



**Town of Gordonsville, Virginia
Agenda Item Summary
March 30, 2020**

<p><u>AGENDA ITEM 3</u> New Business</p> <p><u>AGENDA TITLE:</u> Consideration of Resolution and Ordinances Regarding Continuity of Operations and the Suspension of Certain Charges During the COVID-19 Pandemic.</p> <p><u>PRESENTER:</u> Mayor Robert Coiner</p>	<p><u>DISPOSITION:</u> <input checked="" type="checkbox"/> Action Required <input type="checkbox"/> For Discussion <input type="checkbox"/> Consent Agenda <input type="checkbox"/> Closed Session <input type="checkbox"/> Informational</p> <p><u>ATTACHMENTS:</u> <input checked="" type="checkbox"/> yes <input type="checkbox"/> no</p>
--	---

BACKGROUND:

Attached for Council’s consideration are two ordinances and a resolution regarding Town of Gordonsville continuity of operations and the suspension of certain charges during the coronavirus (COVID-19) pandemic. These documents were prepared by the Town Attorney utilizing examples provided for localities by the Virginia Municipal League.

MOTIONS FOR CONSIDERATION:

“Motion to adopt an emergency ordinance to effectuate temporary changes in certain deadlines and to modify public meeting and public hearing practices and procedures to address continuity of operations associated with the pandemic disaster, as presented.”

“Motion to adopt an ordinance suspending certain charges for tax and utility penalties, interest and fees during a local emergency, as presented.”

“Motion to adopt a resolution that incorporates, by reference, an emergency ordinance authorizing the adoption of procedures for electronic public meetings and public hearings to ensure the continuity of government during the COVID-19 pandemic disaster, and an ordinance suspending certain tax and utility charges during the emergency, as presented.”



TOWN OF GORDONSVILLE, VIRGINIA

AN EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.

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

WHEREAS, in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in the United States and the Commonwealth of Virginia on March 13, 2020, the President of the United States declared a national emergency, effective March 1, 2020; and

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 16, 2020, the governing body of Orange County confirmed the declaration of local emergency made by the local director of emergency management pursuant to Virginia Code 44-146.21(A); and

WHEREAS, the Town Council finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat;” and

WHEREAS, Virginia Code § 15.2-1413 and 15.2-1102 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;” and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of Town Council may convene solely by electronic means “to address the emergency;” and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act (“FOIA”) are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, the Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, certain members of the Town Council and critical staff are in the vulnerable population groups and holding a meeting where the Council is physically assembled sends a conflicting message to the public regarding social distancing and stay-at-home practices; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the laws of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Gordonsville, Virginia:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Town Council, the Planning Commission, Architectural Review Board, and all local and regional boards, commissions, committees and authorities created by the Town Council or to which the Town Council appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.

2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video, or other practical electronic medium) without a quorum physically present in one location; and

b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and

d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and

e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and

f. The minutes of all electronic meetings shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED, that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a certain date, provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED, that the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the Council in conformity with the notice provisions set forth in Virginia Code §15.2-1427 but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the Council or automatic expiration as described herein, this emergency ordinance shall terminate and normal practices and procedures of government shall resume. An emergency is deemed to exist and this ordinance shall be effective upon its adoption, pursuant to the Town Code Section 7-2 and other provisions cited herein.

Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

The second reading of this ordinance is waived.

This ordinance is adopted on March 30, 2020 by recorded vote as follows:

Mayor Robert Coiner
Vice-Mayor Emily Winkey
Councilmember Ronald Brooks

Councilmember Elizabeth Samra
Councilmember James Bradley

TOWN OF GORDONSVILLE, VIRGINIA

By: _____

ROBERT K. COINER, MAYOR

CERTIFICATE

I certify and attest that the foregoing Ordinance was duly adopted by the Town Council of the Town of Gordonsville, Virginia as set forth above on March 30, 2020.

Janet W. Jones, CZO, Town Clerk

Date



TOWN OF GORDONSVILLE, VIRGINIA

AN ORDINANCE SUSPENDING CERTAIN CHARGES FOR TAX AND UTILITY PENALTIES, INTEREST AND FEES DURING LOCAL EMERGENCY

WHEREAS, in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in the United States and the Commonwealth of Virginia on March 11, 2020, the President of the United States declared a national emergency; and

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic; and

WHEREAS, on March 16, 2020, by Resolution Orange County declared a state of emergency pursuant to Virginia Code 4.4-146.21(A) which declaration pertains to and impacts the Town of Gordonsville; and

WHEREAS, the emergency conditions impact the revenues and basic operations of businesses in Gordonsville; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Gordonsville that all penalties, interest, and fees for late payment of any tax levied pursuant to Town Code Section 9-25, are held in abeyance and shall not accrue from the date of this Ordinance until the Emergency declared by Orange County on March 16, 2020, is rescinded or terminated; and

IT IS FURTHER ORDAINED by the Council of the Town of Gordonsville that all penalties, interest, and fees for late payment of any water service imposed pursuant to Town Code Sections 23-50 and 23-53 are held in abeyance and shall not accrue from the date of this Ordinance until the Emergency declared by Orange County on March 16, 2020, is rescinded or terminated, or for 60 days from adoption hereof, whichever is less; and

IT IS FURTHER ORDAINED that Town Council reserves the right by subsequently enacted ordinance to rescind, extend or amend this ordinance. An emergency is deemed to exist and this ordinance shall be effective upon its adoption, pursuant to the declaration of emergency by Orange County under Code of Virginia 44-146.21(A).

The second reading of this ordinance is waived.

This ordinance is adopted on March 30, 2020 by recorded vote as follows:

Mayor Robert Coiner
Vice-Mayor Emily Winkey
Councilmember Ronald Brooks

Councilmember Elizabeth Samra
Councilmember James Bradley

TOWN OF GORDONSVILLE, VIRGINIA

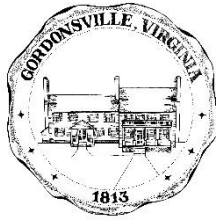
By: _____
ROBERT K. COINER, MAYOR

CERTIFICATE

I certify and attest that the foregoing Ordinance was duly adopted by the Town Council of the Town of Gordonsville, Virginia as set forth above on March 30, 2020.

Janet W. Jones, CZO, Town Clerk

Date



TOWN OF GORDONSVILLE

RESOLUTION AUTHORIZING THE ADOPTION OF PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS TO ENSURE THE CONTINUITY OF GOVERNMENT DURING THE COVID-19 PANDEMIC DISASTER AND ORDINANCE SUSPENDING CERTAIN TAX AND UTILITY CHARGES DURING THE EMERGENCY

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, on March 16, 2020, by Resolution Orange County declared a state of emergency pursuant to Virginia Code 4.4-146.21(A) which declaration pertains to and impacts the Town of Gordonsville; and NOW,

THEREFORE, BE IT RESOLVED that the Town Council for the Town of Gordonsville, hereby incorporates by reference and adopts the Continuity Procedures prescribed in the Emergency Ordinance, and the Ordinance Suspending Certain Charges, a copy of which Ordinances are attached hereto; and

BE IT FURTHER RESOLVED that the Town Council for the Town of Gordonsville, hereby authorizes and directs its officers and staff to take all steps reasonably necessary or appropriate to implement such Continuity Procedures and Ordinance Suspending Certain Charges and to develop any

specific procedures as applicable and appropriate for the Town of Gordonsville, provided that such specific procedures are consistent with the terms and conditions of these Ordinances;

and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect during the pendency of these Ordinances including for any applicable period upon the re-adoption of the Ordinances by the Town Council.

This Resolution is hereby entered into the permanent minutes of the meetings of this Council.

Mayor Robert Coiner
Vice-Mayor Emily Winkey
Councilmember Ronald Brooks

Councilmember James Bradley
Councilmember Elizabeth Samra

TOWN OF GORDONSVILLE, VIRGINIA

By: _____
Robert K. Coiner, Mayor

This resolution is hereby effective upon adoption this 30th day of March 2020, by the Town Council of the Town of Gordonsville by affirmative vote.

CERTIFICATE

I attest and certify that the foregoing resolution was adopted by the Gordonsville Town Council on March 30, 2020.

Janet W. Jones, Clerk of Council

Date