



**City of Petersburg  
Virginia**

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**City Council**

Samuel Parham, Mayor – Ward 3  
John A. Hart, Sr., Vice Mayor – Ward 7  
Treska Wilson-Smith, Councilor – Ward 1  
Darrin Hill, Councilor – Ward 2  
Charles Cuthbert, Councilor – Ward 4  
W. Howard Myers, Councilor – Ward 5  
Annette Smith-Lee, Councilor – Ward 6

**City Manager**

Aretha R. Ferrell-Benavides

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**EMERGENCY SPECIAL MEETING OF PETERSBURG CITY COUNCIL AGENDA**

**March 31, 2020  
Petersburg Area Transit  
Conference Room  
100 West Washington Street  
12:00pm**

- 1. Call to Order**
- 2. Roll Call**
- 3. Consideration of a motion to suspend the Rules of Council.**
- 4. Consideration of a resolution confirming and ratifying the City Manager/Director of Emergency Management Declaration of a Local Emergency.**
- 5. Consideration of an 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.**
- 6. Delivery of Budget Documents – No discussion just delivery of documents only.**
- 7. Adjournment**





# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** March 24, 2020

**TO:** Mayor and Honorable Members of City Council

**FROM:** Anthony C. Williams, City Attorney

**RE:** **RESOLUTION CONFIRMING AND RATIFYING THE CITY MANAGER/DIRECTOR OF EMERGENCY MANAGEMENT'S DECLARATION OF A LOCAL EMERGENCY**

**PURPOSE:** To Confirm/Ratify the City Manager/Director of Emergency Management's Declaration of Local Emergency as a result of the COVID-19 Crisis.

**REASON:** Required by Section 44-146.21 of the Code of Virginia.

**RECOMMENDATION:** Adopt the Resolution.

**BACKGROUND:** On March 12, 2020, the Governor of Virginia and State Health Commissioner issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic. On March 14, 2020, the City Manager in her capacity as Director of Emergency Management formally issued a Declaration of Local Emergency for the City of Petersburg. Section 44-146.21 of the Code of Virginia requires that the governing body concur in the declaration or otherwise confirm/ratify the Declaration of Local Emergency at its next regularly scheduled meeting or within 45 days of the Emergency Manager's declaration, whichever shall come first.

**COST TO CITY:** 0

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** UNKNOWN

**CITY COUNCIL HEARING DATE:** March 31, 2020

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** All.

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** Reference Council Ordinance on Continuity of Government.

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:** Resolution

**STAFF:** Anthony C. Williams, City Attorney



**RESOLUTION CONFIRMING AND RATIFYING THE  
CITY MANAGER/DIRECTOR OF EMERGENCY  
MANAGEMENT'S DECLARATION OF A LOCAL EMERGENCY**

**WHEREAS**, the City Manager is designated as the Director of Emergency Management for the City of Petersburg; and

**WHEREAS**, the World Health Organization declared the COVID-19 virus a "public health emergency of international concern" on January 30, 2020, and characterized the spread of the COVID-19 virus as a pandemic on March 11, 2020; and

**WHEREAS**, the Governor of Virginia declared a State of Emergency on March 12, 2020 to prepare and coordinate Virginia's response to the potential spread of COVID-19; and

**WHEREAS**, the COVID-19 virus and its continued spread pose an imminent threat to the public health and safety of the residents of the City of Petersburg and the Commonwealth; and

**WHEREAS**, the COVID-19 virus and its consequences 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.

**WHEREAS**, on March 14, 2020 the City Manager in her capacity as Director of Emergency Management for the City of Petersburg did formally issue a Declaration of Local Emergency (**Exhibit A**); and

**WHEREAS**, due to the public health threat posed by the COVID-19 virus and increased likelihood of spreading the contagion in public gatherings absent preparation and sanitization in advance, the governing body was unable to meet immediately to express its concurrence with the Declaration of Local Emergency and cancelled its regularly scheduled meeting on March 17, 2020; and

**WHEREAS**, in accordance with Code of Virginia §44-146.21 of the Code of Virginia, scheduled a Special Meeting within 45 days of the City Manager/Director of Emergency Management's Declaration to confirm and ratify the Declaration of a Local Emergency.

**NOW THEREFORE, BE IT RESOLVED**, that the Council of the City of Petersburg, Virginia does hereby RATIFY and CONFIRM the City Manager, acting as the Director of Emergency Management's Declaration of a Local Emergency relating to the COVID-19 virus on March 14, 2020; and

**BE IT FURTHER RESOLVED** that, during the declared local emergency, the City Manager is authorized to exercise the powers conferred to her as the Director of Emergency Management by Virginia Code § 44-146.21 and any other provision of the Code of Virginia.

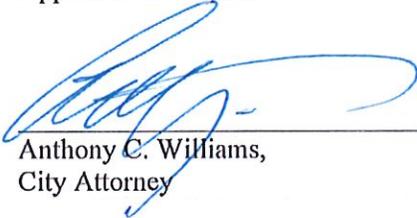
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Samuel Parham  
Mayor  
City of Petersburg

Attest: \_\_\_\_\_

Nykesha Jackson  
City Clerk  
City of Petersburg

Approved as to form:



\_\_\_\_\_  
Anthony C. Williams,  
City Attorney

**DECLARATION OF A LOCAL EMERGENCY  
IN RESPONSE TO CORONAVIRUS 2019 (COVID-19)**

**WHEREAS**, the World Health Organization has declared Coronavirus 2019 (COVID-19) a Public Health Emergency of International Concern; and

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

**WHEREAS**, the Governor of Virginia declared a State of Emergency on March 12, 2020 to prepare and coordinate Virginia's response to the potential spread of COVID-19; and

**WHEREAS**, the threat to public health and safety to the residents of the City of Petersburg, Virginia posed by and resulting from the COVID-19 virus is of sufficient severity and magnitude to be an emergency as defined by Virginia Code § 44-146.16;

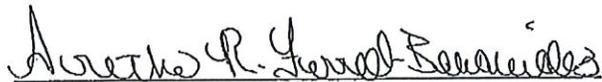
**NOW, THEREFORE, BE IT PROCLAIMED** pursuant to the authority vested by Virginia Code § 44-146.21, as City Manager and as the City's Director of Emergency Management, I hereby declare that a local emergency exists within the City of Petersburg.

**IT IS FURTHER PROCLAIMED AND ORDERED** that this declaration shall activate the City's local emergency operations plan and authorize the furnishing of aid and assistance thereunder, and all appropriate City 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;

This Declaration is effective upon my signature and shall remain in full force and effect until the Petersburg City Council considers the confirmation of this Declaration at its next regularly scheduled meeting or at a special meeting within forty-five days of this Declaration, whichever occurs first.

If the Petersburg City Council confirms this Declaration, it shall remain in full force and effect until the Petersburg City Council determines that all necessary emergency actions have been taken and takes appropriate action to end the declared emergency by a majority vote taken at an open meeting, in accordance with the provisions of Virginia Code § 44-146.21(A).

Dated: March 14, 2020



Aretha R. Ferrell-Benavides  
City Manager and Director of Emergency Management  
City of Petersburg, Virginia

EXHIBIT A





# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** March 24, 2020

**TO:** Mayor and Honorable Members of City Council

**FROM:** Anthony C. Williams, City Attorney

**RE:** 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.

**PURPOSE:** To enable the continued operation of government during the COVID-19 Crisis.

**REASON:** To enable the continued operation of government during the COVID-19 Crisis.

**RECOMMENDATION:** Adopt the Ordinance.

**BACKGROUND:** On March 12, 2020, the Governor of Virginia and State Health Commissioner issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic. Part of EO-51 and its progeny EO-53 preclude, with certain limited exceptions private and public gatherings of more than ten persons in furtherance of minimizing the spread of contagion. Compliance with the intent of these Orders precludes the ability of the governing body to conduct public meetings and other public business. To that end, §15.2-1413 of the Code of Virginia authorizes localities under these circumstances to adopt “continuity of government” ordinances which allow variance from these statutory requirements during the disaster for a period not to exceed six (6) months. Upon adoption of this ordinance, Council will be permitted to:

1. Continue all agenda items scheduled for Council and public bodies appointed by Council for the duration of the emergency without negative impacts associated with the failure to act as otherwise required by statute.
2. Conduct meetings remotely without a physical quorum of Council present (so long as the combination of those participating in person and remotely equate to a quorum).
3. Limit physical attendance at meetings (but still providing access as reasonably practicable) as reasonably deemed necessary in furtherance public health, safety, and welfare.
4. Conduct public hearing and public comment remotely by “write in” by continuing matters for a minimum of six days to receive public input.

As this is an Emergency Ordinance that has been adopted in accordance with §15.2-1427 of the Code of Virginia without publication per §15.2-1427(f) it must be readopted after such publication within sixty (60) days in order to remain effective for the full six (6) month duration.

**COST TO CITY:** 0

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A



**CITY COUNCIL HEARING DATE:** March 31, 2020

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** All.

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** Reference Council  
Confirmation/Ratification of Declaration of Local Emergency

**REQUIRED CHANGES TO WORK PROGRAMS:** See Background.

**ATTACHMENTS:** Ordinance

**STAFF:** Anthony C. Williams, City Attorney



**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.**

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 disaster as defined by Virginia Code Section 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 waiver “any state requirement or regulation” as appropriate; and

WHEREAS, on March 14, 2020 the City Manager in her capacity as Director of Emergency Management, made a Declaration of Local Emergency for the City of Petersburg; and

WHEREAS, on March 31, 2020 City Council for the city of Petersburg did CONFIRM and RATIFY said Declaration of Local Emergency made by the City Manager in her capacity as Director of Emergency Management which declaration remains active throughout the entire City of Petersburg; and

WHEREAS, Virginia Code Section 15.2-1413 provides that a locality may, by ordinance, provide a method at variance with general or special laws to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS Virginia Code Section 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his/her 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 Section 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of City 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 are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

WHEREAS, federal and state guidance from the executive branch has recommended suspension of public and private gatherings of more than ten attendees; and

WHEREAS, the Governor's Executive Order 53 has prohibited public and private gatherings of ten or more persons with limited exceptions; and

WHEREAS, it is the belief of City Council that these limitations are intended in the furtherance of public health, safety, and welfare to prevent the spread of contagion.

NOW, THEREFORE BE IT ORDAINED by Council for the City of Petersburg that the regularly scheduled meetings and corresponding agenda items scheduled or proposed to be considered for the duration of the local emergency declaration not to exceed six (6) months by the City Council, Planning Commission, or any other City Board or commission shall be deemed continued and the time limitations for action shall be deemed stayed (frozen) for the duration of the local emergency declaration, not to exceed six (6) months, if the City Council, Planning Commission or other board or commission does not take action on the agenda item during the referenced timeframe, including those agenda items for which state or local law requires an affirmative action to be taken within a statutorily-mandated timeframe and the failure to take such action during the statutorily-mandate timeframe shall not be deemed an approval or otherwise prejudice or impact any rights or authority of City Council to fully and fairly consider the item; and

BE IT FURTHER ORDAINED, that notwithstanding the foregoing, City Council, the Planning Commission, and any other City board or commission, may, at their election, conduct previously scheduled meetings or special meetings and act upon scheduled or proposed agenda items before them for the duration of the emergency declaration thereafter, under normal procedures or solely be electronic means in compliance with public notice, access, and other requirements of Virginia Code 2.2-3708.2(A(3)) to the extent reasonably practicable, and that City Council, the Planning Commission may in the exercise of reasonable discretion and consideration of the health, safety, and welfare of the public, place limitations on physical attendance consistent with Executive Orders of the Governor and/or recommendations of the State Health Commissioner; and

BE IT FURTHER ORDAINED, that in the event that a public hearing matter is deemed by the applicable governing body to present a critical government function essential to continuity of government for the duration of the emergency declaration, the public hearing may be conducted by an open public comment period called for during an electronic meeting, in which case, action by the governing body shall be continued to a subsequent meeting pending receipt of such comments. Public comments shall be received by written submittal (including but not limited to email) delivered to the City Clerk of designee during the period stated in the call for public comments which comment period shall be a minimum of six (6) calendar days; and

BE IT FURTHER ORDAINED, that nothing in this Ordinance shall be deemed to affect the application of and timely remittance by citizens and private entities of taxes, fees, penalties, interest, and other monies due and owing to the City of Petersburg, and the timely submission of applications to appeal such taxes, fees, penalties, and other monies due and owing to the City of Petersburg to appropriate entities including but not limited to the Board of Equalization nor shall it be construed to foreclose the City from taking any lawful action for the failure to comply with such timely remittance or appeal; and

BE IT FURTHER ORDAINED, that any requirements of a statute, ordinance, or Rule of Council contrary to the provisions of this Ordinance shall be deemed superseded by this Ordinance to the extent permissible by law; and

BE IT FURTHER ORDAINED, that City Council reserves the right by subsequently enacted ordinance to rescind or amend this ordinance.

An emergency is deemed to exist and this Ordinance shall be deemed effective upon the date of the Declaration of Local Emergency and shall automatically terminate in sixty (60) days unless readopted after publication in accordance with the requirements of the Code of Virginia. Upon such publication, the Ordinance shall remain in effect for six months from the date of Declaration of Local Emergency or until such shorter time as Council may impose by subsequently enacted ordinance.

APPROVED:

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Mayor Samuel Parham on behalf of  
Petersburg City Council

ATTEST:

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Clerk of Council

APPROVED AS TO FORM:

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Anthony C. Williams,  
City Attorney





# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** March 24, 2020

**TO:** Mayor and Honorable Members of City Council

**FROM:** Aretha Ferrell-Benavides, City Manager

**RE:** **DELIVERY OF BUDGET DOCUMENTS**

**PURPOSE:** To comply with the requirements of §15.2-2503 of the Code of Virginia by delivering the budget documents to City Council on or before April 1, 2020.

**REASON:** Required by Section §15.2-2503 of the Code of Virginia.

**RECOMMENDATION:** No action required.

**BACKGROUND:** The Code of Virginia requires delivery of the budget documents to Council on or before April 1, 2020. While such delivery would ordinarily be accompanied by a brief preliminary presentation, due to the limitations on matters that may be discussed during a Special Emergency Meeting, formal presentation and discussion will be scheduled for a later date upon Council's adoption of the Continuity of Government Ordinance included in this Agenda Package.

**COST TO CITY:** 0

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** UNKNOWN

**CITY COUNCIL HEARING DATE:** March 31, 2020

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** All.

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** Reference Council Ordinance on Continuity of Government.

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:** Budget Documents

**STAFF:** Aretha Ferrell-Benavides, City Manager

