

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

2020-02449

NO.

STATE OF LOUISIANA

DIVISION "F" -7 DOCKET

CITY OF NEW ORLEANS

FILED: March 11, 2020
@ 6.24. p.m Cathy Vayh
DEPUTY CLERK

MAYORAL PROCLAMATION OF A STATE OF EMERGENCY DUE TO COVID-19

WHEREAS, the United States of America has confirmed cases of individuals who have a severe acute respiratory disease ("COVID-19") caused by a novel coronavirus ("the virus") first detected in Wuhan, Hubei Province, People's Republic of China, which was first reported on December 31, 2019; and

WHEREAS, as of March 11, 2020, the World Health Organization ("WHO") has reported more than 100,000 confirmed cases of COVID-19 in 114 countries, and approximately 4,291 deaths from the virus, with the number of confirmed cases escalating dramatically over a short period of time; and

WHEREAS, the U.S. Centers for Disease Control and Prevention ("CDC") is responding to an outbreak of respiratory disease caused by the virus; and

WHEREAS, approximately 3% of the people confirmed infected with the virus have died, according to the WHO; and

WHEREAS, on March 11, 2020, the WHO declared the COVID-19 outbreak a pandemic; on January 31, 2020, the U.S. Department of Health and Human Services declared a Public Health Emergency for the United States; and on March 11, 2020, Governor John Bel Edwards declared a state of emergency for the State of Louisiana; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has determined that the virus presents a serious public health threat, requiring coordination among federal, state, and local health departments to ensure readiness for potential health threats associated with the virus; and

WHEREAS, the New Orleans Health Department, the Louisiana Department of Health, and other City partners have been working successfully and diligently to implement CDC guidelines and assist with the ongoing and developing threat of COVID-19; and

WHEREAS, on March 9, 2020, the first presumptive positive case of COVID-19 was announced in the State of Louisiana, in a hospital in the City of New Orleans; and

WHEREAS, as of March 11, 2020, there are more than ten presumptive positive cases of COVID-19 in the State of Louisiana, the majority of which are in the City of New Orleans; and

WHEREAS, there is reason to believe that COVID-19 may be spread amongst the population by various means of exposure, therefore posing a high probability of widespread exposure and significant risk of substantial future harm to Orleans Parish residents, and

WHEREAS, the direct and definite public health and safety threats of COVID-19, and the related threats to the health, safety, and welfare of the residents of the City of New Orleans, are now imminent and emergency action must be taken to prevent death or injury of persons and to preserve the lives and property of the people of the City of New Orleans; and

WHEREAS, a declaration of a state of emergency is necessary to allow City agencies to thoroughly prepare for and respond to any eventuality, including directing personnel and resources from various City departments to help manage the emergency, and to allow state and federal agencies and state and federal resources to be deployed, if necessary; and

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Mayor of the City of New Orleans emergency powers to deal with emergencies and disasters, including those resulting from terrorist events, enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this City will be adequate to deal with such emergencies or disasters, and in order to detect, prevent, prepare for, investigate, respond to, or recover from these events, and to preserve the lives and property of the people of the City of New Orleans;

NOW THEREFORE, I, LATOYA CANTRELL, Mayor and Chief Executive Officer of the City of New Orleans and the Parish of Orleans, by virtue of the authority

vested in me as the Mayor of the City of New Orleans by the Constitution and laws of the State of Louisiana and the Home Rule Charter and laws of the City of New Orleans, do hereby declare pursuant to La. R.S. 29:727 that due to the above-recited circumstances, a state of emergency exists in the City of New Orleans, warranting the use of all extraordinary measures appropriate to ensure public health, safety, welfare, and convenience.

In furtherance of this declaration, the Superintendent of Police is hereby directed pursuant to the provisions of La. R.S. 40:1387, to take command and control of all peace officers and police officers within the City, when and if and to the extent that their services are needed to deal with the present emergency.

All available resources of the City of New Orleans and its boards and agencies are hereby ordered to be commandeered and utilized by the Emergency Authority for the purpose of performing or facilitating emergency services, when and if and to the extent that their resources are necessary to deal with the present emergency. The "Emergency Authority" as used in this Proclamation refers to the Superintendents of Police and of Fire under supervision of the Office of the Mayor through the Director of Homeland Security, or under direct supervision of the Office of the Mayor, all acting directly under the supervision and control of the Mayor of the City of New Orleans.

The direction, personnel, and functions of all local departments, agencies, and units are hereby transferred, to the extent necessary, to the Emergency Authority for the purpose of performing or facilitating emergency services. All City officials and employees are hereby ordered to take all steps requested by the Director of Health and the Emergency Authority to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to the virus.

The Emergency Authority may commandeer or utilize any private property if it finds this necessary to cope with the local disaster emergency.

The Emergency Authority is hereby empowered to suspend the provisions of any regulatory ordinance prescribing the procedures for conduct of local business, or the orders, rules, or regulations of any local agency, if strict compliance with the provisions of any ordinance, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

The Emergency Authority, on my order as Mayor of the City of New Orleans and Chief Executive Officer of the Parish of Orleans, is hereby empowered to direct and compel the evacuation of any and all persons from any part of the City deemed by the Emergency Authority to be suitable for evacuation, if necessary for the preservation of life or other disaster mitigation, response, or recovery in accordance with the provisions of Ordinance No. 22,247 M.C.S.

The Emergency Authority is hereby empowered to prescribe the routes, modes of transportation, and destinations for such evacuation, if necessary, to control ingress and egress to and from the City of New Orleans and the movement of persons and occupancy of premises therein.

Subject to the provisions of Act 275 of 2006 (Regular Session), the Emergency Authority is hereby empowered, if necessary, to suspend or limit the sale, dispensing, or transporting of alcoholic beverages, firearms, explosives, and combustibles.

The Emergency Authority is hereby empowered and directed in conjunction with HANO, HUD, and any other appropriate agencies, public and private, to make provisions for the availability and use of temporary emergency housing, if necessary.

The Superintendents of Fire and Police are directed to take all necessary steps within legal bounds to ensure that no looting or arson occurs within any area ordered evacuated.

The Emergency Authority is hereby authorized to invoke any relevant provisions of the City Code.

The City Attorney is directed to file this proclamation promptly in the office of the Clerk of Court.

WITNESS my hand in New Orleans, Louisiana this 11th day of March, 2020.



LATOYA CANTRELL, MAYOR