



March 24, 2020

Dear Local Government Officials:

The COVID-19 coronavirus has disrupted all of our lives, both personally and professionally. You have the challenge and trust to continue government operations during this time. To assist local governments and other public entities navigate this ever-changing situation, LGA President Tim Spencer formed a special committee to enable advice regarding government continuity and the conduct of electronic meetings during the emergency for a communicable disease as declared by Governor Northam on March 20, 2020.

The current framework of the Freedom of Information Act (FOIA) does not clearly anticipate the pandemic which we are experiencing. The Governor's Directives, limiting gatherings of people, create an additional challenge to local officials as you strive to conduct business in an open environment. Local government must meet its obligations in a transparent, accessible, consistent manner, while following executive orders and state and federal directives to keep you, residents and staff safe, and prevent community virus spread. Your residents and businesses expect you to govern. The attached guidance highlights considerations and steps toward that end. Our work uses recent Attorney General Herring's Opinion as a roadmap for local officials. You should continue to consult with your legal advisor as you move forward with meetings.

The attached checklist, model ordinance for local governments, and model resolution for other public bodies incorporate transparency and public input in enabling public meetings to proceed virtually during this emergency. The checklist includes authority and procedural steps for conducting electronic meetings. The model ordinance mirrors what some localities have already put into place. The appended Albemarle County example of declaration of emergency may be helpful to those localities who have not yet declared one.

Our goal, and that of our LGA colleagues, is to enable you to serve your residents by doing the public's business. We hope this guide will assist you in conducting electronic meetings during this disaster in a manner that is legal, consistent and appropriate; considers people's health, safety and welfare; and is necessary for continuing local government operations.

Stay Healthy and Thank You for Your Service,

Sharon E. Pandak
Chair, COVID-19 Committee

cc: LGA President Timothy R. Spencer
LGA Executive Director Susan Warriner Custer

9 S. 12th Street, 2nd Floor, Richmond, VA 23219
P. 804-643-4433 | F. 434-979-2439 | lgava.org

COVID-19 Committee Members:

James E. Barnett

Phyllis A. Errico

Michelle M. Gowdy

Gustav Gregory Kamptner

Jan L. Proctor

Leo P. Rogers

Rebecca B. Randolph