



Albemarle County

Legislation Details (With Text)

File #: 20-549 **Version:** 1 **Name:**
Type: Ordinance **Status:** Public Hearing
File created: 10/22/2020 **In control:** Board of Supervisors
On agenda: 11/4/2020 **Final action:**
Title: Ordinance to Amend Section 7, Deadlines, of Ordinance No. 20-A(14), An Ordinance to Ensure Continuity of Government During the COVID-19 Disaster. To receive public comment on its intent to adopt an ordinance to amend Ordinance No. 20-A(14), An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster, as authorized by Virginia Code § 15.2-1413 during the novel coronavirus (COVID-19) disaster. The proposed amendments would amend Sec. 7 pertaining to the deadlines to respond to requests for public records pursuant to the Virginia Freedom of Information Act.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Att.A - Proposed Ordinance

Date	Ver.	Action By	Action	Result
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AGENDA DATE: 11/4/2020

TITLE:

Ordinance to Amend Section 7, Deadlines, of Ordinance No. 20-A(14), An Ordinance to Ensure Continuity of Government During the COVID-19 Disaster

SUBJECT/PROPOSAL/REQUEST: Adoption of an Ordinance to Amend Section 7, Deadlines, of Ordinance No. 20-A(14), An Ordinance to Ensure Continuity of Government During the COVID-19 Disaster

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner

PRESENTER (S): Greg Kamptner

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: On March 12, 2020, the County Executive, acting as the Director of Emergency Management, declared a local emergency, and Governor Ralph S. Northam declared a state of emergency, both because of the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19 ("COVID-19"), and the resulting COVID-19 pandemic. On March 27, 2020, the Board adopted Ordinance No. 20-E(3), an emergency ordinance to ensure the continuity of County government. The Ordinance has since been amended several times since then, both as emergency and non-emergency ordinances, to keep up with changing conditions and new information.

Section 7 of the Ordinance pertains to various deadlines imposed by State law and the circumstances under which they may be extended. The proposed amendment is limited to the deadlines to respond to requests for public records established under the Virginia Freedom of Information Act (“FOIA”).

STRATEGIC PLAN: Mission: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

DISCUSSION: The Ordinance has always stated the Board’s intention that the County would endeavor to meet all deadlines established by FOIA and other State laws. Nonetheless, because of the uncertainty as to how the COVID-19 pandemic would affect County operations and its ability to meet certain deadlines, the original version of the Ordinance authorized the County to extend those deadlines indefinitely, *i.e.*, for an unspecified period. In fact, the County has been able to timely respond to requests for public records under FOIA. Therefore, when the Ordinance was amended in September, Section 7 was revised to refine the circumstances under which a deadline could be extended - one example being when a State lockdown would make it unlawful for County employees to leave their homes to retrieve physical public records in response to a request for records under FOIA.

Two months later, staff is confident that it will continue to be able to timely respond to records requests and it now recommends that Section 7 be amended to remove the deadline extension for records requests. If conditions of the COVID-19 pandemic dramatically worsen such that, for example, timely responding to records requests becomes legally impossible, staff may return to the Board with an emergency ordinance to address the situation.

BUDGET IMPACT: Any increased workload could be managed by existing staff.

RECOMMENDATION:

Staff recommends that the Board adopt the attached proposed Ordinance (Attachment A).

ATTACHMENTS:

Attachment A - Proposed Ordinance