

COVID-19 Issues for University Cities

Norma Houston

IMLA University Cities Summit

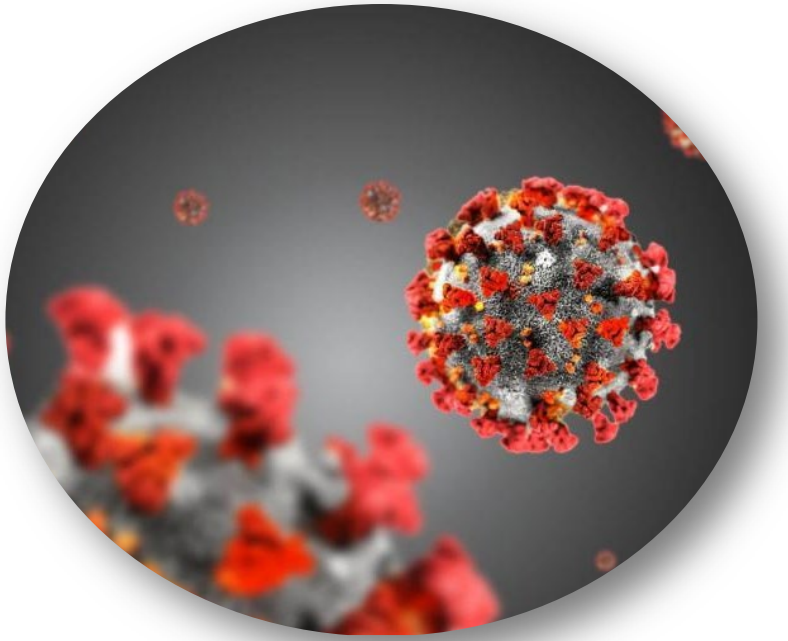
July 27, 2020

UNC SCHOOL OF GOVERNMENT

COVID-19: Same Rules . . .Very Different Game

Discussion Topics:

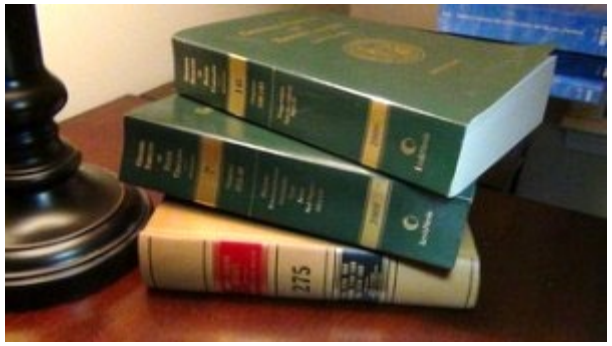
1. Legal Authorities: *Who Can Impose What?*
2. Enforcement: *Who Can Enforce What?*
3. Working Together



COVID-19: Same Rules . . .Very Different Game



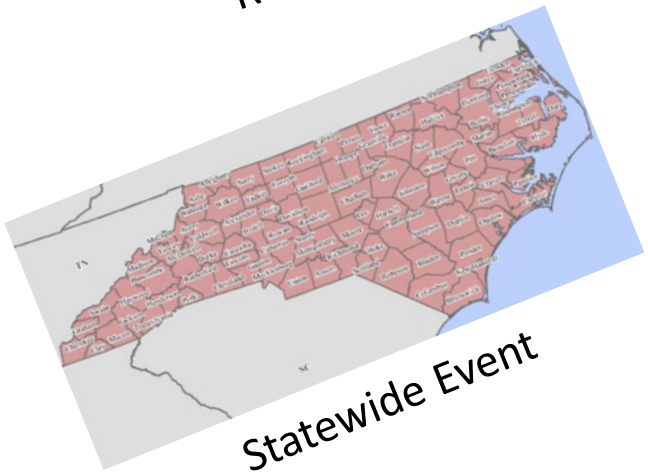
Role Confusion



Unchartered Legal Waters



Supplies Shortages



Statewide Event

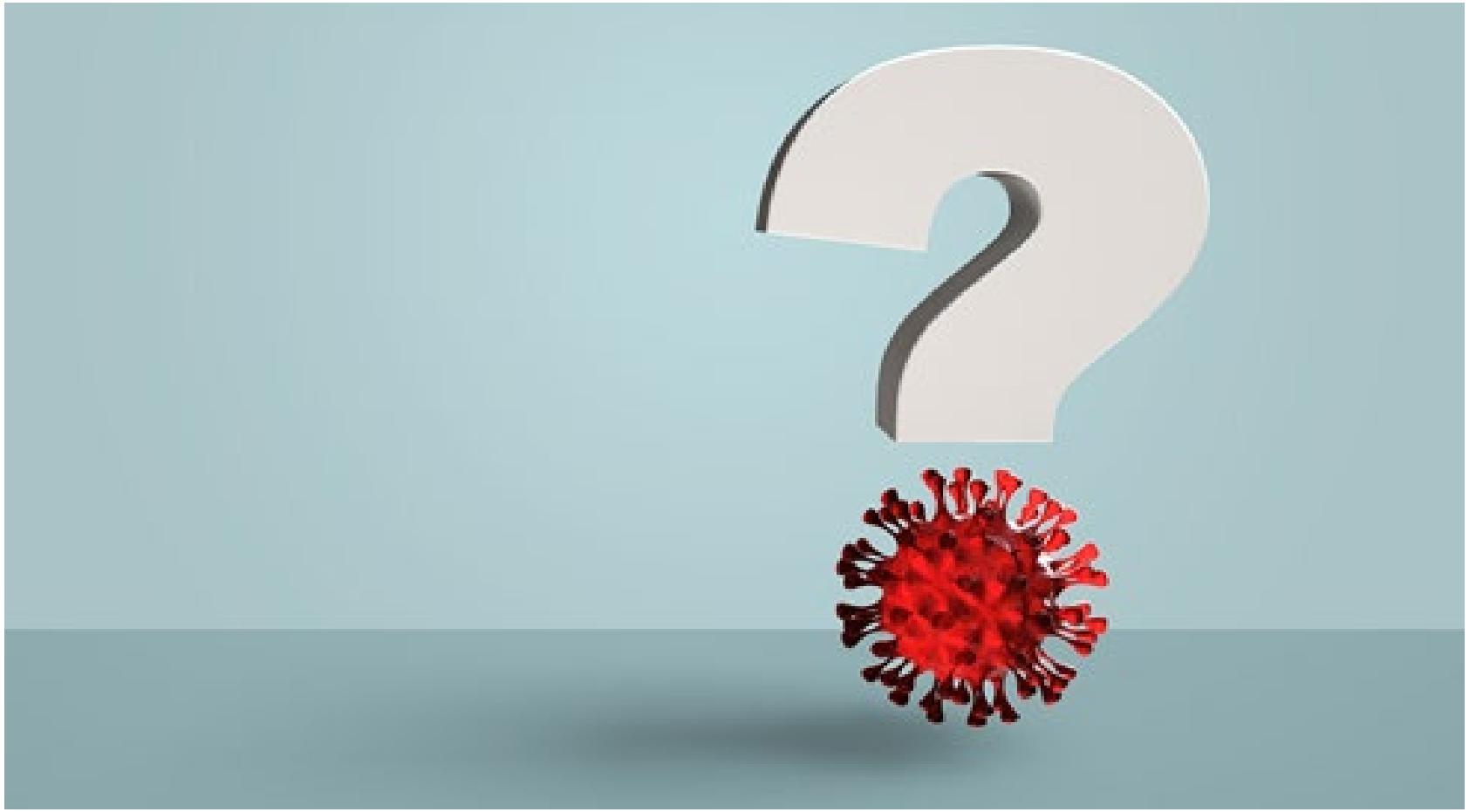


Revenue Shortfall



Fatigue & Burnout

COVID-19: Same Rules . . .Very Different Game



Future Uncertainty

LEGAL AUTHORITIES: *WHO CAN IMPOSE WHAT?*



Source: www.euronews.com



Source: www.mymodernmet.com

Local, Campus, and State Emergency Powers

Local Government

- Statutes
- Charter
- Ordinance
- Public Health Authorities

Campus

- Federal Regulations
- Statutes
- Campus Regulations

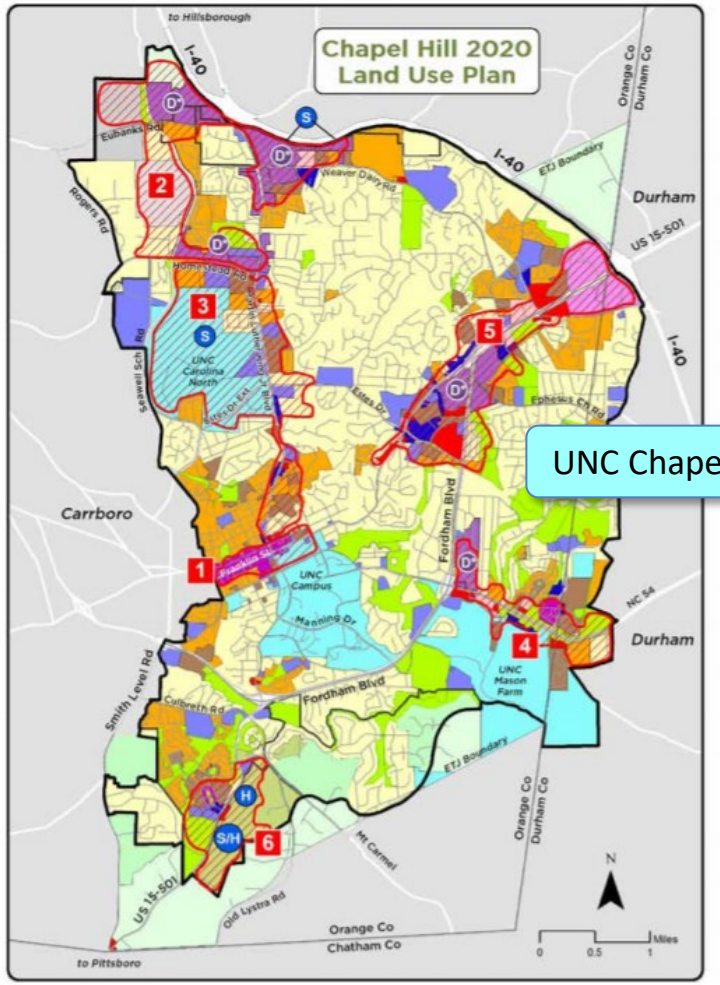
Executive Branch

- Constitution
- Statutes
- Gubernatorial Executive Orders
- Public Health Orders
- Other Executive Branch Actions

Where Do Local Emergency Powers Apply?

Do local government emergency powers apply to:

- Campus property?
- Students, faculty, and staff while on campus property?
- Campus athletic events?
- Campus-sponsored events?
- Campus affiliated entities?



Source: Town of Chapel Hill 2020 Comprehensive Plan
https://www.townofchapelhill.org/home/showdocument?id=15001

In North Carolina . . .

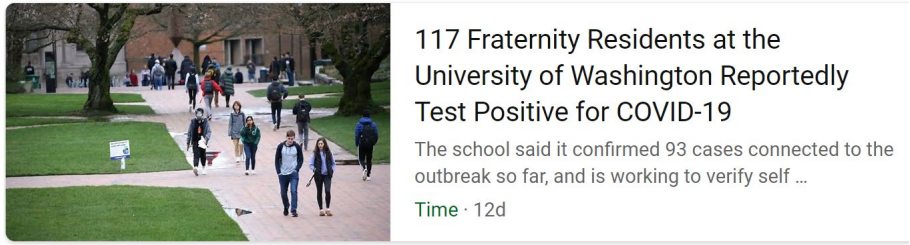


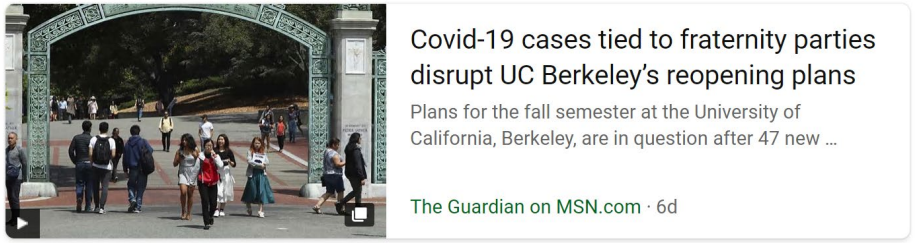
- Counties are responsible for local emergency management operations (including those of cities)
- Cities have independent legal authorities for SoE declarations and emergency restrictions/prohibitions
- County/City SoE declarations & restrictions can apply to campus property and operations within county/city jurisdictional area
- Governor has parallel emergency powers; can preempt local authorities

Emergency Powers Strategies

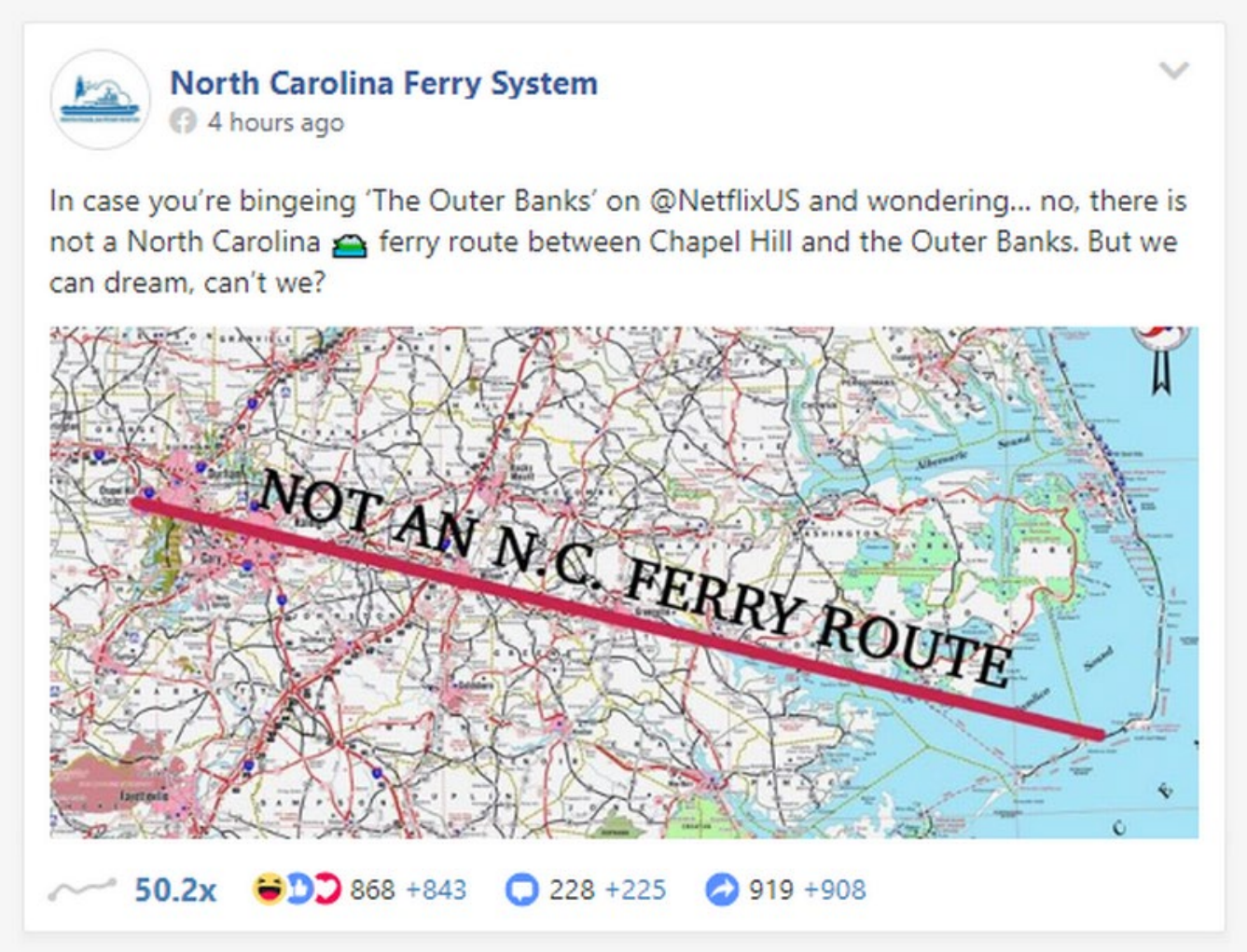
- Alcohol Ban
- Business Restrictions
- Curfew
- Mass Gatherings
- Occupancy Limits
- Face Coverings
- Nuisance Ordinances







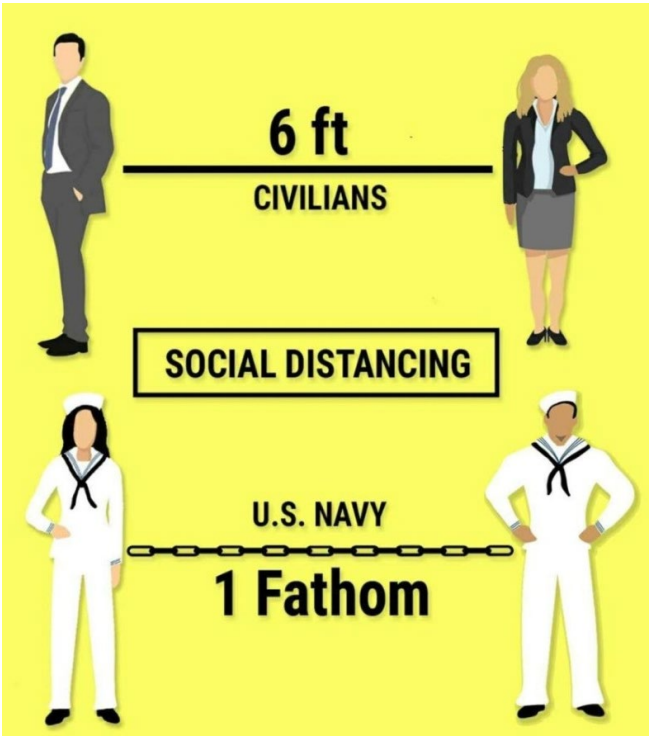
BTW, Just For The Record . . .



ENFORCEMENT: *WHO CAN ENFORCE WHAT?*



Source: www.adsofthe world.com



Source: www.stripes.com

Local, Campus, and State Enforcement

Local Government

- Law Enforcement
- Public Health (ex: isolation, quarantine)
- Ordinances (ex: nuisance abatement)
- Civil Remedies

Campus

- Campus Police
- Student Conduct Codes
- Campus Policies

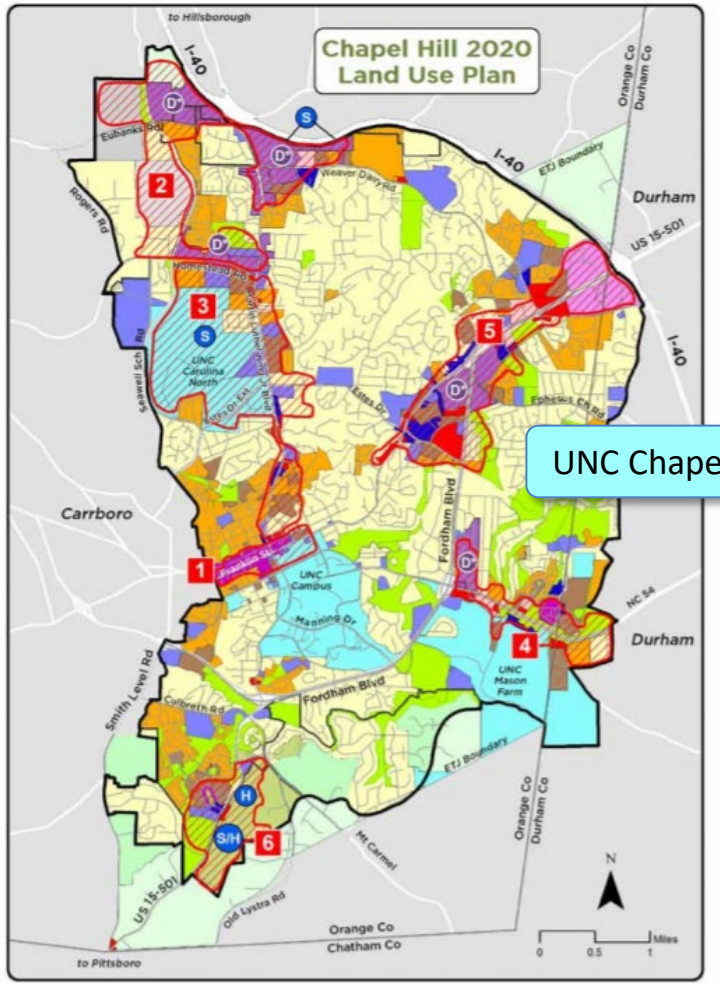
Executive Branch

- Law Enforcement
- Public Health Remedies
- Civil Remedies

Where Do Enforcement Authorities Apply?

Do local government enforcement authorities apply to:

- Campus property?
- Students and campus personnel while on campus property?
- Campus athletic events?
- Campus-sponsored events?
- Campus affiliated entities?



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In North Carolina



- State and local emergency restrictions only enforceable by criminal citation
- No civil remedies for emergency restriction enforcement
- Local health director's authorities limited to isolation and quarantine of named persons
- State health director's authorities broader – can apply to categories of entities and activities (ex: businesses, sporting events)
- Other local ordinances enforceable under general police powers (criminal and civil remedies)

WORKING TOGETHER



Source: www.democratandchronicle.com

Mutual Aid Agreements

State Emergency Management





Local Government



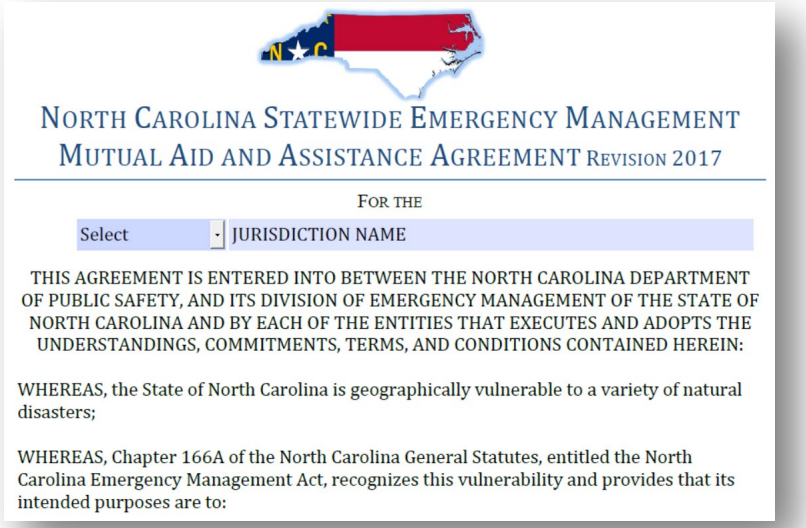


Campus

In North Carolina

Statewide MAA

- Statewide Mutual Aid Agreement between NCEM and all counties and cities



NORTH CAROLINA STATEWIDE EMERGENCY MANAGEMENT
MUTUAL AID AND ASSISTANCE AGREEMENT REVISION 2017

FOR THE

Select - JURISDICTION NAME

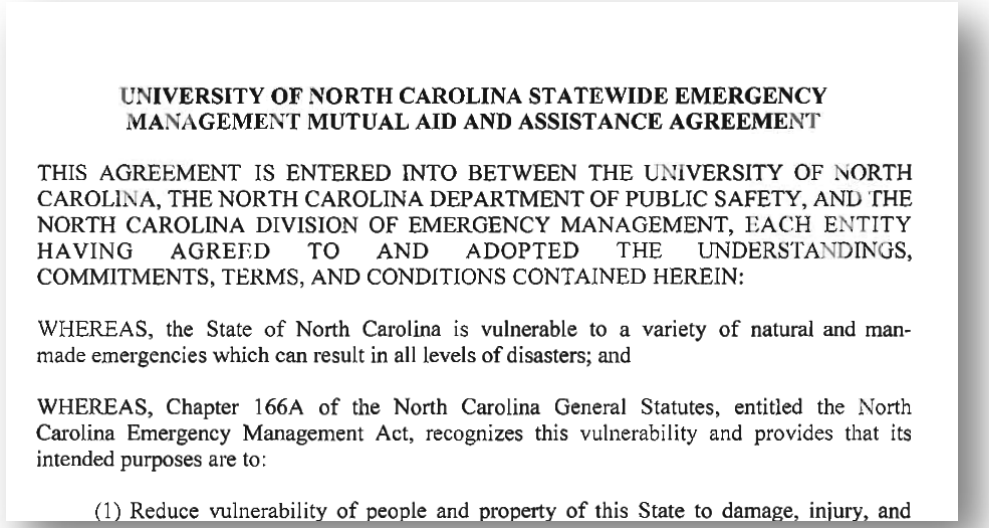
THIS AGREEMENT IS ENTERED INTO BETWEEN THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, AND ITS DIVISION OF EMERGENCY MANAGEMENT OF THE STATE OF NORTH CAROLINA AND BY EACH OF THE ENTITIES THAT EXECUTES AND ADOPTS THE UNDERSTANDINGS, COMMITMENTS, TERMS, AND CONDITIONS CONTAINED HEREIN:

WHEREAS, the State of North Carolina is geographically vulnerable to a variety of natural disasters;

WHEREAS, Chapter 166A of the North Carolina General Statutes, entitled the North Carolina Emergency Management Act, recognizes this vulnerability and provides that its intended purposes are to:

NCEM – UNC MAA

- Mutual Aid Agreement between NCEM and UNC system (17 campuses)



UNIVERSITY OF NORTH CAROLINA STATEWIDE EMERGENCY MANAGEMENT MUTUAL AID AND ASSISTANCE AGREEMENT

THIS AGREEMENT IS ENTERED INTO BETWEEN THE UNIVERSITY OF NORTH CAROLINA, THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, AND THE NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, EACH ENTITY HAVING AGREED TO AND ADOPTED THE UNDERSTANDINGS, COMMITMENTS, TERMS, AND CONDITIONS CONTAINED HEREIN:

WHEREAS, the State of North Carolina is vulnerable to a variety of natural and man-made emergencies which can result in all levels of disasters; and

WHEREAS, Chapter 166A of the North Carolina General Statutes, entitled the North Carolina Emergency Management Act, recognizes this vulnerability and provides that its intended purposes are to:

(1) Reduce vulnerability of people and property of this State to damage, injury, and

MAAs included in program materials

Suggested Action Items

- ✓ Review and confirm local emergency powers
- ✓ Review and confirm local enforcement authorities
- ✓ Review and update local ordinances
- ✓ Coordinate emergency planning with state and campus officials
- ✓ Review and update MAAs and other cooperative agreements
- ✓ Plan for other emergencies and disasters during COVID-19

Basic Analysis Framework:

- ? Who can impose what
- ? Who can enforce what
- ? Preemption contingencies



Stay Safe and Thanks For What You Do!

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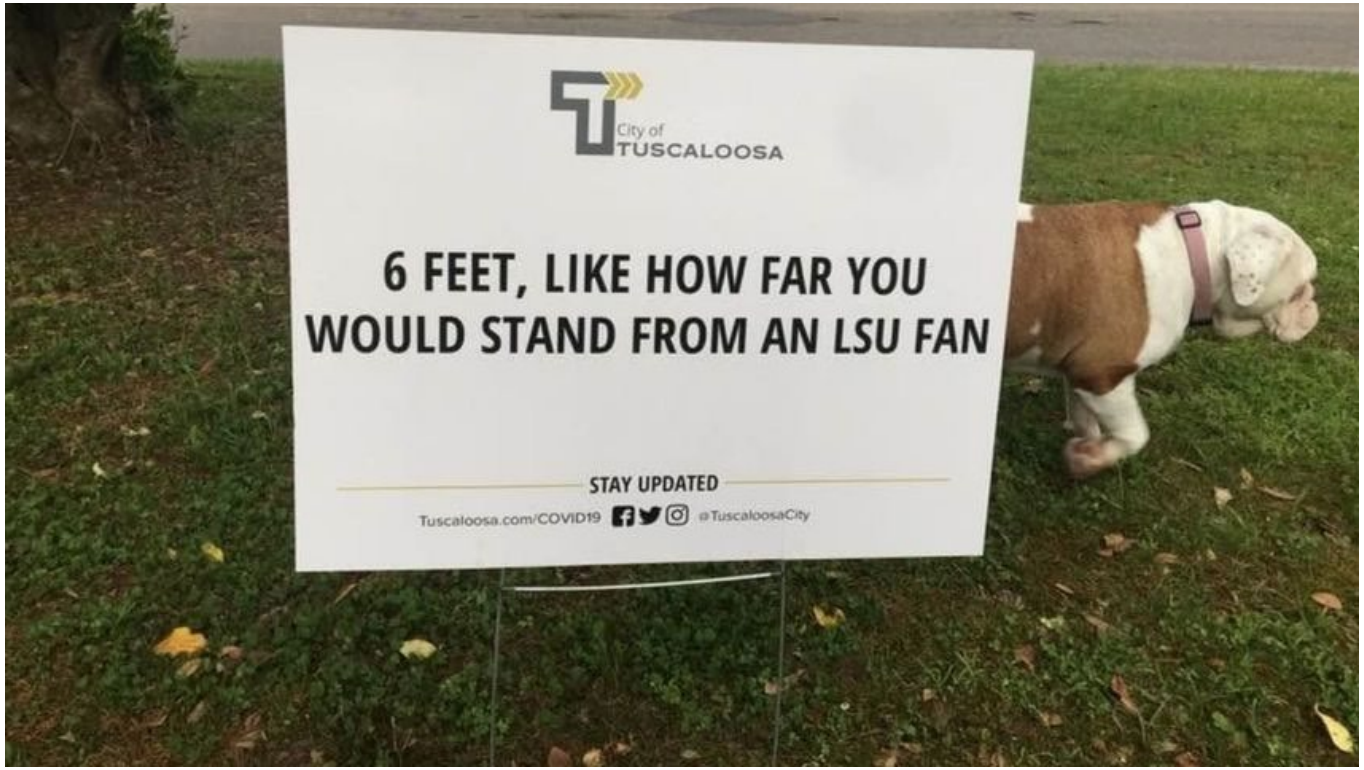

Stay Safe and Thanks For What You Do!

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