



**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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**SPECIAL CITY COUNCIL MEETING AGENDA**

**September 14, 2020  
Live Stream  
Petersburg, VA  
12:00pm**

- 1. Call to Order**
- 2. Roll Call**
- 3. Public Hearing and Consideration:**
  - a. A public hearing and consideration of adoption of the Continuity of Government Ordinance previously adopted by Council expiring on September 14, 2020. This ordinance replaces the prior ordinance and will extend the emergency operation provisions through March 14, 2021.
- 4. Adjournment**



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** September 14, 2020

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

**THROUGH:**

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

**RE:** **Public Hearing and consideration of adoption of the Continuity of Government Ordinance previously adopted by Council expiring on September 14, 2020. This Ordinance replaces the prior ordinance and will extend the emergency operation provisions through March 14, 2021.**

**PURPOSE:** Public Hearing and consideration of adoption of the Continuity Of Government Ordinance Previously Adopted By Council Expiring On September 14, 2020. This Ordinance Replaces The Prior Ordinance And Will Extend The Emergency Operation Provisions Through March 14, 2021.

**REASON:** COVID-19 Pandemic

**RECOMMENDATION:** Adopt Ordinance

**BACKGROUND:** Council's current Continuity of Government Ordinance expires on September 14, 2020. In order to continue operating under the emergency provisions, Council must adopt this Ordinance on or before September 14, 2020. If adopted, Council may continue to operate under the emergency provisions through March 14, 2021 unless rescinded prior to that date by Council through adoption of a rescission ordinance.

**COST TO CITY:** \$0

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 9/14/2020

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

**AFFECTED AGENCIES:** ALL

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** Supersedes and replaces previously adopted Continuity of Government Ordinances.

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

**ATTACHMENTS:**

1. continuity of government ordinance3

**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 waive “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 after the conclusion of the disaster; and

WHEREAS, the COVID-19 disaster continues, with state imposed and recommended mask, social distancing, and limited personal contact requirements; 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; and

WHEREAS, this Ordinance was previously adopted by Council on March 31, 2020 with an expiration date of sixty-days (May 31, 2020) unless readopted by Council; and

WHEREAS, said Ordinance was re-adopted on May 19, 2020 with an expiration date of September 14, 2020; and

WHEREAS, the COVID-19 disaster continues in effect with state required and recommended mask, social distancing, limited public gathering and personal contact restrictions; and

WHEREAS, it is the belief of Council that due to the continuation of the COVID-19 Pandemic, it is necessary to continue this Ordinance in full force and effect for a period not to exceed six months (this Ordinance will expire on March 14, 2021) unless rescinded earlier by Council.

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 beyond the conclusion of the disaster) 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 from the conclusion of the disaster, 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 may be continued to a subsequent meeting pending receipt of such comments. Public comments may be received by telephone, electronic communication or 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 any 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 adoption and shall automatically terminate on March 14, 2021 unless rescinded prior by Council through subsequently enacted ordinance.