

ADOPTED

APR 13 2021

**Board of Supervisors
James City County, VA**

READOPTED

ORDINANCE NO. 231A-3

AN ORDINANCE TO ENSURE THE CONTINUITY OF GOVERNMENT

- WHEREAS, on January 31, 2020, the Secretary of Health and Human Resources declared a public health emergency in response to the spread of novel coronavirus, or COVID-19 (the “virus”); and
- WHEREAS, on March 12, 2020, the Governor of the Commonwealth of Virginia declared a State of Emergency in the Commonwealth of Virginia in response to the spread of the virus; 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 the virus; and
- WHEREAS, at 11:30 a.m. on March 13, 2020, the James City County Director of Emergency Management declared a local State of Emergency (the “declaration”) in James City County (the “County”) due to the outbreak of the virus in the County and the resulting danger to the public’s health, safety, and welfare due to the transmission and contraction of the virus; and
- WHEREAS, on March 17, 2020, the Board of Supervisors of James City County (the “Board”) convened in a special meeting, confirmed the declaration, and further found the emergency to be a “disaster” and amended the declaration accordingly; and
- WHEREAS, on April 14, 2020, the Board found that emergency measures are necessary to mitigate the ongoing emergency and disaster that is occurring in the County and to protect the health, safety, and welfare of the citizens and, in response, adopted a continuity of government ordinance pursuant to section 15.2-1413 of the Code of Virginia, 1950, as amended (the “Virginia Code”) and Section 3.6 of the Charter of James City County (the “Continuity Ordinance”); and
- WHEREAS, on September 8, 2020, the Board found that continued emergency measures are necessary to mitigate the ongoing emergency and disaster and, in response, readopted the Continuity Ordinance effective through April 14, 2021; and
- WHEREAS, the effects of the disaster have been addressed by all levels of government but have not been entirely abated and the national, state, and local states of emergency remain in place and the Board desires to continue to ensure the continuity of government pursuant to section 15.2-1413 of the Virginia Code and Section 3.6 of the Charter of James City County.
- NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the following rules, laws, actions, and regulations are effective at 12:00 A.M. on April 14, 2021 and shall remain so until this Ordinance is repealed by the Board or until six (6) months from April 14, 2021, whichever comes first; further, normal governmental activity shall resume subsequent to repeal or expiration of this Ordinance.
- BE IT FURTHER ORDAINED that the James City Service Authority - a public body created by resolution of the Board of Supervisors dated June 30, 1969, and whose Board of Directors is the Board of Supervisors, is a critical component of the County’s government and may

hold meetings as authorized under Part C of this Ordinance to carry on the functions of the Authority, which are essential during this emergency and disaster.

BE IT FURTHER ORDAINED that the Economic Development Authority of James City County, Virginia, which is a public body created by Ordinance No. 55 adopted by the Board of Supervisors on September 8, 1969 - is a critical component of the County's government and may hold meetings as authorized under Part C of this Ordinance to carry on the functions of the Authority, which are essential during this emergency and disaster.

PART A. - GENERAL PROVISIONS

Sec. A-1. Declaration of policy.

Because of the continued spread of the novel coronavirus, COVID-19 (the "virus") in James City County the Board of Supervisors of James City County (the "Board") desires to ensure the continuation of effective, legally constituted leadership, authority, and responsibility in the governance of the County during this disaster. Recognizing that spread of the virus is decreasing, a majority of County employees have been vaccinated, and that vaccines will likely be available to all adult County citizens in the coming months, the Board desires to discontinue certain provisions of the original Continuity Ordinance but continue to adopt those provisions necessary to ensure the safe and effective operation of essential government functions and responsibilities. The Board has found and declared it necessary to continue to: (1) temporarily suspend certain policies and regulations and (2) temporarily allow for the limitation of certain public interaction at County meetings, in County offices, and with County employees.

Sec. A-2. Definitions.

- (a) Board means the Board of Supervisors of James City County.
- (b) County Administrator means the County Administrator of James City County or his successor, Deputy, or emergency interim successor.
- (c) County Charter means the Charter of the County of James City.
- (d) County Code means the Code of the County of James City, as amended.
- (e) Disaster means the effects caused by or related to the spread of the novel coronavirus, COVID-19, including but not limited to the injury or threat of injury to the public health, safety, and welfare and related damage, hardship, suffering, or loss of life.
- (f) Manual means the James City County *Personnel Policies and Procedures Manual*, as amended.
- (g) Virginia Code means the Code of Virginia, 1950, as amended.

PART B. - SUSPENSION OF ADOPTED POLICIES

Sec. B-1. Suspension of Certain Chapters, Sections of the Manual

1. The following sections in Chapter 2, Employment, of the Manual are suspended in their entirety:
 - a. Section 2.5, to allow the County to hire employees as needed without delay.

- b. Section 2.8, to allow the County to promote, transfer, reinstate, and other needed job changes without delay.
 - c. Section 2.13, prior to initiating a reduction in workforce.
 - d. Section 2.14, to eliminate certain requirements prior to reducing Limited Term or Other positions.
2. The following sections in Chapter 4, Compensation Plan, of the Manual are suspended in their entirety:
 - a. Section 4.7, to allow greater flexibility in setting wages for new, reinstated, and rehired employees.
 - b. Section 4.14(G), to suspend pay discrepancy complaint process timelines.
 3. The following sections in Chapter 5, Employee Benefits, of the Manual are suspended in their entirety:
 - a. Section 5.4, to allow the County to publish new leave guidance and categories as Federal/State Legislation emerges.
 - b. Sections 5.6(C)(1) and (D) to allow Employee Assistance Counseling benefits to be extended to all staff and temporarily suspends the requirement to assist employees to access at least one fitness center.
 - c. Section 5.10 to allow the County to temporarily suspend new requests for Employer Assisted Home Ownership program.

Sec. B-2. Suspension of Inconsistent Policies

The following are suspended to the extent they are inconsistent with this ordinance and its authorizations:

- (a) Policies adopted by the Board or its subordinate committees, commission, or boards;
- (b) James City County Administrative Regulations.

Sec. B-4. Tolling of all Time Limits in the Event of an Order or Declaration that Requires the Complete or Partial Closure of County Offices.

Upon a declaration that residents of the County are ordered to stay at home or are otherwise prevented from conducting business with any County office, all deadlines, wherever found, including but not limited to the Virginia Code, the County Code, County Ordinances, the Manual, or otherwise, shall be tolled during such time.

PART C. - LIMITATION ON PERSON-TO-PERSON CONTACT

Sec. C-1. Public Buildings, Facilities, and Real Property

The County Administrator is empowered and directed to restrict public from entering or congregating around County-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 County staff.

Sec. C-2. Public Meetings

The Board encourages public meetings to be held at a physical location and encourages members of public bodies to attend meetings in person when safe to do so. However, any regularly scheduled, special, or emergency meeting of the Board of Supervisors or any subordinate board, committee, or commission, or the School Board, may be held by solely electronic or telephonic means without a quorum of members physically present if, at the discretion of the chair, such precautions are needed to protect the health and safety of members of the public body and members of the public wishing to attend. Any such remote meeting of the Board of Supervisors or any subordinate board, committee, or commission shall follow the following criteria:

- (a) All meetings shall have a live audio or video broadcast accessible through the County website, a public access channel, or a dial-in audio number.
- (b) The agenda for any meeting held under this ordinance shall:
 - (1) affirmatively state that the meeting shall be held remotely pursuant to this ordinance;
 - (2) identify a person responsible for receiving public comment (the "Deputy Clerk"); and
 - (3) contain a notice of the opportunities for public access and participation.
- (c) Regular Meetings:
 - (1) Agendas and the associated materials shall be posted on the County website at least seven (7) days in advance of the meeting.
 - (2) Public Comment: Citizens may provide written comments (including email) to the Deputy Clerk. If available, citizens may provide audio comments to a dedicated voicemail as may be indicated on the agenda. Normal rules of order shall apply to all comments and any comments found to be out of order or obscene shall not be included in the record of the meeting.
 - (3) Public Hearings: Any non-emergency public hearing items may be postponed until a date certain unless inconsistent with other statutory requirements. If an item requires statutory notice and hearing, including under Virginia Code § 15.2-2204, the following procedures shall apply:
 - i. The notice shall specify the time and place of hearing and the means by which persons affected may appear and present their views.
 - ii. The hearing shall occur not less than five days nor more than 21 days after the second advertisement appears in such newspaper.
 - iii. Applicant shall be given the opportunity to provide an electronic presentation to the public body of up to fifteen (15) minutes.
 - iv. Interaction between the applicant and public body will occur via an interactive video or audio chat.
 - v. Following the applicant's presentation, if any, to the public body, affected citizens shall be allowed to provide written comments, or audio comments of up to five (5) minutes.


(d) Special Meetings:

- (1) Notice of special meetings and the agendas and associated materials shall be posted on the County website within a reasonable time of being made available to the public body by the Deputy Clerk.
- (2) Public Comment: Citizens may provide written comments (including email) to the Deputy Clerk related to any agenda item. Citizens may provide audio comments to a dedicated voicemail as indicated on the agenda. Normal rules of order shall apply to all comments and any comments found to be unrelated to agenda items, out of order, or obscene shall not be included in the record of the meeting.

(e) Emergency Meetings:

- (1) Agendas and the associated materials shall be posted on the County website within a reasonable time of being made available to the public body by the Deputy Clerk.
- (2) Opportunities for public access and participation during any emergency meeting shall be given using the best available method under the circumstances.
- (3) The nature of the emergency shall be reflected in the minutes of the meeting.
- (4) All actions taken at an emergency meeting shall be ratified at a later regular or special meeting.
- (f) The fact that the meeting was held by electronic communication means, the type of electronic communication means by which the meeting was held, and the opportunities for public access and participation shall be reflected in the minutes of the meeting.

Any item on an agenda for a regularly scheduled, special, or emergency meeting held hereunder may be continued until a later time or date.


 Michael J. Hipple
 Chairman, Board of Supervisors

ATTEST:


 Teresa J. Fellows
 Deputy Clerk to the Board

| | VOTES | | |
|-----------|-------------------------------------|--------------------------|--------------------------|
| | <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> |
| SADLER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ICENHOUR | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| LARSON | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MCGLENNON | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| HIPPLE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2021.