

EMERGENCY ORDINANCE NUMBER 2020-01

AN EMERGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF SOUTHAMPTON COUNTY, VIRGINIA, CONFIRMING AND RATIFYING THE DECLARATION OF A LOCAL EMERGENCY ISSUED BY THE SOUTHAMPTON COUNTY DIRECTOR OF EMERGENCY MANAGEMENT ON MARCH 13, 2020, AS AMENDED MARCH 20, 2020, MADE NECESSARY BY COVID-19 AND IMPLEMENTING EMERGENCY PROCEDURES TO ENSURE CONTINUITY OF COUNTY 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, the adopted Emergency Operations Plan for Southampton County, Virginia designates the County Administrator 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 County Administrator, acting in his capacity as Director of Emergency Management, to, on March 13, 2020, and as amended on March 20, 2020, declare a local emergency and disaster in Southampton County, Virginia, arising from the Coronavirus Disease 2019 (COVID-19), without first obtaining the consent of the Board of Supervisors of Southampton County, Virginia (the "Board"), and confirmation by the Board 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 16, 2020, President Donald Trump urged Americans to avoid gathering in groups of more than ten people; and

WHEREAS, on March 17, 2020, Governor Northam announced a ban on all gatherings of more than 10 people, with the exceptions of normal operations at essential services such as manufacturers, distribution centers, airports, bus and train stations, medical facilities, grocery stores, and pharmacies; and

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

WHEREAS, the Board is satisfied that the public health threat posed by COVID-19 constitutes a real and substantial threat to health and safety of persons and property in Southampton County, 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 Board of Supervisors of Southampton County, Virginia:

1. That it hereby confirms and ratifies the Declaration of Local Emergency made on March 13, 2020, by the Director of Emergency Management, and the Amended Declaration made on March 20, 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 Southampton County.

3. That it understands and confirms that when, in judgment of this Board, 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 Board in a single location, or to assemble members of the public in a single location, making it difficult or impossible for this Board and the county'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 county building that the County Administrator has declared or in the future

declares to be closed to the public is hereby suspended.

b. Meetings of the Board of Supervisors and other county boards and commissions 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 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, public comment will be solicited and received via electronic, telephonic, and/or written means prior to the vote on such matter. All such comments will be provided to the members of the body and made a part of the record of such meeting.

5. That the provisions in the aforesaid Section 4 shall be in effect until repealed by this Board, for a period not exceeding six months from the declaration of a local emergency. Upon repeal or 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 26, 2020.

Adopted: March 26, 2020


Vice Chairman, Board of Supervisors

Attest: 
Clerk