SCHOOL BOARD OF THE CITY OF RICHMOND

RESOLUTION

Adopting Procedures for Electronic Public Meetings and Public Hearings to Ensure the Continuity of Government During the COVID19 Pandemic

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared that a public health emergency existed for the entire United States to aid the healthcare community in responding to the Novel Coronavirus (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, the Governor of Virginia issued Executive Order No. 51 (2020), declaring a state of emergency for the Commonwealth of Virginia arising from the COVID-19 pandemic; and

WHEREAS, Executive Order No. 51 (2020) acknowledged the existence of a public health emergency which constitutes a disaster as defined by section 44-146.16 of the Code of Virginia (1950), as amended, arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order No. 51 (2020) 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 statute or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning on March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 13, 2020, the Mayor of the City of Richmond, as the City’s Director of Emergency Management, declared a local emergency pursuant to section 44-146.21(A) of the Code of Virginia (1950), as amended, in response to the spread of COVID-19; and

WHEREAS, on March 16, 2020, the Council of the City of Richmond adopted Resolution No. 2020-R025, consenting, as required by section 44-146.21(A) of the Code of Virginia (1950), as amended, to the declaration made by the Mayor of the City of Richmond that a local emergency exists in the City of Richmond in response to the spread of COVID-19; and
WHEREAS, section 15.2-1413 of the Code of Virginia (1950), as amended, provides that a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster, notwithstanding any contrary provision of law, for a period not to exceed six months after any such disaster; and

WHEREAS, on March 20, 2020, the Attorney General of Virginia issued an opinion affirming the authority conferred upon a locality as provided in section 15.2-1413 of the Code of Virginia (1950), as amended; and

WHEREAS, on March 23, 2020, the Governor of Virginia issued Executive Order No. 53 (2020), requiring the closure of all K-12 public schools, including the Richmond City Public Schools, for the remainder of the 2019-2020 school year, and also imposing temporary restrictions on public gatherings, including a prohibition on all public and private in-person gatherings of more than ten (10) individuals; and

WHEREAS, on March 30, 2020, the Governor of Virginia issued Executive Order No. 55 (2020), a Temporary Stay-At-Home Order due to COVID-19, ordering all individuals in Virginia to remain at their place of residence except as provided in that Order and Executive Order No. 53 (2020) and also included the imposition of criminal penalties for violations of the prohibition on public and private in-person gatherings of more than ten (10) individuals; and

WHEREAS, on April 9, 2020, the Council of the City of Richmond, pursuant to section 15.2-1413 of the Code of Virginia (1950), as amended, adopted Ordinance No. 2020-093 to assure the continuity of government during the disaster resulting from the COVID-19 pandemic by modifying the practices and procedures of public bodies to permit electronic meetings; and

WHEREAS, through Ordinance No. 2020-093, the Council of the City of Richmond specifically found that “COVID-19 is a communicable disease of public health threat, that the effects of COVID-19 constitute a “disaster” as defined by section 44-146.16 of the Code of Virginia (1950), as amended, and that the spread of COVID-19 makes it unsafe for a quorum of public bodies to assemble in one location or for public bodies to conduct meetings in accordance with normal legal requirements, practices, and procedures;” and

WHEREAS, through Ordinance No. 2020-093, the Council of the City of Richmond adopted certain procedures to ensure the continuity of government during the COVID-19 pandemic disaster, including granting authority to all local public bodies and their members, including the School Board of the City of Richmond, to participate in meetings and hearings through electronic means of communications without the assemblage of a physical quorum; provided that requirements related to notice of the meeting, meeting agenda, special announcements during meetings, public participation, voting and meeting minutes are followed as set forth in said Ordinance; and

WHEREAS, the School Board of the City of Richmond affirms the determinations of the existence of a disaster and the declaration of a state of emergency throughout the entire City of Richmond affecting the students, staff, facilities and members of the school community of Richmond City Public Schools, and the School Board being a public body included within the
scope of the City of Richmond’s Ordinance No. 2020-093, adopts the procedures for the conduct of public meetings as set forth in Ordinance No. 2020-093; and

WHEREAS, Article VIII, Section 7, of the Constitution of Virginia and section 22.1-28 of the Code of Virginia (1950), as amended, vests the supervision of the public schools of the school division in the School Board; and

WHEREAS, the School Board of the City of Richmond hereby reasonably determines and finds, based upon the above and all available facts, that the ongoing and continuing operation of the School Board is essential and indispensable to address the emergency and involve critical functions and legally imposed procedures, which, if not addressed, would result in immediate and irrevocable harm upon the students, staff, operations, facilities, and community members of the Richmond City Public Schools; and

WHEREAS, those critical and essential functions and legally-required procedures which must be addressed by the School Board to ensure continuity of government include, but are not limited to, the procurement of goods and services necessary to continued operations, adoption or amendment of polices and regulations to address changes due to the COVID-19 pandemic; delivery of long-distance learning and modifications to existing technology; nonrenewal and/or dismissal of employees; compliance with due process protections for students and staff; adoption of budgets and/or budget amendments; legal compliance; and other essential matters critical to the operations of the school division which are anticipated in the immediate future and thereafter during the pendency of the COVID-19 pandemic.

NOW THEREFORE, BE IT RESOLVED, that the School Board of the City of Richmond, in compliance with all federal and state directives, and the procedures adopted by the City Council of the City of Richmond in Ordinance No. 2020-093, may during the pendency of the City’s Ordinance No. 2020-093, participate in meetings necessary for the continuity of government solely by electronic communication means without a quorum physically assembled in one location, while remaining in compliance with the requirements set forth in said Ordinance; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that such meetings, subject to federal state and local health and safety mandates, standards, and guidance may be held without permitting members of the public to be physically present in a central location or in the same location as the School Board or any of its members, so long as the requirements of public participation as set forth in the City’s Ordinance No. 2020-093 are followed; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that the School Board of the City of Richmond may alter the established meeting schedule as necessary to protect the health and safety of the School Board members, staff, students and members of the public; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that any policies or regulations of Richmond City Public Schools are suspended/waived to the extent they are inconsistent with this Resolution and the City’s Ordinance No. 2020-093; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that this Resolution shall be effective upon its adoption by the School Board of the City of Richmond and shall remain in effect during
the pendency of the City’s Ordinance No. 2020-093, including for any applicable period upon the extension of said Ordinance.

Adopted and approved this 20th day of April, 2020.

Jinda Baker Owen  
School Board Chair  
April 20, 2020

Angela C. Wilson  
School Board Clerk  
April 20, 2020

Date

Date