



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 16.

New Business

Title: Amendment to Local State of Emergency Declaration Ordinance

Strategic Priority Area: Organizational Excellence

Safe & Friendly

Staff Resource: Randy Harrington, Town Manager, John Schifano, Town Attorney

Action(s):

Amend Town Code Section 12-652(a) to require the Mayor to provide a report to the Council at the next duly called Council meeting following a Mayoral state of emergency declaration and remove the formal requirement for a state of emergency declaration recommendation to the Mayor by the Town Manager.

Explanation:

- N.C. General Statute 166A-19.22 provides authority for municipalities to declare a state of emergency if certain N.C. General Statute emergency conditions exist.
- Authority to declare an emergency resides with the Council and the Council can delegate this authority to the Mayor, which the Holly Springs Town Council has done.
- A state of emergency declaration:
 - Allows town government to act quickly to protect property and/or public safety during a unique and/or extreme emergency situation
 - Outlines decision authority - typically granted by the Council to the Mayor
 - Recognizes the need for timely decision-making and the difficulty in convening an emergency meeting of the full Council
- Emergency declarations are most commonly used to address situations related to extreme weather events or civil disturbances, and typically are in effect for days or up to several weeks.
- In the event of a longer duration state of emergency situations (e.g. as experienced by the recent COVID pandemic), this ordinance amendment would require the Mayor to provide a report to Council at the next duly called Council meeting following the issuance of a state of emergency declaration where the Mayor can share additional information on areas such as the continued need for the declaration and the provisions in the declaration.
- The amendment would also remove language requiring a written state of emergency declaration recommendation to come from the Town Manager to the Mayor following consultation with the Police Chief and Fire Chief. N.C. General Statutes do not authorize any formal emergency declaration recommendation role for the Town Manager. As a practical matter, however, the Town Manager and Police and Fire Chiefs are highly engaged in any consideration of a state of emergency declaration.

Background:

- At the September 14, 2021 Workshop, Council reviewed the Town's state of emergency declaration ordinance.
- N.C. General Statute 166A-19.3 defines an emergency as:
 - "An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident."
- The emergency declaration powers granted by the NC Legislature include:
 - Regulate: explosives; consumption of alcohol; sale of gasoline or other flammable
 - Prohibit parades/demonstrations, restrict access to streets/sidewalks or other public areas, impose curfew, require evacuation
 - Regulate business activity/close businesses
 - Catch all provision - Prohibit/regulate "other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives"

Funding Source(s):

N/A

Attachment(s):

1. Amended Emergency Declaration Ordinance