



**AGENDA**  
**POWHATAN COUNTY BOARD OF SUPERVISORS**  
**EMERGENCY MEETING**  
**MARCH 30, 2020**  
**6:30 PM CALL TO ORDER**

This meeting is being held electronically in accord with Virginia Code Section 2.2-3708.2(A)(3).  
The meeting is accessible by:

If you would like to participate in the meeting use: <https://zoom.us/j/398095011> by computer.

or by phone, dial:

US: 1-929-205-6099 or 1-312-626-6799 or 1-301-715-8592 or 1-346-248-7799 or 1-669-900-6833  
or 1-253-215-8782

Type Webinar ID: 398 095 011

\*\*During the public comment period you may raise your hand using the zoom controls on your screen or press \*9 on your phone. Visit the [Zoom Help Center](#) for more information.

If you would like to watch in real time use this link: <http://powhatanva.gov/432/Live-Stream-of-Powhatan-County-Meetings>

If you would like to watch the meeting at your convenience after 3/31 use this link:  
<http://powhatanva.gov/433/County-Meetings-and-Workshop-Videos-On-D>

Public comments may also be submitted to [administration@powhatanva.gov](mailto:administration@powhatanva.gov). Any comments received up until 6:30 PM March 30th shall be entered into the meeting minutes.

1. **Call to Order**
  - a. Identify Public Entity members physically and/or electronically present;
2. **Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation**
3. **Formal Approval of Agenda**
4. **New Business**
  - a. R-2020-23 Resolution Ratification of Declaration of Local Emergency Page 3
  - b. Adoption of an Emergency Continuity of Operations Ordinance pursuant to Va. Code §15.2-1413 Page 4
5. **Adjournment to Regular Meeting**

**RESOLUTION R-2020-23**  
**CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY**

**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**, 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;

**WHEREAS**, on March 13, 2020, the county was experiencing the growing impact of the Coronavirus (COVID-19) world health crisis, and,

**WHEREAS**, due to this occurrence the County of Powhatan was in a state of extreme peril to the lives, health, safety, welfare, and property of the residents of Powhatan County, and,

**WHEREAS**, as a result of this extreme peril, a declaration of the existence of an emergency was necessary to permit the full powers of government to deal effectively with this condition of peril; and,

**WHEREAS**, in accordance with § 44-146.21 Code of Virginia and the County of Powhatan Emergency Operations Plan, adopted on January 27, 2020, a Local Emergency was declared to exist by Mr. Bret Schardein, Interim County Administrator – Director of Emergency Management, and Mr. Phil Warner, Fire Chief – Deputy Director of Emergency Management; and,

**WHEREAS**, pursuant to the declaration of a local emergency, the County’s Emergency Operations Plan was activated;

**NOW, THEREFORE, BE IS RESOLVED**, that a local emergency was declared on March 15, 2020 and is confirmed by Powhatan County Board of Supervisors on this date.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON:** March 30, 2020

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**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

<b>Recorded Vote:</b>	
<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	

**ATTEST:**

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**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

**ORDINANCE 2020-06 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 PANDEMIC DISASTER.**

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

**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 15, 2020 in accordance with § 44-146.21 Code of Virginia and the County of Powhatan Emergency Operations Plan, adopted on January 27, 2020, a Local Emergency was declared to exist by Mr. Bret Schardein, Interim County Administrator – Director of Emergency Management, and Mr. Phil Warner, Fire Chief – Deputy Director of Emergency Management; and,

**WHEREAS**, pursuant to the declaration of a local emergency, the County’s Emergency Operations Plan was activated;

**WHEREAS**, on March 30, 2020 the governing body of Powhatan County (“BOARD”) confirmed the declaration of local emergency made by the local director of emergency management on March 15, 2020; and

**WHEREAS**, the BOARD 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 BOARD 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**, 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 BOARD of SUPERVISORS of POWHATAN COUNTY, Virginia:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the BOARD, the School Board, the Planning Commission, Board of Zoning Appeals, Board of Equalization and all local and regional Boards, commissions, committees and authorities created by the BOARD or to which the BOARD 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 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 at least 3 calendar days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
  - c. 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 Ordinance; 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
- d. 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
  - e. 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. In the alternative, the Public Entity may decide to hold open the Public Hearing until the next meeting and accept public comments via email or U.S. mail, which comments will be made a part of the minutes of the meeting and shall be read into the record prior to a Public Entity vote on the matter; and
  - f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were 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.

**IT IS FURTHER ORDAINED** that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional 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.

**IT IS 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.

**IT IS FURTHER ORDAINED**, that the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the BOARD 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 6 months. Upon rescission by the BOARD or automatic expiration as described herein, this emergency ordinance shall terminate, and normal practices and procedures of government shall resume.

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.

An emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON:**  
March 30, 2020

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Mr. David T. Williams, Chairman  
Powhatan County Board of Supervisors

**ATTEST:**

\_\_\_\_\_, Clerk  
Bred Schardein, Interim County Administrator  
Powhatan County Board of Supervisors

**Recorded Vote:**

District 1 Supervisor David T. Williams	vote ____
District 2 Supervisor Larry J. Nordvig	vote ____
District 3 Supervisor Michael W. Byerly	vote ____
District 4 Supervisor Bill L. Cox	vote ____
District 5 Supervisor Karin M. Carmack	vote ____