Albemarle County

Legislation Details (With Text)

File #:	20-358	**Version:** 1	**Name:**	
Type:	Ordinance		**Status:**	Public Hearing
File created:	5/27/2020		**In control:**	Board of Supervisors
On agenda:	6/17/2020		**Final action:**	
Title:	Ordinance to Amend Ordinance No. 20-A(6), 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(6), An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster by: (1) adding to Section 4 the Jefferson-Madison Regional Library system to the list of public bodies providing "essential governmental functions" and making other minor revisions to Section 4; (2) revising Section 6 regarding how public bodies provide notice of and conduct public meetings in light of new State law; and (3) changes to other sections to ensure consistency with the proposed amendments to Sections 4 and 6.			
Sponsors:				
Indexes:				
Code sections:				
Attachments:	1. Att.A - Proposed Ordinance			

Date	Ver.	Action By	Action	Result

AGENDA DATE: 6/17/2020

TITLE:
Ordinance to Amend Ordinance No. 20-A(6), An Ordinance to Ensure Continuity of Government During the COVID-19 Disaster

SUBJECT/PROPOSAL/REQUEST: Adoption of an Ordinance to Amend Ordinance No. 20-A(6), 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 as a result of the novel coronavirus ("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. Following a public hearing on April 15, 2020, the Board adopted Ordinance No. 20-A(6), An Ordinance to Ensure Continuity of Government During the COVID-19 Disaster. Section 4 of

Ordinance No. 20-A(6) identified the essential governmental functions of the County's various boards, commissions, and other public bodies, as well as its offices and departments. Section 4 also identified several Board-created public bodies and authorities, as well as entities created by joint exercise of power agreements between the County and other localities.

The Jefferson-Madison Regional Library ("JMRL"), a regional library system created by an agreement among the County and other nearby localities, ~~has~~ requested to be added to Section 4 to allow its board to hold public meetings during the COVID-19 disaster without physically assembling.

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: On May 20, 2020, the Board adopted an emergency ordinance to add JMRL to Section 4 and to make other minor amendments to standardize some of the language throughout Section 4.

Virginia Code § 15.2-1427(F) limits the duration of an emergency ordinance to not more than 60 days. The attached non-emergency version of the ordinance is proposed to extend the substance of the emergency ordinance beyond 60 days. In addition, this amendment adds a provision that, if a court determines Section 6, Public Meetings, to be unconstitutional or invalid, the authority for public bodies to meet by electronic communication means conferred by the budget amendments in HB 29 and HB 30 of the Commonwealth of Virginia's 2020-2022 biennium budget is deemed to apply on and after May 21, 2020, which is the date the Governor signed the budget legislation.

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:
A - Proposed Ordinance