

**ORDINANCE CONFIRMING, READOPTING, AND CONTINUING THE  
EMERGENCY ORDINANCE ADOPTED ON APRIL 6, 2020 AND 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  
TITLE 15 CHAPTER 7 SECTION 1(b)**

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

**WHEREAS**, on March 24, 2020 the Harrisonburg City Council (the Council) confirmed the declaration of local emergency made by the local director of emergency management on March 14, 2020 and

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

**WHEREAS**, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees; and

**WHEREAS**, the Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

**WHEREAS**, the State Declaration of Emergency has remained in effect and Governor Northam has continued to issue Executive Orders implementing the response to the pandemic; and

**WHEREAS**, the concerns underlying the Local Declaration of Emergency, including maintaining social distancing and taking other measures to limit the spread of COVID-19, remain applicable; and

**WHEREAS**, based on the current status of the spread of COVID-19, it is not advisable to modify or cancel the Local Declaration of Emergency at this time; and

**WHEREAS**, this emergency ordinance in response to the disaster caused by the COVID19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Harrisonburg, Virginia:

1. That the Local Declaration of Emergency is confirmed and continued and shall remain in force and effect.

2. That the Emergency Ordinance adopted on April 6, 2020 is confirmed, readopted, and continued in its entirety.
3. That unless confirmed, readopted, and continued, this Ordinance shall expire after six months, except that this Ordinance shall expire immediately upon the revocation of the Local Declaration of Emergency.
4. An emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

**ADOPTED AND APPROVED** this 8<sup>th</sup> day of September, 2020.

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**MAYOR**

ATTESTEE:

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CITY CLERK

APPROVED AS TO FORM:

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G. Chris Brown, City Attorney