

**TOWN OF CLIFTON, VIRGINIA  
ARCHITECTURAL REVIEW BOARD  
COUNTY OF FAIRFAX**

**PRESENTED: MAY \_\_\_, 2020**

**ADOPTED: MAY \_\_\_, 2020**

**A RESOLUTION: RATIFYING THE APPLICATION OF THE TOWN  
COUNCIL REMOTE PARTICIPATION BY ELECTRONIC  
MEANS POLICY AND THE TOWN COUNCIL  
CONTINUITY OF GOVERNMENT METHODS, TO THE  
ARCHITECTURAL REVIEW BOARD AND  
AUTHORIZING REMOTE PARTICIPATION BY  
ELECTRONIC MEANS WITHOUT A PHYSICAL  
QUORUM BEING PRESENT PURSUANT TO VIRGINIA  
LAW.**

**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 April 2, 2020, the Clifton Mayor, as the local Director of Emergency Management, and Town liaison to the Fairfax Department of Emergency Management, declared a local emergency specifically finding that the COVID-19 pandemic constitutes a “disaster” as defined in Virginia Code § 44-146.16, being a “communicable disease of public health threat”; and

**WHEREAS**, by Executive Order Fifty-Three, effective March 24, 2020, Virginia Governor Northam prohibited public gatherings of greater than ten (10) persons in an effort to implement social distancing during the pandemic emergency; and

**WHEREAS**, by Executive Order Fifty-Five, effective March 30, 2020, Virginia Governor Northam issued a Stay at Home Order, and emphasized the prohibition on public gatherings of greater than ten (10) persons; and

**WHEREAS**, at a meeting on April 6, 2020, the Clifton Town Council, with a quorum physically present at the Clifton Town Office, adopted a Resolution and Policy that allows remote participation in Town Council, Planning Commission and Architectural Review Board meetings pursuant to Virginia Code § 2.2-3708.2; 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 the Council desires to ensure the continuity of government pursuant to section 15.2-1413 of the Code of Virginia, 1950, as amended; and

**WHEREAS**, at a meeting on April 16, 2020, the Clifton Town Council, while practicing social distancing, adopted an Emergency Uncodified Ordinance to Establish Methods to Assure Continuity in Town of Clifton Government and to Conduct Town Council Member Meetings During Novel Coronavirus Disease 2019 Emergency and such methods include the ability to conduct fully remote electronic participation meetings; and

**WHEREAS**, on April 24, 2020, Virginia Governor Northam signed amendments to the Code of Virginia which allowing public bodies to conduct electronic meetings without the necessity of a physical quorum during a declared emergency/disaster in order to transact business statutorily required or necessary to continue operations of the public body; and

**WHEREAS**, the Clifton Architectural Review Board desires to protect the health and safety of the public, elected appointed members and employees; abide by the Governor's Stay-at- Home Order; and follow the Federal and State social distancing and congregating directives; and

**WHEREAS**, the Clifton Architectural Review Board desires to undertake electronic meetings to continue the Town's business that is statutorily required and necessary for the continued operations of the Town.

**NOW THEREFORE, BE IT RESOLVED** by the Architectural Review Board of the Town of Clifton, Virginia that the local pandemic emergency/disaster makes it unsafe to assemble in one location a quorum for public bodies or for the Architectural Review Board to conduct meetings in accordance with normal practices and procedures; and.

**BE IT FURTHER RESOLVED** that the following rules, actions, and regulations are effective immediately and shall remain so until the Continuity of Government Ordinance is repealed by the Town Council or until six (6) months from the date of adoption, whichever comes first; and

**BE IT FURTHER RESOLVED** that the Architectural Review Board hereby requests its officers and staff to take all steps reasonably necessary or appropriate to implement such

continuity procedures and to develop any specific procedures as applicable and appropriate for the Architectural Review Board, provided that such specific procedures are consistent with the terms and conditions of this ordinance.

## **CONTINUITY PROCEDURES FOR MEETINGS**

Sec. A-1. Procedures for public meetings during the emergency.

For the duration of the emergency/disaster declared as part of this ordinance, the following procedures shall govern the meetings of the Clifton Architectural Review Board:

- a. Any meeting or activities which require the physical presence of members of the Architectural Review Board may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
- b. Prior to holding any such electronic meeting, the Architectural Review Board shall provide public notice of the electronic meeting as required by law and identify how the public may participate or otherwise offer comment; and [L]  
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- c. At the beginning of each such meeting, the following shall be stated that:
  1. the nature of the declared emergency makes it impracticable or unsafe for the Architectural Review Board to assemble in a single location; and
  2. the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the Architectural Review Board and the discharge of its lawful purposes, duties, and responsibilities; and
  3. the Architectural Review Board shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia.
- d. Any such electronic meeting of the Architectural Review Board shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Resolution; identify Architectural Review Board members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and [L]  
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- e. Any such electronic meeting of the Architectural Review Board shall be open to electronic participation by the public and closed to in-person participation by the public; and [L]  
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- f. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Architectural Review Board at or before the electronic meeting and made part of the record for such meeting; and [L]  
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- g. The minutes of all electronic meetings shall conform to the requirements of law, identify how the meeting was conducted, identify members participating, and specify what actions were taken at the meeting. The Architectural Review Board may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended. [1]  
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## **PART B—DESIGNATION OF SUCCESSORS AUTHORIZED TO ACT DURING EMERGENCY DISASTER**

Whenever the chair of the Architectural Review Board is unable to discharge the duties of the office, the vice chair of the Board is authorized to discharge the same for the duration of any such disability. In the event that neither the chair nor vice chair is available to preside over a meeting of the Board, then the remaining members of the Board then present may appoint a chair pro tem from among their membership to preside during such meeting.

**VOTE:**

**AYES:**

**NAYS:**

**ABSTENTIONS:**

**ABSENT FOR VOTE:**

**ADOPTED: May \_\_\_, 2020**

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**Chair, Architectural Review Board**

**CERTIFIED:**

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**Town Clerk**