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Shannon Bohince, Information Technology  
Hooper McCann, Administration

**TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA**

**ORDINANCE NO. 20-03-01**

**PRESENTED: MARCH 24, 2020**  
**ADOPTED: \_\_\_\_\_**

**AN EMERGENCY ORDINANCE ESTABLISHING SPECIAL LAWS FOR THE  
PURPOSE OF CONTINUING GOVERNMENT FUNCTIONS WHILE EXPEDITING  
TOWN RESPONSE TO AN EMERGENCY OR DISASTER**

**The Town Council of the Town of Purcellville, Virginia hereby ordains:**

**Section 1.** That the Town Code of the Town of Purcellville, Virginia is hereby amended to add a Chapter entitled, "Powers During States of Emergency and Disasters," as follows:

**POWERS DURING STATES OF EMERGENCY AND DISASTERS**

**Part A – Purpose**

The immediate need for this ordinance is the result of a declaration of emergency and disaster, as declared by the Governor of Virginia on March 12, 2020, and by the Town Manager on March 16, 2020. Those declarations were prompted by the public health threat caused by the spread of the coronavirus, which causes a disease known as COVID-19.

The purpose of this ordinance is to ensure the continuation of an effective and legally-constituted government for the duration of any emergency or disaster, as declared by either the Town of Purcellville or the Commonwealth of Virginia. In order for government to perform essential services while re-directing its limited resources toward resolution of an emergency or disaster, special powers are needed. This ordinance should be liberally construed to allow actions by the

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Town that will best serve the public health, safety, and welfare during times of emergency or disaster.

**Part B – Emergency Interim Successors**

The Town Manager is hereby authorized to designate emergency interim successors for the following positions, when the persons in those positions are unable to act:

- (a) The Town Manager and Director of Emergency Management
- (b) Town Clerk
- (c) Town Attorney
- (d) All Department Directors

No provision of the Town Code or State Code prohibiting an officer or employee of the Town from holding another office shall be applicable to an emergency interim successor. At the time of their designation, an emergency interim successor shall do such things, if any, as are required to qualify them to exercise the powers and discharge the duties of the office as to which they have been assigned; provided, that the designation of an emergency interim successor for an office subject to confirmation by the Town Council shall not require the approval of the Town Council to be effective.

The Town Manager may at any time and without cause terminate the authority of any emergency interim successor so designated.

**Part C – Employee Hiring, Functions, Compensation, and Leave**

During the time the Town is under a state of emergency or disaster, the Town Manager or his successor shall have the authority to perform the following acts, which acts shall be reversed within a reasonable time upon conclusion of the emergency or disaster:

1. Hire, promote, transfer, and reinstate employees as needed, without delay, and without adherence to any process required under law or policy
2. Set wages, award monetary bonuses, and convert non-exempt employees to exempt status for compliance with FLSA.
3. Create leave and work-from-home policies as needed to handle the emergency or disaster.

**Part D – Employee Grievances**

The right of an employee to file a grievance against the Town shall be suspended during the time in which the Town is under a state of emergency or disaster, and all deadlines established for such grievances shall be tolled until the state of emergency or disaster has been declared by Town Council to have concluded.

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**Part E – Town Contracts & Procurement**

So long as the following actions are brought before Council for ratification as soon as reasonably practical, the Town Manager or his successor shall have the authority during an emergency or disaster to amend the terms of existing contracts as needed to address the emergency. Further, the Town Manager shall have all authority to expedite the procurement of goods and services, as granted under Virginia Code, and to expend monies from Town reserves. Such procurements and expenditures shall be valid only if also approved by a second officer of the Town, other than the Town Manager, which officer should, if possible, be the Town's director of Finance or her interim emergency successor. Such secondary approval may be given in writing, by email, or orally by phone or in person, so long as any oral approval is later reduced to writing.

**Part F – Deferment of Payments Due to the Town**

During the time the Town is under a state of emergency or disaster, the Town Manager or his successor shall have the authority to defer the due date for payments of local taxes, charges, and fees.

**Part G – Public Property and Public Services**

During the time the Town is under a state of emergency or disaster, the Town Manager or his successor shall have the authority to perform the following acts, which acts shall be reversed within a reasonable time upon conclusion of the emergency or disaster:

1. Restrict or prohibit the public from entering or congregating around Town-owned buildings, facilities, and real property as he deems necessary to ensure the health, safety, and welfare of the public, Town staff, and Town officials. The Town Manager's discretion hereunder should be guided by advice from public health officials, public emergency officials, and other state or federal guidelines.
2. Suspend the provision of non-essential government services.
3. Cancel or postpone Town Events, in spite of any penalties that may be incurred under contract for cancelling or postponing such events.

**Part H – Public Meetings & Ordinance Adoption**

1. Ordinance Adoption. During periods of emergency or disaster, the Town Council may adopt ordinances without first advertising or conducting a public hearing, however, ordinances adopted without advertisement or public hearing shall automatically terminate upon the Town Council's declaration that the emergency or disaster has concluded. The Town Clerk shall track all ordinances so adopted, and, to the extent necessary, such ordinances may be re-adopted in accordance with standard, non-emergency procedures, once the emergency or disaster has concluded.

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GOVERNMENT FUNCTIONS WHILE EXPEDITING TOWN RESPONSE TO AN EMERGENCY OR DISASTER

2. Cancellation of Meetings. The Town Manager may order the cancellation of any meeting of a Town commission, committee, or board.

3. Electronic Meetings. For any regular, special, or emergency meeting of the Town Council, or any subordinate board, committee, or commission, the Town Manager may direct (i) that such meeting be held by solely electronic or telephonic means without a quorum of members physically present, or (ii) that members of the public not attend, when necessary to protect the public health safety or welfare of the public or Town officials, so long as the following criteria are satisfied:

(a) All meetings shall have a live audio or video broadcast accessible through the Town website, or a dial-in audio number.

(b) The notice and agenda for any meeting held in wholly electronic or telephonic form under this section shall:

(1) affirmatively state that the meeting is being held during a state of emergency and that emergency rules under this Ordinance shall apply;

(2) describe how the public may view or hear the meeting; and

(3) describe how the public may provide comment via email or telephone during the meeting.

4. Public Hearings. During a period of emergency or disaster, the Town Manager may postpone public hearings, unless inconsistent with other statutory requirements. Further, the Town Manager may extend the time to receive public comment by email and other means, other than attendance at a public meetings, and may also broaden the manner in which public comment will be received.

5. Emergency Meetings. The Town Council shall continue to have the power to call emergency meetings as allowed under statute. When these meetings are conducted:

(a) Opportunities for public access and participation during any emergency meeting shall be given using the best available methods under the circumstances.

(b) The nature of the emergency shall be reflected in the minutes of the meeting.

(c) All actions taken at an emergency meeting shall be ratified at a later regular or special meeting.

**Section 2.** That this ordinance shall be effective March 16, 2020, on the same date that the Town Manager declared a state of emergency due to the coronavirus.

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**Section 3.** That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid by the courts, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid.

**PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

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Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

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Diana Hays, Town Clerk