

**Caroline County
Board of Supervisors Worksession Agenda
Executive Summary**

Worksession Date: March 24, 2020

Item: Emergency Ordinance to Ensure Continuity of County Government in Response to COVID-19 Disaster

(Check Mark)

| | |
|---|--|
| <input type="checkbox"/> Consent | <input type="checkbox"/> Closed Meeting |
| <input checked="" type="checkbox"/> Action | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> No Action (Information Only) | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> PowerPoint Presentation |

Summary: Attached is a copy of a proposed ordinance prepared by County Attorney Ben Emerson's office instituting emergency procedures to ensure continuity of County government in response to the COVID-19 disaster. Since there is not sufficient time to go through the normal process to amend the County Code, adoption as an emergency ordinance is proposed.

Under §15.2-1413. of the Code of Virginia, counties may adopt an ordinance providing "a method to assure continuity in its government in the event of enemy attack or other disaster." Such ordinance is limited in effect to not more than 6 months. Emergency ordinances may be adopted without prior notice under §15.2-1427. F without prior notice, but cannot be enforced for more than sixty days unless readopted in conformity with the standard requirements. Although this ordinance may not to be subject to the sixty-day restriction because it is authorized by a different statute and is preceded by the words "Notwithstanding any contrary provisions of law, general or special, any locality may, by ordinance, provide..." in an abundance of caution, the county attorney recommends that it be advertised and readopted within the 60 day period or readopted as an emergency ordinance before the end of that period.

County Administrator's Recommended Action: Adopt attached ordinance as an emergency ordinance at the March 24th Board of Supervisors worksession.

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
CAROLINE, VIRGINIA, INSTITUTING EMERGENCY PROCEDURES TO ENSURE
CONTINUITY OF THE COUNTY OF CAROLINE GOVERNMENT IN RESPONSE TO
COVID-19 DISASTER**

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the healthcare community in responding to the novel coronavirus or "COVID-19"; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 12, 2020, by Executive Order No. 51, Governor Ralph S. Northam declared a state of emergency in the Commonwealth of Virginia due to the spread of the COVID-19 virus, and declared the anticipated effects of COVID-19 to be a disaster within the meaning of Virginia Code Section 44-146.16; and

WHEREAS, on March 13, 2020, the President of the United States found and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020; and

WHEREAS, on March 13, 2020, the County's Director of Emergency Management issued, pursuant to Virginia Code Section 44-146.14, a Declaration of Emergency in the County of Caroline due to the spread of COVID-19; and

WHEREAS, the Board of Supervisors confirmed or ratified the local Declaration of Emergency on March 13, 2020 and it continues in effect; and

WHEREAS, on March 17, 2020, Governor Northam, jointly with the Virginia State Health Commissioner, declared a continuing public health emergency in Virginia resulting from the spread of COVID-19 virus, and imposed stringent measures to combat the spread of COVID-19, including restricting the number of persons permitted to gather in certain public spaces to 10 persons or less; and

WHEREAS, the Board understands and acknowledges that the public health threat posed by COVID-19 constitutes a real and substantial danger to persons in the County of Caroline; that the limitations on physical assembly of persons are urgently necessary to protect the public health; and that the Board and other County boards, commissions, committees, authorities and other public bodies must conduct themselves accordingly; and

WHEREAS, compliance with the limitations on physical assembly occasioned by the COVID-19 public health crisis makes it difficult or impossible for the Board and other public bodies to safely physically assemble to conduct meetings and hold public hearings in accordance with ordinarily applicable procedures; and

WHEREAS, Virginia Code Section 15.2-1413 authorizes any locality, by ordinance, to provide for methods to assure continuity in its government in the event of a disaster such as that created by the spread of COVID-19.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Caroline, Virginia:

1. That, in accordance with Virginia Code Section 15.2-1413, the following emergency procedures are hereby instituted to ensure continuity of government during the pendency of the COVID-19 disaster:
 - a. Any process, procedure, matter or transaction which typically allows for the physical presence of the public in a county building that has been declared or in the future is declared to be closed to the public during the pendency of the Emergency Declaration is hereby suspended unless conducted in accordance with this ordinance or other provision of law.
 - b. The County Administrator is authorized to take actions objectively reasonable and necessary in the public interest to alter schedules, arrange for alternative procedures consistent with this ordinance, provide programming and services, pay bills, engage contractors, hire employees, set and manage a succession plan effective in the event of unavailability of staff, adjust administrative processes and procedures in light of the disaster, all in keeping with the U.S. Centers for Disease Control and Virginia Department of Health guidance/directives, and consistent with State and Local Declarations of Emergency and other directives and law.
 - c. Meetings required, and agenda items scheduled or proposed to be considered by the Board and other County boards, commissions, committees, authorities and other public bodies, for the duration of the local COVID-19 emergency but not to exceed six (6) months, are deemed continued and extensions therefor are hereby ordered if the body does not meet as permitted herein or in other applicable law and take action during that time, including those items for which applicable law requires an affirmative action to be taken within a particular time and failure to act is deemed approval.
 - d. Meetings of the Board and other County boards, commissions, committees, authorities and other public bodies may be held through electronic communication means with a quorum of members participating but without a need for a quorum of members physically present in a single location, in accordance with the provisions of Virginia Code Section 2.2-3708.2(A)(3), including the public notice requirements, and at such a meeting may consider any item of business which the public body deems essential or is appropriate for the continuity of the work of the public body.
 - e. Such meetings may be held without permitting members of the public to be physically present in a single location or in the same physical location as any of the public body members, so long as alternative arrangements for public access to such meetings are

made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.

- f. For any matter considered by the Board or other County public body during the pendency of the local emergency which typically require open doors, public attendance, or public participation by law, such requirements are hereby altered and may be met by electronic, telephonic, and/or written means by the body, which may meet electronically or in person or in some combination thereof as circumstances may permit.
 - g. For any matter so considered also requiring public comment or hearing, such will be allowed, solicited or received by the body by electronic, telephonic, and/or written means prior to the vote on such matter. All such comments will be heard by or provided to the members of the body and made a part of the record of such meeting.
 - h. Notices of meetings will be provided by email directly to those who have elected in writing in the previous calendar year to receive such notices, and if practicable, will also be provided on the County website and by other means selected by the County Administrator. To the extent practicable, notices will also be provided as provided by general law.
- 2. That the provisions in Section 1 of this Ordinance shall be in effect until repealed by this Board or expiration of a period not exceeding six months from the adoption hereof, whichever comes first. This Ordinance may be amended as provided herein or by general law. Upon repeal or expiration of this Ordinance, the matters referenced herein shall resume operation in accordance with normal practices and procedures.
 - 3. This ordinance shall be effective upon adoption.

ADOPTED by the Board of Supervisors of the County of Caroline, this 24 day of March 2020.