

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

Meeting Date: **May 5, 2020**

Title: **Consent Agenda – Re-Adoption of Emergency Ordinance to
Ensure Continuity of County Government in Response to
COVID-19 Disaster**

(Check Mark)

<input checked="" 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: Compliance with limitations on physical assembly caused by the COVID-19 public health crisis makes it difficult or impossible for the Board of Supervisors to safely physically assemble to conduct meetings and hold public hearings in accordance with ordinary procedures. As a result, the Board of Supervisors adopted an emergency ordinance at its March 24, 2020 meeting instituting emergency procedures to ensure the continuity of government. A copy of the ordinance, which was prepared by the County Attorney’s Office, is attached to this memorandum.

The emergency ordinance is set to expire on May 23, 2020. However, physical separation measures imposed by the governor including limitations on the number of persons allowed to gather in certain public spaces remain in effect at this time. Thus, the need for the Board and other public bodies to continue to hold electronic virtual meetings, limit public attendance and take other measures to combat the spread of the COVID-19 virus still exists.

Accordingly, staff recommends in consultation with County Attorney Ben Emerson that the Board readopt the emergency ordinance at its May 5 meeting with an effective date of May 23. This would allow the ordinance to remain in effect until July 22. Should there remain a need for the measures outlined in the ordinance in late June, staff will advertise a public hearing to adopt a permanent ordinance at the July 14 Board meeting with language indicating that the ordinance will no longer remain in effect after the state of emergency has been lifted.

Budget Impact: N/A

Action Requested of Board of Supervisors: Readopt emergency ordinance to ensure continuity of County government in response to COVID-19 disaster with an effective date of May 23.

**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 therefore 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 May 23, 2020.

ADOPTED by the Board of Supervisors of the County of Caroline, this 5th day of May 2020.

Chair, Board of Supervisors

ATTEST:

Clerk to the Board