



*Municipal Corp. of
Cape Charles*

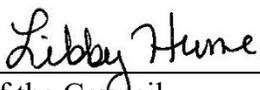
The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on March 31, 2020 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20200330 (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
Andy Buchholz	X		X		
Cela Burge	X		X		
Paul Grossman	X		X		
Tammy Holloway	X		X		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 30th day of March 2020.



Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20200330

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CAPE CHARLES, VIRGINIA, DECLARING A LOCAL EMERGENCY AND DISASTER CREATED BY THE COVID-19 PANDEMIC; APPOINTING THE TOWN MANAGER AS THE TOWN'S DIRECTOR OF EMERGENCY MANAGEMENT; AND ADOPTING TEMPORARY CHANGES IN PRACTICES AND PROCEDURES, PUBLIC MEETINGS AND DEADLINES AS NECESSARY TO ADDRESS CONTINUITY OF GOVERNMENT ASSOCIATED WITH THE 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 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; 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 17, 2020, Governor Northam and the Virginia Health Commissioner issued a public health emergency order advising against non-essential gatherings of more than 10 people; and

WHEREAS, on March 23, 2020, Governor Northam issued Executive Order Fifty-Three closing certain non-essential business and banning most gatherings of more than 10 people, excluding, among other things, operations of government; and

WHEREAS, on March 24, 2020, pursuant to Virginia Code § 44-146.21, the Board of Supervisors of Northampton County (“Board”) confirmed and ratified the declaration of local emergency and disaster by the Northampton County Director of Emergency Management and affirmed the emergency powers vested in said Director; and

WHEREAS, on March 24, 2020, pursuant to Virginia Code § 15.2-1413, the Board adopted an emergency ordinance to authorize emergency procedures to ensure the continuity of government during the COVID-19 pandemic disaster (“Emergency Ordinance”); and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) permits public bodies to meet by electronic communication means without a quorum physically in assembled at one location when the Governor has

declared a state of emergency in accordance with Virginia 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, (ii) the purpose of the meeting is to address the emergency, (iii) public notice is given contemporaneously with notice provided to the members of the public body, (iv) arrangements are made for public access to the meeting, and (v) minutes are kept indicating the nature of the emergency, the fact that the meeting was held by electronic communication and the type of electronic communication means used to conduct the public meeting; and

WHEREAS, Virginia Code § 15.2-1102 authorizes municipalities to take all action necessary and desirable to promote and protect the public health, safety and welfare; 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, the Council of the Town of Cape Charles (“Council”) hereby 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, the Council further finds that the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies or members of the public, rendering it difficult or impossible for the Council and its boards, commissions, committees and authorities, to conduct meetings in accordance with normal practices and procedures; and

WHEREAS, for the reasons stated herein, the Council desires to adopt certain emergency procedures to ensure the continuity of government during the COVID-19 pandemic disaster, including, but not limited to, the suspension of rules of procedures and the conduct of electronic meetings without a quorum of members physically assembled in one in a single location; and

WHEREAS, this Declaration of Emergency and Emergency Ordinance is adopted in accordance with Virginia Code §§ 2.2-3708.2(A)(3), 15.2-1102, 15.2-1413 and 44-146.16 – 21.

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

1. That the COVID-19 pandemic is hereby declared a local emergency and disaster as those terms are defined in Virginia Code § 44-146.16. This declaration supersedes any previous declaration of emergency that may have been made by the Town’s officers and employees with respect to the COVID-19 pandemic.
2. That the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum of the Council, and its boards, commissions, committees and authorities, in a single location.
3. That the Town Manager is hereby designated the Town’s Director of Emergency Management and is hereby given the emergency powers and duties described in Virginia Code § 44-146.21, and is further authorized to take such lawful action as he deems necessary or desirable to address the COVID-19 pandemic. The Council hereby confirms and ratifies any and all lawful actions made by the Town Manager taken in relation to the COVID-19 pandemic to date.

4. That the Town Manager is directed to assist and fully cooperate with the County of Northampton in the implementation of its Plan of Emergency Operations and is further directed to develop and implement (i) a supplemental Plan of Emergency Operation for the Town of Cape Charles to the extent he deems necessary, (ii) a plan for the continuity of essential government functions during the COVID-19 pandemic, and (iii) a plan for the resumption of normal government operations at the termination of the emergency and disaster created by the COVID-19 pandemic.
5. That the Town Manager shall ensure that the adoption and implementation of all plans, procedures, and policies are consistent with state and federal law and with the terms and conditions of this Emergency Ordinance.
6. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or specific, the following emergency procedures are adopted to ensure the continuity of government during the COVID-19 pandemic emergency and disaster:
 - a. Any meeting or activities that require the physical presence of member of the Council, or its boards, commissions, committees and authorities (collectively, the “governing body”), may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physical present in one location; and
 - b. Prior to holding any such electronic meeting, the governing body shall provide public notice of at least three days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
 - c. Any such electronic meeting shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Emergency Ordinance; identify those members of the governing body 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 governing body 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 governing body 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 governing body 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 governing body, including its officers and employees, shall be suspended during this emergency and disaster, however, the governing body, and the 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 the governing body 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 until amended or rescinded by the 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 six months. This powers, duties and obligations conferred by and under this Emergency Ordinance shall incorporate any future executive orders of the President of the United States, the Governor of the Commonwealth of Virginia or the State Health Commissioner, as well as any and all changes in state or federal law. Upon rescission by the Council, this Emergency Ordinance shall terminate, and normal practices and procedures of government shall resume.

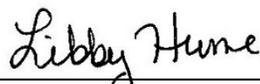
Nothing in this Emergency Ordinance shall prohibit the Council or its boards, commissions, committees, and authorities, from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

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

ADOPTED by the Town Council of Cape Charles, Virginia on March 30, 2020.

By:  _____
Mayor

ATTEST:



Town Clerk