



Town of Altavista, Virginia
Meeting Agenda
Town Council Continued Meeting
Tuesday, April 7, 2020
5:00 p.m. – Council's Chambers

J.R. "Rudy" Burgess Town Hall
510 7th Street
Altavista, VA 24517

1. Call to Order to Continued Meeting of March 24, 2020

2. Agenda Adoption

3. Public Comment

*Citizen's wishing to address Council should provide their name and residential address. Citizen's comments are limited to three (3) minutes with a total of fifteen (15) minutes allotted for this purpose. (Please note that the Citizen's Time is **NOT** a question-and- answer session between the public and the Council.)*

4. FY2021 Budget Work Session ([link](#))

5. Consideration of Resolution and Ordinance – *Continuity of Government* ([link](#))

6. Matters from Council

7. Closed Session (*if needed*)

8. Adjournment

THE TOWN OF ALTAVISTA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN THREE (3) WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (434) 3269-5001 FOR ASSISTANCE.



TOWN OF ALTAVISTA TOWN COUNCIL AGENDA COVER SHEET

AGENDA LOCATION:

Items For Discussion

MEETING DATE:

April 7, 2020

ITEM #: 4**ITEM TITLE:**

FY2021 Budget Discussion

DESCRIPTION:

Town Council continued their March 24, 2020 meeting, to tonight to provide them an opportunity to continue discussion of the Draft FY2021 Budget and FY2021-2025 Capital Improvement Program (CIP). Per the budget calendar, Council's Regular Meeting on April 14th would serve as the "First Reading" of the budget, with the public hearing advertised for Tuesday, May 12th. In order to keep that schedule, any changes/modifications to the budget should be completed at the April 14th meeting, so staff can advertise the appropriate budget. Adoption of the budget is set for Tuesday, June 9th.

RECOMMENDATION:

Staff requests that Council provide input and direction on this item.

BUDGET/FUNDING:

The FY2021 Budget will set forth the appropriations for the period July 1, 2020 through June 30, 2021.

POTENTIAL ACTION:

- Council may decide to do one of the following:
 - Reach a Consensus on any changes to the draft FY2021 Budget.
 - Take no action, at this time.

ATTACHMENTS:

- *None at this time.*



TOWN OF ALTAVISTA TOWN COUNCIL AGENDA COVER SHEET

AGENDA LOCATION:

Items For Discussion

MEETING DATE:

April 7, 2020

ITEM #: 5**ITEM TITLE:**

Consideration of Resolution and Ordinance related to “Continuity of Government”

DESCRIPTION:

During this COVID-19 pandemic many normal practices are being evaluated and modified to assist in the prevention of the spread of the virus. While staff has developed a mechanism by which to allow the public to view and hear Town Council meetings, consideration of the attached Resolution and Ordinance affords the added opportunity to conduct some of the Town’s business via electronic means. While there continues to be debate over what “type” of business can actually be considered, staff would recommend this action so as to provide another option if conditions progress to warrant the need.

I would recommend that Town Council continue to meet in a public place as long as it is deemed safe; however, the meeting space should be limited to individuals. It will become our practice to have staff members to view Council’s meetings via electronic means but have the ability to communicate with the Town Manager during the meetings through electronic means. In addition, the Town should publish information guiding the public to provide input/comments via email, phone or written correspondence. Such input/comments can then be “read into the minutes” of the meeting just as if the individual appeared before Council.

RECOMMENDATION:

Staff requests that Council adopt the attached Resolution and Ordinance related to “Continuity of Government”.

BUDGET/FUNDING:

N/A, at this time.

POTENTIAL ACTION:

- Council may decide to do one of the following:
 - Approve the adoption of the Resolution and Ordinance in regard to the Continuity of Government as presented.
 - Take no action, at this time.

ATTACHMENTS:

- *Resolution 2020-04-01*
- *Ordinance 2020-04-01*



RESOLUTION 2020-04-01

Resolution Authorizing the Adoption of Procedures for Electronic Public Meetings and Public Hearings to Ensure the Continuity of Government During the COVID-19 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 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 to executive branch agencies to waive "any state requirements or regulation" as appropriate; and,

WHEREAS, on March 23, 2020, President Donald J. Trump 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 Town Council of Altavista, Virginia adopted a Proclamation of Declaration of a Local Emergency as a result of the potential spread of the COVID-19 virus among the population of the Town; and

WHEREAS, Virginia Code § 15.2-1413 provided 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, on April 7, 2020, the Town Council of the Town of Altavista, pursuant to Virginia Code § 15.2-1413, adopted Ordinance 2020-04-01, "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 the Pandemic Disaster; and

WHEREAS, through Ordinance 2020-04-01 the Town Council specifically found that the COVID-19 virus 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, through Ordinance 20210-04-01, the Town Council further found that the COVID-19 pandemic makes it unsafe to assemble in one location, a quorum for local public bodies including the Town Council and town boards, commissions, committees and authorities created by the Town Council or to which 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,

WHEREAS, through Ordinance 2020-04-01, the Town Council adopted certain procedures to ensure the continuity of government during the COVID-19 Pandemic Disaster ("Continuity Procedures"), suspended any deadlines applicable to Public Entities and their staff during the COVID-19 disaster, and authorized Public Entities, at their discretion, to postpone non-emergency public hearings and action items during the disaster; and,

NOW THEREFORE, BE IT RESOVLED by the Town Council of the Town of Altavista, Virginia sitting in regular session this 7th day of April 2020 does hereby incorporate by reference and adopts the procedures described in Ordinance 2020-04-01, a copy of which is attached hereto;

FURTHER RESOLVED, that the Town Council hereby authorizes and directs its officers and staff to take all steps reasonably necessary or appropriate to implement Ordinance 2020-04-01 and to develop specific procedures as applicable and appropriate for the Town of Altavista, Virginia provided that such specific procedures are consistent with the terms and conditions of Ordinance 2020-04-01;

FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption and shall remain in effect during the pendency of Ordinance 2020-04-01 including any applicable period upon the re-adoption of Ordinance 2020-04-01 by the Town Council.

This resolution is effective upon adoption and is hereby adopted this 7th day of April 2020 by the duly recorded vote of the Town Council of the Town of Altavista, Virginia as follows:

Michael E. Mattox
James Higginbotham
Tim George
Reggie Bennett

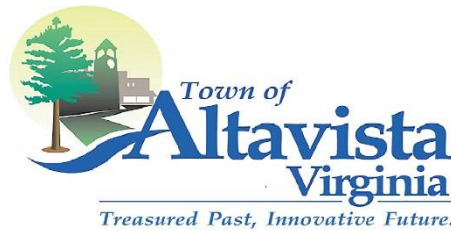
Beverley E. Dalton
Tracy Emerson
Wayne Mitchell

THE TOWN OF ALTAVISTA, VIRGINIA

By: _____
Michael E. Mattox, Mayor

ATTEST:

J. Waverly Coggsdale, III
Town Clerk



Ordinance 2020-04-01

Emergency Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meetings and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with the 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 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 to executive branch agencies to waive "any state requirements or regulation" as appropriate; and,

WHEREAS, on March 23, 2020, President Donald J. Trump 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 Town Council of Altavista, Virginia adopted a Proclamation of Declaration of a Local Emergency as a result of the potential spread of the COVID-19 virus among the population of the Town; and

WHEREAS, Virginia Code § 15.2-1413 provided 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/her absence may upon 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 Town Council may convene solely by electronic means "to address the emergency;" and,

WHEREAS, the open meeting requirements of the Virginia Freedom of Information Act ("FOIA") are limited only by a properly claimed exemption provided under the 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, this emergency ordinance, in response to the disaster caused by the COVID-19 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 Town Council of the Town of Altavista, Virginia sitting in regular session this 7th day of April 2020 that:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Town Council, Planning Commission, Board of Zoning Appeals and all local boards, commissions, committees and authorities created by the Town Council or to which the 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.
2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:
 - a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electron 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 at least three (3) days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and,
 - c. Any such electronic meeting of the 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 Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving
 - d. public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and,
 - e. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and,
 - f. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall 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,
 - g. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify when actions are taken at the meeting. The Public Entities 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.

FURTHER ORDAINED, that notwithstanding any provisions of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

FURTHER ORDAINED, that provisions of this Emergency Ordinance shall remain in full force and effect for a period of sixty (60) days, unless amended, rescinded or readopted by the Town Council in conformity with the notice provisions set forth in Virginia Code § 15.2-1427 but in no event shall such ordinance be effective for more than six (6) months. Upon rescission by the Town Council or automatic expiration as described herein, this emergency ordinance shall terminate and normal practices and procedures of government shall resume.

FURTHER ORDAINED, that nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

FURTHER ORDAINED, an emergency is deemed to exist.

This ordinance is effective upon adoption and is hereby adopted this 7th day of April 2020 by the duly recorded vote of the Town Council of the Town of Altavista, Virginia as follows:

Michael E. Mattox
James Higginbotham
Tim George
Reggie Bennett

Beverley E. Dalton
Tracy Emerson
Wayne Mitchell

THE TOWN OF ALTAVISTA, VIRGINIA

By: _____
Michael E. Mattox, Mayor

ATTEST:

J. Waverly Coggsdale, III
Town Clerk