



City Attorney

DATE: September 15, 2020

FROM: Jannelle Combs, City Attorney

ITEM: State of Emergency Declaration ratification

REQUEST

Ratify the September 11, 2020, state of emergency declaration relating to COVID-19 by the President of City Commission and extend its effect to October 11, 2020.

Please place this item on the 9/22/2020 City Commission consent meeting agenda.

BACKGROUND INFORMATION

The August 12, 2020, emergency declaration lapsed September 11, 2020. Mayor Bakken signed a new declaration September 11, 2020. Bismarck City ordinance 2-08-03 provides that the President of the City Commission can declare a local state of emergency. The emergency declaration will exist for a period not to exceed 15 days, unless the City Commission ratifies the declaration within the 15-day period. If it is ratified, it is then valid for another 15 days. There is a continuing need for emergency bidding protocols for Covid-19 response that continue to be an immediate possibility. We do have confirmation with the State that FEMA reimbursement does not require the City to have its own emergency declaration for this event at this time. This continuation is to deal with certain issues related to homeless individuals who have been ordered to isolate or quarantine and the lack of services for them to do so since the State is no longer providing that service. Based on what the State was paying for the service, it could exceed our fiscal procedures for bidding that would require us to do a formal bid procedure, for which there would be no time.

RECOMMENDED CITY COMMISSION ACTION

Ratify the September 11, 2020 state of emergency declaration relating to COVID-19 by President Bakken and extend its effect to October 11, 2020.

STAFF CONTACT INFORMATION

Jannelle Combs | City Attorney, 355-1340 or jcombs@bismarcknd.gov



NEWS RELEASE

For Immediate Release:
September 11, 2020

For More Information, Contact:
Gloria David
Public Information Officer
Phone: 701.355.1306
E-mail: gdavid@bismarcknd.gov

COVID-19 EMERGENCY DECLARATION, CITY OF BISMARCK, NORTH DAKOTA

Bismarck, N.D.

WHEREAS, COVID-19 is a severe respiratory illness, caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the City of Bismarck; and

WHEREAS, no drug or vaccine is currently available to treat or prevent COVID-19;
and

WHEREAS, United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency for COVID-19 on January 27, 2020; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States; and

WHEREAS, on March 13, 2020, Governor Doug Burgum issued a declaration of a state emergency in response to the public health crisis resulting from the novel coronavirus (COVID-19);

WHEREAS, on March 15, 2020, the City of Bismarck declared a disaster emergency, which was ratified by the City Commission, and a second declaration was declared and ratified by the City Commission on April 14, 2020, which extended the emergency to May 14, 2020, and a third declaration on May 14, 2020, which was ratified by the City Commission on May 26, 2020, a fourth declaration on June 13, 2020, which was ratified by the City Commission on June 23, 2020, and a fifth declaration on July 13, 2020, which was ratified by the City Commission on

July 13, 2020, and a sixth declaration on August 12, 2020, which was ratified by the City Commission on August 25, 2020, but such emergency still exists,

WHEREAS, Bismarck City Ordinance 2-08-03 provides that the President of the Commission has the power to declare a local disaster emergency, and

WHEREAS, preparedness, response and recovery from the COVID-19 virus requires a whole-of-government and whole-of-community approach across all governments as well as private and nonprofit sectors, and the virus has the risk of substantially endangering the health, safety and property of the citizens of Bismarck.

NOW, THEREFORE, BE IT RESOLVED, that the President of the Board of City Commissioners does declare a state of disaster emergency exists in the City of Bismarck, North Dakota in response to the public health crisis resulting from the novel coronavirus (COVID-19).

DATED at Bismarck, North Dakota this 11th day of September, 2020.



Steve Bakken, President
City of Bismarck Commission