
WHEREAS, on March 12, 2020, the Governor of the Commonwealth of Virginia, in Executive Order Number Fifty-One declared a state of emergency and disaster within the Commonwealth of Virginia pursuant to Code of Virginia Section 44-146.16 of the Code of Virginia; and

WHEREAS, on March 13, 2020, the Director of Emergency Management, with the consent of City Council, declared a local emergency; and

WHEREAS, on March 19, 2020, the Williamsburg City Council met electronically, pursuant to Section 2.2-3708.2 of the Code of Virginia, and adopted Resolution #20-06 ratifying the emergency declaration, and therein made a finding that due to the severe existing and likely impact of the COVID-19 pandemic on the City of Williamsburg, there now exists a disaster in the City of Williamsburg; and

WHEREAS, the impacts to public health, the City's economy, and the operation of the City government are likely to be protracted, lasting potentially several months; and

WHEREAS, there are actions which must be taken by the City of Williamsburg in the next several months which will, by law, require the action of the City Council, and currently it is unsafe for physical meetings to occur in order to conduct normal, required business operations; and

WHEREAS, Section 4 of the Charter of the City of Williamsburg provides (in pertinent part) that City Council has the authority to adopt emergency measures for the immediate preservation of the public peace, property, health and safety, the daily operations of municipal departments and the appropriation of money; and

WHEREAS, Section 15.2-1413 of the Code of Virginia (1950) as amended, provides that “notwithstanding any contrary provision of law, general or special, any locality, may, by ordinance, provide a method to assure continuity in its government, in the event of an enemy attack or other disaster. Such ordinance shall be limited in its effect to a period not exceeding six months after any such enemy attack or disaster and shall provide for a method of resumption of normal governmental authority by the end of the six-month period (emphasis added)”; and

WHEREAS, Section 2.2-3708.2 of the Code of Virginia provides for electronic meetings in the event of an emergency but does not currently extend the authority for electronic meetings to issues not involving the emergency. Given the likely duration of this disaster, meetings of City Council and other Boards and Commissions must be held in
the interim for the continuity and continuing operation of the functions of the City’s government, including but not limited to the adoption of the City’s budget; and

WHEREAS, given the severe limitations on the gathering of people during the COVID-19 pandemic, which gathering is necessary and required for many essential tasks of the City government, as well as to fulfill the necessary obligations of the City to its residents and businesses, the City Council finds it necessary to provide, by ordinance, a method of transacting necessary public business during the disaster without the physical attendance or gathering of people during the duration of the COVID-19 disaster.

THEREFORE, it is hereby ORDAINED pursuant to Section 4 of the City’s Charter, and Section 15.2-1413 of the Code of Virginia; the following emergency measures are ADOPTED by the Williamsburg City Council:

1. The Williamsburg City Council shall meet electronically until such time as it is safe for the public to physically attend meetings and the City’s public buildings are reopened, as evidenced by a declaration of the Governor of Virginia that the emergency in the Commonwealth of Virginia has ended. A quorum of City Council must participate in the electronic meeting in order to conduct business. Meetings shall be conducted in an electronic format which allows and enables citizens to both observe and participate in said meetings electronically. Due to the closure of public buildings, meeting notices and agendas shall be posted on the City’s website only. All other meeting requirements of the Virginia Freedom of Information Act shall be met. Instructions regarding how citizens may observe and participate in meetings shall be maintained on the City’s website; and

2. Other City boards and commissions may meet electronically as necessary pursuant to the requirements of Section 1 above. A quorum must participate in the electronic meeting to conduct business.

3. Public hearings may be conducted electronically, provided the meeting meets the requirements of Section 1 above. Public hearing notices shall be published in a newspaper with general local circulation as required by the Code of Virginia, and information regarding electronic participation shall be provided in the notice. The City Manager shall have the sole discretion to proceed with a public hearing pursuant to this Section 3 or a public meeting pursuant to Section 4 or postpone the action until the emergency declaration is lifted.

4. Any other public meeting which is required pursuant to law, including but not limited to the Virginia Public Procurement Act, or any other law of the Commonwealth of Virginia, or the Code of the City of Williamsburg, shall be held electronically, and meeting participants shall be provided direction for how to participate in the meeting prior to the start of the meeting.

The provisions of this ordinance shall expire upon declaration by the Governor of Virginia that the emergency in the Commonwealth is ended, or September 12, 2020, whichever is earlier.
This ordinance shall take effect immediately upon its adoption.

Adopted: ______________________  __________________________

Attest: ______________________

Clerk

Mayor