

RESOLUTION OF [NAME OF PUBLIC ENTITY]

AUTHORIZING THE ADOPTION OF PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS TO ENSURE THE CONTINUITY OF GOVERNMENT DURING THE COVID-19 PANDEMIC DISASTER

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 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

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

WHEREAS, on [DATE], the governing body of [LOCALITY] (“BOARD/COUNCIL”) confirmed the declaration of local emergency made by the local director of emergency management on [DATE], specifically finding that the COVID-19 Pandemic constitutes a “disaster” as defined in Virginia Code § 44-146.16, being a “communicable disease of public health threat”; and

WHEREAS, Virginia Code § 15.2-1413 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, on [DATE], the governing body of [LOCALITY] (“BOARD/COUNCIL”), pursuant to Virginia Code § 15.2-1413, adopted 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 (“Emergency Ordinance”); and

WHEREAS, through its Emergency Ordinance, the BOARD/COUNCIL specifically found 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, through its Emergency Ordinance, the BOARD/COUNCIL further found that the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the BOARD/COUNCIL, the School Board, the Planning Commission and all local and regional boards, commissions, committees and authorities created by the BOARD/COUNCIL or to which the BOARD/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; and

WHEREAS, through its Emergency Ordinance, the BOARD/COUNCIL adopted certain procedures to ensure the continuity of government during the COVID-19 Pandemic disaster (“Continuity Procedures”), suspended any deadlines applicable to Public Entities and their staff during the COVID-19 disaster, and authorized Public Entities, at their discretion, to postpone non-emergency public hearings and action items during the disaster; and

WHEREAS, the [NAME OF LOCAL OR REGIONAL PUBLIC ENTITY], being a public body [CREATED BY BOARD/COUNCIL PURSUANT TO (APPLICABLE CODE SECTION) AND/OR WHOSE MEMBERS ARE APPOINTED BY BOARD/COUNCIL] is a Public Entity included within the scope of the Emergency Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the [NAME OF LOCAL OR REGIONAL PUBLIC ENTITY] hereby incorporates by reference and adopts the Continuity Procedures prescribed in the Emergency Ordinance, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED that the [NAME OF LOCAL OR REGIONAL PUBLIC ENTITY] hereby authorizes and directs its officers and staff to take all steps reasonably necessary or appropriate to implement such Continuity Procedures and to develop any specific procedures as applicable and appropriate for the [NAME OF LOCAL OR REGIONAL PUBLIC ENTITY], provided that such specific procedures are consistent with the terms and conditions of the Emergency Ordinance; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect during the pendency of the Emergency Ordinance including for any applicable period upon the re-adoption of the Emergency Ordinance by BOARD/COUNCIL.

ADOPTED by the _____.

APPROVED

ATTEST:

APPROVED AS TO FORM:
