

RESOLUTION NO. R2023-____

A RESOLUTION OF THE SOUTH SALT LAKE CITY COUNCIL AUTHORIZING AN EXTENSION OF THE MAYOR'S DECEMBER 28, 2022, DECLARATION OF LOCAL EMERGENCY

WHEREAS, Utah Code § 53-2a-208(1) authorizes the Mayor to declare by Proclamation a state of emergency if she finds that (1) a disaster has occurred or the occurrence or threat of a disaster is imminent in an area of the City, and (2) the City requires additional assistance to supplement the response and recovery efforts of the City; and

WHEREAS, South Salt Lake City Code 2.05.020 authorizes the Mayor to declare a local disaster, in consultation with readily available City councilmembers, upon finding a disaster has occurred or is imminent; and

WHEREAS, Utah Code § 35A-16-501 requires the mayors of the cities within Salt Lake County to prepare a shelter overflow plan for the dates between October 1 and April 30 (the "Overflow Period") in order to provide additional overnight shelter opportunities during the winter months and under that law the Pamela Atkinson Resource Center (the "PARC") has increased capacity to allow an additional 75 individuals to obtain overnight shelter during the Overflow Period; and

WHEREAS, in spite of the increased capacity, many individuals continue to lack adequate overnight shelter and, as a result, may experience prolonged exposure to temperatures below 32 degrees Fahrenheit; and

WHEREAS, the City of South Salt Lake has experienced many nights where overnight temperatures fell below 32 degrees Fahrenheit and will likely continue to experience those frigid temperatures throughout the entirety of the Overflow Period; and

WHEREAS, prolonged exposure to temperatures below 32 degrees Fahrenheit can and has resulted in severe injuries and even death, especially among individuals who lack overnight shelter; and

WHEREAS, on December 28, 2022, Mayor Cherie Wood signed a Proclamation declaring a local emergency due to the risk to individuals who lack overnight shelter caused by exposure to frigid temperatures (the "Proclamation"); and

WHEREAS, under the Proclamation the PARC is authorized to provide up to 25 additional beds when the temperature is expected to fall below 32 degrees Fahrenheit; and

WHEREAS, Utah Code § 53-2a-208(6) states that a local emergency remains in effect for thirty days unless extended or terminated by the municipal legislative body or terminated by joint resolution of the Utah Legislature; and

Now, therefore, BE IT RESOLVED, by the City Council of the City of South Salt Lake that:

1. Pursuant to Utah Code § 53-2a-208 and South Salt Lake Municipal Code 2.05.020, that a local emergency exists in the City of South Salt Lake when the temperature falls below

32 degrees Fahrenheit, and a shortage of overflow beds exists due to the potential harm caused by exposure to the cold temperatures for individuals who lack overnight shelter. Exposure to temperatures below 32 degrees Fahrenheit can and has caused death, especially for individuals who lack overnight shelter. The extreme weather experienced in the City thus far this winter— including low temperatures described as “arctic blasts”—in conjunction with a shortage of overflow beds has caused a state of emergency in the City of South Salt Lake.

2. Shelter the Homeless and The Road Home as the operator of the Pamela Atkinson Resource Center are authorized to allow up to 25 additional overnight occupants in the Pamela Atkinson Resource Center when overnight temperatures are expected to fall below 32 degrees Fahrenheit.
3. Shelter the Homeless and The Road Home remain subject to the conditions of the existing Conditional Use Permit for operation of the shelter in addition to all existing federal, state, and local, laws, rules, and regulations including building and fire code and further rules as required by the City.
4. This Resolution shall become effective immediately and shall be filed with the City Recorder as soon as practicable.
5. The Mayor’s December 28, 2022, Declaration of a Local Emergency (attached as “**Exhibit A**” and incorporated herein by this reference) shall remain in effect through the remainder of the Overflow Period and shall expire on April 30, 2023.

(signatures appear on separate page)

APPROVED AND ADOPTED by the City Council of the City of South Salt Lake, Utah, on this _____ day of _____, 2023.

BY THE CITY COUNCIL:

Sharla Bynum, Council Chair

Council vote as recorded:

Bynum _____
Huff _____
Mila _____
Pinkney _____
Siwik _____
Thomas _____
Williams _____

ATTEST:

Ariel Andrus, City Recorder

EXHIBIT A

A PROCLAMATION OF THE MAYOR OF THE CITY OF SOUTH SALT LAKE, UTAH
DECLARING A LOCAL EMERGENCY
DATED 12/28/2022



**A PROCLAMATION OF THE MAYOR OF THE CITY OF SOUTH SALT LAKE, UTAH
DECLARING A LOCAL EMERGENCY**

WHEREAS, Utah Code § 53-2a-208(1) authorizes Mayor Cherie Wood to declare by Proclamation a state of emergency if she finds that (1) a disaster has occurred or the occurrence or threat of a disaster is imminent in an area of the City, and (2) the City requires additional assistance to supplement the response and recovery efforts of the City; and

WHEREAS, Utah Code § 53-2a-208(6) states that a local emergency remains in effect for thirty days unless extended or terminated by the municipal legislative body or terminated by joint resolution of the Utah Legislature; and

WHEREAS, South Salt Lake City Code 2.05.020 authorizes the Mayor to declare a local disaster, in consultation with readily available City councilmembers, upon finding a disaster has occurred or is imminent; and

WHEREAS, Utah Code § 53-2a-208(3) states that a local emergency proclamation must include (a) the nature of the local emergency, (b) the area or areas that are affected or threatened, and (c) the conditions that caused the emergency; and

WHEREAS, Utah Code § 53-2a-102(17) defines "State of emergency" as a condition in any part of this state that requires state government emergency assistance to supplement the local efforts of the affected political subdivision to save lives and to protect property, public health, welfare, or safety in the event of a disaster, or to avoid or reduce the threat of a disaster; and

WHEREAS, Utah Code § 53-2a-102(5) defines "Disaster" as an event that (a) causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from attack, internal disturbance, natural phenomena, or technological hazard; and (b) requires resources that are beyond the scope of local agencies in routine responses to emergencies and accidents and may be of a magnitude or involve unusual circumstances that require response by government, not-for-profit, or private entities; and

WHEREAS, Utah Code § 53-2a-205 states that after a Mayor declares a local emergency, the Mayor may exercise emergency authority, including but not limited to, (a) utilizing all available resources of the political subdivision as reasonably necessary to manage the local emergency and (b) employing measures and giving direction to local officers and agencies which are reasonable and necessary for the purpose of securing compliance with the provisions of the Disaster Response and Recovery Act, and with orders, rules and regulations made under the Act; and

WHEREAS, Utah Code § 35A-16-501 et seq requires the mayors of each of the Cities in a County of the first class to annually prepare an overflow plan to provide one or more temporary overflow shelters for unsheltered homeless individuals during the period beginning October 1 and ending April 30 and submit it to the Office of Homeless Services for approval; and

WHEREAS, if the Office of Homeless Services determines the proposed plan is noncompliant, then each homeless shelter within that County shall be required to provide increased capacity during the overflow period; and

WHEREAS, the Cities in Salt Lake County submitted an overflow plan to the Office of Homeless Services in 2022 that was deemed noncompliant, resulting in each of the shelters located in Salt Lake County allowing additional shelter capacity in compliance with applicable laws, rules, and regulations; and

WHEREAS, the Pamela Atkinson Resource Center, located at 3380 S 1000 W in South Salt Lake and meeting the definition of a “Homeless Shelter,” as defined in Utah Code § 35A-16-501, has increased capacity to allow an additional 75 individuals during the overflow period; and

WHEREAS, despite the increased capacity, many individuals remain unable to secure shelter overnight in the City; and

WHEREAS, exposure to temperatures below 32 degrees Fahrenheit can and has resulted in severe injuries and even death, especially among individuals who lack overnight shelter; and

WHEREAS, recently, the City of South Salt Lake has experienced many nights when overnight temperatures fell below 32 degrees Fahrenheit:

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, pursuant to Utah Code § 53-2a-208 and South Salt Lake Municipal Code 2.05.020, by the Mayor of the City of South Salt Lake, Utah that a local emergency exists in the City of South Salt Lake when the temperature falls below 32 degrees Fahrenheit and a shortage of overflow beds exists due to the potential harm caused by exposure to the cold temperatures for

individuals who lack overnight shelter. Exposure to temperatures below 32 degrees Fahrenheit can and has caused death, especially for individuals who lack overnight shelter. The extreme weather experienced thus far this winter— including low temperatures described as “arctic blasts”—in conjunction with a shortage of overflow beds has caused a state of emergency in the City of South Salt Lake. This declaration authorizes Shelter the Homeless and The Road Home as the operator of the Pamela Atkinson Resource Center to allow up to 25 additional overnight occupants in the Pamela Atkinson Resource Center when overnight temperatures are expected to fall below 32 degrees Fahrenheit. Shelter the Homeless and The Road Home remain subject to the conditions of the existing Conditional Use Permit for operation of the shelter in addition to all existing federal, state, and local, laws, rules, and regulations including building and fire code and further rules as outlined by Mayor Cherie Wood in correspondence to Shelter the Homeless.

This declaration of a local emergency: 1) constitutes an official recognition that a disaster situation exists within the City; 2) provides a legal basis for requesting and obtaining mutual aid or disaster assistance from other political subdivisions or from the state or federal government; 3) activates the response and recovery aspects of any and all applicable local disaster emergency plans; and 4) authorizes the furnishing of aid and assistance in relation to this Proclamation. This Proclamation shall take effect immediately and shall not be continued or renewed for a period in excess of 30 days, except by or with the consent of the legislative body of the City of South Salt Lake or unless otherwise terminated. This proclamation will be filed with the City Recorder as soon as practicable.

Dated this 28th day of December, 2022

Cherie Wood

Cherie Wood, Mayor

Attest:

Ariel Andrus

Ariel Andrus, City Recorder



