

ORDINANCE NO. 7653-20

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, TO CONTINUE EMERGENCY PROCEDURES IMPLEMENTED TO ENSURE CONTINUITY OF CITY GOVERNMENT DURING THE STATE OF EMERGENCY AND DISASTER CAUSED BY THE COVID-19 PANDEMIC.

WHEREAS, the City of Newport News, Virginia, the Commonwealth, and the United States continue to battle the challenges presented by the Coronavirus Disease 2019 (COVID-19) pandemic; and

WHEREAS, by Ordinance No. 7613-20, adopted on March 23, 2020, City Council adopted certain emergency procedures to ensure continuity of city government during the disaster resulting from the COVID-19 pandemic; and

WHEREAS, the emergency procedures set forth in Ordinance No. 7613-20 are set to expire on September 12, 2020; and

WHEREAS, it is apparent to the Council of the City of Newport News, Virginia (“City Council”), that the disaster that exists as a result of the ongoing presence and effects of COVID-19 is ongoing; and

WHEREAS, experts predict that there may be another spike in COVID-19 infections in the fall and winter months; and

WHEREAS, Section 15.2-1413 of the Code of Virginia, 1950, as amended, which authorizes a locality to provide, by ordinance, a method to assure continuity in its government in the event of a disaster, provides that such ordinance shall be limited in its effect to a period not exceeding six months after such disaster; and

WHEREAS, the City Council desires to extend certain emergency measures adopted on March 23, 2020, in order to continue to provide continuity of government in the City.

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

1. That it hereby finds that the conditions leading to the declaration of a local emergency and disaster resulting from COVID-19 continue to persist in the City.

2. That the infectious nature of COVID-19 may make 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. 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 City 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, if the public is not permitted to attend the meeting in person, the public hearing will be opened and continued for a period of ten days, or such other period as may be designated by motion, 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 made available to the members of the body and made a part of the record of such meeting.

e. 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.

3. That the foregoing shall not prohibit the holding of in person meetings and public hearings when conditions permit such meetings to be held.

4. That the provisions in the aforesaid Section 2 shall be in effect for the duration of the locally declared emergency, for a period not exceeding six months from the adoption of this ordinance. Upon expiration of the aforesaid Section 2, the matters referenced therein shall resume operation in accordance with normal practices and procedures.

5. That this ordinance shall be in effect on and after the date of its adoption, September 8, 2020.

ORDINANCE NO. 7653-20

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON SEPTEMBER 8, 2020

**Mabel Washington Jenkins, MMC
City Clerk**

**McKinley L. Price, DDS
Mayor**

A true copy, teste:

City Clerk