

**Minutes of Town Council Budget Work Session
April 27, 2020
Glasgow Public Library**

- Council Members Present: Andrea Bradley, Sonny Williams, Andy Ryan, Aaron Britton
- Also Present: Mayor Shane Watts, Town Manager Eric Pollitt
- Mayor Shane Watts called the meeting to order at 6:00 PM.

RESOLUTION CONFIRMING THE COUNTY ADMINISTRATOR'S DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the County Administrator of Rockbridge County is designated as the Coordinator of Emergency Services for the Town of Glasgow; and

WHEREAS, the World Health Organization characterized the spread of the COVID-19 virus as a pandemic on March 11, 2020; and

WHEREAS, the Governor declared a state of emergency on March 12, 2020 related to COVID-19 virus; and

WHEREAS, the COVID-19 virus and its continued spread pose an imminent threat to the public health and safety of the residents of the Town of Glasgow, and the consequences of the virus are of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate any potential damage, hardship, suffering, or possible loss of life; and

WHEREAS, because of the imminent threat to the public health and safety to the residents of the Town of Glasgow arising from the COVID-19 virus, County Administrator Spencer Suter, acting in his capacity as the Coordinator of Emergency Services, declared a local emergency on March 17, 2020 pursuant to Virginia Code § 44-146.21; and

WHEREAS, given the Governor's declaration on March 12, 2020 and the immediate need for local emergency actions to begin, the Town Council of Glasgow could not timely convene to give its prior consent to the County Administrator's declaration.

NOW THEREFORE, BE IT RESOLVED, that the Town Council of Glasgow confirms the Declaration of A Local Emergency by the County Administrator on March 17, 2020.

I, Eric Pollitt, do hereby certify that the foregoing writing is a true, correct copy of Resolution duly adopted by the Town Council of Glasgow, Virginia, by a vote of 4 to 0, as recorded below, at a regular meeting held on April 27, 2020.

Town Manager

ROLL CALL

S. Williams – Yes A. Ryan – Yes A. Britton - Yes A. Bradley – Yes

**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**

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 April 27, 2020, the governing body of the Town of Glasgow (“Town Council”) confirmed the Declaration of A Local Emergency made by the Town’s Coordinator of Emergency Services on April 27, 2020; and

WHEREAS, the Town Council finds 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, 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, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence 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 performance of public work;” and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of Town Council may convene solely by electronic means “to address the emergency;” and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act (“FOIA”) are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of

the United States have recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, The Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Glasgow, Virginia:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Town Council, the School Board, the Planning Commission, and all local and regional boards, commissions, committees and authorities created by the Town Council or to which the Town 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.

2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

- a. meeting or activities which require the physical presence of members of the Public Entities Any may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
- b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
- c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
- d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and
- e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and
- f. The minutes of all electronic meeting 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 Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however,

the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED, that the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the Town Council in conformity with the notice provisions set forth in Virginia Code §15.2-1427 but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the Town Council or automatic expiration as described herein, this emergency ordinance shall terminate and normal practices and procedures of government shall resume.

Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

An emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

ADOPTED by the TOWN COUNCIL OF GLASGOW, VIRGINIA.

APPROVED:

Shane Watts, Mayor

ATTEST:

Eric Pollitt, Town Mayor

APPROVE AS TO FORM:

Grace C. Crickenberger, Town Attorney

Motion by Andy Ryan and **Seconded** by Aaron Britton to adjourn.

With no further business, Mayor Shane Watts adjourned the meeting at 6:12 PM.