

RESOLUTION NO. 20-23

Resolution Of The City Council Of The City Of Emeryville Confirming the Director of Emergency Services' Proclamation of Existence of A Local Emergency

WHEREAS, section 4-2.08(a)(1) of the Emeryville Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, Conditions of extreme peril to the safety of persons and property have arisen within the City of Emeryville, caused by the rapid spread of COVID-19 at which time the City Council was not in session; and

WHEREAS, the Director of Emergency Services of the City of Emeryville did proclaim the existence of a local emergency within the City on the 17th day of March, 2020; and

WHEREAS, said City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency; therefore, be

RESOLVED, that the Proclamation of Existence of a Local Emergency, as issued by said Director of Emergency Services, is hereby ratified and confirmed by the City Council of the City of Emeryville; and be it, further

RESOLVED, that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Emeryville, State of California.

ADOPTED, by the City Council of the City of Emeryville at a special meeting held Thursday, March 19, 2020, by the following vote:

AYES:	<u>5</u>	Mayor Patz, Vice Mayor Martinez, and Council Members Bauters, Donahue, and Medina
NOES:	<u>0</u>	_____
ABSTAIN:	<u>0</u>	_____
ABSENT:	<u>0</u>	_____

ATTEST:



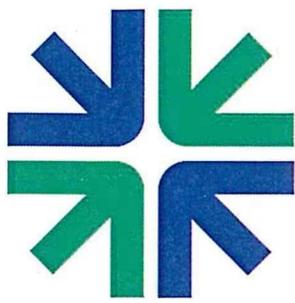
CITY CLERK



MAYOR
APPROVED AS TO FORM:



CITY ATTORNEY



City of Emeryville

CALIFORNIA

Proclamation

EMERGENCY PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY BY DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Emeryville Municipal Code section 4-2.01 and California Government Code section 8558 define “emergency” and “local emergency” (respectively) as “existence of conditions of disaster or of extreme peril to the safety of persons and property” within specified territorial limits, including those cause by epidemic, which “are or are likely to be beyond the control of the services, personnel, equipment, and facilities” of a particular political subdivision such as the City of Emeryville, and which require “the combined forces of other political subdivisions to combat...” Such conditions are referred to herein as a “Local Emergency”; and

WHEREAS, section 4-2.08(a)(1) of the Emeryville Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of an Local Emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the City Manager as the Director of Emergency Services (“Director”) hereby finds:

1. The United States of America has confirmed cases of individuals who have a severe acute respiratory illness caused by a novel (new) corona virus (“COVID-19” or “the virus”) first detected in Wuhan, Hubei Province, People's Republic of China (“China”). The virus was first reported in China on December 31, 2019. As of March 2, 2020, the World Health Organization (“WHO”) has reported more than 3,000 deaths stemming from over 100,000 confirmed cases of COVID-19 and the virus is present in 100 countries. The number of confirmed cases has continued to escalate dramatically over a short period of time; and
2. WHO officials now report that sustained human-to-human transmission of the virus is occurring. Transmission from asymptomatic individuals has been documented. Suspected community transmission of the virus is occurring in the United States. Although the majority of individuals infected with COVID-19 recover from the disease without special treatment, there is significant potential for serious infection and death; and
3. On January 30, 2020, WHO declared the COVID-19 outbreak a public health emergency of international concern, and on January 31, 2020, the U.S.

4. Department of Health and Human Services declared a Public Health Emergency for the United States of America; and
5. The United States Centers for Disease Control and Prevention (CDC) has determined that the virus presents a serious public health threat, requiring coordination among state and local health departments to ensure readiness for potential health threats associated with the virus; and
6. On March 4, 2020, the Governor of California proclaimed a state of emergency to exist in California as a result of the threat of COVID-19; and
7. On March 7, 2020, the California Department of Public Health issued its "Mass Gatherings Guidance on Novel Coronavirus or COVID-19" followed by a March 12, 2020 recommendation that certain gatherings in California be postponed or canceled for the remainder of March; and
8. On March 12, 2020, the Governor of the State of California issued Executive Order N-25-20 which, among other things, orders that all California residents are to "... heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19; and
9. On March 16, 2020 based on evidence of increasing occurrence of COVID-19 within Alameda County and throughout the Bay Area, the Alameda County Health Officer, along with Health Officers in five other Bay Area counties, issued an order "directing all individuals living in the County to shelter at their place of residence... directing all businesses and governmental agencies to cease non-essential operations at physical locations in the County; prohibiting all non-essential gatherings of any number of individuals; and ordering cessation of all non-essential travel"; and
10. On March 16, 2020 the Alameda County Director of Emergency Services declared a local emergency based on conditions of extreme peril to the safety of persons and property within the County from the introduction of a novel coronavirus (named COVID-19) in the County; and
11. On March 17, 2020 following the directive of the Alameda County Health Officer, the City of Emeryville closed all City facilities and assigned many employees to work remotely if possible, while maintaining public safety and some public works operations as "Essential Governmental Functions"; and
12. Actual or threatened conditions of disaster or extreme peril to the safety of persons and property have arisen within the City of Emeryville caused by the introduction COVID-19, as to which there is no known natural immunity and for

which there is currently no vaccine, which has become a pandemic, and which is contributing to a shortage of essential health care supplies; and

13. The locally available resources are inadequate to cope with the actual or threatened conditions of disaster or extreme peril because, by reason of its magnitude, it is or is likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Emeryville, and will require the combined forces of a mutual aid region or regions to combat; these conditions satisfy the circumstances described in Government Code section 8558 and Emeryville Municipal Code section 4-2.01; and
14. These actual or threatened conditions of disaster or extreme peril necessitate the proclamation of an emergency to enable the City of Emeryville and other government entities to adequately plan, prepare and preposition resources to be able to effectively respond to the threat posed by COVID-19, and to warn City of Emeryville residents and visitors of the threat posed by COVID-19 and to enable them sufficient time to plan and prepare; and
15. At the time of issuance of the Proclamation, the Emeryville City Council is not in session and cannot immediately be called into session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED:

1. A Local Emergency now exists throughout the City of Emeryville; and
2. During the existence of the Local Emergency, the powers, functions, and duties of the Director and City of Emeryville's emergency organization shall be those prescribed by state law, by City of Emeryville ordinances and resolutions; and
3. The Director is hereby empowered to take those actions authorized by Emeryville Municipal Code section 4-2.08 upon proclamation of a state of a Local Emergency

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said Local Emergency, the powers, function, and duties of the Emergency Organization of this City shall be those prescribed by state law, by ordinances, and resolutions of this City, and, that this emergency proclamation shall expire in **7 days** after issuance unless confirmed and ratified by the governing body of the City of Emeryville.

Dated: March 17, 2020

By: 
Director of Emergency Services

ATTEST: 
City Clerk and Public Information Officer