

City of Alexandria
Saturday, April 18, 2020 – 9:30 AM
Virtual Meeting
City Council Public Hearing Meeting
Meeting Minutes

Present: Mayor Justin M. Wilson, Vice Mayor Elizabeth Bennett-Parker, Members of Council Canek Aguirre, John Taylor Chapman, Amy B. Jackson, Redella S. Pepper, and Mohamed E. Seifeldein.

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Collins, Deputy City Manager, Ms. Triggs Deputy City Manager; Ms. McIlvaine, Director, Office of Housing; Mr. Routt, Director, Office of Management and Budget (OMB); Ms. Suehr, Director, Department of Project Implementation; Ms. McLean, Executive Assistant to the City Manager; Ms. Kott, Division Chief, Department of Project Implementation; Mr. Colevas, Information Technology Services; Mr. Sharma, Transportation and Environmental Services (T&ES); Ms. Henty, Assistant Director, OMB; Mr. Bradford, Information Technology Services; Ms. Baker, Deputy City Manager; Mr. Supo, Information Technology Services; Mr. Keeler, Deputy Director, Office of Housing; Mr. Greenlief, Assistant Director, Finance; Mr. Moritz, Director, Planning and Zoning, Ms. Pledger, Chief Information Officer; Fire Chief Smedley; Ms. Landrum, CEO, Alexandria Economic Development Partnership; and Mr. Barre, Information Technology Services.

Recorded by: Gloria Sitton, City Clerk and Clerk of Council.

The April 18, 2020 public hearing meeting of the City Council is being held electronically pursuant to Virginia Code Section 2.2 3708.2(A)(3) and/or the Continuity of Government ordinance adopted by the City Council on March 24, 2020. All of the members of the City Council and staff are participating from remote locations through a video conference call on Zoom. The public may access the meeting and make public comments either through the video conference call or may come in person to Council Chamber, City Hall. The City will be observing social distancing regulations in the Chamber. The video conference call will be broadcasted live on the government channel 70, streaming on the City’s website and can be accessed via Zoom by:

https://zoom.us/webinar/register/WN_BCBhkQSTQUq0v-MU7vUTxA

**Zoom audio conference:
Dial: 301-715-8592
Webinar ID: 926 0843 7532
Password: 708903**

OPENING

1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All the members of Council were present at the meeting by video conference.

Mayor Wilson stated that the April 18, 2020 public hearing meeting of the City Council is being held electronically pursuant to Virginia Code Section 2.2 3708.2(A)(3) and/or the Continuity of Government ordinance adopted by the City Council on March 24, 2020. All of the members of the City Council and staff are participating from remote locations through a video conference call on Zoom. The public may access the meeting and make public comments either through the video conference call or may come in person to Council Chamber, City Hall. The City will be observing social distancing regulations in the Chamber.

2. Public Discussion Period

Due to the state law limitations on topics discussed at electronic meetings, the open public comment period shall be limited to comments related to the COVID – 19 emergency or the continuity of the government.

[This period is restricted to items not listed on the docket. The first 15 speakers will be heard under item #2 at the beginning of the meeting. Any remaining speakers will be heard at the conclusion of the docketed items.]

There were no speakers for the public discussion period.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilman Aguirre and carried unanimously, City Council closed the public discussion period. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

- 3. Public Hearing on the FY 2021 City Council Preliminary Add/Delete Proposals and the City Manager's proposed amendments to the FY 2021 proposed budget. Budget Adoption is scheduled for Wednesday, April 29, 2020 at 7:00 p.m.**

(A copy of the City Manager's memorandum dated April 13, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 04/18/20, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for this item:

1. Carolyn Lyle, Preston Road, Alexandria, voiced concerns regarding to cuts to funding of the Environment Action Plan.
2. Cristin Reeder, Alexandria, voiced concerns regarding the Affordable Housing funding

and the lack of resources for undocumented citizens.

3. Charles Ziegler, Langley Street, Alexandria, spoke in support of the funding the cities libraries.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilman Aguirre and carried unanimously, City Council closed the public hearing on: (1) the preliminary Add/Delete proposals and (2) budget amendments contained in the Proposed Budget Version 2.0. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

4. Public Hearing and Consideration of Draft City Fiscal Year (CFY) 2021 Action Plan for Housing and Community Development.

(A copy of the City Manager’s memorandum dated April 13, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 04/18/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council: (1) closed the public hearing to receive comments on the Draft CFY 2021 Action Plan for Housing and Community Development (Action Plan) including the City’s draft application for CFY 2021 funding for \$1,141,608 in Community Development Block Grant (CDBG) monies, \$585,127 in Home Investment Partnerships Program (HOME) funds, as well as \$671,570 of COVID 19 CDBG grant funds through the recently approved CARES (Coronavirus Aid, Relief, and Economic Security) Act; (2) approved the Action Plan; and (3) authorized the City Manager to execute any documents required to facilitate receipt of these and any related federal grant funds. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

5. Public Hearing and Consideration of Enhanced Southwest Access to the Potomac Yard Metrorail Station and Modifications to the WMATA Funding Agreement for the Potomac Yard Metrorail Station.

(A copy of the City Manager’s memorandum dated April 8, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 04/18/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, City Council and (1) received the staff's recommendation to proceed with the enhanced southwest access concept Modified Idea #1; (2) approved the

modifications to the WMATA Funding Agreement to reflect the addition of \$50 million in funding from the Virginia Department of Rail and Public Transportation (DRPT), and authorized the City Manager to enter into an amendment to the Funding Agreement that reflects change and is in general conformance with the remaining terms and conditions of the executed Funding Agreement; and (3) authorized the City Manager to direct WMATA to finalize negotiations with Potomac Yard Constructors (PYC) to design and construct Modified Idea #1 for enhanced southwest access to the Potomac Yard Metrorail Station. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

ORDINANCES AND RESOLUTIONS

6. Public Hearing and Second Reading of an Ordinance on the Proposed Real and Personal Property Tax Rates and Proposed Effective Tax Rate Increase for Calendar Year 2020 (Fiscal Year 2021).

(A copy of the City Manager's memorandum dated March 4, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 04/18/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 6; 4/18/20, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for this item:

1. John Adkins, Alexandria, voiced concerns regarding tax increases.
2. Wendell Adkins, Alexandria, voiced concerns regarding tax increases.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and scheduled the ordinance for final passage with the budget on April 29, 2020. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

7. Public Hearing and Second Reading of an Ordinance to Revise Transportation and Environmental Services Department Grading Plan Review Fees. Final passage is scheduled for April 29.

(A copy of the City Manager's memorandum dated March 4, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 04/18/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 7; 4/18/20, and is incorporated as part

of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public hearing and scheduled the ordinance for final passage with the budget on April 29, 2020. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

8. Public Hearing, Second Reading and Final Passage of an Ordinance to impose a moratorium on penalties and interest for Restaurant Meals Taxes, Transient Occupancy Taxes and BPOL taxes; and consideration of resolutions to change the filing deadline for Business Personal Property and Elderly and Disabled Tax Relief Applications.[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 6, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 4/18/20, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 8; 4/18/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 8; 4/18/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Seifeldein and carried unanimously, City Council closed the public hearing and approved the ordinance to impose a moratorium on penalties and interest for Restaurant Meals Taxes, Transient Occupancy Taxes and BPOL taxes, and approved the resolutions to change the filing deadlines for Business Personal Property and Elderly and Disabled Tax Relief Applications. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5275

AN ORDINANCE to amend and reordain Section 3-2-248 (PENALTY AND INTEREST FOR FAILURE TO REMIT TAXES WHEN DUE) of Article N (TAX ON MEALS SOLD BY RESTAURANTS) and Section 3-2-146 (PENALTY AND INTEREST FOR NONPAYMENT) of Article K (TRANSIENT LODGING TAX) both of Chapter 2 (TAXATION), of Title 3 (FINANCE, TAXATION AND PROCUREMENT); and Section 9-1-10.1 (INSTALLMENT PAYMENTS WHEN TAX IS BASED ON GROSS RECEIPTS) and Section 9-1-12 (PENALTY FOR FAILURE TO PAY WHEN DUE) both of Article A (GENERAL PROVISIONS), Chapter 1 (BUSINESS LICENSES), of Title 9 (LICENSING AND REGULATION) of the Code of the City of Alexandria, Virginia, 1981, as amended.

WHEREAS, on March 12, 2020, the Governor of Virginia issued Executive Order Fifty-One (the “Governor’s Executive Order”) declaring a state of emergency for the Commonwealth of Virginia arising from the COVID-19 pandemic and further acknowledging the existence of a disaster, as defined by Virginia Code § 44-146.16, arising from the public health threat presented by this spreading communicable disease; and

WHEREAS, on March 14, 2020, effective at 5:00 p.m. and extending through June 10, 2020, at 5:00 p.m. (the “Emergency Period”), the City Manager, in his capacity as Director of Emergency Management, issued a Declaration of Local Emergency (the “City Declaration”) applicable throughout the entire City of Alexandria, Virginia (the “City”), pursuant to authority granted pursuant to City Code Section 4-3-5, Virginia Code Sections 44-146.21 and 15.2-1413, which City Declaration was unanimously consented to the by the City Council on March 14, 2020, pursuant to City Resolution No.2928, as required by applicable law; and

WHEREAS, there have been confirmed and suspected cases of COVID-19 within the Commonwealth of Virginia and the City, specifically; and

WHEREAS, pursuant to City Charter Section 3.12 and City Code Section 2-1-21, if the City Council finds there is an emergency, an ordinance pertaining to that emergency may be read a second time and passed with or without amendment at the same meeting at which it is introduced and no publication or specific time interval between introduction and passage is necessary.

NOW THEREFORE, THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-248 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended and reordained by adding the text shown in underline as follows:

Sec. 3-2-248 Penalty and interest for failure to remit taxes when due.

If any person whose duty it is to do so shall fail or refuse to remit to the director the tax required to be collected under this article within the time and in the amount specified in this article, there shall be added to the tax by the director a penalty of 10 percent of the tax past due or the sum of \$10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of tax due. In addition thereto, interest on the taxes and penalty shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum.

Notwithstanding, the director may waive late payment penalties and interest if the failure to pay on time is due to no fault of the taxpayer. Furthermore, in response to the declaration of a state of emergency related to COVID-19, no late payment penalties or interest pursuant to this section shall be charged or payable on any late payment of taxes to the Department of Finance under Article N for meal sales made from February 1, 2020 and continuing through June 30, 2020. Such period shall be deemed the COVID-19 payment moratorium, and Sellers as defined herein may defer payment of such tax during the COVID-19 moratorium. If any Seller shall have already paid to the Department of Finance Meals tax based on February sales prior to the date of this ordinance amendment adoption, such Seller shall, upon request, be allowed to instead defer said payment and thus be entitled to an interim refund of such taxes paid. Such interim refund shall be without interest. Any such taxes so refunded shall be due and payable at the end of the moratorium as provided herein. Any such Meals tax payments that may be deferred during the moratorium shall be due and payable in full

following the expiration of said moratorium. However, the Department of Finance shall accept such payment of deferred taxes pursuant to a monthly payment plan, if so elected by the Seller, without penalty or interest. The term of any such payment plan shall be no longer than June 30, 2021. Any monthly payment of deferred taxes under a payment plan shall be in addition to payment of the current month when due. Any late payments of the current month taxes due following expiration of the moratorium on June 30, 2020, shall incur late payment penalties and interest as provided herein.

Section 2. That Section 3-2-146 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended and reordained by adding the text shown in underline as follows:

Sec. 3-2-146 Penalty and interest for nonpayment.

If any person any person shall fail or refuse to remit to the director the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the director a penalty of 10 percent of the tax past due or the sum of \$10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of tax due. In addition thereto, interest on the taxes and penalty shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum.

Notwithstanding, the director may waive late payment penalties and interest if the failure to pay on time is due to no fault of the taxpayer. Furthermore, in response to the declaration of a state of emergency related to COVID-19, no late payment penalties or interest pursuant to this section shall be charged or payable on any late payment of taxes to the Department of Finance under Article K for transient lodging sales made from February 1, 2020 and continuing through June 30, 2020. Such period shall be deemed the COVID-19 payment moratorium, and Hotels as defined herein may defer payment of such tax during the COVID-19 moratorium. If any Hotel shall have already paid to the Department of Finance Transient Lodging tax based on February sales prior to the date of this ordinance amendment adoption, such Hotel shall, upon request, be allowed to instead defer said payment and thus be entitled to an interim refund of such taxes paid. Such interim refund shall be without interest. Any such taxes so refunded shall be due and payable at the end of the moratorium as provided herein. Any such Transient tax payments that may be deferred during the moratorium shall be due and payable in full following the expiration of said moratorium. However, the Department of Finance shall accept such payment of deferred taxes pursuant to a monthly payment plan, if so elected by the Hotel, without penalty or interest. The term of any such payment plan shall be no longer than June 30, 2021. Any monthly payment of deferred taxes under a payment plan shall be in addition to payment of the current month tax when due. Any late payments of the current month taxes due following expiration of the moratorium on June 30, 2020, shall incur late payment penalties and interest as provided herein.

Section 3. That Section 9-1-10.1 and Section 9-1-12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended and reordained by adding the text shown in underline as follows:

Sec. 9-1-10.1 Installment payments when tax is based on gross receipts.

(a) In all cases where a license tax is based in whole or in part upon gross receipts, and the tax on such gross receipts is equal to or exceeds the sum of \$1,000, exclusive of any and all other types of tax, the tax may be paid in four equal installments during the license year, the first payment to be made on or before March 1, the second on or before May 1, the third on or before August 1 and the fourth on or before November 1, provided the taxpayer elects to do so by making his application for a license year and paying the first installment and any tax unpaid and owing for any previous license year on or before March 1 of the license year for which the application is being made.

(b) Upon a default in the payment of any license tax installment when it becomes due, the amount of such installment and all remaining installments shall be delinquent and shall become due and payable immediately, in addition to the applicable late payment penalty and interest.

(c) There is hereby imposed on payments made on installment charge which shall be calculated as follows:

- (1) first installment: none;
- (2) second installment: five percent of payment made;
- (3) third installment: six percent of payment made;
- (4) fourth and final installment: nine percent of payment made.

(d) Notwithstanding, in response to the declaration of a state of emergency related to COVID-19, payment of the second installment otherwise due May 1, 2020, may at the election of the business, be deferred to January 8, 2021, and the handling fee of five percent on this quarterly installment shall not be due and payable.

Sec. 9-1-12 Penalty for failure to pay when due.

(a) There shall be a penalty of 10 percent or \$10, whichever is greater, added to all license taxes levied under the provision of this chapter that are unpaid on the due dates thereof and, therefore, delinquent.

Notwithstanding, the director may waive late payment penalties if the failure to pay on time is due to no fault of the taxpayer. Furthermore, in response to the declaration of a state of emergency related to COVID-19, no late payment penalties pursuant to this section shall be charged or payable on any late payment of taxes for Tax Year 2020 to the Department of Finance under Article A for Business, Professional and Occupational License (BPOL) that are otherwise due to be paid from the date of adoption of this ordinance amendment and continuing through June 30, 2020. Such period shall be deemed the COVID-19 payment moratorium, and businesses as defined herein may defer payment of such tax not yet paid during the COVID-19 moratorium. Any such BPOL tax payments that may be deferred during the moratorium shall be due and payable in full following the expiration of said moratorium. However, the Department of Finance shall accept such payment of deferred taxes pursuant to a monthly payment plan, if so elected by the business, without penalty. The term of any such payment plan shall be no longer than June 30, 2021. Interest on such payments will continue to accrue as required by Section 58.1-3703.1(A)(2)(e) of the Code of Virginia. Any monthly payment of deferred taxes under a payment plan shall be in addition to payment of the current year BPOL taxes when due. Any late payments of the current year BPOL taxes due following expiration of the moratorium on June 30, 2020, shall incur late payment penalties and interest as provided herein.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

The resolution reads as follows:

RESOLUTION NO. 2938

RESOLUTION REGARDING BUSINESS PERSONAL PROPERTY 2020 FILING DEADLINE

WHEREAS, on March 12, 2020, the Governor of Virginia issued Executive Order Fifty-One (the “Governor’s Executive Order”) declaring a state of emergency for the Commonwealth of Virginia arising from the COVID-19 pandemic and further acknowledging the existence of a disaster, as defined by Virginia Code § 44-146.16, arising from the public health threat presented by this spreading communicable disease; and

WHEREAS, on March 14, 2020, effective at 5:00 p.m. and extending through June 10, 2020, at 5:00 p.m. (the “Emergency Period”), the City Manager, in his capacity as Director of Emergency Management, issued a Declaration of Local Emergency (the “City Declaration”) applicable throughout the entire City of Alexandria, Virginia (the “City”), pursuant to authority granted pursuant to City Code Section 4-3-5, Virginia Code Sections 44-146.21 and 15.2-1413, which City Declaration was unanimously consented to the by the City Council on March 14, 2020, pursuant to City Resolution No. 2928, as required by applicable law; and

WHEREAS, social distancing measures are creating severe economic disruption; and

WHEREAS, May 1, 2020 is the deadline for all businesses to file their annual rendition reporting a listing of their fixed assets subject to the Business Personal Property Tax; and

WHEREAS, these renditions can now be filed electronically via the online Business Tax Portal in the City’s Department of Finance; and

WHEREAS, these renditions provide the information necessary to assess and bill Business Personal Property taxes due and payable on October 5; and

WHEREAS, completion of this report may cause additional stress on businesses, particularly at a time when many businesses may be closed; and

WHEREAS, failure to file the annual rendition by the proscribed due date results in a late filing penalty of \$10 or 5 percent of the amount of tax assessable; and

WHEREAS, the Code of Virginia empowers the Alexandria City Council to grant a filing extension by resolution, not to exceed 90 days; and

WHEREAS, the Alexandria City Council desires to provide all support possible at this time, especially to small businesses in the community; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA

1. That the Department of Finance of the City of Alexandria be directed to extend the filing deadline for the tax year 2020 Business Personal Property renditions without penalty to July 1, 2020, as authorized under Section 58.1-3916 of the Code of Virginia;
2. That all renditions be required to be filed electronically with the Department of Finance via the online Business tax portal, except in cases, if any, where the business does not have online computer access; and,

3. That City Council hereby affirms that requiring the online filing will help expedite the processing of renditions to ensure timely billing in light of the extension, and also helps with social distancing during the COVID-19 crisis.

The resolution reads as follows:

RESOLUTION NO. 2939

RESOLUTION REGARDING EXTENDING DEADLINE TO APPLY FOR TAX RELIEF FOR ELDERLY AND DISABLED CITIZENS

WHEREAS, on March 12, 2020, the Governor of Virginia issued Executive Order Fifty-One (the “Governor’s Executive Order”) declaring a state of emergency for the Commonwealth of Virginia arising from the COVID-19 pandemic and further acknowledging the existence of a disaster, as defined by Virginia Code § 44-146.16, arising from the public health threat presented by this spreading communicable disease; and

WHEREAS, on March 14, 2020, effective at 5:00 p.m. and extending through June 10, 2020, at 5:00 p.m. (the “Emergency Period”), the City Manager, in his capacity as Director of Emergency Management, issued a Declaration of Local Emergency (the “City Declaration”) applicable throughout the entire City of Alexandria, Virginia (the “City”), pursuant to authority granted pursuant to City Code Section 4-3-5, Virginia Code Sections 44-146.21 and 15.2-1413, which City Declaration was unanimously consented to the by the City Council on March 14, 2020, pursuant to City Resolution No. 2928, as required by applicable law; and

WHEREAS, social distancing measures are creating severe disruption within the community and the elderly and disabled community are especially affected by this crisis; and

WHEREAS, April 15, 2020 is the deadline to apply for 2020 real estate tax relief, and April 10, 2020 is the deadline to apply for personal property tax relief for elderly and disabled citizens; and

WHEREAS, these renditions provide the information necessary to properly adjust real and personal property tax bills; and

WHEREAS, completion of this application may cause additional stress at a time when the community is focused on other matters; and

WHEREAS, the Director of Finance is already empowered to accept late applications provided good cause is shown for the failure to file by the proscribed deadline; and

WHEREAS, the Alexandria City Council desires to provide all support possible at this time, especially to the elderly and disabled.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

That the City Council:

1. views any late 2020 real or personal property tax relief applications associated with the COVID-19 crisis to be a matter of “good cause;” and
2. commends the Director of Finance to accept such applications as timely filed; and
3. affirms that the Department of Finance already accepts such applications online and that the Department should continue to encourage applicants to file electronically in order to promote social distancing to the benefit of the public and staff.

9. Public Hearing, Second Reading and Final Passage of an ordinance to ensure the continuity of city government, implementing emergency procedures, modifying public meeting requirements and public practices and procedures in order to address continuity of operations associated with the COVID-19 Pandemic Disaster. [ROLL-CALL VOTE]

(A copy of the City Manager’s memorandum dated April 6, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 4/18/20, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 9; 4/18/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 9; 4/18/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and approved the ordinance to ensure the continuity of city government, implementing emergency procedures, modifying public meeting requirements and public practices and procedures in order to address the continuity of operations associated with the COVID 19 Pandemic Disaster, with an amendment to the ordinance on page 3, lines 14 and 15 (Section 2(b)) as follows: b. The docket items to be discussed at such electronic meetings shall be limited to those topics (1) necessary for the continuity of the government; (2) authorized pursuant to Section 2.2 3708.2 (A)(3) of the Code of Virginia; or (3) authorized pursuant to any other authority the Commonwealth may provide to localities for electronic meetings without a quorum physically assembled after this ordinance is adopted. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5276

AN ORDINANCE TO ENSURE THE CONTINUITY OF THE CITY GOVERNMENT, IMPLEMENTING EMERGENCY PROCEDURES, MODIFYING PUBLIC MEETING REQUIREMENTS AND PUBLIC PRACTICES AND PROCEDURES IN ORDER TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH THE COVID-19 PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One 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 state requirement or regulation” as appropriate: and

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

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

WHEREAS, on March 14, 2020, effective at 5:00 p.m. and extending through June 10, 2020, at 5:00 p.m., or as may be amended by the City Council (the “Emergency Period”), the City Manager, in his capacity as Director of Emergency Management, issued a Declaration of Local Emergency (the “City Declaration”) applicable throughout the entire City of Alexandria, Virginia (the “City”), pursuant to authority granted pursuant to City Code Section 4-3-5, Virginia Code Sections 44-146.21 and 15.2-1413, which City Declaration was unanimously consented to the by the City Council on March 14, 2020, pursuant to City Resolution No.2928, as required by applicable law; and

WHEREAS, the City Council finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44- 146.16 being a “communicable disease of public health threat;” and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;” and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of the City Council may convene solely by electronic means “to address the emergency;” and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act (“FOIA”) are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, the Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, this ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW THEREFORE, THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the City Council, the School Board, the Planning Commission and all local and regional boards, commissions, committees and authorities created by the City Council, or on which the City Council has a member, or to which the City Council appoints all or a portion of its members (collectively "Public Entities" and individually "Public Entity"), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.

2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location and any City of Alexandria appointee, designee, or representative to such Public Entities are authorized to participate in such meeting electronically ; and

b. The docket items to be discussed at such electronic meetings shall be limited to those topics necessary for the continuity of the government; and

c. Prior to holding any such electronic meeting, except for emergency meetings, the Public Entity shall provide public notice of at least three days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

d. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and

e. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and

f. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments

will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and

g. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED, that for any appointments made by the City Council to boards and commissions established in the City Code that may expire during the Emergency Period, the current appointee in the expiring position shall continue to hold office until his/her successor is appointed and qualified.

IT IS FURTHER ORDAINED, that the City's Director of Emergency Management may take any of the following actions on a temporary basis in order to properly allocate City resources, ensure the safety of the public, and address impacts to the business community by the emergency: (1) waive or reduce fees or penalty or interest imposed by any City ordinance; (2) waive enforcement, in whole or in part, of any City ordinance; or (3) modify, limit, waive, suspend, or amend any City program, service, function, process, or procedure, unless prohibited by State or Federal law. The Director must apply the action uniformly for similar situations and not on a case-by-case basis. The Director's actions taken pursuant to this paragraph will be effective only until the next regular meeting of the City Council, at which time the Council may ratify and extend the time for which the Director's action remains in effect; and

IT IS FURTHER ORDAINED, that the provisions of this Ordinance shall remain in full force and effect for the duration of the Emergency Period, unless amended, rescinded or readopted by the City Council but in no event shall such ordinance be effective for more than six months from the date of adoption. Upon rescission by the City Council or automatic expiration as described herein, this ordinance shall terminate, and normal practices and procedures of government shall resume. Nothing in this Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

That this ordinance shall be effective upon its adoption.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council adjourned the public hearing meeting of April 18, 2020 at 11:00 a.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

APPROVED BY:

JUSTIN M. WILSON, MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk