



## Legislation Text

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**File #:** 21-0187, **Version:** 1

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Resolution of the Council of the City of Hampton, Virginia Confirming the Order Terminating Declaration of Local Emergency, Being Effective July 1, 2021, and Issued by the Hampton Director of Emergency Services for the Local Emergency Declared on March 13, 2020, and the Amended and Restated Local Emergency Declared on March 17, 2020, Due to the Public Health Threat and Disaster Caused by the Communicable Disease Known as the Novel Coronavirus ("COVID-19")

### **PURPOSE/BACKGROUND:**

On March 12, 2020, Governor Ralph Northam (the "Governor") declared a state of emergency in the Commonwealth of Virginia in response to the continued spread of the virus known as Novel Coronavirus or "COVID-19", and declared the anticipated effects of COVID-19 to be a disaster as described in Section 44-146.16 of the Code of Virginia, 1950, as amended. The City Manager, in her capacity as Director of Emergency Management ( the "Director"), issued a declaration of a local emergency on March 13, 2020, as the spread of COVID-19 constituted an imminent threat of disaster and a real and substantial threat to the health and safety of persons and property in the City. Subsequent to that declaration of a local emergency dated March 13, 2020, the Director amended and restated the declaration of a local emergency on March 17, 2020. Action was taken by Hampton City Council (the "Council") to confirm and ratify both of the declarations of a local emergency by resolution dated March 23, 2020. On September 9, 2020, as authorized by Section 15.2-1413 of the Code of Virginia, an ordinance was passed by the Council that ensured the continuity of City government during the remainder of the COVID-19 pandemic by setting forth the practices and procedures for which Council and the City's boards and commissions would conduct meetings and public hearings. The ordinance stated that it would remain in effect until the earlier of its repeal by Council or the end of the local declaration of emergency, whereby upon repeal or expiration thereof, the matters referenced therein shall resume operation in accordance with normal practices and procedures. Upon confirmation and ratification by Council of the Director's termination order of the local declaration of emergency, the ordinance shall no longer be in effect.

As the COVID-19 infections in the Commonwealth have decreased and citizens being vaccinated have increased, the Governor decided to allow his declared state of emergency to expire on June 30, 2021, at 11:59 PM. For the same reasons as the Governor, the Director has determined that all needed emergency actions due to COVID-19 have been taken, and she has decided to terminate the local declarations of emergency declared in March of 2020.

### **Discussion:**

See Purpose/Background above.

### **Impact:**

See Purpose/Background above.

**Recommendation:**

Approve the Resolution.

**WHEREAS**, on March 12, 2020, Governor Ralph Northam (the “Governor”) declared a state of emergency in the Commonwealth of Virginia in response to the continued spread of the virus known as Novel Coronavirus or "COVID-19", and declared the anticipated effects of COVID-19 to be a disaster as described in Section 44-146.16 of the Code of Virginia, 1950, as amended;

**WHEREAS**, on March 13, 2020, the City Manager, as Hampton Director of Emergency Management (the “Director”), determined that it was necessary and that the conditions were proper to declare a local emergency without first obtaining the consent of the Hampton City Council (the “Council”), as the spread COVID-19 constituted an imminent threat of disaster and a real and substantial threat to the health and safety of persons and property in the City;

**WHEREAS**, subsequent to that declaration of a local emergency dated March 13, 2020, and as additional knowledge of the rapidly expanding impacts of COVID-19 became known, the Director amended and restated the declaration of a local emergency on March 17, 2020 without first obtaining the consent of the Council;

**WHEREAS**, in accordance with 44-146.21 of the Code of Virginia, 1950, as amended, this Council confirmed and ratified by resolution dated March 23, 2020, both of the declarations of a local emergency declared by the Director;

**WHEREAS**, on September 9, 2020, as authorized by Section 15.2-1413 of the Code of Virginia, an ordinance (the “Ordinance”) was passed by the Council that ensured the continuity of City government during the remainder of the COVID-19 pandemic by setting forth the practices and procedures for which Council and the City’s boards and commissions would conduct meetings and public hearings;

**WHEREAS**, the Ordinance stated that it would remain in effect until the earlier of its repeal by Council or the end of the local declaration of emergency, whereby upon repeal or expiration thereof, the matters referenced therein shall resume operation in accordance with normal practices and procedures;

**WHEREAS**, as COVID-19 infections in the Commonwealth decreased and citizens being vaccinated increased, the Governor decided to allow his declared state of emergency to expire on June 30, 2021, at 11:59 PM;

**WHEREAS**, for the same reasons as the Governor and after determining that all needed emergency actions due to COVID-19 had been taken, the Director, on July 1, 2021, at 12:01 AM, issued an Order Terminating Declaration of Local Emergency (the “Termination Order”), and she has represented to the Council that the emergency conditions supporting both declarations of a local emergency no longer exist;

**WHEREAS**, based on the representations of the Director, the Council is satisfied that the imminent threat of disaster and the substantial threat to the health and safety of persons and property

in the City from COVID-19 no longer exist; and

**WHEREAS**, upon confirmation and ratification of the Director's Termination Order, the Ordinance ensuring continuity of government shall no longer be in effect.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hampton, Virginia that it hereby confirms and ratifies the Termination Order with the understanding that all needed emergency actions have been taken, and that such emergency occasioned by COVID-19 is declared terminated by this Council; and

**BE IT FURTHER RESOLVED** that the Ordinance ensuring continuity of government shall no longer be in effect.