

## RESOLUTION NO. 20-24

### **Resolution Of The City Council Of The City Of Emeryville Increasing The Purchasing Authority Of The City Manager From \$45,000 To \$100,000 During The Duration Of An Emergency Resulting From The Novel Coronavirus (COVID-19)**

**WHEREAS**, 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

**WHEREAS**, 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

**WHEREAS**, 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. Department of Health and Human Services declared a Public Health Emergency for the United States of America; and

**WHEREAS**, 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

**WHEREAS**, 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

**WHEREAS**, 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

**WHEREAS**, 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

**WHEREAS**, on March 16, 2016, the California Department of Public Health issued a directive that all individuals who are 65 or older, who have serious chronic medical

conditions or who have a compromised immune system should self-isolate during the COVID-19 pandemic as these individuals are particularly at risk of encountering medical complications due to the virus; and

**WHEREAS**, 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

**WHEREAS**, 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

**WHEREAS**, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 to suspending any state law that would preempt a local government’s authority to impose a moratorium on residential evictions; and

**WHEREAS**, 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

**WHEREAS**, on March 17, 2020, in light of 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, pursuant to section 4-2.08(a)(1) of the Emeryville Municipal Code, the City Manager declared a local emergency; and

**WHEREAS**, pursuant to City Council Resolution No.14-128, the City Manager, as the City’s Purchasing Officer, has administrative purchasing authority up to \$45,000 per vendor per fiscal year, and purchases over \$45,000 require City Council approval; and

**WHEREAS**, during the emergency caused by COVID-19, there exists an exigent need to procure supplies and services which may exceed the City Manager’s current purchasing authority, and which procurement may be necessary prior to meetings of the City Council; and

**WHEREAS**, to allow for a timely and efficient response to the emergency caused by COVID-19, the City Council wishes to increase the City Manager’s administrative purchasing authority; now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville that the administrative purchasing authority of the City Manager is increased from \$45,000 to \$100,000 per vendor per fiscal year, during the duration of an emergency caused by COVID-19 as declared by any federal, state, county, regional, or City authority so authorized to declare an emergency; and, be it, further

**RESOLVED**, that any expenditures made pursuant to the authority provided by this Resolution shall be reported to the City Council at the next available City Council meeting.

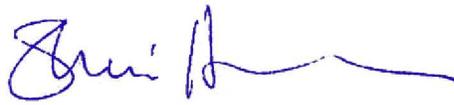
**ADOPTED**, by the City Council of the City of Emeryville at a special meeting held Thursday, March 19, 2020, by the following vote:

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>	_____



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MAYOR

ATTEST:



\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
CITY ATTORNEY