



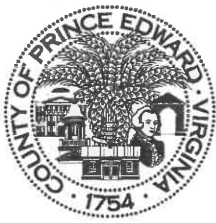
BOARD OF SUPERVISORS MEETING

SPECIAL MEETING AGENDA

August 21, 2020

<u>Time</u>	<u>Item #</u>	<u>Page #</u>
5:30 p.m.	1. Call To Order	
	2. Remote Participation	
	3. Emergency Ordinance: Temporary Measures to Prevent the Spread of COVID-19	3
	4. <u>Closed Session</u> : 2.2-3711(A)(1), Code of Virginia – Personnel	11
	<u>Recess</u> : Until September 8, 2020 at 6:00 p.m.	

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**County of Prince Edward
Board of Supervisors
Agenda Summary**

Meeting Date: August 21, 2020
Item No.: 3
Department: County Administration
Staff Contact:
Issue: Emergency Ordinance

Summary: Attached for the Board's consideration is the draft Emergency Ordinance enacting temporary measures to prevent the spread of COVID-19. Statewide, staff is aware that similar ordinances have been enacted by the Towns of Farmville and Blacksburg, the Cities of Charlottesville, Radford and Harrisonburg and the County of Albemarle. All of these localities have adopted ordinances that provide local enforcement of some or all of the following: (1) limitation on the number of attendees at gatherings; (2) a local face covering mandate while in a public place; and/or (3) limitations on the number of persons at various food/beverage establishments.

The proposed draft County Ordinance only sets a maximum limitation of 50 persons on the number of attendees at gatherings.

The draft Ordinance has been reviewed by the County Attorney and a copy has been provided to the Sheriff and to Hampden-Sydney College.

Attachments: Draft Emergency Ordinance

Recommendation: Deliberation of the proposed emergency ordinance.

Motion _____
Second _____

Booth _____
Cooper-Jones _____
Emert _____

Gilliam _____
Jones _____
Pride _____

Townsend _____
Wilck _____



**EMERGENCY ORDINANCE INSTITUTING TEMPORARY
MEASURES FOR CERTAIN GATHERINGS TO
PREVENT THE SPREAD OF COVID-19**

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the United States to aid the healthcare community in responding to the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19 (collectively, "COVID-19"); and

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

WHEREAS, on March 12, 2020, by Executive Order No. .51 ("EO 51"), Governor Ralph S. Northam declared a state of emergency in the Commonwealth of Virginia due to the spread of the COVID-19 virus, and declared the anticipated effects of COVID-19 to be a disaster within the meaning of Virginia Code § 44-146.16, as a communicable disease of public health threat that is anticipated to spread; and

WHEREAS, on March 13, 2020, the President of the United States found and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020; and

WHEREAS, on March 17, 2020, Governor Northam, jointly with the Virginia State Health Commissioner, declared a continuing public health emergency in Virginia resulting from the spread of the COVID-19 virus, and imposed stringent measures to combat the spread of COVID- 19; and

WHEREAS, since Governor Northam issued EO 51 on March 12, 2020, he has issued several more Executive Orders jointly with Orders of Public Health Emergency issued by M. Norman Oliver, MD, MA, State Health Commissioner, pertaining to COVID-19, including, as of the date of this Ordinance, "Executive Order Number Sixty-Seven (2020) and Order of Public Health Emergency Seven, Phase Three Easing of Certain Temporary Restrictions Due to Novel Coronavirus (COVID-19)" (collectively, "EO 67"), which became effective on July 1, 2020; and

WHEREAS, on March 16, 2020, the County Administrator for the County of Prince Edward, Virginia (the "County"), who serves as the County's Director of Emergency Management, issued a Declaration of Local Emergency due to the threats posed by the COVID-19 pandemic, pursuant to Virginia Code § 44-146.21; and

WHEREAS, the Board of Supervisors of the County of Prince Edward, Virginia (the "Board") confirmed, consented to, and ratified the Declaration of Local Emergency at its meeting held on April 7, 2020; and

WHEREAS, COVID-19 spreads person to person and, at this time, it appears that COVID- 19 is spread primarily through respiratory droplets, which can land in the mouths, noses or eyes of people who are nearby or possibly be inhaled into the lungs, and spread is more likely when people are in close contact with one another (within about six feet); and

WHEREAS, COVID-19 is extremely easy to transmit and can be transmitted by infected people who show no symptoms; and

WHEREAS, at this time, there is no known cure, no effective treatment, no vaccine, and because people may be infected but are asymptomatic, they may inadvertently infect others; and

WHEREAS, the World Health Organization, the U.S. Centers for Disease Control and Prevention ("Centers for Disease Control") and the Virginia Department of Health have all identified several behaviors and practices that are fundamental in controlling the spread of COVID-19 in the community, including, frequent hand washing, sanitizing frequently touched surfaces, wearing a cloth face covering when in public, maintaining a separation of at least six feet between people ("social distancing" or "physical distancing"), limiting the size of gatherings in public places, and limiting the duration of gatherings; and

WHEREAS, according to the World Health Organization, fabric face coverings, if made and worn properly, can serve as a barrier to droplets expelled from the wearer into the air and environment, however, these face coverings must be used as part of a comprehensive package of preventive measures, which includes frequent hand washing, physical distancing when possible, respiratory etiquette, environmental cleaning and disinfection; recommended precautions also include avoiding indoor crowded gatherings as much as possible, in particular when physical distancing is not feasible, and ensuring good environmental ventilation in any closed setting; and

WHEREAS, the World Health Organization advises that people take a number of precautions, including: (i) maintaining social distancing because when someone coughs, sneezes, or speaks they spray small liquid droplets from their nose or mouth which may contain virus, and if other persons are too close, they can breathe in the droplets, including the COVID-19 virus, if the person coughing, sneezing, or speaking has the disease; and (ii) avoiding crowded places because when people are in crowds, they are more likely to come into close contact with someone that has COVID-19 and it is more difficult to maintain social distancing; and

WHEREAS, the Centers for Disease Control caution that: (i) the more people a person interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading; (ii) the higher the level of community transmission in the area that a gathering is being held, the higher the risk of COVID-19 spreading during the gathering; and (iii) large in-person gatherings where it is difficult for persons to remain spaced at least six feet apart and attendees travel from outside the local area pose the highest risk of COVID-19 spreading; and

WHEREAS, the Centers for Disease Control state that cloth face coverings are strongly encouraged in settings where persons might raise their voice; and

WHEREAS, the Centers for Disease Control advises, in restaurants: (i) wearing cloth face coverings when less than six feet apart from other people or indoors; (ii) wearing face coverings as much as possible when not eating; (iii) maintaining a proper social distancing if persons are sitting with others who do not live with the person; and (iv) sitting outside when possible; and

WHEREAS, the Virginia Department of Health has stated that those businesses that operate indoors and at higher capacity, where physical distancing recommendations are not observed, sharing objects is permitted, and persons are not wearing cloth face coverings, create higher risk for the transmission of COVID-19; and

WHEREAS, the return of the student populations of Longwood University and Hampden-Sydney College will significantly increase the population of the County of Prince Edward; and

WHEREAS, in approximately the last three weeks, Prince Edward County has observed the number of its confirmed cases of COVID-19 almost double; and

WHEREAS, for these and related reasons, the Board of Supervisors finds that the temporary measures provided in this Emergency Ordinance are necessary to protect the health, safety, and welfare of the public from the threats posed by COVID-19;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Prince Edward, Virginia, as follows:

Sec. 1. Purpose.

For the reasons stated in the recitals, the purpose of this Ordinance is to protect the health, safety, and welfare of the public by preventing the spread of COVID-19.

Sec. 2. Authority.

This Ordinance is authorized by Virginia Code § 15.2-1200, which enables the County, through its Board of Supervisors to adopt “necessary regulations to prevent the spread of contagious diseases among persons . . .” that “are not inconsistent with the general laws of the Commonwealth.” This Ordinance is adopted as an emergency ordinance pursuant to Virginia Code § 15.2-1427(F).

Sec. 3. Definitions.

The following definitions apply to this Ordinance:

A. "Employee" means an individual identified as being in employed status as shown on an employer's payroll records or a member of a family working for a family-owned business.

B. "Expressive activity" means a non-commercial activity in which a person intends to convey a lawful message through speech or conduct that is likely to be perceived by an observer of the speech or conduct, and includes any lawful public gathering, demonstration, procession, or parade in which the primary purpose is to exercise the rights of free speech or peaceable assembly.

C. "Gathering" means a planned or spontaneous indoor or outdoor, or both, event with people participating or attending for a common purpose such as a community event, concert, festival, conference, parade, wedding, sporting event, party (including parties at private residences), celebration, and other social events. "Gathering" does not include: a place of employment where persons are present to perform their functions of employment; events or activities on the grounds of an institution of higher education or school-owned property that are institution- or school-related and sanctioned; persons engaging in religious exercise at their religious institution or other place of religious significance; functions at any child day center (i.e., child day care program) as defined by Virginia Code § 63.2-100.

D. "Independent contractor" means an individual or legal business entity providing services to another under an agreement for goods or services.

E. "Face covering" means an item normally made of cloth or various other materials with elastic bands or cloth ties to secure over the wearer's nose and mouth in an effort to contain or reduce the spread of potentially infectious respiratory secretions at the source (i.e., the person's nose and mouth).

F. "Public place" means: any place other than a person's residence or personal vehicle that is indoors, or the indoor portion of the place, or outdoors where at least six feet of physical distancing between persons not living in the same household cannot be maintained, and generally open to the public including, but not limited to, retail stores, food establishments, theaters, personal care and personal grooming services, and transportation other than a personal vehicle. "Public place" does not include institutions of higher education and other schools, fitness and other exercise facilities, religious institutions, or indoor shooting ranges, and the County courthouse.

Sec. 4. Limitation on the Number of Attendees at Gatherings.

A. *Gatherings of more than 50 persons prohibited.* All public and private in-person gatherings of more than 50 persons are prohibited except as provided in Section 4(B).

B. *Gatherings not subject to the 50-person limit.* Section 4(A) does not apply to the following gatherings and, instead, the maximum size for gatherings established in EO 67, or as it may be further amended or superseded, or any Order of Public Health Emergency, applies:

1. Gatherings for religious exercise including, but not limited to, religious ceremonies;

2. Wedding ceremonies and wedding receptions;
3. Funerals;
4. “Expressive activity” on a public street, public sidewalk, and demonstrations on County property and on other public property as permitted by a special event permit, if required, issued by the County Administrator or their designee;
5. Educational institutions; and
6. Restaurants and other licensed establishments serving food and/or drink.

C. *Persons working not counted.* Persons working at gatherings, either as employees or independent contractors, do not count towards the limit on the number of persons at a gathering.

D. *State requirements, recommendations, and guidance.* Except as provided in Sections 4(A), (B), and (C), this Section does not affect any requirement, recommendation, or guidance including, but not limited to, those requiring or recommending physical distancing, that apply to gatherings established in EO 67, or as it may be further amended or superseded, any Order of Public Health Emergency, any workplace safety regulations, or any other State or federal laws related to the COVID-19 pandemic.

Sec. 5. Effect of More Restrictive Executive Order or Order of Public Health Emergency.

Section 4 does not apply when a more restrictive requirement in an Executive Order or an Order of Public Health Emergency is in effect.

Sec. 6. Penalties; Enforcement.

A. *Penalty for violation of Section 4.* A violation of Section 4 by the owner or tenant of the private property on which the gathering is located, after first being warned by a law enforcement officer to disperse the gathering and failing to do so, is punishable as a civil penalty of not more than \$300.00. A violation of Section 4 by any person attending the gathering, after first being warned by a law enforcement officer to disperse from the gathering because it exceeds the limitation for a gathering and having failed to disperse after a reasonable period of time, not to exceed two (2) minutes, is punishable as a civil penalty of not more than \$150.00. Section 4(D) is not enforced pursuant to this Ordinance.

B. *Injunctive relief.* In addition to any other penalty provided in this Ordinance, the County, Board of Supervisors, the Sheriff or any Prince Edward County Sheriff's Deputy may seek to enjoin the continuing violation of any provision of this Ordinance by bringing a proceeding for an injunction in any court of competent jurisdiction.

Sec. 7. Effect of this Ordinance on the Powers of the Director of Emergency Management.

This Ordinance does not affect the powers of the County Administrator, acting as the Director of Emergency Management, pursuant to Virginia Code § 44-146.21 during the COVID-19 disaster.

Sec. 8. Severability.

It is the intention of the Board of Supervisors that any part of this Ordinance is severable. If any part is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity does not affect any other part of this Ordinance.

Sec. 9. General Exceptions.

Nothing in this Ordinance shall limit:

- a. The provision of health care or medical services;
- b. Access to essential services for County residents, such as food banks;
- c. The operations of media; or,
- d. The operations of government.

Sec. 10. Duration.

This Ordinance is effective 12:00 a.m., _____ and expires 11:59 p.m. on _____, or upon the adoption of an ordinance succeeding this ordinance for which notice is provided, as required by Virginia Code § 15.2-1427(F), paragraph 1, whichever occurs first.

Recorded Roll Call Vote:

Mr. Townsend:

Mr. Emert:

Mrs. Booth:

Mrs. Cooper-Jones:

Mr. Gilliam:

Mr. Jones:

Dr. Pride:

Mr. Wilck:

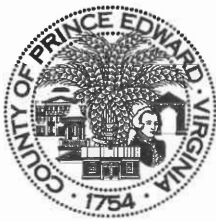
ATTEST:

W.W. Bartlett, County Administrator

APPROVED AS TO FORM:

Terri Atkins Wilson, Esq., County Attorney

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**County of Prince Edward
Board of Supervisors
Agenda Summary**

Meeting Date: August 21, 2020
Item No.: 4
Department: County Administration
Staff Contact:
Issue: Closed Session

Summary:

I move that the Prince Edward County Board of Supervisors convene in Closed Session:

- a. For discussion and consideration of prospective candidates for employment for the Department of Public Works, pursuant to the exemptions provided for in Section 2.2-3711(A)(1) of the *Code of Virginia*.

Attachments:

Recommendation: Convene in Closed Session.

Motion _____
Second _____

Booth _____
Cooper-Jones _____
Emert _____

Gilliam _____
Jones _____
Pride _____

Townsend _____
Wilck _____