



March 24, 2020

Dear Local Government Officials:

The COVID-19 coronavirus has disrupted all of our lives, both personally and professionally. You have the challenge and trust to continue government operations during this time. To assist local governments and other public entities navigate this ever-changing situation, LGA President Tim Spencer formed a special committee to enable advice regarding government continuity and the conduct of electronic meetings during the emergency for a communicable disease as declared by Governor Northam on March 20, 2020.

The current framework of the Freedom of Information Act (FOIA) does not clearly anticipate the pandemic which we are experiencing. The Governor's Directives, limiting gatherings of people, create an additional challenge to local officials as you strive to conduct business in an open environment. Local government must meet its obligations in a transparent, accessible, consistent manner, while following executive orders and state and federal directives to keep you, residents and staff safe, and prevent community virus spread. Your residents and businesses expect you to govern. The attached guidance highlights considerations and steps toward that end. Our work uses recent Attorney General Herring's Opinion as a roadmap for local officials. You should continue to consult with your legal advisor as you move forward with meetings.

The attached checklist, model ordinance for local governments, and model resolution for other public bodies incorporate transparency and public input in enabling public meetings to proceed virtually during this emergency. The checklist includes authority and procedural steps for conducting electronic meetings. The model ordinance mirrors what some localities have already put into place. The appended Albemarle County example of declaration of emergency may be helpful to those localities who have not yet declared one.

Our goal, and that of our LGA colleagues, is to enable you to serve your residents by doing the public's business. We hope this guide will assist you in conducting electronic meetings during this disaster in a manner that is legal, consistent and appropriate; considers people's health, safety and welfare; and is necessary for continuing local government operations.

Stay Healthy and Thank You for Your Service,

Sharon E. Pandak
Chair, COVID-19 Committee

cc: LGA President Timothy R. Spencer
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CHECKLIST FOR HOLDING COMPLETELY ELECTRONIC PUBLIC MEETINGS AND ENSURING PUBLIC ACCESS

AUTHORITY AND RESOURCE DOCUMENTS

Recent Emergency Declarations and Orders:

- Presidential Declaration of National Emergency, 3/13/2020
- Governor's Declaration of State of Emergency, 3/12/2020
- Order of the Governor and State Health Commissioner Declaration of Public Health Emergency, 3/17/2020
- Virginia Supreme Court Declaration of Judicial Emergency, 3/16/2020
- Local Declaration of State of Emergency and Related Resolutions
- [Governing Body suspends Bylaws (Optional)]
- Attorney General's Opinion - OAG Opinion, 3/20/2020
- Governor's Executive Order Closing Schools and Non-Essential Businesses, 3/23/2020

Considerations Before You Proceed:

- Has your director of emergency management declared a local emergency pursuant to Va. Code § 44-146.21(A), (that was consented to by your local governing body before, or confirmed after, it was made) and does it identify the current situation as a "disaster"? If not, consider having an amended declaration issued. [see attached Albemarle County examples]
- Before proceeding with an ordinance to proceed with meetings held through electronic means, does your locality have other ordinances already in place that cover matters such as: (1) the succession of the members of your local governing body or other if they are dead or temporarily incapacitated (if not, consider Va. Code § 24.2-228 as a starting point); and (2) amending the quorum requirements when there are temporary unfilled vacancies or, because of the disaster, some members are unable to participate (if not, consider Va. Code § 2.2-3112(D) as a starting point).
- Confirm that you have the technical capability to enable your governing body to conduct a meeting through electronic communication (phone or other).
- Must the governing body have to meet through electronic communication means or could it, if existing safe practices are maintained, physically assemble? Considerations include:
 - Whether there are members of the governing body and critical staff who are in vulnerable population groups.
 - Whether there is an available meeting location that would allow the applicable social distancing practices to be maintained.
 - Whether holding a meeting where the governing body is physically assembled sends a conflicting message to the public regarding social distancing and stay-at-home practices

- Are there matters on upcoming agendas that will generate high public interest? Are there matters that need action?
- Do you need to act immediately? (Counties may adopt emergency ordinances without prior notice pursuant to Va. Code § 15.2-1427(F); an emergency ordinance is valid for up to 60 days.)

Statutory and Other Authority - to be summarized at the meeting and in the meeting notice:

- **During a disaster, the Code of Virginia requires and allows governing bodies of localities and other public entities to conduct their meetings in manners which are consistent with providing continuity of government and in a safe and healthy manner and for the public safety, health and welfare for the governing body and all attendees/interested parties consistent with open government.**
- **The virus makes it impractical and unsafe, even life-threatening, for a quorum of the governing body to physically assemble in one location. Va. Code § 2.2-3708.2(A)(3).**

“Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17 provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency...”¹

See also Gov. Direction to State entities attached to 3/13/20 Order.

- **The virus also makes it impractical and unsafe, as well as life-threatening, for the public, and the locality’s staff, to gather in the same location to participate in this meeting.**
- **A “disaster” exists which requires the locality to assure continuity in its government for a period not exceeding 6 months after the disaster. Va. Code § 15.2-1413.**
- **Declarations of Emergency have been made at all levels of government, including this locality. Va. Code § 44-146.21(C);**

“the director of emergency management of each political subdivision or any member of the governing body in the absence of the director, if so authorized by the governing body, may. . .[among other powers] proceed without regard to time-consuming procedures and

¹ FYI: Va. Code §15.2-925;

"Any locality may empower the chief law-enforcement officer to regulate, restrict or prohibit any assembly of persons or the movement of persons or vehicles if there exists an imminent threat of any civil commotion or disturbance in the nature of a riot which constitutes a clear and present danger. In such circumstances the governing body may convene immediately in a special meeting and enact an emergency ordinance or ordinances for such purposes, notwithstanding any contrary provisions in any charter or under the general law."

formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work. . .”

- **Cite Local Charter, Code, Rules of Procedure/Bylaws or Other Local Law or Regulations.**

Additional Reasons:

- Executive, Legislative and Judicial bodies at all levels have declared states of emergency based on the advice of Health Directors and taken unprecedentedly restrictive actions to limit physical contact.
- For counties, Va. Code § 15.2-1200, the General Assembly recognizes the express and specific need for local governing bodies to be able to contain contagious diseases under their police powers. That section enables local governing bodies to adopt “necessary regulations to prevent the spread of contagious diseases among persons or animals.”
- For cities and towns, in addition to any authority provided in your charters, Va. Code § 15.2-1102, the General Assembly provides “powers pertinent to the conduct of the affairs and functions of the municipal government, the exercise of which is not expressly prohibited by the Constitution and the general laws of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the inhabitants of the municipality and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the municipality and the inhabitants thereof,”
- We are community leaders and must lead by example.
- Matters on the agenda address important/essential matters of continuing the work of government.

HOLDING THE MEETING

Notice as set forth in Va. Code § 2.2 - 3708.2²

² The statute contains requirements for partially electronic meetings consistent with and to ensure the transparency of government intent of FOIA – follow these for completely electronic meetings:

“The public body convening a meeting in accordance with this subsection shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the public body conducting the meeting;
- b. Make arrangements for public access to such meeting; and
- c. Otherwise comply with the provisions of this section [e.g. notice, distribution of agenda, taking of minutes, recordation of votes, report to the FOIA Council, etc.]. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.”

Include in written notice (newspaper, website, etc.) key aspects of how the meeting will be conducted including:

- Provision for public access.
- Public participation –
 - Public comment is not required generally, consider whether to allow – if so, allow people to appear by video, phone, or submit in writing to be read by staff under the usual time limitations.
 - Public hearings – consider whether to allow by video, phone or at a location with a video and control access to the location.
- Provide agenda electronically when provide to governing body.
- Give public notice of any changes or cancellation of the meeting. Va. Code § 2.2-3707.

The Meeting

Introduction to Meeting by Chair/Mayor (cover at least the following):

- Note the emergency and reference to the authority to proceed and where the public can review the ordinance and other documents.
- Indicate how long these procedures will be in effect, if known.
- Announce that an audio recording is being made of the meeting (if that is the case).
- Summarize the notice that was given, the access provided to the public, and how the meeting will proceed.
- State whether public comments will be taken and how, including time limits on each speaker and, for public hearings, the limit on the time of the public hearing portion of the item.
- Ask speakers to identify themselves when speaking.
- Explain that all votes will be by roll call and recorded in the minutes.
- Explain that elected officials who leave meeting or arrive must verbally note attendance.
- Ask other governing body members “Any questions about the process?”
- Point out that essential business of the entity is being done.

Have the clerk take attendance, announce that a quorum exists and proceed. (If videoconferencing is not used, consider having the Clerk hold additional quorum checks every hour of the meeting.)

Closed Meeting

- Motions for closed meeting and certifications as required by Va. Code § 2.2-3711.
- Consider including in your ordinance adopted pursuant to Va. Code § 15.2-1413 additional grounds to go into closed meeting. For example, Va. Code 2.2-3711(A)(19) authorizes your governing body to discuss:

“plans to protect public safety as it relates to *terrorist activity or specific cybersecurity threats or vulnerabilities* and briefings by staff members, legal

counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety.”

- Consider adding plans to “continue governmental operations or to protect public health and safety during the disaster.”

MEETING MINUTES REQUIREMENTS

- Memorialize all electronic meetings.
- Recommend making an audio recording of the meetings (not mandatory).
- Minutes must record the nature of the emergency, fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held. Va. Code §§ [2.2-3707](#) & [2.2-3708.2](#)
- State in the minutes why it was impractical or unsafe to assemble physically.

See also Gov. Direction to State entities in March 13, 2020.

RECORDKEEPING IN ACCORDANCE WITH FOIA

If a state public body, submit written report of all electronic meetings to FOIA Council on or before December 15, 2020, pursuant to [Va. Code § 2.2-3708.2\(D\)\(8\)](#).

OTHER RESOURCES

VML: <https://www.vml.org/coronavirus-resources/>

VACO: <https://www.virginia.gov/coronavirus-updates/>

Notice: This summary is provided by the Local Government Attorneys of Virginia, Inc. as general guidance. It is not to be considered legal advice. Officials should seek advice and direction from their county, city or town attorney on any specific questions. Issued 3/24/2020.

MODEL ORDINANCE FOR COUNTIES, CITIES AND TOWNS

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 [DATE], the governing body of [LOCALITY] (“BOARD/COUNCIL”) confirmed the declaration of local emergency made by the local director of emergency management on [DATE]; and

WHEREAS, the BOARD/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 BOARD/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 BOARD/COUNCIL of [LOCALITY], Virginia:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the BOARD/COUNCIL, the School Board, the Planning Commission, Board of Zoning Appeals, Board of Equalization [other?] and all local and regional boards, commissions, committees and authorities created by the BOARD/COUNCIL or to which the BOARD/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. Any meeting or activities which require the physical presence of members of the Public Entities 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 each incorporated town within the boundaries of [LOCALITY] are encouraged, authorized and/or directed to declare its own state of local emergency and disaster or incorporate by reference the County's local state of emergency and disaster and to adopt an ordinance for the continuity of town government.

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 BOARD/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

BOARD/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 _____.

APPROVED

ATTEST:

APPROVED AS TO FORM:

RESOLUTION OF [NAME OF PUBLIC ENTITY]

AUTHORIZING THE ADOPTION OF PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS TO ENSURE THE CONTINUITY OF GOVERNMENT DURING THE 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 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 [DATE], the governing body of [LOCALITY] (“BOARD/COUNCIL”) confirmed the declaration of local emergency made by the local director of emergency management on [DATE], specifically finding that the COVID-19 Pandemic constitutes a “disaster” as defined in 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, on [DATE], the governing body of [LOCALITY] (“BOARD/COUNCIL”), pursuant to Virginia Code § 15.2-1413, adopted an 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 (“Emergency Ordinance”); and

WHEREAS, through its Emergency Ordinance, the BOARD/COUNCIL specifically found 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, through its Emergency Ordinance, the BOARD/COUNCIL further found that the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the BOARD/COUNCIL, the School Board, the Planning Commission and all local and regional boards, commissions, committees and authorities created by the BOARD/COUNCIL or to which the BOARD/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; and

WHEREAS, through its Emergency Ordinance, the BOARD/COUNCIL adopted certain procedures to ensure the continuity of government during the COVID-19 Pandemic disaster (“Continuity Procedures”), suspended any deadlines applicable to Public Entities and their staff during the COVID-19 disaster, and authorized Public Entities, at their discretion, to postpone non-emergency public hearings and action items during the disaster; and

WHEREAS, the [NAME OF LOCAL OR REGIONAL PUBLIC ENTITY], being a public body [CREATED BY BOARD/COUNCIL PURSUANT TO (APPLICABLE CODE SECTION) AND/OR WHOSE MEMBERS ARE APPOINTED BY BOARD/COUNCIL] is a Public Entity included within the scope of the Emergency Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the [NAME OF LOCAL OR REGIONAL PUBLIC ENTITY] hereby incorporates by reference and adopts the Continuity Procedures prescribed in the Emergency Ordinance, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED that the [NAME OF LOCAL OR REGIONAL PUBLIC ENTITY] hereby authorizes and directs its officers and staff to take all steps reasonably necessary or appropriate to implement such Continuity Procedures and to develop any specific procedures as applicable and appropriate for the [NAME OF LOCAL OR REGIONAL PUBLIC ENTITY], provided that such specific procedures are consistent with the terms and conditions of the Emergency Ordinance; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect during the pendency of the Emergency Ordinance including for any applicable period upon the re-adoption of the Emergency Ordinance by BOARD/COUNCIL.

ADOPTED by the _____.

APPROVED

ATTEST:

APPROVED AS TO FORM:

**DECLARATION OF LOCAL EMERGENCY
(COVID-19 Virus)(Albemarle Example)
(Virginia Code § 44-146.21)**

COVID-19 is a communicable disease that was declared by the World Health Organization (“WHO”) to be a “public health emergency of international concern” on January 30, 2020, and its spread was characterized by the WHO as a pandemic on March 11, 2020.

On March 12, 2020, the Governor of the Commonwealth of Virginia issued a Declaration of a State of Emergency related to COVID-19, and that declaration states that the “anticipated effects of COVID-19 constitute a disaster as described” in Virginia Code § 44-146.16, and a “communicable disease of public health threat,” a term that is also defined in Virginia Code § 44-146.16.

As the County Executive and Director of Emergency Management for the County of Albemarle, Virginia, I find the imminent threat to the public health and safety of the residents of Albemarle County posed by the COVID-19 virus to be of sufficient severity and magnitude to be an emergency and a disaster, as those terms are defined in Virginia Code § 44-146.16, and to warrant coordinated local government action to prevent or alleviate any potential damage, hardship, suffering, or possible loss of life. Therefore, pursuant to Virginia Code § 44-146.21, I hereby declare a Local Emergency in Albemarle County, Virginia beginning _____, 2020 at _____.

In accordance with this Declaration, the Regional Emergency Operations Plan is activated, furnishing aid and assistance under the Plan are authorized, and all appropriate County departments and agencies are hereby vested with, and authorized to carry out, all powers, duties and functions prescribed by State and local laws, rules, regulations, and plans as may be necessary to adequately and appropriately respond to the Local Emergency by providing emergency services and emergency assistance, and by taking emergency actions.

Jeffrey B. Richardson, County Executive and
Director of Emergency Management
County of Albemarle, Virginia

Date

**RESOLUTION CONFIRMING THE COUNTY EXECUTIVE'S
DECLARATION OF A LOCAL EMERGENCY
(COVID-19 Virus) (Albemarle Example)
(Virginia Code § 44-146.21)**

WHEREAS, the County Executive is designated as the Director of Emergency Management for the County of Albemarle; 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 the 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 Albemarle County, 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 Albemarle County arising from the COVID-19 virus, County Executive Jeffrey B. Richardson, acting in his capacity as the Director of Emergency Management, declared a local emergency on March 12, 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 Albemarle County Board of Supervisors could not timely convene to give its prior consent to the County Executive's declaration.

NOW THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors confirms the declaration of a local emergency by the County Executive on March 12, 2020.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Ms. Price	_____	_____

**RESOLUTION CONSENTING TO THE COUNTY EXECUTIVE
ISSUING A DECLARATION OF LOCAL EMERGENCY
(COVID-19 Virus)(Albemarle Example)
(Virginia Code § 44-146.21)**

WHEREAS, the County Executive, acting as the Director of Emergency Management (the “County Executive”), is authorized to declare local emergencies pursuant to Virginia Code § 44-146.21(A) with the prior consent or the subsequent confirmation of the Board of Supervisors; and

WHEREAS, the County Executive desires to issue a Declaration of Local Emergency related to the COVID-19 virus, a copy of which is attached hereto.

NOW THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors consents to the County Executive issuing the Declaration of Local Emergency.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Ms. Price	_____	_____