



Legislation Details (With Text)

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Title: Resolution of the City Council of the City of Hampton, Virginia Confirming the Declaration and Termination of a Local Emergency Made Necessary by "Hurricane/Tropical Storm Isaias" and Declared on August 3, 2020, and Terminated on August 11, 2020, by the Hampton Director of Emergency Services

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Resolution of the City Council of the City of Hampton, Virginia Confirming the Declaration and Termination of a Local Emergency Made Necessary by "Hurricane/Tropical Storm Isaias" and Declared on August 3, 2020, and Terminated on August 11, 2020, by the Hampton Director of Emergency Services

PURPOSE/BACKGROUND:

The City Manager, in her capacity as Director of Emergency Management, issued a Declaration of Local Emergency on August 3, 2020, as weather conditions and the expected accumulation of rain and high winds predicted to be caused by the storm referred to as "Hurricane/Tropical Storm Isaias" constituted a real and substantial threat to the health and safety of persons and property in the City. Confirmation and ratification by Council of this Declaration of Local Emergency are required by law.

While the agenda for the next City Council meeting publishes on August 7, 2020, it is anticipated that the declaration of emergency will be terminated between the publication date and the Council meeting which is scheduled on August 12, 2020. As such, if this occurs, the resolution language below will be amended to also include the language terminating the declaration of emergency. The draft of that language is attached to this agenda item for reference.

UPDATE AS OF AUGUST 11, 2020: At 5 p.m. today, the City Manager, in her capacity as Director of Emergency Management, signed an Order Terminating Declaration of Local Emergency and that Order has been attached to this agenda item and the resolution language has been changed accordingly.

Recommendation:

Approval of this resolution is required by law.

WHEREAS, Section 44-146.21 of the Code of Virginia, 1950, as amended, prescribes

necessary actions precedent to a declaration of a local emergency;

WHEREAS, Section 44-146.21 prescribes two methods for declaring an emergency: the first is accomplished by the local director of emergency management with the consent of the governing body; the second is accomplished by the director of emergency management without the initial consent of the governing body, but with subsequent confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within forty five days of the declaration, whichever is first to occur;

WHEREAS, it was necessary and the conditions were proper on August 3, 2020, for the City Manager, as Hampton Director of Emergency Management, to declare a local emergency in the City without first obtaining the consent of the Hampton City Council (the Council), and confirmation by the Council is now required by law;

WHEREAS, the Council is satisfied that the weather conditions predicted to be caused by and actually caused by "Hurricane/Tropical Storm Isaias" constituted a real and substantial threat to health and safety of persons and property in the City and necessitated a declaration of local emergency; and

WHEREAS, on August 11, 2020, the City Manager, as Hampton Director of Emergency Management, issued an Order Terminating Declaration of Local Emergency (the "Termination Order") and represented therein that the emergency conditions supporting the Declaration of Emergency no longer existed as of 5 p.m. on August 11, 2020; and

WHEREAS, based on the representations of the Hampton Director of Emergency Management stated in the Termination Order, the Council is satisfied that the weather conditions and flooding predicted to be caused by and actually caused by "Hurricane/Tropical Storm Isaias" no longer exist.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hampton, Virginia:

1. That it hereby understands and confirms the Declaration of Local Emergency made on August 3, 2020, by the Hampton Director of Emergency Management;
2. That it understands and confirms that the Declaration of Local Emergency empowered the Director of Emergency Management with special authority and duties, which are defined by the laws, rules, regulations and plans of the United States of America, the Commonwealth of Virginia, and the City of Hampton;
3. That it understands and confirms that all needed emergency actions were taken, and it was an appropriate action to end the declared local emergency;
4. That it hereby understands and confirms the Declaration of Local Emergency made on August 3, 2020, by the Hampton Director of Emergency Management occasioned by "Hurricane/Tropical Storm Isaias" was terminated effective August 11, 2020, at 5 p.m. by the Hampton Director of Emergency Management; and
5. That it hereby understands and confirms that all necessary emergency actions have been

taken as were necessitated by "Hurricane/Tropical Storm Isaias" and the emergency is declared terminated.