



City Attorney

DATE: February 25, 2021

FROM: Janelle Combs, City Attorney

ITEM: State of Emergency Declaration ratification

REQUEST

Ratify the January 5, 2021, state of emergency declaration relating to COVID-19 by the President of City Commission and extend its effect to April 5, 2021.

Please place this item on the 3/9/2021 City Commission consent meeting agenda.

BACKGROUND INFORMATION

Mayor Bakken signed an emergency declaration dated January 5, 2021. 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. At the January 12, 2021, January 26, 2021, February 9, 2021, and February 23, 2021, City Commission meetings, this declaration was ratified by the Commission. Since Public Health as well as other departments are assisting with continuing testing and vaccine deployment, the declaration can be used for emergency powers relating to those efforts. If the Commission ratifies the declaration, it will extend its effect to April 5, 2021.

RECOMMENDED CITY COMMISSION ACTION

Ratify the January 5, 2021 state of emergency declaration relating to COVID-19 by President Bakken and extend its effect to April 5, 2021.

STAFF CONTACT INFORMATION

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NEWS RELEASE

For Immediate Release:

January 5, 2021

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**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 vaccine is currently available to prevent COVID-19 and treatments are limited; 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, a sixth declaration on August 12, 2020, which was ratified by the City Commission on August 25, 2020, and a seventh declaration on September 11, 2020, which was ratified by the City Commission on September 22, 2020, and an eighth declaration on October 11, 2020, and a ninth declaration on October 26, 2020, which was ratified by the City Commission on November 24, 2020, December 8, 2020, and December 22, 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 5th day of January, 2021.


Steve Bakken, President
City of Bismarck Commission