

Kaye Kory



DELEGATE
38th District

Delegate Kaye Kory



CHAIR

FLASH NEWS

**Counties,Cities and Towns
2020**

Committee Assignments:

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CONTACT ME

<https://www.kayekoryva.com/>



RICHMOND OFFICE
 Pocahontas Building
 900 East Main Street
 Room E401
 Richmond, VA 23219
 (804) 698-1038

DISTRICT 38 OFFICE
 6505 Waterway Drive
 Falls Church, VA 22044
 703 354 6024



Commonwealth of Virginia
Office of Governor Ralph S. Northam

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Office of the Governor

Alena.Yarmosky@governor.virginia.gov

**Governor and Health Commissioner
 Issue Public Health Emergency Order
 to
 Enforce 10-Patron Limit**

*~ Order gives law enforcement the ability to enforce 10-patron
 limit in restaurants, fitness centers, and theaters ~*

RICHMOND—Governor Ralph Northam and State Health Commissioner M. Norman Oliver, MD, MA today issued a public health emergency order prohibiting more than 10 patrons in restaurants, fitness centers, and theaters. The order gives local and state law enforcement the ability to enforce this ban, which was [announced](#) by the Governor earlier today, if needed.

“I hope that everyone will have the common sense to stay home tonight and in the days ahead,” **said Governor Northam.** “This

order will ensure that state and local officials have the tools they need to keep people safe.

The full text of the order is available [here](#).

[Full Release](#)

Guidance from the Attorney General

This guidance applies to any authority, board, bureau, commission, district, or agency of the Commonwealth. Public bodies of localities and political subdivisions should consult with their counsel to determine how to proceed with meetings during the declared state of emergency.

This guidance is general and is meant to aid you in identifying relevant requirements for your agencies. Be sure to consult the following resources prior to noticing a meeting:

- Review your entities' by-laws or other internal governance documents;
- Review any relevant rules of order; and
- Consult with your attorney and board secretary regarding questions.

Under ordinary circumstances, public bodies must have a quorum physically assembled. Because the Governor has declared a state of emergency in Executive Order Number Fifty-One (2020), these are not ordinary circumstances, and public bodies may meet electronically regarding matters touching on the emergency if the requirements below are met.

1. **In order to meet electronically, it must be impracticable or unsafe to assemble.** Because the emergency is occasioned by a virus that spreads more quickly and effectively when individuals are in close contact, a public body may justify its decision to meet electronically to avoid interpersonal contact.
2. **Only matters related to the emergency can be discussed during the meeting.** Meetings exempt from the public meeting requirements during the state of emergency are for the purpose of addressing the emergency. Therefore, only matters relating to the emergency and the ability of the public body to continue to

provide essential government services during the emergency may be discussed. Electronic meetings where there is no quorum physically assembled in one location may not be held to conduct routine business during the state of emergency.

3. **The public must receive notice.** The public must receive notice at least three days prior to the meeting, and notice must be made to the public and the members of the public body contemporaneously. The notice must contain the date and time of the meeting as well as information required for the public to access the electronic meeting. The notice may be placed on Commonwealth websites, the Commonwealth Calendar, and other electronic methods available.
4. **Arrangements must be made for public access.** Teleconferences, online streaming, or online messengers are permissible ways of providing public access. A copy of the proposed agenda and agenda packets must be made available to the public at the same time such documents are available to the member of the agency. These materials may be placed on the same electronic forum as the public notice. The public must also be given access to the FOIA Council's public comment form (<http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>).
5. **All electronic meetings must be memorialized.** Minutes of meetings during the state of emergency must record the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held. It is also recommended that the minutes state why it was impractical or unsafe to assemble physically.
6. **Votes must be conducted by name in roll-call fashion and included in the minutes.** The transaction of public business must be done in a transparent and efficient manner, including voting.
7. **A written report of all electronic meetings must be made on or before December 15 to the FOIA Council.** The report must include meetings held during this state of emergency.
8. **The public must also receive notice of any changes to or cancellation of the meeting.** All methods available and practicable must be used to notify the public of any changes to meetings.

Attachment

Meetings held through electronic communication means.

§ 2.2-3708.2(A)(3). Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § [44-146.17](#), provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The public body convening a meeting in accordance with this subdivision shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
- b. Make arrangements for public access to such meeting; and
- c. Otherwise comply with the provisions of this section.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

Be Careful and Stay Healthy!



Delegate Kaye Kory

delkkory@house.virginia.gov
KayeKoryVA.com

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