



Commonwealth of Virginia
Office of the Governor

Executive Order

THIRD AMENDED NUMBER SIXTY-FOUR (2020)

EXTENDED DECLARATION OF A STATE OF EMERGENCY DUE TO CIVIL UNREST IN THE CITY OF RICHMOND

Importance of the Issue

On May 31, 2020, I declared that a state of emergency existed in the Commonwealth of Virginia due to past and potential future civil unrest that posed a danger to public health and safety. Over the last 30 days, that unrest has continued in parts of the Commonwealth of Virginia. The City of Richmond continues to experience and address daily protests, rallies, marches, and other public demonstrations. Often, peaceful demonstrations evolve into conflicts with law enforcement during late night and early morning hours. These events have required significant intervention to ensure the safety of protestors and the public, protect property, and provide additional resources to support our local and state partners.

The Commonwealth continues to have a compelling interest to maintain peace and order. The effects of this civil unrest constitute an emergency wherein human lives and public and private property are imperiled, as described in § 44-146.16 of the *Code of Virginia (Code)*. Action remains necessary to preserve life and property and to alleviate the conditions caused by this situation.

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by §§ 44-146.17 and 44-75.1 of the *Code*, and as Governor and Director of Emergency Management and Commander-in-Chief of the Commonwealth's armed forces, I proclaim that a state of emergency continues to exist in the City of Richmond. Accordingly, I direct state and local governments to render appropriate assistance to prepare for and respond to this situation, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible. Emergency services shall be conducted in accordance with § 44-146.13 *et seq.* of the *Code*.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures, I continue to order the following actions:

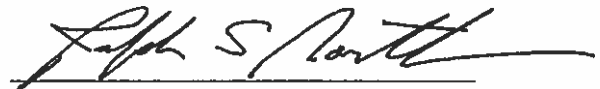
- A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state plans.
- B. Activation of the Virginia Emergency Operations Center and the Virginia Emergency Support Team, as directed by the State Coordinator of Emergency Management, to coordinate the provision of assistance to state, local, and tribal governments and to facilitate emergency services assignments to other agencies.
- C. Authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation, and enter into contracts without regard to normal procedures or formalities, and without regard to application or permit fees or royalties. All waivers issued by agencies shall be posted on their websites.
- D. Activation of the Virginia National Guard to State Active Duty.
- E. Authorization of a maximum of \$350,000 in state sum sufficient funds for state and local government mission assignments and state response and recovery operations authorized and coordinated through the Virginia Department of Emergency Management allowable by The Stafford Act, 42 U.S.C. § 5121 *et seq.* Included in this authorization is \$250,000 for the Department of Military Affairs.

Effective Date of this Executive Order


This Order shall be effective immediately and shall remain in full force and effect until July 30, 2020, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of June, 2020.




Ralph S. Northam, Governor

Attest:


Kelly Thomasson, Secretary of the Commonwealth



NAH LLC is pleased to present the following proposal for the relocation of (11) sculptures owned by the City of Richmond...

SCOPE OF SERVICES:

NAH LLC has been asked by the City of Richmond, operating in a state of emergency, to make available the manpower and equipment necessary to relocate certain sculptures owned by the City, as directed by the City's Emergency Manager. NAH LLC understands that the sculptures under consideration are as follows:

- **JEB Stuart bronze equestrian statue on Monument Avenue**
- **Stonewall Jackson bronze equestrian statue on Monument Avenue**
- **Confederate Soldiers and Sailors standing bronze figure statue on Libby Hill**
- **Jefferson Davis standing bronze figure on column on Monument Avenue**
- **Matthew Maury bronze globe on Monument Avenue**
- **Matthew Maury seated bronze figure on Monument Avenue**
- **Joseph Bryan standing bronze figure in Monroe Park**
- **Fitzhugh Lee granite cross in Monroe Park**
- **First mounted Civil War Cannon exhibit on Monument Avenue**
- **Second mounted Civil War Cannon exhibit on Monument Avenue**
- **Arthur Ashe standing bronze figure on Monument Avenue**

In all cases, NAH LLC understands that the sculpture is to be removed from the base, but the stone or concrete base will remain in place.

NAH LLC has assembled a world-class team of riggers, operators, fabricators, and artists who specialize in the preservation, handling and placement of one-of-a-kind art pieces to assist in the completion of this project.

NAH LLC understands that the sculptures are to be delivered for outdoor storage to a secure facility provided by the City of Richmond located within a seven-mile radius of Richmond City Hall. NAH will be responsible for unloading at the City's selected facility; however, the City will be responsible for security and protection of the statues once they are unloaded.

COST OF SERVICES:

- **NAH LLC will mobilize the necessary men and equipment to the City of Richmond for the price of \$900,000. This amount becomes owed when NAH LLC receives direction to proceed from the City's Emergency Manager, his agent, or any other authorized City Official. NAH LLC anticipates this mobilization to begin on or about June 26, 2020 and be complete on or about June 27, 2020.**
- **NAH LLC will keep the necessary manpower and equipment on standby in, or very near, the City of Richmond, ready to work at the direction of the City from 12:01 AM on July 1, 2020 until 11:59 PM on July 9, 2020. The City agrees to pay \$180,000 per day for this time, regardless of whether crews are on standby or working on the relocations. The full cost of each day becomes owed at 12:01 AM on that day, however manpower and equipment will remain available until 11:59 PM on that day.**

- NAH LLC anticipates that the total costs will be \$1,800,000, based on the following schedule:
 Mobilization = \$900,000
 12:01 AM on July 1, 2020 = \$180,000
 12:01 AM on July 2, 2020 = \$180,000
 12:01 AM on July 7, 2020 = \$180,000
 12:01 AM on July 8, 2020 = \$180,000
 12:01 AM on July 9, 2020 = \$180,000

EXCLUSIONS AND CLARIFICATIONS:

- The City will provide a sufficient police force to secure each location where work is to be performed and ensure the safety of our workers and the ability to work efficiently.
- The City will perform all traffic control, and ensure that there is no vehicular traffic within a one block radius of our workers.
- The City will provide police escorts, as needed, and ensure that all travel paths are unimpeded.
- The City will provide all permits necessary to complete this work at no cost.
- It is understood that time is of the essence, and NAH LLC will endeavor to protect the statuary to the greatest extent possible, without consideration for the condition of the stone or concrete bases. NAH LLC will not be held liable for damages to either.
- It is understood that the safety and security of the stone or concrete bases is the responsibility of the City once the statues are removed.
- It is understood that some statuary may have to be disassembled or cut in order to be transported. This work will be performed in such a way that the pieces can be reassembled by professionals. NAH LLC will deliver the component pieces for storage, and the City is responsible for reassembly, at a later date, if necessary.
- NAH LLC will not be obligated to, but may choose to, work more than 8 hours per day.
- In the event that all the considered sculptures enumerated above are successfully relocated, the
- City agrees to pay \$1,800,000 for service rendered, regardless of the actual days worked.

PAYMENT TERMS:

NAH LLC will submit an invoice for all costs incurred every Friday beginning July 3, 2020, with the first payment to be due on July 10, 2020, with seven (7) day net payment terms.

 NAH LLC (Printed)

 Signature

 Date

Accepted by:

Levar M. Stoney

 City of Richmond Official (Printed)

[Handwritten Signature]

 Signature

7/1/2020

 Date

CONTRACTOR'S INVOICE

Dated: July 10, 2020

From: NAH, LLC P.O. Box 3252 Henrico, VA 23228		City of Richmond Statue Removal Project LOCATION: City of Richmond Contract Date: 07/01/2020 Contract Number:
To: City of Richmond 900 E. Broad Street Richmond, VA 23219	POC: Levar Stoney, Mayor	
	POC 2: Lenora Reid	

Invoice Nbr: 291-2 Performance Period: 7/06/2020 - 7/10/2020

Line Item	Current % Complete	Previous Invoices	To Date Quantity	Unit Measr	Description of Items	Unit Price	Current Amount	Billed To Date
0001	100.0%	100.0%	0.0%	1	Mobilization	\$ 900,000.00	\$ -	\$ 900,000.00
0002	0.0%	2.00	5.00	3	Days of Work	\$ 180,000.00	\$ 540,000.00	\$ 360,000.00
	0.0%	0.0%	0.0%			0.00	0.00	0.00

CONTRACT AMOUNT:	\$1,800,000.00
CHANGE ORDERS:	\$0.00
REVISED CONTRACT:	\$1,800,000.00
PERCENT COMPLETE:	100.0%

Total Amount	540,000.00	1,260,000.00
Less: Retainage 0%	0.00	0.00
Current Amount Due	540,000.00	1,260,000.00
Less: Previous Payments		0.00
Outstanding Balance		1,800,000.00
Discount - None		

INTRODUCED: July 1, 2020

Expedited Consideration

A RESOLUTION No. 2020-

To authorize the Mayor of Richmond, in his capacity as Director of Emergency Management, to order the temporary removal and storage of certain statues in the City of Richmond, whose presence creates a public safety concern or necessitates their removal for their preservation, on July 1, 2020, for the safety and health of the residents of Richmond and the protection of property.

Patron - Mayor Stoney

PUBLIC HEARING: JULY 1 2020 AT 11:00 A.M.

WHEREAS, beginning on May 29, 2020, protestors gathered in the City of Richmond in response to the tragic death of George Floyd, an African-American man reportedly killed by a police officer in Minnesota; and

WHEREAS, said protests have continued since May 29, 2020, and during these protests, there have been a number of instances of unlawful activity resulting in injuries to peaceful protestors and first responders, significant property damage, and continued violence in the City of Richmond; and

WHEREAS, on multiple occasions beginning on May 29, 2020 and continuing, some protestors have caused considerable damage to property, spray-painted City property and the property of private residents of the City of Richmond, broken windows, damaged and destroyed personal property belonging to the residents of the City of Richmond, and toppled statues, thereby presenting a threat to public health and safety of persons and property; and

WHEREAS, by Resolution No. 2017-R045 the Council of the City of Richmond formally adopted the City of Richmond's Emergency Operations Plan ("EOP") in accordance with section 44-146.19(E) of the *Code of Virginia*, as amended, which established a single, comprehensive framework for the management of emergencies within the City and named the City of Richmond's Mayor the Director of Emergency Management; and

WHEREAS, on May 31, 2020, by Executive Order Number Sixty-Four (2020), the Governor of the Commonwealth of Virginia, by virtue of the authority vested in him by Article V of the Constitution of Virginia, by §§ 44-146.17 and 44.75.1 of the *Code of Virginia*, and as Governor and Director of Emergency Management and Commander-in-Chief of the Commonwealth, proclaimed a state of emergency existing in the Commonwealth because of the aforementioned civil unrest in localities to include the City of Richmond and extending said state of emergency through July 30, 2020 by Executive Order Third Amended Number Sixty-Four (2020); and

WHEREAS, by Resolution No. 2020-R041 the Council of the City of Richmond formally consented to the Mayor's declaration of local emergency as a result of the aforementioned instances of civil unrest beginning on May 29, 2020 thereby activating the City's EOP; and

WHEREAS, the section 44-146.21(C) of the *Code of Virginia* and the City's EOP specifically authorizes the Director of Emergency Management, if so authorized by the Council of the City of Richmond, to "Protect the health and safety of persons and property";

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

§ 1. That the Council of the City of Richmond recognizes that the Confederate statues owned by the City of Richmond are a flashpoint for the aforementioned civil unrest that poses a serious

threat to the lives, health, and welfare of the residents of the City of Richmond and the property of the residents of the City of Richmond.

§ 2. That as a result of multiple instances of civil unrest beginning on May 29, 2020 and continuing in the City of Richmond surrounding the Confederate statues and the continuing efforts by protestors to topple them, the Confederate statues present a continuing threat to public safety as evidenced by the severe bodily harm caused to a young man in Portsmouth, Virginia when protestors toppled a similar statue.

§ 3. That the current civil unrest has placed public and private property, including Confederate and other statues, at imminent risk of permanent damage.

§ 4. That Resolution No. 2020-R041 granted the Mayor, as Director of Emergency Management, the power and authority to immediately remove, temporarily, certain statues, including numerous Confederate statues, to protect the health and safety of persons and property in the City of Richmond and to store them pending the result of a hearing and vote of the Council of the City of Richmond in accordance with section 15.2-1812 of the *Code of Virginia* regarding the removal, relocation, contextualization, or covering of said statues.