

June 4, 2020

The Honorable Ralph Northam
Governor
Office of the Governor
Commonwealth of Virginia
P.O. Box 1475
Richmond, VA 23218

RE: Local Government Authority – COVID-19 Regulations

Dear Governor Northam:

Virginia's businesses have committed to the most stringent public health and safety protocols to protect employees and customers from COVID-19 infections while continuing to provide access to needed products and services. However, as the Commonwealth has now set a precedent by which individual local political leaders may unilaterally alter a locality's progression into [Safer at Home: Phase I](#), it has created uncertainty and exacerbated the economic crisis created by the COVID-19 pandemic. As such, the signatories to this letter listed below request that any delegation of authority to local government must include the highest ideals of the democratic process.

Businesses are now uncertain whether or not local political leaders may unilaterally withdraw their locality from part or all of Phases 1, 2 or 3. This uncertainty has resulted in businesses hiring people, purchasing equipment and buying materials prematurely, thus, depleting working capital that is already at a crisis level.

There is also legitimate debate about the reliance on the "positivity percent" metric and if it should be equally weighted to the other metrics that determine the state or a locality's progression between phases. In a recent [Washington Post article](#), a senior scholar at Johns Hopkins Center for Health Security, stated that "Positivity is not a perfect measure," and went on to say that the statistic can be skewed depending on how many people are being tested and where they live. Uncertainty is also resulting in increasing local opposition such as the [protests in Loudoun County](#).

Therefore, this business coalition recommends that the Commonwealth establish a public process whereby all localities must hold a public hearing with proper public notice, take public comments, and hold a public vote of the locally elected body before any locality can deviate from its progression through the phases. Consideration should also be given to the timing of the movement between phases – ensuring that employers are given ample notice before revisions are put into effect. Finally, this business coalition opposes delegating any authority to local government that would allow the reversal of progression between phases 1-3 – this power should be the exclusive purview of the Commonwealth of Virginia.

Sincerely,

Associated Builders & Contractors of Virginia
Associated General Contractors of Virginia
Hampton Roads Chamber
Harrisonburg-Rockingham Chamber of Commerce
Heavy Construction Contractors Association
National Federation of Independent Business
Northern Virginia Transportation Business Coalition
Precast Concrete Association of Virginia
Richmond Area Municipal Contractors Association
Shellfish Growers of Virginia
Thomas Jefferson Institute for Public Policy

Virginia Agribusiness Council
Virginia Association of Roofing Professionals
Virginia Association for Home Care & Hospice
Virginia Automatic Merchandising Association
Virginia Craft Brewers Guild
Virginia Forestry Association
Virginia Forest Products Association
Virginia Loggers Association
Virginia Manufactured and Modular Housing Association
Virginia Manufacturers Association
Virginia Peninsula Chamber of Commerce
Virginia Poultry Federation
Virginia Retail Federation
Virginia Retail Merchants Association
Virginia Seafood Council
Virginia Trucking Association
Virginia Veterinary Medical Association
Virginia Wholesalers & Distributors Association

CC: Clark Mercer, Chief of Staff
The Honorable Brian Ball
Virginia General Assembly