



## 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 "January 2022 Winter Storm #2" and Declared on January 28, 2022, and Terminated on January 31, 2022, by the Hampton Director of Emergency Management

**PURPOSE/BACKGROUND:**

The City Manager, in her capacity as Director of Emergency Management, issued a Declaration of Local Emergency on January 28, 2022, as weather conditions and the expected accumulation of snow, sleet, and/or ice; extremely low temperatures; and high winds predicted to be caused by the storm referred to as "January 2022 Winter Storm #2" 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 January 31, 2022. 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 January 28, 2022, 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 "January 2022 Winter Storm #2" 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 January 31, 2022, 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 12 noon on January 31, 2022; 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 predicted to be caused by and actually caused by "January 2022 Winter Storm #2" 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 January 28, 2022, 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 January 28, 2022, by the Hampton Director of Emergency Management occasioned by "January 2022 Winter Storm #2" was terminated effective January 31, 2022, at 12 noon 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 "January 2022 Winter Storm #2" and the emergency is declared terminated.