

RESOLUTION NO. \_\_\_\_\_

### DECLARING A STATE OF LOCAL EMERGENCY

**WHEREAS**, the Alabama Emergency Management Act of 1955, as amended, codified in Section 31-9-1, *et seq.*, of the Code of Alabama, confers emergency powers upon the various governing bodies in the State of Alabama, including political subdivisions of the state, to include municipalities such as the City of Auburn, Alabama; and

**WHEREAS**, Kay Ivey, Governor of the State of Alabama, on March 13, 2020, did declare the existence of a state public health emergency in the State of Alabama, in that the State Health Officer has reported the appearance of the novel coronavirus known as COVID-19, thereby indicating the potential of widespread exposure to an infectious agent posing significant risk of substantial harm to a large number of people within the State of Alabama, such declaration authorized by the above-referenced Alabama Emergency Management Act of 1955; and

**WHEREAS**, the Alabama Emergency Management Act of 1955, above referenced, at Section 31-9-10 thereof, does provide the power and authority for a political subdivision of the State of Alabama, such as the City of Auburn, Alabama, to declare a state of local emergency in the event the governing body of said political subdivision, to wit: the City of Auburn, Alabama, determines that any of the conditions described in Section 31-9-2(a) of the Alabama Emergency Management Act of 1955, above referenced, has occurred or is imminently likely to occur; and

**WHEREAS**, the City Council of the City of Auburn, Alabama, does hereby determine an occurrence or imminent threat of an illness or health condition, caused by the appearance of the novel coronavirus known as COVID-19 across the State of Alabama, and in many other states and countries of the world, constitutes the potential of widespread exposure to that infectious agent, thereby posing a significant risk of substantial harm to a large number of people in the City of Auburn, Alabama; and

**WHEREAS**, Section 31-9-10 of the Alabama Emergency Management Act of 1955, above referenced, does empower the governing body of a political subdivision of the State of Alabama, to-wit: The City Council of the City of Auburn, Alabama, upon determining the existence of any of the conditions described in Section 31-9-2(a), which determination has heretofore been made, to waive procedures and formalities otherwise required by law related to:

- a. performance of public work;
- b. entering into contracts;
- c. incurring obligations;
- d. employment of temporary workers;
- e. utilization of volunteer workers;
- f. rental of equipment;
- g. acquisition and distribution, with or without compensation, of supplies, materials and facilities;
- h. to impose a public safety curfew for its inhabitants;
- i. to close; notwithstanding Section 11-1-8, any and all public buildings owned or leased by and under the control of the City where emergency conditions warrant;

all of the above powers to be exercised as necessary to ensure the health, safety and welfare of the inhabitants of the City of Auburn, Alabama.

**NOW, THEREFORE, BE IT RESOLVED** based upon the findings and determinations hereinabove stated, and the authorities hereinabove recited, the City Council of the City of Auburn, Alabama, does hereby declare a State of Local Emergency for the City of Auburn, effective immediately; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Auburn, Alabama, does hereby authorize the City Manager of the City of Auburn, to execute the authorities and powers hereinabove stated, as a consequence of the Declaration of a State of Local Emergency, for the duration of the State of Local Emergency, as hereinafter provided; and

**BE IT FURTHER RESOLVED** that the City Manager of the City of Auburn is further authorized to execute the powers and authorities otherwise granted to the City Council of the City of Auburn, Alabama, as governing body of said City, by the Alabama Emergency Management Act of 1955, but not conditioned upon the determination of a State of Local Emergency, for the duration of the State of Local Emergency as hereinafter provided, including, but not limited to:

- a. to appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes;
- b. to provide for the health and safety of persons and property including emergency assistance to the victims of any disaster;
- c. to direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by federal and state of emergency management agencies;
- d. to appoint, employ, remove, or provide, with or without compensation, rescue teams, auxiliary fire and police personnel, and other emergency management workers; provided, that compensated employees shall be subject to any existing civil service or merit system laws;
- e. to assign and make available for duty the employees, property, or equipment of the City of Auburn for firefighting, engineering, rescue, health, medical and related service, police, transportation, construction, and similar items or services for emergency management purposes;
- f. to exercise any and all other powers and authorities, for emergency management purposes, as may otherwise be provided by the Alabama Emergency Management Act of 1955, above referenced, or other relevant or applicable federal or state law or regulation; and

**BE IT FURTHER RESOLVED** that the City Manager of the City of Auburn, in exercising the emergency powers and authorities delegated to the City Manager herein by the City Council of the City of Auburn, is authorized to further delegate execution of such powers and authorities to members of the administrative service, as he deems appropriate, it being the purpose of this Resolution to provide maximum flexibility for the City Manager and the administrative service to respond expeditiously to the circumstances which may arise in the course of the local state of emergency herein declared; and

**BE IT FURTHER RESOLVED** that the duration of this Declaration of a State of Local Emergency shall extend to Monday, April 6, 2020, at 5:00 p.m.; provided, further, that should circumstances at that time dictate, the Mayor of the City Council is hereby empowered, in his judgment, to extend the duration of this Declaration of a State of Local Emergency for up to two (2) additional periods of three (3) weeks, by written notification to the City Manager of same, delivered by any means reasonably calculated to accomplish such notification; and

**BE IT FURTHER RESOLVED** that, in the event of incapacity of the recipient of any power or authority herein provided (e.g., City Manager, Mayor, Mayor Pro-Tem), such powers or authorities will transfer to the successor of such recipient as provided by applicable state and/or municipal laws and/or ordinances.

**ADOPTED AND APPROVED** by the City Council of the City of Auburn, Alabama, this the 17<sup>th</sup> day of March, 2020.

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Mayor

ATTEST:

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City Manager