

Open Work Session

Extending the Time Period for which the County Executive may Declare a Local Emergency

November 3, 2020

Mr. Dave Shipley, Director of Emergency Services, came before Council and said he is here to recommend a revision to the County Code dealing with emergency declarations. He said the suggestion he is talking about is extending the duration of an Executive declaration of emergency from 7 to 22 days, and addresses a timing issue associated with Council meetings being on the first and third Tuesday of each month. He said a good example is October as it is a month with 31 days. He explained, when a Council meeting falls on the 1st of the month, the second meeting would be on the 15th of that month, and this will result in a void of about 21 days from the second meeting mentioned to the first Council meeting the following month, which would be November. He said the 22nd day he is talking about would be a day cited to be used for implementation of Council action, and the void created negatively impacts the County Executive's and the County Council's actions associated with emergency declarations and extensions of emergency declarations. He said this proposal eliminates the need for Councilmembers to meet in emergency sessions in some situations that would be needed to extend a declaration of the County Executive.

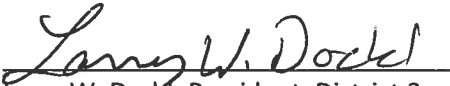
Mr. Holloway asked Mr. Shipley to give an example of where this has been a problem in the past, to which Mr. Shipley responded, back on October 3, 2019, then County Executive Culver implemented a burning ban, and needed to do an emergency declaration to do that. He said Mr. Culver issued it on October 3, and it then expired on October 10. He said there was some confusion about trying to have an emergency Council meeting put in place at that point, so Mr. Culver issued another seven-day declaration that went from October 10 to October 15. He said, then Council met at its regular meeting on October 15 and extended the declaration. He said, if they would have had that 21 days originally, it would have extended across those two declarations the County Executive had to make. Mr. Holloway then asked if the County Executive can place another seven days on top of the first seven days if they want to, to which Mr. Shipley responded, that is what was done. He clarified, that was what was done, but he does not know that it was the best remedy to continue to do it that way. Mr. Dodd then asked Mr. Taylor if that was appropriate, to which Mr. Taylor responded, he does not see why it was not under those particular circumstances.

Mr. Holloway asked Mr. Shipley to give Council some examples of emergency situations other than burn bans. He said there is snow and other things, so he guesses he would say not major catastrophes, such as a war, hurricane or tornado, but more insignificant emergencies, though none of them really are insignificant. Mr. Shipley responded, the examples Mr. Holloway gave would be the only ones where he would approach the County Executive to do an emergency declaration. He said, as Mr. Holloway mentioned, burning bans, and there was a snow emergency back in 2017, Irene in 2011, and Sandy in 2012, and those were times when he requested the County Executive do an emergency declaration.

Mr. Dodd asked, with what they have been seeing across the country with civil unrest, would that be appropriate for the County Executive to call for a declaration of emergency, to which Mr. Shipley responded, he thinks when talking about civil unrest, that would be something he would think the Executive would seek counsel from the Sheriff and all the law enforcement agencies in the County

before he would make a determination about the need for that. Mr. Dodd said he knows when Baltimore City had one, before the Governor could send in the National Guard, they had to have the City declare a state of emergency, to which Mr. Shipley responded, he does not know about calling up that kind of law enforcement activity. He said he knows Sheriff Lewis has memorandums of understanding with other agencies that he can call upon at any time, to which Mr. Dodd responded, but he does not know if that involves the National Guard, so that is something they may want to look into with this.

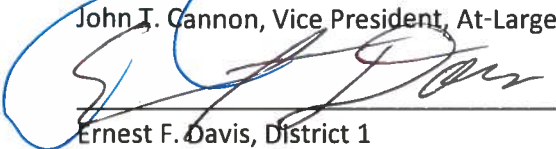
Mr. Dodd asked Mrs. Hurley where they go from here, to which Mrs. Hurley responded, the next step would be to have the Bill introduced, and they can do that at the next Council meeting if that is what Council desires to do. There was no further discussion.



Larry W. Dodd, President, District 3



John J. Cannon, Vice President, At-Large



Ernest F. Davis, District 1

absent _____
Nicole Acle, District 2

Josh Hastings, District 4



Joe Holloway, District 5



William R. McCain, At-Large



Laura Hurley, Council Administrator