

**EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN  
CERTAIN LOCAL ORDINANCE, POLICY, PROCEDURE, AND DEADLINES, AND  
TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND  
PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH  
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 aid local governments, and authorize 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 2, 2020, the Rappahannock County Board of Supervisors confirmed the declaration of a local state of emergency made by the local director of emergency management on March 17, 2020; and

**WHEREAS**, the Rappahannock County Board of Supervisors 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 after any such attack or disaster; 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 the Rappahannock County Board of Supervisors 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 Board of Supervisors of Rappahannock County, Virginia that this uncodified ordinance is hereby enacted pursuant to Virginia Code § 15.2-1413 as follows:

**Sec. 1. Purpose; Effective Date; Expiration**

- a. This ordinance allows for variances from state laws, county ordinances, and county policies/procedures in order to protect the health, safety, and welfare of residents and employees from the spread of COVID-19 while still providing for government operations to continue during this state of emergency.
- b. The operation of government includes management of all county facilities, management of the school system, and the work of all local boards, including the board of supervisors, the school board, the planning commission, and any other local or regional board, commission, committee, or authority created by the board of supervisors or to which the board of supervisors appoints or recommends for appointment all or a portion of its members (collectively “Public Bodies” and individually “Public Body”), including employees who work for or on behalf of any Public Body.
- c. At this time, public health experts recommend against assembling groups of people in confined spaces. Accordingly, this ordinance contains modifications for public meetings which should be followed while it is deemed unwise or unsafe to gather in one location a quorum for any Public Bodies, or to invite members of the public to physically gather for public meetings.
- d. Moreover, the spread of COVID-19 may make it impossible or impractical for government operations to meet all normally imposed deadlines, regulations, and time frames, or to comport, in some instances, with lengthy procedures and processes such as procurement, payment, or employment processes.
- e. This emergency ordinance is effective immediately and will remain in effect for 60 days unless amended, rescinded, or readopted in conformity with the notice provisions of Virginia Code § 15.2-1427; however, in no event will the ordinance be effective for more than six months from the conclusion of the declared disaster. Upon repeal or expiration of this ordinance, normal government operations will resume.

## **Sec. 2. Public Meetings and Public Hearings**

- a. Regularly scheduled or regular meetings of any Public Body may be canceled by the chair if there is no essential business that needs to occur or if conditions otherwise make it impractical to meet. Notice of the cancelation must be provided to the Public Body members and the public as soon as practicable. Essential business is defined as those items without the passage of which the public interest would be irrevocably harmed.
- b. In the alternative, in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, any regularly scheduled or regular meeting of any Public Body may be held by solely electronic or telephonic means without a quorum of members physically present and without members of the public physically present, provided the following occurs:
  - i. Prior to holding any such electronic meeting, the Public Body provides public notice of at least 3 working days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment (if public comment is incorporated); and
  - ii. Such electronic meetings of Public Bodies 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 Body members physically and/or electronically present; identify the persons responsible for receiving public comment (if any); and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
  - iii. Such electronic meetings of the Public Bodies shall be open to electronic participation by the public and closed to in-person participation by the public; and
  - iv. Votes taken during the meeting must be taken by roll call, individually recording each member's name and vote; and
  - v. For matters requiring a public hearing and for public comment (when offered), public input may be solicited by electronic means in advance of the meeting and be solicited through telephonic or other electronic means during the electronic meeting. All such public comments will be provided to members of the Public Body at or before the electronic meeting and made part of the record for such meeting; and
  - vi. The minutes of all electronic meetings 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 Bodies 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; and
  - vii. Non-emergency public hearings and action items of Public Bodies are encouraged to be postponed to a date certain provided that public notice is given so the public is aware of how and when to present their views.

- c. Public Bodies may hold special meetings consistent with the provisions in Sec. 2, paragraph b. upon notice of the special meeting at least 3 working days prior to the meeting, and the agenda and associated materials, if any, are made available to the public at the same time as they are made available to the Public Body members.
- d. Public Bodies may hold emergency meetings consistent with Virginia Code § 2.2-3708.2(A)(3).
- e. Nothing in this Emergency Ordinance shall prohibit Public Bodies from holding in-person public meetings provided Executive Order Fifty-One, Executive Order Fifty-Three, and subsequent Executive Orders are considered and that public health and safety measures are also taken into consideration.

### **Sec. 3. Suspension of Deadlines, Time Frames, and Procedures**

Notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Body, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Bodies, 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. Further, appointments to committees, commissions, and boards made by the Board of Supervisors that have terms set to expire during the declared state of local emergency are automatically extended for the period of time this emergency ordinance is effective plus 60-days. If an appointee is unwilling or unable to continue to serve, and such vacancy is to a body critical to essential services, the Board may act to fill such vacancy.

### **Sec. 4. Public Buildings, Facilities, Real Property and Events**

The director of emergency management is empowered to restrict members of the public from entering or congregating around county-owned buildings, facilities, and real property as is reasonably necessary to ensure the health, safety, and welfare of the public or county staff. Moreover, the director of emergency management may cancel, postpone, or reschedule any events scheduled for any county-owned building, facility, or property as necessary to ensure the health, safety, and welfare of the public or county staff.

### **Sec. 5. Purchasing, Supplemental Appropriations, and Approval of Accounts Payable**

To the extent a quorum of the Board of Supervisors is able to meet (physically or electronically), established purchasing, supplemental appropriation, and accounts payable procedures will be used. In the event convening a quorum becomes impossible, the following shall apply with the understanding that the Vice Chair is authorized to act for the Chair if the Chair becomes incapacitated, and any member of the Board is authorized to act for the Vice Chair if the Vice Chair must act in the place of the Chair or becomes incapacitated. If both the Chair and Vice Chair become incapacitated, any Board member, in order of seniority, or two Board members are authorized to act in the place of the Chair or Vice Chair as follows:

- a. Purchasing:
  - i. To the extent funds have been duly appropriated, the dollar limit for which the purchasing agent shall have authority to award a contract included in

Rappahannock County Ordinance Section 43-5(B)(5) is increased from \$10,000 to \$50,000.

- ii. To the extent funds have been duly appropriated, upon recommendation of the County Administrator (purchasing agent), the Board Chair together with the Board Vice-Chair shall have authority to award a contract pursuant to Rappahannock County Ordinance Section 43-5(B)(5) in excess of is \$50,000.
- b. The Chair of the Board of Supervisors, upon recommendation by the County Administrator, is authorized to approve supplemental appropriations when:
  - i. valued at less than \$25,000; or
  - ii. 100% offsetting revenue from other than local tax revenue is recognized at the time of supplemental appropriation; or
  - iii. time is of the essence as determined by the County Administrator, the Board Chair, and the Board Vice-Chair.
- c. To the extent funds have been duly appropriated, the Chair of the Board of Supervisors, upon recommendation of the County Administrator, is authorized to approve the monthly list of accounts payable thereby authorizing timely payment.

**BE IT FURTHER ORDAINED**, that Town of Washington is encouraged and authorized to incorporate by reference the County's local state of emergency and disaster and to adopt an ordinance for the continuity of town government.

**BE IT FURTHER ORDAINED**, that effective April 6, 2020 at 11:59 PM, and continuing until such time as the state of emergency in the Commonwealth of Virginia is lifted, or until further notice, the rental for less than thirty (30) days of a (i) hotel room; (ii) motel room; (iii) room in a bed and breakfast (i.e., "B & B"); (iv) tourist home; (v) rental housing unit; (vi) condominium; (vii) recreational vehicle (i.e., "RV") campsite; (viii) primitive campsite; (ix) rental cabin; (x) similar accommodation; or (xi) short-term rental unit in any other form is hereby prohibited, except to those contractors, first responders, medical, and other personnel performing essential services within the Commonwealth and within the meaning of "essential services" as may be defined from time to time by the County of Rappahannock and Commonwealth of Virginia. Persons displaced from their homes in Rappahannock County due to fire, or for such other reason rendering such a home either unsafe or inadequate in space, may utilize short-term rentals in the County. Current guests in a hotel, motel, B & B, tourist home, rental housing unit, condominium, RV campsite, primitive campsite, rental cabin, similar accommodation, or other short-term rental unit may remain in their occupied quarters for the duration of their existing rental agreement, but may not extend such an agreement beyond the date of its original term. Nothing herein shall prohibit the residents of Rappahannock County from renting rooms to accommodate extended family member visits.

---

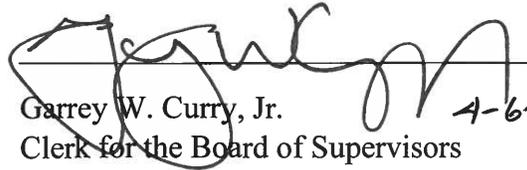
Record of the roll-call vote on a motion to approve the foregoing resolution, said vote taken by the Board of Supervisors of Rappahannock County, Virginia, at its public meeting held at the Rappahannock County Public Library and by electronic means, Rappahannock County, Virginia, on April 6, 2020:

	MOTION	SECOND	ABSENT/ ABSTAIN	AYE	NAY
Christine Smith				✓	
Debbie P. Donehey	✓			✓	
Ronald L. Frazier				✓	
I. Christopher Parrish				✓	
Keir A. Whitson		✓		✓	

I certify the foregoing accurately reflects the actions of the Rappahannock County Board of Supervisors taken at the time and place stated above.



Christine Smith  
Chair, Board of Supervisors



Garrey W. Curry, Jr.  
Clerk for the Board of Supervisors

4-6-2020