

WHEREAS, Section 15.2-1413 of the Code of Virginia authorizes the Board to act to assure continuity of government in the event of a disaster, notwithstanding any contrary provisions of law; and,

WHEREAS, the Board adopted an emergency continuity ordinance on March 24, 2020, and readopted the ordinance on May 12, 2020; and,

WHEREAS, the readopted ordinance provided that it would remain in effect until the earlier of its repeal or six months from the declaration of the local emergency; and,

WHEREAS, since that time County boards and commissions have adopted procedures to permit increased public participation in their meetings as some of the restrictions that were in place on May 12, 2020, have been relaxed; and,

WHEREAS, outbreaks of the virus have occurred in different areas of the United States, and health experts warn of the possibility of a second wave of the pandemic during the fall and the winter; and,

WHEREAS, health officials at the federal, state, and local level continue to advise that large gatherings of people can spread the illness and prolong the disaster caused by the COVID-19 pandemic; and,

WHEREAS, the Board of Supervisors wishes to ensure the continuity of County government during the remainder of the COVID-19 pandemic; and,

WHEREAS, the Board of Supervisors determines that the continuity of County government and provision of critical local services require adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. *Procedures for holding public meetings and providing notice of those meetings during the Emergency.* The Board of Supervisors, Planning Commission, or other County board, commission, or authority (collectively, the "Public Bodies") may, at their election, conduct meetings and act upon proposed agenda items for the duration of the Emergency, either under normal procedures or by electronic means (to include, by way of example, meetings where a quorum of the Public Body is assembled by electronic means but is not physically assembled) in compliance with public notice, access, and other legal requirements governing the provision of notice and the holding of public meetings. Notwithstanding the foregoing, the Public Body may modify or dispense with those requirements to the extent necessary or practicable to address the state of emergency and disaster caused by the COVID-19 pandemic.

2. *Procedures for receipt of public comment during the Emergency.* If the Public Body conducts a public hearing during the Emergency, the public hearing may be conducted using a procedure described in the notice provided in advance of the meeting or by any

other method specified by the Public Body at the meeting. The method of receiving public comment should be reasonable under the circumstances of the meeting, the items to be considered, and the state of the emergency in the County. Examples of methods could include comments received by e-mail, by telephone, by web conferencing or virtual meeting applications, or in person (so long as recommendations of public health officials are observed). Public comments will be received by the Public Body before a vote on the public hearing matter and will be made a part of the record of the meeting.

3. *Authority of County Manager.* The County Manager is authorized to (i) modify, limit, or suspend County programs, functions, or services as needed to ensure the effective continuity of government; (ii) restrict County staff and the public from entering or congregating around County-owned buildings, facilities, and real property as necessary to ensure the health, safety, and welfare of the public and staff; and (iii) regulate the use of such buildings, facilities, and real property for the public health, safety, and welfare. The County Manager is further authorized to take actions objectively reasonable and necessary in the public health interest to alter schedules, provide programming, pay bills, engage contractors, hire employees, and adjust administrative processes and procedures to address the disaster, all in keeping with the U.S. Centers for Disease Control and Virginia Department of Health guidance and directives, and consistent with state and local declarations of emergency.

4. That this ordinance will be in full force and effect on and after its passage as provided by law and will remain in effect until the earlier of its repeal or the end of the Declaration of Local Emergency by resolution of the Board of Supervisors. Upon repeal or expiration of this ordinance, the Public Bodies will resume operation in accordance with standard operating practices and procedures.

ORDINANCE – To Continue Emergency Procedures for the Conduct of Public Business to Ensure the Continuity of County Government and Critical Local Services During the State of Emergency and Disaster Caused by the COVID-19 Pandemic

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order 51 declaring a state of emergency for the Commonwealth of Virginia arising from the COVID-19 pandemic; and,

WHEREAS, Executive Order 51 acknowledged the existence of a disaster as defined by Section 44-146.16 of the Code of Virginia arising from the public health threat presented by a communicable disease anticipated to spread; and,

WHEREAS, Executive Order 51 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 13, 2020, the County Manager, in his capacity as the Director of Emergency Management, issued a Declaration of Local Emergency declaring the existence of a local emergency in the County, pursuant to Section 44-146.21(A) of the Code of Virginia; and,

WHEREAS, the Board of Supervisors confirmed the County Manager’s declaration by resolution approved on March 16, 2020, pursuant to Section 44-146.21(A) of the Code of Virginia; and,

WHEREAS, health officials at the federal, state, and local level have repeatedly advised that gatherings of people can spread the illness and prolong the disaster caused by the COVID-19 pandemic; and,

WHEREAS, the usual and necessary operations of government, by law, often require large gatherings of people in person, which would contradict the advice of the government and health officials responsible for addressing the continuing disaster caused by the COVID-19 pandemic; and,

WHEREAS, the Board of Supervisors wishes to follow the guidance of government and health officials while providing for the continuity of County government and critical local services during the state of emergency and continuing disaster caused by the COVID-19 pandemic; and,

WHEREAS, Section 15.2-1200 of the Code of Virginia allows counties to adopt necessary regulations to prevent the spread of contagious diseases; and,