

AN ORDINANCE OF THE CARROLL COUNTY BOARD OF SUPERVISORS
INSTITUTING EMERGENCY PROCEDURES TO ENSURE CONTINUITY OF COUNTY
GOVERNMENT IN RESPONSE TO COVID-19 DISASTER.

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the healthcare community in responding to the novel coronavirus or "COVID-19"; and

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

WHEREAS, on March 12, 2020, by Executive Order No. 51, Governor Ralph S. Northam declared a state of emergency in the Commonwealth of Virginia due to the spread of the COVID-19 virus, and declared the anticipated effects of COVID-19 to be a disaster within the meaning of Virginia Code Section 44-146.16; and

WHEREAS, on March 13, 2020, the President of the United States found and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020; and

WHEREAS, on March 16, 2020, the County's Director of Emergency Management issued, pursuant to Virginia Code Section 44-146.14 a Declaration of Emergency in the County due to the spread of COVID-19; and

WHEREAS, the Board confirmed or ratified the local Declaration of Emergency March 24, 2020, and it continues in effect; and

WHEREAS, on March 17, 2020, Governor Northam, jointly with the Virginia State Health Commissioner, declared a continuing public health emergency in Virginia resulting from the spread of COVID-19 virus, and imposed stringent measures to combat the spread of COVID-19, including restricting the number of persons permitted to gather in certain public spaces to 10 persons or less; and

WHEREAS, the Board understands and acknowledges that the public health threat posed by COVID-19 constitutes a real and substantial danger to persons in the County of Carroll; that the limitations on physical assembly of persons are urgently necessary to protect the public health; and that the Board and other County boards, commissions and public bodies must conduct themselves accordingly; and

WHEREAS, compliance with the limitations on physical assembly occasioned by the COVID-19 public health crisis makes it difficult or impossible for the Board and other public bodies to safely physically assemble to conduct meetings and hold public hearings in accordance with ordinarily applicable procedures; and

WHEREAS, Virginia Code Section 44-146.21 provides that a local director of emergency management or any member of a governing body in the absence of the director 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 the performance of public work"; and

WHEREAS, Virginia Code Section 15.2-1413 authorizes any locality, by ordinance, to provide for methods to assure continuity in its government in the event of a disaster such as that created by the spread of COVID-19.

WHEREAS, the Board of Supervisors of Carroll County is aware of the Opinion of the Attorney General issued March 20, 2020, and intends to act consistently therewith in the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Carroll, Virginia (the "Board"):

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public entities including the Board, the School Board, the Planning Commission, the Economic Development Authority and all local and regional boards, commissions, committees and authorities created by the Board or to which the Board appoints all or a portion of its members ("Public Entities") and further makes it unsafe to conduct meetings of the foregoing entities in accordance with normal practices and procedures, and therefore, in accordance with Virginia Code Section 15.2-1413, the following emergency procedures are hereby instituted to ensure continuity of government during the pendency of the COVID-19 disaster:
 - a. Any process, procedure, matter or transaction which typically allows for the physical presence of the public in a County or School building that has been declared or in the future is declared to be closed to the public during the pendency of the Emergency Declaration is hereby suspended unless conducted in accordance with this ordinance or other provision of law.
 - b. The County Administrator is authorized to take actions objectively reasonable and necessary in the public health interest to alter schedules, arrange for alternative procedures consistent with this ordinance, provide programming, pay bills, engage contractors, hire employees, set and manage a succession plan effective in the event of unavailability of staff, 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/directives, and consistent with State and Local Declarations of Emergency.
 - c. Any meetings required and agenda items scheduled or proposed to be considered by the Board and other County boards, commissions, authorities and other Public Entities, for the duration of the local emergency declaration but not to exceed six (6) months, are deemed postponed and continued and extensions therefor are hereby ordered unless the Public Entity takes action on the item during that time following the alternative procedures described herein. This postponement of deadlines and actions shall include without limitation those items for which applicable law requires an affirmative action

to be taken within a particular time with failure to act deemed approval. The provisions of this section shall also apply to matters postponed as a result of the COVID-19 pandemic prior to adoption of this Ordinance.

- d. Meetings of the Board or other Public Entity may be held through electronic communication without a quorum of members physically present in a single location, provided that the public is given notice of such electronic meeting contemporaneously with the notice given to members of the Public Entity, and alternative measures are made to ensure public access by electronic or other remote means. At such a meeting held through electronic communication, the Public Entity may consider any item of business which said entity deems essential to the continuity of government or is appropriate for the continuity of the work of the Public Entity.
- e. Meetings of the Board or other Public Entity may be held with any number of the members of the Public Entity physically assembled or participating electronically, without members of the public being physically assembled in the same physical location as the members of the Public Entity if, in the judgment of said entity, such assembly would not permit best practices to prevent the spread of COVID-19, including appropriate social distancing measures, provided that the public is given notice that the public will not be permitted in the same location as the members of the Public Entity, and alternative measures are made to ensure public access by electronic or other remote means. At such a meeting held through electronic communication, the Public Entity may consider any item of business which said entity deems essential to the continuity of government or is appropriate for the continuity of the work of the Public Entity.
- f. For meetings held electronically, pursuant to Virginia Code Section 2.2-3708.2(A)(1) and (A)(2), any matters which may properly come before the entity may be considered.
- g. Meetings under subsections (d) and (f) may be held without permitting members of the public to be physically present in a single location or in the same physical location as any of the Public Entity members, so long as alternative arrangements for public access to such meetings are made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.
- h. For any matter considered by the Board or other Public Entity during the pendency of the local emergency which typically requires open doors, public attendance or public participation by law, such requirements are hereby altered and may be met by electronic, telephonic, and/or written means by the Public Entity, which may meet electronically or in person or in some combination thereof as circumstances may permit.
- i. For any matter considered also requiring public comment or hearing, such will be allowed, solicited or received by the Public Entity by electronic, telephonic, and/or written means prior to the vote on such matter. All such comments will be heard by or provided to the members of the Public Entity and made a part of the record of such meeting.

- j. Notices of meetings will be provided by email directly to those who have elected in writing in the previous calendar year to receive such notices under the Virginia Freedom of Information Act, and if practicable, will also be provided on the County website and by other means selected by the County Administrator. To the extent practicable, notices will also be provided as otherwise provided by general law.
 - k. The minutes of all meetings undertaken under alternative meeting procedures in Section 1 of this Ordinance 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 Entity may approve minutes of a meeting conducted under alternative meeting procedures at a subsequent meeting conducted under alternative meeting procedures and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.
2. This ordinance supersedes the emergency Ordinance adopted March 24, 2020 concerning alternative meeting procedures. Any and all meetings or actions taken by the Board or any Public Entity using the alternative procedures previously adopted by the Board by emergency Ordinance dated March 24, 2020 are hereby ratified and confirmed.
 3. That the provisions in Section 1 of this Ordinance shall be in effect through May 26, 2020, pending the consideration and adoption of a substitute ordinance after a public hearing thereon.
 4. This ordinance shall be effective upon adoption.

This Ordinance was duly adopted this _____ of _____, 2020

This ORDINANCE shall be effective immediately.

Member	Vote
Robbie McCraw	_____
Rex Hill	_____
Thomas Littrell	_____
Joe Neil Webb	_____
Tracy Moore	_____
Phillip McCraw	_____

Clerk