

Ordinance No. 2020 - ____

**AN UNCODIFIED EMERGENCY ORDINANCE RERATIFYING AND
REAFFIRMING THE DECLARATION OF A LOCAL EMERGENCY AND
DISASTER DUE TO NOVEL CORONAVIRUS; IMPLEMENTING
EMERGENCY PROCEDURES TO ENSURE CONTINUITY OF
GOVERNMENT; RATIFYING AND AFFIRMING THE CITY MANAGER'S
AUTHORITY AND EXERCISE OF AUTHORITY AND DISCRETION IN
TAKING ACTIONS IN THE BEST INTEREST OF THE CITY; AND
AUTHORIZING THE CITY MANAGER TO TAKE ACTIONS TO IMPLEMENT
THE PROVISIONS OF THIS ORDINANCE**

Recitals

A. On January 30, 2020, the World Health Organization (WHO) declared novel coronavirus (COVID-19) a public health emergency of international concern and on March 11, 2020, the WHO characterized COVID-19 as a pandemic;

B. On March 12, 2020, the Governor of Virginia declared a state of emergency, to prepare and coordinate Virginia's response to the potential spread of COVID-19;

C. On March 13, 2020, the President of the United States issued a proclamation declaring a national emergency concerning the COVID-19 outbreak;

D. On March 16, 2020, the City Manager and Emergency Management Director, Steven L. Rosenberg, declared a local emergency concerning COVID-19 and its effects;

E. At its special-emergency meeting on March 18, 2020, by resolution, the Staunton City Council confirmed Mr. Rosenberg's Declaration of a Local Emergency and declared a disaster related to COVID-19;

F. On March 23, 2020, the Governor of Virginia issued an executive order that, in essence, further recognizes the emergency and disaster COVID-19 outbreak, closing the public schools for the entire remainder of the school year and closing recreational and other non-essential establishments.

G. § 15.2-1413 of the Code of Virginia authorizes any locality to, by ordinance, provide a method to assure continuity in its government in the event of a disaster;

H. City Council also continues to recognize, confirm, affirm, and find that emergency and disaster conditions and effects existed and continue to exist and the occurrence and/or threat of COVID-19 merited and continues to merit and even

necessitates action by City Council to provide for methods to help assure continuity in local government as to the City and its related public bodies and officials;

I. This matter has been properly heard and considered; and

J. These recitals are deemed an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, (Council) to the fullest extent permitted by law under these extraordinary, even unprecedented circumstances, that:

1. It **RERATIFIES AND REAFFIRMS** the Declaration of a Local Emergency and disaster due to COVID-19 made on March 16, 2020 by the City Manager and Emergency Management Director, Steven L. Rosenberg, ratified at its special-emergency meeting held on March 18, 2020, making its own declaration of an emergency and disaster, effective retroactively to and including March 16, 2020;

2. It **ACKNOWLEDGES, CONFIRMS, AND AFFIRMS** that the Declaration of Local Emergency empowers the Director of Emergency Management to have and exercise special authority and duties, such as authority and duties as may be defined by the laws, rules, regulations and plans of the United States of America, the Commonwealth of Virginia and the City of Staunton, Virginia, including but not limited to those under § 44-146.21 of the Code of Virginia;

3. It **ACKNOWLEDGES, CONFIRMS, AND AFFIRMS** that when, in the judgment of Council, all needed emergency actions have been taken, appropriate action by the Director of Emergency Management or by Council to end the declared local emergency and disaster will be taken, with public notice of such action given;

4. The nature of COVID-19 and its actual and potential catastrophic effects, as may be discerned upon continuing review, make it unsafe to necessarily assemble always a quorum of Council, other City public bodies, and officials in a single location, or to assemble members of the public in a single location, making it impracticable or unsafe as circumstances may exist at the time for Council and the City's other public bodies and officials to conduct meetings in accordance with normal practices and procedures. In accordance with the provisions of § 15.2-1413 of the Code of Virginia, notwithstanding any contrary provision of law, general or special, including but not limited to the City's Charter or the City Code, the following emergency procedures are **AUTHORIZED AND ADOPTED** to ensure **CONTINUITY OF GOVERNMENT** during the pendency of the emergency and disaster created or occasioned by COVID-19 or by its actual or potential effects, including but not limited to its effects as to Staunton citizens, other persons, commerce, businesses, and City-related functions, officers, personnel, employees, and City FY20 and FY21 fiscal and financial matters, processes, decision-making, and planning at all levels of City government and for City public bodies and officials;

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92 **4.1.** Any process, procedure, or matter which requires the physical
93 presence of the public in or about a City-owned or controlled building, facility, or
94 property that the City Manager has declared or designated or may in the future declare
95 or designate, by whatever means whether formal or informal or written or electronic or
96 verbal, to be closed to the public is hereby **SUSPENDED**;
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98
99 **4.2** Meetings of the Council and other City public bodies, including
100 but not limited to the School Board and those for which operations are jointly or
101 cooperatively governed or managed, are **AUTHORIZED** and may be held through
102 electronic communication means without a quorum of members physically present in a
103 single location, provided that notice of such meetings is still given in accordance with
104 applicable laws;
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106 **4.3** Such meetings are **AUTHORIZED** to be and may be held without
107 permitting members of the public to be physically present in a central location or in the
108 same physical location as any of the Council or other City public bodies and members
109 and officials so long as alternative arrangements for public access to such meetings are
110 made as may be appropriate under the circumstances. Such alternative public access
111 may be electronic, including but not limited to audio, telephonic, video or internet-web
112 broadcast or stream, a City social media platform, or any other similar means;
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114 **4.4** For any matter requiring a public hearing by law, it is
115 **DIRECTED** that public comment will, at least, be solicited and received via written or
116 electronic means, including email or social media, or audio or voice message prior to
117 the vote on such matter. Public comments may also be solicited and, if so solicited,
118 then received via electronic and/or other means, including through the City's or other
119 City public body's social media platform, or during the actual public hearing if possible
120 and practicable, as determined in the discretion of the City Manager or Mayor. All such
121 comments will be provided to or their essence or themes, if any, summarized to the
122 members of the public body and made a part of the record of such meeting;
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124 **5.** The provisions of Section 4 of this ordinance **SHALL BE IN EFFECT**,
125 until repealed by Council, for a period not exceeding six months or, as may be permitted
126 by law then in effect for such longer period from the effective date of declaration of local
127 emergency, to and including March 16, 2020. Upon repeal or expiration of the provisions
128 of Section 4 of this ordinance, the matters referenced therein shall resume operation in
129 accordance with the normal practices and procedures, with the Director of Emergency
130 Management to give public notice of such;
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132 **6.** The actions of the City Manager taken or communicated by whatever
133 means beginning March 16, 2020 and continuing, in the best interest of the City as
134 determined in the exercise of discretion by the City Manager, are **RATIFIED AND**

AFFIRMED;

7. If and to the extent that applicable law is enacted to extend the authority or time permitted for the operation of this or a similar ordinance, this ordinance shall be **AUTOMATICALLY AMENDED EFFECTIVE THEN IMMEDIATELY** to incorporate such changes without further action of Council; and

8. The City Manager is **AUTHORIZED** to take all reasonable and necessary actions, as determined in the City Manager's exercise of discretion, to implement fully the provisions of this ordinance.

9. The Clerk of Council is **DIRECTED** to have posted a copy of this ordinance at the usual places and on the City's website.

10. To the extent that any provision of this ordinance is found or determined to be invalid or void, the other provisions of this ordinance shall remain in effect without further action of this Council.

Adopted: March 24, 2020
Effective Date: March 16, 2020
Expiration Date: As provided

Carolyn W. Dull, Mayor

ATTEST: _____
Suzanne F. Simmons, Clerk of Council