

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 200383-A)

RESOLUTION

Ratifying the Mayor's Declaration of Emergency Related to the COVID-19 health emergency.

WHEREAS, COVID-19, a novel coronavirus disease, began infecting humans no later than December 2019, and has since spread to numerous countries, including to the United States and specifically to the City of Philadelphia and elsewhere in the region; and

WHEREAS, COVID-19 is easily transmitted, including by people with no symptoms or mild symptoms who may unknowingly spread the disease to others; and

WHEREAS, COVID-19 can cause severe disease and death, particularly in older adult and other vulnerable populations; and

WHEREAS, COVID-19 is a rapidly moving infectious disease that the World Health Organization has declared a "pandemic" and the U.S. Department of Health and Human Services has declared a nationwide "public health emergency"; and

WHEREAS, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency on March 6, 2020 in response to the imminent and emerging threat of COVID-19 that directed the activation of emergency response and recovery plans of the Commonwealth and political subdivisions, including the City, with the implementation of such plans to be coordinated by the Pennsylvania Emergency Management Agency; and "urge[d] the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under [such] Proclamation . . . all without regard to those time-consuming procedures and formalities normally prescribed by law"; and

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WHEREAS, The City's Department of Public Health has activated its Incident Command System and the City has mobilized its emergency preparedness personnel and plans; and

WHEREAS, On March 13, 2020, pursuant to the authorization in 35 Pa.C.S. § 7501(b) authorizing Council to delegate initial authority for a declaration of disaster emergency to the Mayor, and Section 10-819 of The Philadelphia Code, providing that authorization, the Mayor issued Executive Order 3-20, a Declaration of Emergency Related to the Known and Potential Presence of the Novel Coronavirus COVID-19 in Philadelphia ("March Emergency Declaration Concerning COVID-19"), which, in conjunction with the Governor's March 6 proclamation, enhanced the City's ability to take action to address the pandemic's impact in Philadelphia, and which forth process for managing determinations regarding the potential waiver of "time-consuming procedures and formalities" of law as authorized pursuant to state law, 35 Pa. C.S. § 7501, necessary to aid in addressing the emergency; and

WHEREAS, Since that time the Mayor and Health Commissioner, as well as state officials, have issued various other unprecedented emergency orders governing the operations of businesses and the movement of persons as the result of the COVID-19 pandemic; and

WHEREAS, On June 3, 2020, the Governor reissued a Proclamation of Disaster Emergency, incorporating the terms of the March 6, 2020 Proclamation; and

WHEREAS, On Tuesday June 9, 2020, the Pennsylvania Senate and House of Representatives passed a concurrent resolution terminating the Disaster Emergency declared by Governor Wolf on March 6, 2020, as renewed; and

WHEREAS, Governor Wolf has publicly stated his intention to disapprove the concurrent resolution and the legal effect of the concurrent resolution is in dispute; and

WHEREAS, This Resolution is not intended to indicate any view as to the correct outcome of that dispute; and

WHEREAS, on June 11, 2020 and again on or about June 24, 2020, the Mayor issued a Declaration of Emergency Related to the Known and Potential Presence of the Novel Coronavirus COVID-19 in Philadelphia; and

WHEREAS, The spread of COVID-19 in Philadelphia continues to constitute an emergency that affects the public health of the people of Philadelphia, and the time-sensitive nature of epidemic control mandates the City continue to act promptly to mitigate avoidable death and disease; and

WHEREAS, The exigencies of the emergency situation created by the spread of COVID-19 require swift responses without the delays caused by time-consuming procedures and

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formalities otherwise prescribed by law pertaining to the City carrying out many City activities; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Mayor's Declaration of Emergency related to COVID-19 of on or about June 24, 2020, is hereby ratified, pursuant to the requirements of 35 Pa. C.S. sec. 3501(c), and may be continued for such time as the Mayor may determine, subject to the requirement of two week renewals, as set forth in Section 10-819 of The Philadelphia Code, and unless terminated by further resolution of Council.

June 24 DRAFT

MAYOR'S DECLARATION OF EMERGENCY RELATED TO THE KNOWN AND POTENTIAL PRESENCE OF THE NOVEL CORONAVIRUS COVID-19 IN PHILADELPHIA

WHEREAS, COVID-19, a novel coronavirus disease, began infecting humans no later than December 2019, and has since spread to numerous countries, including to the United States and specifically to the City of Philadelphia and elsewhere in the region; and

WHEREAS, COVID-19 is easily transmitted, including by people with no symptoms or mild symptoms who may unknowingly spread the disease to others; and

WHEREAS, COVID-19 can cause severe disease and death, particularly in older adult and other vulnerable populations; and

WHEREAS, COVID-19 is a rapidly moving infectious disease that the World Health Organization has declared a “pandemic” and the U.S. Department of Health and Human Services has declared a nationwide “public health emergency”; and

WHEREAS, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency on March 6, 2020 in response to the imminent and emerging threat of COVID-19 that directed the activation of emergency response and recovery plans of the Commonwealth and political subdivisions, including the City, with the implementation of such plans to be coordinated by the Pennsylvania Emergency Management Agency; and “urge[d] the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under [such] Proclamation . . . all without regard to those time-consuming procedures and formalities normally prescribed by law”; and

WHEREAS, the City’s Department of Public Health has activated its Incident Command System and the City has mobilized its emergency preparedness personnel and plans; and

WHEREAS, on March 13, 2020, pursuant to 35 Pa.C.S. § 7501 and Section 10-819 of The Philadelphia Code, the Mayor issued Executive Order 3-20, a Declaration of Emergency Related to the Known and Potential Presence of the Novel Coronavirus COVID-19 in Philadelphia (“Executive Order 3-20”), which, in conjunction with the Governor’s March 6 proclamation, enhanced the City’s ability to take action to address the pandemic’s impact in Philadelphia, and which forth process for managing determinations regarding the potential waiver of “time-consuming procedures and formalities” of law as authorized pursuant to state law, 35 Pa. C.S. § 7501, necessary to aid in addressing the emergency; and

WHEREAS, since that time the Mayor and Health Commissioner, as well as state officials, have issued various other unprecedented emergency orders governing the operations of businesses and the movement of persons as the result of the COVID-19 pandemic; and

WHEREAS, on June 3, 2020, the Governor reissued a Proclamation of Disaster Emergency, incorporating the terms of the March 6, 2020 Proclamation; and

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WHEREAS, on Tuesday June 9, 2020, the Pennsylvania Senate and House of Representatives passed a concurrent resolution terminating the Disaster Emergency declared by Governor Wolf on March 6, 2020, as renewed;

WHEREAS, Governor Wolf has publicly stated his intention to disapprove the concurrent resolution and the legal effect of the concurrent resolution is in dispute; and

WHEREAS, on June 11, 2020, I signed a Declaration of Emergency Related to the Known and Potential Presence of the Novel Coronavirus COVID-19 in Philadelphia;

WHEREAS, neither the June 11, 2020 Declaration nor this Declaration are intended to indicate any view as to the correct outcome of that dispute; and

WHEREAS, the spread of COVID-19 in Philadelphia continues to constitute an emergency that affects the public health of the people of Philadelphia, and the time-sensitive nature of epidemic control mandates the City continue to act promptly to mitigate avoidable death and disease; and

WHEREAS, the exigencies of the emergency situation created by the spread of COVID-19 require swift responses without the delays caused by time-consuming procedures and formalities otherwise prescribed by law pertaining to the City carrying out many City activities; and

NOW, THEREFORE, I, James F. Kenney, by the powers vested in me as the Mayor of the City of Philadelphia and pursuant to powers granted under 35 Pa. C.S. § 7501 and Section 10-819 of The Philadelphia Code, do hereby declare as follows:

1. At this time the known presence in Philadelphia of the novel coronavirus known as COVID-19 constitutes to constitute a local disaster emergency and state of emergency for the City of Philadelphia pursuant to the terms of Commonwealth and City law.

2. Relief from “time-consuming procedures and formalities” pursuant to this declaration, as provided for under state law, shall continue to be implemented pursuant to Executive Order No. 3-20 and the authorizations and directives set forth in paragraphs 2 and 3 of that Order are incorporated herein. Actions that have already been taken by City of Philadelphia departments, agencies, boards and Commissions pursuant to such authorizations and directives remain in full force and effect.

3. This Declaration supersedes the Emergency Declaration Concerning COVID-19 set forth in Executive Order No. 3-20 and shall remain effective for two weeks, unless rescinded, superseded, amended, or renewed by further Declaration.

Date: June 24, 2020

By: _____

James F. Kenney, Mayor
City of Philadelphia

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty-fifth day of June, 2020.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Jones for Council President Clarke

Sponsored by: Councilmember Jones and Council President Clarke