

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	April 17, 2023
Action Required:	Rescind Resolution (1 Reading Only)
Presenter:	Michael Rogers, City Manager
Staff Contacts:	Samuel Sanders, Jr., Deputy City Manager Allyson Davies, Senior Deputy City Attorney
Title:	Resolution to Rescind City's Procedures for Restricting Meeting Attendance and the Use of City Facilities in Response to the Coronavirus Pandemic (1 reading)

Background

1. 2020 Local Declaration of COVID Emergency. On March 12, 2020 City Council, by Resolution (#R-20-035, attached), authorized the City Manager to declare a local state of emergency related to the COVID-19 virus. On that same date, the City Manager issued a Public Safety Order, declaring the local state of emergency. Together, these documents are referred to in this Memo as the "Local Declaration". A declaration of local emergency has the effect of notifying the public of a serious situation, makes the City eligible for state or federal disaster funding in certain situations, and confers extended fiscal and procurement powers upon the City Manager. A Local Declaration does not alter FOIA requirements, or otherwise modify or enhance any of the normal roles, responsibilities or legal authority of the City Manager or members of City Council.

2. Measures to Address the Local Declaration. Separate and apart from the Local Declaration, City Council enacted two ordinances to implement emergency actions necessary to address COVID-19:

a. Continuity of government operations—on March 25, 2020 (#O-20-049) City Council enacted an "Ordinance to Modify Deadlines, Modify Public Meeting and Public Hearing Practices", to implement actions needed to address the COVID emergency and ensure the continued provision of government services, ("Continuity of Government Ordinance"), as authorized by Va. Code §15.2-1413. This state statute specifies that "a local government may, by ordinance, provide a method to assure continuity in government in the event of a disaster, notwithstanding any contrary provision of law, general or special." . Many localities, like Charlottesville, used this enabling legislation to justify holding electronic public meetings, because—at the outset of the COVID-19 pandemic—FOIA did not allow local public bodies to conduct meetings without there being a quorum of members physically assembled together in the same room. Charlottesville's COG Ordinance was enacted for a 6-month period of time, and has been extended for additional 6-month periods. The most recent COG Ordinance in effect (#O-22-029, attached) expires September 8, 2022.

b. Regulation of public actions—Council enacted an “Ordinance to Prevent the Spread of the Novel Coronavirus” (#O-20-093, enacted July 27, 2020, repealed April 2021), which included restrictions on the size of certain gatherings, and required individuals to wear masks in specified public places. This local ordinance was enacted in addition to the restrictions imposed by the Virginia Governor through issuance of various Executive Orders.

Discussion

In April 2022 Council and staff began a transition to normal FOIA meetings and procedures, and the new FOIA provisions will allow all-virtual meetings to continue for most boards and commissions. Furthermore, the manner in which in-person meetings have resumed for Council, the Planning Commission, the Board of Architectural Review, etc., is now expressly authorized by FOIA, and City Council also has broad general authority to continue restrictions within City-owned premises to reduce the spread of COVID-19 during in-person meetings (for example: pursuant to the fifth enumerated power within Section 14 of the City Charter: City Council has general authority “to make regulations to...prevent the...spreading of contagious or infectious diseases...”). Also, by ordinance, Council has designated the City Manager as the public official charged with general supervision and control of City-owned premises and property, per City Code Sec. 2-157. As a result of the foregoing provisions of law, there are no measures currently being implemented--either by City Council or the City Manager’s Office--which could not continue if City Council adopts the attached resolution.

The City Manager will direct staff to support the continued provision of hybrid participation for the public to engage in meetings of City Council, Planning Commission, and the Board of Architectural Review. All other boards, committees, and task forces will be expected to resume in-person meetings in spaces that are available in city premises under the direction of the City Manager.

Alignment with City Council's Vision and Strategic Plan

N/A

Community Engagement

In light of the COVID-19 pandemic shifting to endemic status by the World Health Organization, the city would be in alignment with municipalities across the country resuming in person meetings for all meetings of the City government.

Budgetary Impact

There is no budgetary impact on approval of this Resolution.

Recommendation

Approve the Resolution to rescind the meeting and facility restrictions required under the September 6, 2022 Resolution #R-22-110.

Alternatives

Do not adopt the proposed Resolution and leave Resolution #R-22-110 in tact.

Attachments

1. RESOLUTION-Ending the City's Procedures for Restricting Meeting Attendance (004)
2. O 22 029

3. R 20 035
4. Resolution Ending State of Emergency