

ORDINANCE NO. 7613-20

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, CONFIRMING AND RATIFYING THE DECLARATION OF A LOCAL EMERGENCY ISSUED BY THE NEWPORT NEWS DIRECTOR OF EMERGENCY MANAGEMENT ON MARCH 12, 2020, AS AMENDED MARCH 17, 2020, MADE NECESSARY BY COVID-19 AND IMPLEMENTING EMERGENCY PROCEDURES TO ENSURE CONTINUITY OF CITY GOVERNMENT.

WHEREAS, Section 44-146.21 of the Code of Virginia, 1950, as amended, prescribes necessary actions precedent to a declaration of a local emergency; and

WHEREAS, Section 16-70 of the Code of the City of Newport News designates the city manager as the Director of Emergency Management; and

WHEREAS, Section 44-146.21 prescribes two methods for declaring an emergency: the first is accomplished by the local Director of Emergency Management with the consent of the governing body; the second is accomplished by the Director of Emergency Management without the initial consent of the governing body, but such declaration must be confirmed by the governing body at its next regularly scheduled meeting or at a special meeting within 45 days of the declaration, whichever occurs first; and

WHEREAS, it was necessary and proper for the city manager, acting in her capacity as Director of Emergency Management, to, on March 12, 2020, and as amended on March 17, 2020, declare a local emergency and disaster in Newport News, Virginia, arising from the Coronavirus Disease 2019 (COVID-19), without first obtaining the consent of the Council of the City of Newport News, Virginia (the "Council"), and confirmation by the Council is now required by law; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the healthcare community in responding to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 12, 2020, Governor Ralph Northam declared a state of emergency in the Commonwealth of Virginia in response to the continued spread of COVID-19, and declared the anticipated effects of COVID-19 to be a disaster as described in Section 44-146.16 of the Code of Virginia, 1950, as amended; and

WHEREAS, on March 15, 2020, Governor Northam announced a ban on all gatherings of one hundred or more people statewide, and a ban on gatherings of fifty people or more within the Peninsula Health District; and

WHEREAS, on March 16, 2020, President Donald Trump urged people to avoid gathering in groups of more than ten people; and

WHEREAS, there have been confirmed cases of COVID-19 in the Hampton Roads region; and

WHEREAS, the Council is satisfied that public health threat posed by COVID-19 constitutes a real and substantial threat to health and safety of persons and property in the City of Newport News, Virginia, and that it necessitated a declaration of local emergency; and

WHEREAS, Section 15.2-1413 of the Code of Virginia authorizes any locality to, by ordinance, provide a method to assure continuity in its government in the event of a disaster.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That it hereby confirms and ratifies the Declaration of Local Emergency made on March 12, 2020, by the Director of Emergency Management, and the Amended Declaration made on March 17, 2020.

2. That it understands and confirms that the Declaration of Local Emergency empowers the Director of Emergency Management with special authority and duties, said authority and duties being defined by the laws, rules, regulations and plans of the United States of America, the Commonwealth of Virginia and the City of Newport News.

3. That it understands and confirms that when, in judgment of this Council, all needed emergency actions have been taken, appropriate action to end the declared local emergency will be taken.

4. That the infectious nature of COVID-19 makes it unsafe to assemble a quorum of this Council in a single location, or to assemble members of the public in a single location, making it difficult or impossible for this Council and the city's boards and commissions to conduct meetings in accordance with normal practices and procedures. In accordance with Section 15.2-1413 of the Code of Virginia, 1950, as amended, notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure continuity of government during the pendency of the emergency and disaster created by COVID-19:

a. That any process, procedure, or matter which requires the physical presence of the public in a city building that the City Manager has declared or in the future declares to be closed to the public is hereby suspended. When possible, procedures requiring the presence of the public, including but not limited to the public opening and announcement of bids pursuant to the Virginia Public Procurement Act, may be accomplished via teleconference or other electronic

means that facilitates public participation.

b. Meetings of the Council and other city boards and commissions, including but not limited to, the School Board and Planning Commission, may be held through electronic communication means without a quorum of members physically present in a single location, provided that notice of such meetings is still given in accordance with applicable laws.

c. Such meetings may be held without permitting members of the public to be physically present in a central location or in the same physical location as any of the Council, board, or commission members, so long as alternative arrangements for public access to such meetings are made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.

d. For any matter requiring a public hearing by law, the public hearing will be opened and continued to the next meeting of the body to allow for receipt of public comment. Public comment will be solicited and received via written means prior to the vote on such matter. Public comments may also be solicited and, if so solicited, received, via electronic and/or telephonic means if possible and practical. All such comments will be provided to the members of the body and made a part of the record of such meeting.

e. That the citizen comment portion of the agenda, specified in Section 2-36, Order of business prescribed-Regular meetings, of the Code of the City of Newport News, Virginia, is hereby suspended. Citizens are encouraged to submit comments to City Council in writing or via e-mail.

5. That the provisions in the aforesaid Section 4 shall be in effect for the duration of the locally declared emergency, for a period not exceeding six months from the declaration of a local emergency. Upon expiration of the aforesaid Section 4, the matters referenced therein shall resume operation in accordance with normal practices and procedures.

6. That this ordinance shall be in effect on and after the date of its adoption, March 23, 2020.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON MARCH 23, 2020

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk