

Adopted: 04/06/2020: Implementation of Emergency Procedures for Electronic Public Meetings and Public Hearings During the COVID-19 Pandemic:

ORDINANCE OF THE TOWN OF CHINCOTEAGUE

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

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

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 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, there are confirmed cases of COVID-19 in the Eastern Shore region of Virginia; and

WHEREAS, on March 19, 2020, the governing body of The Town of Chincoteague confirmed the declaration of local emergency made by the local Director of Emergency Management on March 19, 2020, specifically finding that the COVID-19 Pandemic constitutes an emergency (disaster) under Virginia Code § 44-146.16, being a “communicable disease of public health”, 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.

NOW, THEREFORE, BE IT ORDAINED that the Town of Chincoteague Town Council understands that the infectious nature of COVID-19 makes it unsafe to assemble a quorum of the Town Council in a single location, or to assemble members of the public in a single location, thereby making it difficult or impossible for the Council and the Town’s various Boards, Committees and Commissions to conduct meetings in accordance with normal practices and

procedures. In accordance with Section 15.2-1413 of the Code of Virginia, the following emergency procedures are adopted to ensure continuity of government during the emergency and disaster created by the COVID-19 pandemic:

a. That any process, procedure, or matter which requires the physical presence of the public in a Town building or public gathering place that has been declared closed to the public is hereby suspended.

b. That meetings of the Town Council and the Town's Boards, Committees, and Commissions, may be held through electronic communication means without a quorum of members physically present in a single location, provided that notice of such meeting is still given in accordance with applicable laws.

c. All Rules of Procedure adopted by the Town Council are hereby suspended.

d. All such Town Council meetings may be held without permitting members of the public to be physically present in a central location or in the same physical location as any of the Council members, so long as alternative arrangement 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.

e. For any matter requiring a public hearing by law, public comment will be solicited and received via written means prior to the vote on such matter, inclusive of conventional mail and electronic mail as possible and practical. All such comments will then be provided to the Town Council and made part of the record of such meeting.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon adoption and shall remain in effect until repealed by the Town Council or such time as the Declaration of Local Emergency is lifted.

ADOPTED by the Town of Chincoteague Town Council, April 6, 2020.