

**RESOLUTION NO. 13670-23**

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, CONFIRMING, RATIFYING AND TERMINATING THE DECLARATION OF A LOCAL EMERGENCY ISSUED BY THE NEWPORT NEWS DIRECTOR OF EMERGENCY MANAGEMENT ON SEPTEMBER 22, 2023, MADE NECESSARY BY TROPICAL STORM OPHELIA.

WHEREAS, Section 44-146.21 of the Code of Virginia, 1950, as amended, prescribes necessary actions precedent to a declaration of a local emergency; and

WHEREAS, Section 16-70 of the Code of the City of Newport News designates the city manager as the Director of Emergency Management; and

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 such declaration must be confirmed by the governing body at a meeting within forty five days of the emergency declaration; and

WHEREAS, it was necessary and proper for the acting city manager, in his capacity as Director of Emergency Management, on September 22, 2023, to declare a local emergency in Newport News, Virginia, arising from Tropical Storm Ophelia, without first obtaining the consent of the Council of the City of Newport News, Virginia (the "Council") and confirmation by the Council is now required by law; and

WHEREAS, the Council is satisfied that the size, strength and volume of rain and winds generated by Tropical Storm Ophelia constituted a real and substantial threat to the health and safety of persons and property in the City of Newport News, Virginia, and that it necessitated a declaration of local emergency; and

WHEREAS, City Council is satisfied that the threat posed by Tropical Storm Ophelia has passed and that a declaration of local emergency is no longer warranted or necessary for the health and safety of the City's residents.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News, Virginia:

1. That it hereby confirms and ratifies the Declaration of Local Emergency made on September 22, 2023, by the 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, said authority and duties being defined by the laws, rules, regulations and plans of the United States of America, the Commonwealth of Virginia and the City of Newport News

3. That it understands and confirms that, in judgment of this Council, all needed emergency actions have been taken.

4. That City Council is satisfied that the declaration of local emergency is no longer warranted or necessary for the health and safety of the City's residents, and hereby ratifies the termination of the declaration of local emergency, effective September 24, 2023 at 8:00 a.m.

5. That this resolution shall be in effect on and after the date of its adoption, September 26, 2023.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON SEPTEMBER 26, 2023

Mabel Washington Jenkins, MMC  
City Clerk

Phillip D. Jones  
Mayor

A true copy, teste:

City Clerk