

**TOWN OF CLIFTON, VIRGINIA  
TOWN COUNCIL**

**PRESENTED: MAY 6, 2020**

**ADOPTED: MAY 6, 2020**

**A RESOLUTION: ADOPTING REMOTE ELECTRONIC MEETING AND  
PUBLIC HEARING PROCEDURES DURING AN  
EMERGENCY/DISASTER AND OTHER ACTIONS TO  
ALLOW THE TRANSACTACTION OF BUSINESS  
REQUIRED FOR THE CONTINUED OPERATIONS OF THE  
TOWN OF CLIFTON, VIRGINIA.**

**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 Town Council, while practicing physical

distancing, adopted a policy for the remote participation of individual Town Council Members by electronic means while a physical quorum is present, pursuant to Code of Virginia § 2.2-3708.2; and

**WHEREAS**, at its April 6, 2020 meeting, the Town Council, while practicing physical distancing, enacted an Emergency Uncodified Ordinance to Establish Methods to Assure Continuity in Town of Town Council 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 Code of Virginia § 2.2-3708.2 which allow 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 Town Council desires to protect the health and safety of the public, its 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 Town Council desires to undertake fully remote 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 ORDAINED** by the Clifton Town Council that the Covid-19 pandemic emergency/disaster makes it unsafe to assemble in one location, a physical quorum for public bodies, including the Clifton Town Council, the Planning Commission, Architectural Review Board, Board of Zoning Appeals, and all other boards, commissions, and committees created by the Clifton Town Council or to which the Clifton Town Council appoints all or a portion of its members (collectively "Public Entities" and individually "Public Entity"), or for such Public Entities to conduct meetings in accordance with normal practices and procedures; and.

**BE IT FURTHER RESOLVED** that the Clifton Town Council hereby requests its officers and staff to take all steps reasonably necessary or appropriate to implement such procedures and to develop any specific procedures as applicable and appropriate for the Town Council, provided that such specific procedures are consistent with the terms and conditions of this Resolution and Virginia law.

## **PART A--PROCEDURES FOR MEETINGS**

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

For the duration of the emergency/disaster, the following procedures shall govern the meetings of the Clifton Town Council and any of its Public Entities:

- a. Any meetings or activities which require the physical presence of members of the Town Council or Public Entities 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 Public Entity shall provide public notice of the electronic meeting as required by law and identify how the public may participate or otherwise offer comment; and [§EP]
- c. At the beginning of each such meeting, the following shall be stated:
  - 1. the nature of the declared emergency makes it impracticable or unsafe for the public entity to assemble in a single location; and
  - 2. the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public and the discharge of its lawful purposes, duties, and responsibilities; and
  - 3. the public entity 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 Public Entities 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 and State Law; identify Public Entity 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 [§EP]
- e. Any such electronic meeting of a Public Entity shall be open to electronic participation by the public and closed to in-person participation by the public; and [§EP]
- 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 Public Entity at or before the electronic meeting and made part of the record for such meeting; and [§EP]
- 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. A Public Entity 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. [§EP]

## **PART B—DESIGNATION OF SUCCESSORS AUTHORIZED TO ACT DURING EMERGENCY DISASTER**

### **Sec. B-1. Council, Boards, Commissions and Committees.**

- a. At any time the Mayor is unable to discharge the duties of his office, the Vice Mayor is authorized to discharge the same for the duration of any such disability. In the event a meeting of the Town Council is convened and neither the Mayor nor Vice Mayor is available to preside over such meeting, the Council shall elect from its members a chair pro tem to preside during such meeting.
- b. Whenever the chair of any board, commission or committee of the Town is unable to discharge the duties of office, the vice chair of such board, commission or committee 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 a board, commission or committee, then the remaining members of such board, commission or committee then present may appoint a chair pro tem from among their membership to preside during such meeting.
- c. The provisions of Part A of this ordinance shall apply, *mutatis mutandis*, to the conduct of meetings of any board, commission or committee for the duration of the emergency disaster.

Sec. B-2. Town Council authorized to designate successors to exercise powers and discharge duties.

To the extent authorized by law, the Town Council, by ordinance or resolution as appropriate, may designate successors to exercise any power conferred and discharge any duties imposed upon the Town, its officers and employees. Any such ordinance/resolution shall be limited to a time specified therein. The ordinance/resolution shall be filed with the official records of the Town and shall be maintained by the Town Recorder.

## **PART C—SUSPENSION OF INCONSISTENT LAWS, ETC.**

### **Sec. C-1 – Suspension of Inconsistent Ordinances and Policies**

To the extent permitted by law, all ordinances and policies heretofore enacted by the Town Council or its subordinate committees, commissions or boards, are hereby suspended for the duration of the emergency disaster, but only to the extent that they are inconsistent with this Resolution and its authorizations. The provisions of this suspension are effective immediately and shall remain so until six (6) months from the date of adoption; and further, that normal governmental activity shall resume subsequent to expiration of this Resolution should no further emergency be declared hereafter.

## **PART D—SPECIFIC EMERGENCY ACTIONS AUTHORIZED**

### **Sec. D-1 - Emergency procurements authorized.**

The Town Council hereby authorizes the emergency procurement of personnel services to supplement the personnel services provided by the Town and emergency procurement of specialized services intended to respond to the unique attributes of the emergency or



disaster relief necessitated under a declaration of emergency or disaster. The Director of Emergency Management shall engage in such competition for such services as he deems appropriate in his sole reasonable judgment under the circumstances.

Sec. D-3. Allowing use of Town facilities.

The Town Council declares it to be necessary and appropriate to offer use of Town-owned property to federal, state and County or regional emergency response forces as the Town reasonably can accommodate and the Director of Emergency Management is authorized to offer such use on the Town's behalf. When determined to be necessary in the Director's sole reasonable judgment, such use of Town property may be offered even though it may displace other users of the Town's facilities during some part or all of the emergency or disaster.

Sec. D-4. Authority to seek grants or reimbursements.

The Mayor or his designee, is hereby authorized to seek grants for emergency or disaster response purposes and may apply for reimbursement on behalf of the Town of its costs incurred in making response to emergency or disaster-created circumstances.

Sec. D-5. Supplemental policies authorized.

To the extent not inconsistent with law, the provisions of this Resolution may be supplemented by policies promulgated by the Mayor and Town Council or by a subsequently appointed Director of Emergency Management. All such policies are deemed to be incorporated herein and shall be attached to this Resolution and filed with the records of the Town Recorder.

Sec. D-6. Enumeration not to be deemed to prohibit other action.

The enumeration or specification of emergency actions allowed by the foregoing provisions of Part D shall not be deemed to prohibit the undertaking of actions not therein specified, it being the intent of this Resolution to authorize all conduct and activities reasonably necessary and prudent under the circumstances to protect the health, safety and welfare of the citizens of Clifton and to provide for the continuity of government within the Town for the duration of the emergency/disaster.

**PART E—USE OF PUBLIC FACILITIES, ETC.**

Sec. E-1 – Public Buildings, Facilities, and Real Property

The Director of Emergency Management is empowered and directed to restrict the public from entering or congregating around Town-owned buildings, facilities, and real property in the least restrictive manner as reasonably necessary to ensure the health, safety, and welfare of the public and Town staff.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon

adoption and shall remain in effect during the pendency of the Emergency including for any applicable period upon the re-adoption of such Resolution by the Town Council.

**VOTE:**

**AYES: 6**

**NAYS: 0**

**ABSTENTIONS: 0**

**ABSENT FOR VOTE: 0**

**ADOPTED: May 6, 2020**



**William R. Hollaway , Mayor**

**CERTIFIED:**



**Town Clerk**