



CITY OF NEW HAVEN

JUSTIN ELICKER, MAYOR

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March 31, 2020

**The Honorable Tyisha Walker-Myers
President, Board of Alders
City of New Haven
165 Church Street
New Haven, CT 06510**

RE: Order Of Board Of Alders Regarding Indemnification

Dear President Walker-Myers,

I am writing to respectfully request the Honorable Board of Alders to authorize the order of the City of New Haven to enter any agreements as may be deemed necessary or desirable to mitigate the spread of COVID-19, including such agreements that include indemnification of a party or parties thereto by the City of New Haven.

On March 15, 2020 I issued a declaration of public health emergency for the City of New Haven to reduce the spread of novel coronavirus (COVID-19) following the national declaration made by the President of the United States on March 13th and the Governor of Connecticut on March 10th. Due to the significant adverse impact on public health of COVID-19, we must take action for the purpose of ensuring civil preparedness and mitigating the adverse effects of this emergency situation upon the residents of New Haven.

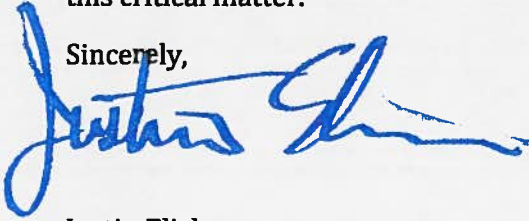
In the past week the number of city residents who have tested positive for COVID-19 have tripled, and has caused the untimely death of one New Havener. The number of positive cases in the city and state is expected to grow exponentially without a concentrated effort to follow prescribed measures of mitigation from public health officials including social distancing isolation and quarantine for infected individuals.

In accordance with recent orders issued by the Governor of Connecticut and recommendations by public health officials, we must take further steps to protect the health, safety and welfare of the people of the city; which includes this order of indemnification with relevant parties during this crisis. Any such indemnification shall be limited to liability arising directly from actions of the City of New Haven, its officials or employees and where the indemnified party is not otherwise protected by the extension of governmental immunity afforded by statute, including without limitation, Connecticut General Statutes Sec. 28-13 and 28-2, and further provided that the City has first exhausted all reasonable efforts to seek extension of immunity from the State of Connecticut to said third party.



This order would be effective until September 27, 2020, unless otherwise amended or terminated by further action of the Board of Alders. Thank you for your consideration and prompt attention to this critical matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin Elicker", with a stylized flourish at the end.

Justin Elicker,

Mayor

ORDER OF BOARD OF ALDERS REGARDING INDEMNIFICATION

WHEREAS, on March 10, 2020, the Governor of the State of Connecticut declared a public health emergency and a civil preparedness emergency for the State of Connecticut, pursuant to Connecticut General Statutes Sections 19a-131 and 28-9, in response to the global pandemic of COVID-19 disease associated with a novel coronavirus that is currently affecting multiple countries and states; and,

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to combat the coronavirus that is currently infecting the population of the United States; and,

WHEREAS, on March 15, 2020, the Mayor of the City of New Haven, pursuant to Connecticut General Statutes Sections 28-8a(a), 28-1(8), and 28-22, and Chapter 11, Section 11-23 et. seq. of the Code of General Ordinances of the City of New Haven, declared a state of emergency, due to the significant danger to public health posed by the spread of COVID-19 and shortages of supplies and equipment necessary to protect the public health and safety, and the spread of COVID-19 to at least one resident of the City of New Haven as a result of the global pandemic; and,

WHEREAS, in response to the issuance of declarations of a public health emergency and a civil preparedness emergency, a declaration of national emergency and the spread of COVID-19 to at least three residents of the City of New Haven; and,

WHEREAS, due to the significant adverse impact on public health of COVID-19, the Mayor must take action for the purpose of ensuring civil preparedness and mitigating the adverse effects of this emergency situation upon the residents of New Haven; and,

WHEREAS, the duties assigned by the City Charter to the Mayor of the City of New Haven require said Mayor to cause the Charter, the Ordinances and laws to be executed and enforced, and to conserve the peace within the City. The Mayor shall be responsible for the good order and efficient government of the City; and,

WHEREAS, it is in the best interests of the City and People of New Haven to promote public health and to mitigate the impacts of the pending public health emergency posed by the spread of COVID-19; and,

WHEREAS, among best practices and prescribed measures of mitigation in light of this public health emergency are social distancing isolation and quarantine of infected individuals; and,

WHEREAS, pursuant to recommendations of public health officials, it is deemed best practices and prescribed measures to presume that those exhibiting symptoms of COVID-19 have been infected therewith; and,

WHEREAS, the powers granted by Connecticut General Statutes Sections 28-8a(a), 28-1(8), and 28-22, and Chapter 11, Sections 6, 7 and 11-23 et. seq. of the Code of General Ordinances of the City of New Haven, proclaim said Mayor to have and exercise all executive and administrative powers conferred upon any municipal chief executive; and,

WHEREAS, pursuant to Chapter 11, Section 11-23 of the Code of General Ordinances of the City of New Haven, the Mayor has personally taken direct operational control of any and all parts of emergency management functions of the City of New Haven; and,

WHEREAS, Chapter 11, Section 11-7 of the Code of General Ordinances of the City of New Haven states “The mayor, or his duly authorized representative or representatives, is authorized to promulgate such orders, rules, and regulations as may be necessary to carry out the purposes of this chapter in the furtherance of the emergency management plan and program and to protect life and property. All orders, rules, and regulations authorized by this chapter shall be in writing and shall be available for public inspection at the place and during the hours specified by the mayor”; and,

WHEREAS, Chapter 11, Section 11-7 of the Code of General Ordinances of the City of New Haven states “At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent herewith”; and,

WHEREAS, Chapter 11, Section 11-18 of the Code of General Ordinances of the City of New Haven states “When required to do so by the mayor or the state the director of emergency management, the director shall provide all necessary buildings, equipment and supplies for the office of emergency management and for emergency management activities, and shall make contracts of lease or bailments with provision for indemnity in case of loss or damage in respect to any buildings, equipment or supplies loaned to the office of emergency management” and,

WHEREAS, Chapter 11, Section 11-24 of the Code of General Ordinances of the City of New Haven states “Upon such declaration the provisions of this section shall immediately become effective and shall continue in effect until the end of such emergency has been declared:

- (a) The mayor may order into action all or any part of the emergency management forces of the city.
- (b) ...
- (c) ...
- (d) ...
- (e) The mayor may take such other steps as are reasonably necessary in the light of the emergency to protect the health, safety and welfare of the people of the city, and to minimize the effects of actual or imminent disasters, due to hostile action or natural causes;

and,

WHEREAS, Chapter 11, Section 11-25 of the Code of General Ordinances of the City of New Haven “the Mayor is authorized to expend such moneys as may be necessary to carry out the provisions of this chapter and the board of finance is directed and authorized to provide such sums as may from time to time be authorized by the Mayor”; and,

WHEREAS, the Board the Board of Alders duly elected legislative body of the City of New Haven recognizes the need for the Mayor to take such steps as necessary to mitigate the effects of the COVID-19 pandemic, and to preserve civil preparedness by making appropriate arrangements for housing of first responders; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that the Board of Alders, the duly elected legislative body of the City of New Haven, hereby authorizes New Haven Mayor Justin Elicker, with the approval of the leadership of the Board of Alders, to enter into such agreements as may be deemed necessary or desirable to mitigate the spread of COVID-19, including such agreements that include indemnification of a party or parties thereto by the City of New Haven, provided, however that any such indemnification shall be limited to liability arising directly from actions of the City of New Haven, its officials or employees and where the indemnified party is not otherwise protected by the extension of governmental immunity afforded by statute, including without limitation, Connecticut General

Statutes Sec. 28-13 and 28-2, and further provided that the City has first exhausted all reasonable efforts to seek extension of immunity from the State of Connecticut to said third party.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that this Order shall be effective until September 27, 2020, unless otherwise amended or terminated by further action of the Board of Alders.

IT IS FURTHER PROCLAIMED AND ORDERED that this order will be made publicly available for inspection and review in the Office of the Town Clerk of the City of New Haven and shall be posted on the City of New Haven website.

Dated: _____

President, Board of Alders