittsylvania County Board of Supervisors

ATTEST:  
  
\_\_\_\_\_  
David M. Smitherman, Clerk  
Pittsylvania County Board of Supervisors



RESOLUTION  
DECLARING LUNENBURG COUNTY  
AS A  
SECOND AMENDMENT SANCTUARY

**PREAMBLE**

The Lunenburg County Board of Supervisors has received significant input from citizens expressing serious concerns about potential Gun Control legislation that may be enacted by the 2020 General Assembly session. This Statement is intended to respond to those citizen concerns.

In Lunenburg County, we believe in the rule of law and support the US Constitution including the Bill of Rights and the Second Amendment. Each member of the Lunenburg County Board of Supervisors has taken an oath to "support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia". The Lunenburg County Board takes the oath of office seriously and actively works to protect all rights guaranteed by both constitutions, including the right for law-abiding citizens to bear arms.

The Lunenburg County Board of Supervisors writes laws for the county to the extent authority has been specifically granted by the General Assembly. We have limited authority to pass laws, but we fully use our authority to protect and defend the rights of our citizens.

The Board of Supervisors is neither a law enforcement entity, nor responsible for prosecutions. Law enforcement in the county is entrusted to the Sheriff, who is separately elected by the citizens of this county. Prosecutions are handled by the Commonwealth's Attorney, who is also separately elected by the citizens. Finally, the Board of Supervisors has no judicial authority. Interpretation and determination of the constitutionality of laws is performed by the court system.

This resolution affirms our support for the Second Amendment and sends a clear message to our legislators and all elected officials that we respect our citizens' rights, all their rights, and that we stand with the other Virginia localities that have similarly voted to affirm their support for citizens' Second Amendment rights.

**RESOLUTION**

WHEREAS, the Second Amendment of the United States Constitution reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed," and,

WHEREAS, Article 1, Section 13, of the Constitution of Virginia provides "that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power;" and,

WHEREAS, certain legislation introduced in the 2019 session of the Virginia General Assembly, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law-abiding citizens to keep and bear arms, as guaranteed by the Second Amendment of the United States Constitution; and,

WHEREAS, the current Governor of Virginia has stated that he intends to endorse and pass into law legislation that is unconstitutional as it pertains to the rights enumerated in the US & Virginia Constitution.

WHEREAS, the Lunenburg County Board of Supervisors is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Lunenburg County to keep and bear Arms or could begin a slippery slope of restrictions on the Second Amendment rights of the citizens of Lunenburg County, and,

WHEREAS, the Lunenburg County Board of Supervisors wishes to express its deep commitment to the rights of all citizens of Lunenburg County to keep and bear Arms; and,

WHEREAS, the Lunenburg County Board of Supervisors wishes to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Lunenburg County to bear arms; and,

WHEREAS, the Board wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution and the laws of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of Lunenburg County, Virginia, to keep and bear arms, including through legal action, petition for redress of grievances, and not enforcing any law ruled unconstitutional.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LUNENBURG COUNTY, VIRGINIA, that:

1. Lunenburg County is hereby declared a Second Amendment Sanctuary County, wherein the rights of law abiding citizens to keep and bear arms for the purposes of lawful self-defense, community defense, sport shooting, game hunting, and gun collecting as protected by the United States and Virginia Constitutions, is part of the fabric of the community since before the founding of the Republic, and is and must be respected, celebrated, and upheld; and,
2. Lunenburg County urges the General Assembly, the United States Congress, and other agencies of State and Federal government not to adopt, accept, or enact any provision, law, or regulation that may infringe, have the tendency to infringe, or place any additional burdens on the rights of law abiding citizens to bear arms; and
3. Lunenburg County expresses its intent to continue to take lawful actions to protect and support the rights of its citizens to keep and bear arms as guaranteed by the United States and Virginia Constitutions, and not to aid in unconstitutional efforts to restrict these rights; and,

4. Lunenburg County opposes, in particular, any provision, law or regulation that may impose additional regulatory burdens on its citizens or result in mandates, whether mandatory or practical, to expend additional public funds on enforcement or administration of such laws, or to require the constitutional officers of the locality to do so; and,
5. The County Administrator is directed to cause true copies of this resolution to be forwarded to the County's representatives in the General Assembly and the United States Congress and to the Governor of Virginia; and,
6. This resolution is effective upon adoption.

Adopted this 12<sup>th</sup> day of December, 2019.

BY:

Charles R. Slayton

Charles R. Slayton, Chairman  
Lunenburg County Board of Supervisors

	Aye	Nay	Abstain	Absent
Charles R. Slayton	✓	—	—	—
Robert Zava	✓	—	—	—
Edward Pennington	✓	—	—	—
Wayne Hoover	✓	—	—	—
Frank Bacon	✓	—	—	—
Alvester Edmonds	✓	—	—	—
Mike Hankins	✓	—	—	—

A COPY TESTE:

Tracy M. See  
Clerk to the Board of Supervisors

## **COVID-19: CARES Fund Update**

- A) Small Business Grant Program-CARES Committee will meet on September 10<sup>th</sup> and will provide recommendations
- B) Purchase Approvals update
- C) DCJS Grant Law Enforcement CRF funds-request to appropriate revenue and expense

## Governor Northam Announces More Than \$6 Million to Support State and Local Criminal Justice Programs Amid COVID-19 Pandemic

### Award Document

**RICHMOND**—Governor Ralph Northam today announced that more than \$6 million in federal funding from the Coronavirus Emergency Supplemental Funding (CESF) Program was approved by the Executive Committee of the Criminal Justice Services Board of the Department of Criminal Justice Services (DCJS). The Committee awarded 171 grants to localities, nonprofit organizations, and state agencies throughout Virginia.

As a program under the federal Coronavirus Aid, Recovery, and Economic Security (CARES) Act, CESF grants assist criminal justice entities in their ongoing mitigation and response efforts to the COVID-19 pandemic.

“The COVID-19 crisis continues to create tremendous challenges in all areas of our society, and our criminal justice system is no different,” **said Governor Northam**. “Our public safety professionals are the front lines of this pandemic, and we must ensure they have the resources they need to perform their duties and provide critical services to Virginians who need them most. These grants will help state and local agencies and community organizations across the Commonwealth function as effectively as possible as we continue battling this virus.”

“The COVID-19 pandemic has affected how everyone does business, including criminal justice agencies,” **said Secretary of Public Safety and Homeland Security Brian J. Moran**. “This funding will help ensure continuity of operations for essential services and as well as the safety of all individuals interacting with the criminal justice system and the staff supporting it.”

CESF grants will support the purchase of video technology to conduct remote hearings, laptops to enable more employees to telework, as well as additional support for community supervision as more individuals are being diverted away from incarceration. Additionally, this funding will be used to equip those working for criminal justice entities with personal protective equipment, decontamination supplies, and screening equipment to help protect individuals when in-person contact cannot be avoided.

“Recognizing that there will be a continued need for this assistance, we made the strategic decision to disperse this funding in waves,” **said DCJS Director Shannon Dion**. “These grants will help mitigate the impacts of COVID-19 in our criminal justice system and in communities across Virginia.”

These awards constitute 56 percent of the \$10.83 million in CESF grants awarded to the Commonwealth. DCJS anticipates putting out another solicitation within the next nine months to distribute the remaining funding to criminal justice entities in need. To be notified when the next solicitation is released, please sign up [here](#).

More information about the \$6,054,850 in CESF grants approved by the Executive Committee on August 27 is available [here](#).

Lunenburg	Sheriff's Office	CESF Law Enforcement Agencies	\$49,192.00
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Major Penland indicates that these funds will be used for Toughbooks for each department vehicle and the CAD (computer aided dispatch) user license fees.

# Planning Update

<b>Summary of Activity</b>				
<b>Enterprise Zone Incentives Payable</b>				
<b>Tax year 2017</b>				
<b>Company</b>	<b>Amount</b>			
ABC Recycling	\$4,209.77			
Bryson and Bryson	\$272.99			
Coast to Coast	\$6,842.88			
Data Care	\$260.51			
Global Refining	\$13,926.89			
Lignetics	\$5,355.82			
Pennington Seed	\$434.63			
New Victoria Place	\$1,045.46			
<b>Total</b>	<b>\$32,348.95</b>			
<b>Tax year 2018</b>				
<b>Company</b>	<b>Amount</b>			
ABC Recycling	\$2,430.39			
Bryson and Bryson expired	\$0.00			
Coast to Coast	\$3,614.57			
Data Care	\$156.01			
Global Refining	\$18,247.68			
Lignetics expired	\$0.00			
Pennington Seed	\$70.50			
New Victoria Place	0*			
* audit correction refer to worksheet		Rebate had been paid earlier than earned in 2016		
<b>Total</b>	<b>\$24,519.15</b>			
<b>Tax Year2019</b>				
<b>Company</b>	<b>Amount</b>			
ABC Recycling	\$373.10			
Data Care	\$156.01			
Global Refining	\$19,554.99			
New Victoria Place	\$285.61			
<b>Total</b>	<b>\$20,369.71</b>			



**BOARD OF SUPERVISORS**

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Election District 4

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Election District 7



Lunenburg County Administration  
11413 Courthouse Road  
Lunenburg, VA 23952

**Tracy M. Gee**  
County Administrator

Telephone: (434) 696-2142  
Facsimile: (434) 696-1798

**MEMO**

**TO: Lunenburg County Board of Supervisors**

**FROM: Glenn Millican**

**DATE: September 3, 2020**

**SUBJECT: August - September Activity Report**

- 
- Remote meeting Commonwealth Regional Council.
  - Review and prep of Cellco, LLC cell tower application.
  - RSCD virtual meeting.
  - VGA virtual meetings.
  - Records management.
  - Continued work on leveraging current GIS system as platform to serve as a database for business registration, emergency information, and zoning actions.
  - Begin with our County Administrator developing a broadband connectivity group to speed development in Lunenburg.

- Prep for meeting with Dominion Power development group regarding utility scale solar installations.
- Continuing work on middle school project.
- Meeting with representatives of Red Brick, LLC for re-application of project.

**ADMINISTRATOR'S UPDATE**

-- **As necessary**

# Board of Supervisors September Meeting – 9/10/20

## County Administrator's Monthly Report

### Events in August:

- August 3 – Professional Development Leadership Academy - Kick-Off webinar
- August 5 – meet w/ Carl Ashworth re: solid waste operations
- August 10 - complete funding survey for CARES Funds
- August 10 – meet w/ Dotty and Glynda re: DSS (Social Services)
- August 11 - meet w/ Glenn re: economic development and planning
- August 12 - Recycling Advisory Panel meeting
- August 13 - CARES Fund committee meeting
- August 13 - BOS meeting
- August 18 - School Resource Officer webinar
- August 24 - First day of school
- August 25 - Regional Election Emergency Planning Workshop - Meherrin Fire
- August 26 – Community Policy Management Team (first 30 minutes due to another mtg.)
- August 26 - Piedmont Juvenile Detention Center web meeting
- August 26 - Rural Solar Development Coalition conference call
- August 27 - Conference call with Davenport re: VPSA refunding
- August 28 - briefing w/ Ollie Wright and Rodney Newton from Election Workshop
- August 31 - submitted application for VPSA Application

### Administration

- The annual Virginia Association of Counties (VACo) conference is now completely virtual. I have attached the agenda for the electronic conference and need to know who would like to participate at \$50 each.
- Completed first of 3 four-week modules for the Professional Development Leadership Academy. I have coursework all week, a breakout group call Thur, and cohort call on Fridays. It is approximately 5-7 hours per week of work.

### Airport

- Completed annual report of Airport Grants to DOAV.
- Airport Commission will meet 9/11 to meet Mr. Larry Way, Lunenburg Airport Manager.
- Mr. Way completed many housekeeping and repair items at the Airport. He has truly embraced his new role and added value.

### Budget & Finance-

- Mary Earhart and associates will be here 9/14-9-16 to perform finance fieldwork. RFCA will be here 9/28-9/30 to perform audit fieldwork.
- Working with Davenport & Co. on VPSA refunding application for bond refinancing.

### Building Official and Building & Grounds -

- Word's Construction is on hold briefly at the Courthouse due to a car accident, but they should resume soon. We provided a temporary barrier for their use in the meantime.
- Jamie Tuck has been working on organizing highway signs and we will be getting part-time labor with CARES Funds to install the signs because Jamie is extremely busy with inspections.
- Mast Roofing looking at Sheriff's roof, Daniel Williams looking at roof at DSS.
- Jack & Sons working on the roof units and a split repair at courts building.
- VDH has new reporting requirements for the CH water system. Gail is working with Phil Pegrum to ensure compliance.

### **Community/Economic Development/Planning -**

- Glenn and I met to go over his current projects and our focus for the upcoming months.
- Participated in conference call with Rural Solar Development Coalition, Glenn and Buck stayed on the full call, I had to attend another meeting.
- Red Brick Solar has set up another meeting to discuss their project on 9/9.
- We had an inquiry about buying the old Middle School, but I indicated that we are not in a position to sell the building since it is under grant.
- We will soon have the new Civil Rights in Education Heritage Trail sign installed at the old Lunenburg Middle School "Lunenburg High School" location on K-V Road. I will work with local alumni to set up a time for unveiling and dedication.
- Met with Glenn to discuss our dire need for internet solutions and wireless connectivity and gave him some places to start from contacts I have.
- Glenn and I have a meeting with Dominion Energy regarding solar facilities on 9/23.

### **COVID-19 Updates -**

- *CARES Act Funds* - I submitted a 23 page survey to Dept. of Planning and Budget to document how we have spent current funding and the plan for the second round. I have to complete a financial report with the US Treasury guidelines (20 pages) by 9/8 for the first qtr of expenses. Due to this, I will be working on the Labor Day holiday as the week of 9/8 is packed!
- I worked with the CARES Fund Committee and utilized ideas from other localities to formulate a Small Business Grant Program. It went "live" on our website on August 31st. We received 37 applications that will be reviewed on 9/10 before the Board meeting by the committee. Several do not meet the outlined criteria and others fall under the lowest threshold, but we are considering an equitable grant option for those businesses. Nicole has done an outstanding job assisting me with these grants and the paperwork. She dropped everything to help me get this done. I cannot say enough about how the team has stepped in to get things done while we are in an abnormally busy season! Glenn is also reviewing the financials for the applications and business justifications for recommendation to the committee.
- First Lunenburg COVID-19 case was April 6th, the VDH count as of 9/4/20 is ninety-eight (98), not considering recoveries. I no longer have an accurate count on recoveries. We have had 6 hospitalizations and 2 deaths.
- The Judge asked that I seek partitions for all jurors, the bench, the attorneys, and A/V equipment for both courtrooms to allow for up to 50 potential jurors to be in place at one time. Nicole met with a Lynchburg contractor who provided some temporary options for the courtroom, but the Sheriff is not convinced that the judges will all like it.
- I have been fielding requests for use of CARES Funds and I am running the large purchases that need consideration through the committee.
- I am participating (as I can) in a district-wide weekly call with VDH and School reps to discuss progress in vaccine availability and information for school-age cases.

### **Emergency Management & Public Safety -**

- Submitted final reports for DCJS grants for SRO and Victim Witness as system was up.
- Participated in part of a webinar on the SRO grants but got cut off. There are new requirements for justification since many schools are not in session. Major Penland has our grant-sponsored officer participating in food distribution and face-to-face communications with students at the elementary schools.
- Rodney and I participated in the Regional Election Emergency Planning Workshop in Meherrin to discuss setting up EM plans for elections, which was sponsored by the CRC. We then met with Ollie, who could not make the original meeting date.

### **Piedmont Regional Jail Authority and Juvenile Detention Center Board -**

- The new Jail Superintendent, Jerry Townsend, of Prince Edward County started the end of August. I spoke to the Jail Chairman, Mr. Garnett, and he said things seem to be going well so far.
- Participated in electronic Juvenile Detention Center meeting and discussed that their population is currently FIVE youth, whereas, the normal population is around 15.

### **Social Services and Children's Services -**

- CSA Program Coordinator Bridgette Malsbury will be entering all invoices into Thomas Brothers operating system at DSS and then create a purchase order for us to pay the invoices to help her track expenses and better utilize coding.
- DSS is back in office with all staff on the same schedule, but still closed to the public.
- Met with Dotty and Glynda (Office Administrator) to go over CSA and other operational items.

### **Solid Waste -**

- The newly-formed Recycling Advisory Panel met at the Landfill with Misty Grant of Meridian on 8/12. The members are Liz & Vayda Parrish of Dundas, Becky Giovannetti of Kenbridge, Nathan Shortridge of Victoria, and Pat Israel of Kenbridge.
- I worked with the Schools to utilize the CHS parking lot for a "Tackle Recycling" Day on Saturday, October 10th, during Autumn Day. Fliers and educational materials will be available soon!
- Landfill Committee will meet on 9/9 to discuss the CH Site, Beaver Creek sites, manned site hours and a future site location.
- Met with Carl to discuss solid waste manning of sites, collection issues, recycling, and the Landfill site construction plans.
- 

### **UPCOMING dates of interest:**

**September 7** - office closed - Labor Day

**September 9** - Landfill Committee 3PM

**September 10** - CARES Committee 4PM

**September 10** - Board of Supervisors meeting 6PM

**September 14** - Frank Bacon - Happy Birthday!

**September 14-16** - Mary Earhart - Finance Fieldwork

**September 15** - Planning Commission 7PM

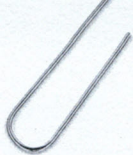
**September 26** - Edward Pennington - Happy Birthday!

**September 28-30** - RFCA Audit Fieldwork for FY20

#### ROTARY Four-Way Test:

1. Is it the TRUTH?
2. Is it FAIR to all concerned?
3. Will it BUILD GOODWILL and BETTER FRIENDSHIPS?
4. Will it be BENEFICIAL to all concerned?

*"When you are asked if you can do a job, tell 'em, 'Certainly I can!' Then get busy and find out how to do it."  
--Theodore Roosevelt*



Ralph S. Northam  
Governor

R. Brian Ball  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

June 15, 2020

**TO:** Jamie L. Tuck  
Lunenburg County

**FROM:** Sandi Morris *Sandi E. Morris*  
Director, Virginia Building Code Academy

**RE:** Virtual Training Support Grant Award

Congratulations! The Department of Housing and Community Development has reviewed and approved your application to the 2020 Virtual Training Support Grant in the requested amount of \$2000. The check will be mailed separately and should be received within 30 days to the address provided on the W-9 form submitted with your grant application. As indicated by your signature on the application you have agreed to the following terms:

1. Use the grant funds only as specified in the approved grant proposal unless otherwise approved by DHCD,
2. All grant-approved expenditures must occur by September 1, 2020 unless otherwise approved by DHCD.
3. Provide expense record and receipts to DHCD to verify grant expenditures and activities no later than September 30, 2020,
4. Account for, report, and repay, if necessary, any portion of the funds not used for the specified purposes unless otherwise approved by DHCD,
5. Refrain from use of the funds for any purpose prohibited by law,
6. Cooperate with any efforts of DHCD to publicize the grant award.

Again, awarded funds must be spent by September 1, 2020. The completed Expense Report and receipts/proof of purchase are due to our office by September 30, 2020. If you have any questions please contact Kelly Duggins at [kelly.duggins@dhcd.virginia.gov](mailto:kelly.duggins@dhcd.virginia.gov).

Thank you for taking advantage of this training support grant opportunity and we look forward to seeing you at future trainings.



DataCare Computer Sales & Services  
 P O Box 703  
 Victoria, VA 23974  
 434-696-3519  
 rob@datacare.co

Invoice

**DATA CARE**

COMPUTER SALES & SERVICES

*Building Inspection Office  
 Virtual Training Support  
 GRANT AWARD*

BILL TO  
 Lunenburg County Administration  
 11409 Courthouse Road  
 Lunenburg, VA 23952

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
14829	08/07/2020	\$2,000.00	08/22/2020	Net 15	

DATE	DESCRIPTION	QTY	RATE	AMOUNT
	<b>Notebook</b> Jetbook 17.3" Intel Core.i7 Windows 10 Professional Notebook 16GB RAM 500GB Hard Drive	1	1,620.02	1,620.02
	<b>vx2457-MHD</b> ViewSonic VX2457-MHD 24" Full HD 1080P AMD FreeSync Gaming Monitor, 1000:1, 300cd/m2, HDMI, VGA, DisplayPort, Built-in Speaker, VESA Mountable	2	189.99	379.98

PROTABLE TRAINING SYSTEM


BALANCE DUE

**\$2,000.00**

Vendor: # <u>119</u>	
Line Item No.:	Amount:
<del>3-100-024010-0014</del>	<del>\$2,000.00</del>
4-100-034000-6001	
Vendor Total	<u>\$2,000.00</u>

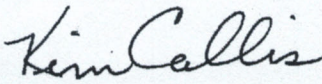
APPROVED BY amkle



So Unexpected   
**South Hill**  
virginia

Incorporated 1901

August 19, 2020

TO: Whittles Mill Lovers  
FROM: Kim Callis, Town Manager   
RE: Save the Whittles Mill Dam – We Need Your Help

Across the United States, whenever hydropower facilities like the Whittles Mill dam are no longer used to generate electricity, it is not unusual for environmental agencies and organizations to advocate removal of the dams. Unfortunately, that is now happening with our beloved Whittles Mill dam on the Meherrin River.

The Whittles Mill dam was built in pre-Revolutionary War days and is a very important part of the history of our region, our commonwealth, and our country. It has received state and national designation as a historic site. Whittles Mill is a scenic and tranquil treasure that is deeply loved by residents and visitors alike. People swim, fish, canoe, kayak, picnic, relax, and simply enjoy Whittles Mill every day. It is one of those places that everyone should be fortunate enough to experience.

The Town of South Hill has invested significant resources to maintain and improve the Whittles Mill dam as it provides significant historical, recreational, educational, tourism, and other public benefits. ***We want people to always be able to enjoy Whittles Mill. We now ask for your help and your voice to make that happen.*** Please contact the following organizations and explain in your own words why the Whittles Mill dam is important to you and our region, and why it should ***not*** be removed.

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E. Room IA  
Washington, DC 20426

Mr. Matthew J. Strickler  
Secretary of Natural Resources  
P.O. Box 1475  
Richmond, VA 23218

We are in this together. And we **THANK YOU** for your help to save this beautiful corner of our world.

## WHITTLES MILL DAM PRESERVATION RESOLUTION

**WHEREAS**, the Whittles Mill Dam was initially constructed circa 1750 prior to our nation's fight for independence; and

**WHEREAS**, the Whittles Mill Dam is stout and sturdy and has survived the test of time, numerous natural disasters, and several commercial undertakings; and

**WHEREAS**, the Whittles Mill Dam has been recognized nationally and in the Commonwealth of Virginia for its distinguished history; and

**WHEREAS**, Whittles Mill provides valuable historical, educational, recreational, tourism, and other significant tangible and intangible benefits to residents and visitors; and

**WHEREAS**, Whittles Mill provides a scenic and tranquil setting for swimming, fishing, canoeing, kayaking, camping, picnicking, relaxing, and many of life's simple pleasures and should be maintained and preserved without significant, costly, and unnecessary alterations;

**NOW, THEREFORE, BE IT RESOLVED**, the Lunenburg County Board of Supervisors endorses, supports, and encourages all efforts and measures to preserve the character of the Whittles Mill Dam and honor its unique and rich history.

Adopted this 10th day of September 2020 by the Lunenburg County Board of Supervisors.

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Charles R. Slayton, Chairman  
Lunenburg County Board of Supervisors

Attest:

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Tracy M. Gee, County Administrator  
Lunenburg County

# Virginia Association of Counties

## 2020 Annual Conference Virtual Agenda

### Monday, November 9

- 9am** VACo Board of Directors Meeting
- Afternoon** Governor Ralph Northam
- Afternoon** Breakout Session: The Budget

### Tuesday, November 10

- 9am** Breakout Session
- 11am** Breakout Session
- 1pm** Breakout Session
- 3pm** Nominations Committee Meeting

### Wednesday, November 11

- 9am** Dr. Robert Holsworth | DecideSmart, LLC  
Important federal elections will be decided before VACo's Virtual Annual Conference. Dr. Holsworth will give his smart and stylish analysis on their implications to Virginia.
- 10am** Annual Business Meeting

## QUALIFIED IMMUNITY

G. Timothy Oksman, Staff Attorney  
Virginia Beach sheriff's Office<sup>1</sup>

In the context of several highly controversial cases from other parts of the country, the General Assembly will be considering several possible law enforcement "reforms." One such "reform" is a possible change to – or elimination of – the doctrine of qualified immunity. Here are some important facts about it:

- ***What is qualified immunity?*** Under the common law doctrine of qualified immunity, government officials performing discretionary functions are immune from civil suits unless the plaintiff shows that the official violated clearly established statutory or constitutional rights of which a reasonable official would have known. *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).
- ***Does qualified immunity balance competing interests?*** Yes. As the Supreme Court of the United States held, in *Ziglar v. Abassi*, 582 U.S. \_\_\_ #151358, slip opinion pp. 27-28 (2017) – a case in which terrorists associated with 9/11 sued various government officials for damages – “The qualified immunity rule seeks a proper balance between two competing interests. On one hand, damages suits may offer the only realistic avenue for vindication of constitutional guarantees. On the other hand, permitting damages suits against government officials can entail substantial social costs, including the risk that fear of personal monetary liability and harassing litigation will unduly inhibit officials in the discharge of their duties. As one means to accommodate these two objectives, the Court has held that Government officials are entitled to qualified immunity with respect to discretionary functions performed in their official capacities. *The doctrine of qualified immunity gives officials breathing room to make reasonable but mistaken judgments about open legal questions.*”<sup>2</sup>
- ***Does qualified immunity apply to suits against law enforcement officials?*** Yes.
- ***What does it do, in practical terms?*** It protects public officials, including law enforcement officials, from frivolous lawsuits - - but not from lawsuits involving legitimate claims of extreme misconduct.
- ***Can frivolous lawsuits be dismissed without going to a jury?*** Under present law, the General Assembly has made it difficult for most frivolous lawsuits in state court to be dismissed without going to a jury. Because of their frequent interaction with citizens in contentious situations, law enforcement officials are more at risk of unjustified lawsuits than perhaps any other government officials. Qualified immunity is a critical tool for them in getting frivolous cases dismissed without jury trials.

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<sup>1</sup> The author previously served as Assistant Henrico County Attorney, Richmond City Attorney, Portsmouth City Attorney, Portsmouth Assistant Commonwealth's Attorney, and Opinions Counsel to the Attorney General of Virginia. He is also a former member of the Executive Committee of the Virginia Code Commission and a founder and past President of Local Government Attorneys of Virginia.

<sup>2</sup> Internal quotation marks and case citations deleted. Emphasis added.

- ***Does qualified immunity give law enforcement officials absolute immunity from suit?*** No. If the official should have known his conduct violated someone's clearly established legal rights, qualified immunity does not apply, and the official faces potential liability. Very recently, the Fourth Circuit Court of Appeals denied the defense of qualified immunity when five West Virginia law enforcement officials stopped a homeless man for jaywalking, tased him four times, hit him in the brachial plexus, placed him in a choke hold, kicked him, and fired at him twenty-two times, killing him. *Estate of Jones v. City of Martinsburg*, \_\_\_ F.3d \_\_\_ #182412 (4<sup>th</sup> Cir. 2020). There have been numerous other cases where qualified immunity was denied for extreme misconduct by government officials.
- ***If qualified immunity were eliminated, who would bear the cost?*** Since localities – counties, cities, and towns – provide coverage for local officials who are sued for the performance of official duties, elimination of qualified immunity for local police would result in more cases going to juries and more and higher damage awards. The possibility of more and larger damage awards would ultimately mean higher settlements; and that in turn would mean higher insurance premiums. *All those costs would have to be paid by taxpayers, not the officials being sued.* Some damage awards are in the millions of dollars. For some localities, even a single large damage award would result in an increase in taxes. For state officials such as sheriffs and deputies, coverage is provided by the Virginia Department of Risk Management - - funded by state taxpayers.
- ***Who would benefit from eliminating qualified immunity?*** Trial lawyers.
- ***Unknown new legal standards.*** Abolishing qualified immunity would require entirely new ways of gauging negligence. For example, if a law enforcement official is in a pursuit, the usual rules of negligence could mean absurd results – engaging in a pursuit at above the speed limit could be argued to be negligence *per se*, thus justifying an award of damages.
- ***Harm to public safety.*** Without qualified immunity, law enforcement officials would inevitably be less willing to place themselves in situations requiring the use of force - - which is, of course, where they are most needed. It could also cause a law enforcement official to “freeze” and worry about lawsuits when faced with a split-second decision about the use of lethal force, with the hesitation possibly resulting in injury or death to civilians or other law enforcement officials. As the Supreme Court of the United States said in the *Ziglar* case, “fear of personal monetary liability and harassing litigation will unduly inhibit officials in the discharge of their duties.”
- ***Harm to staffing.*** Abolishing or severely restricting qualified immunity would – to a certainty – result in numerous new lawsuits. The significant amount of time law enforcement officials would have to spend as defendants in those lawsuits would take them away from their normal public safety duties, thus creating department-wide staffing issues.
- ***Could the General Assembly limit or eliminate qualified immunity in all cases?*** No. the General Assembly could limit the doctrine only for cases in state court. The General

Assembly has no power over how the doctrine is applied in federal courts, where many cases against government officials are tried.

- ***If qualified immunity were eliminated, would that hurt the ability to recruit highly qualified and devoted men and women to law enforcement jobs?*** Unquestionably, yes. No one wants a job where there's a significant risk of being sued, with even frivolous cases going to juries for unknown outcomes. Under the law of unintended consequences, the result of eliminating qualified immunity could very well be a *reduction* in the level of professionalism in law enforcement.
- ***Is there a better way to improve professionalism in law enforcement?*** In fairness, it must be recognized that the controversial situations fueling the present debate are from other states, not Virginia. By and large, officers and deputies in Virginia show a high degree of professionalism. However, if improvement is deemed to be needed, there are better ways to achieve it: improve salaries, improve training, and ensure fair enforcement of professional standards.