



Legislation Text

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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 a Weather System Forecasted to Become a Tropical Storm Which Did Become a Tropical Storm Named "Ophelia" Declared on September 22, 2023, and Terminated on September 23, 2023, by the Acting Hampton Director of Emergency Management

PURPOSE/BACKGROUND:

Assistant City Manager, Steven Bond, in the absence of the City Manager and as the Acting Director of Emergency Management, issued a Declaration of Local Emergency on September 22, 2023, as weather conditions and the expected high tides predicted to be caused by the storm ultimately named "Tropical Storm Ophelia" 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. The declaration of emergency was terminated on September 23, 2023. As such, the resolution language also includes the language terminating the declaration of emergency.

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 September 22, 2023, for an Assistant City Manager, Steven Bond, as Acting 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 "Tropical Storm Ophelia" constituted a real and substantial threat to health and safety of persons and property in the City, being of such magnitude and severity as to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship and suffering caused by such conditions, and necessitated a declaration of local emergency;

WHEREAS, on September 23, 2023, an Assistant City Manager, Steven Bond, as Acting 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 6:30 p.m. on September 23, 2023; and

WHEREAS, based on the representations of the Acting Hampton Director of Emergency Management stated in the Termination Order, the Council is satisfied that the weather conditions predicted to be caused by and actually caused by "Tropical Storm Ophelia" 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 September 22, 2023, by the Acting Hampton Director of Emergency Management;
2. That it understands and confirms that the Declaration of Local Emergency empowered the Acting 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 September 22, 2023, by the Acting Hampton Director of Emergency Management occasioned by "Tropical Storm Ophelia" was terminated effective September 23, 2023, at 6:30 p.m. by the Acting 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 "Tropical Storm Ophelia" and the emergency is declared terminated.