URGENCY ITEM
AGENDA MATERIAL

Meeting Date: March 10, 2020

Item Description: Resolution Ratifying the Proclamation of Emergency by the Director of Emergency Services Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus ("COVID-19")

The attached agenda item regarding the spread of a severe acute respiratory illness caused by a novel coronavirus ("COVID-19") is submitted by the City Manager for addition to the March 10, 2020 agenda. Items of an urgent nature, with a need to take immediate action may be added to the agenda pursuant to the Brown Act under Government Code Section 54954.2(b)(2). In order to add this item to the agenda, the council must vote by a 2/3 majority (six yes votes) to add the item to the agenda. Once the item is added to the agenda (Consent or Action) it requires a simple majority (five yes votes) for adoption.

This item requests the Mayor and City Council to review and ratify a Resolution declaring the Proclamation of Local Emergency issued on March 3, 2020 which empowered the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency.
CONSENT CALENDAR
March 10, 2020

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Farimah Brown, City Attorney
Subject: Resolution Ratifying the Proclamation of Emergency by the Director of Emergency Services Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus ("COVID-19")

RECOMMENDATION
Adopt a Resolution Ratifying the Proclamation of Emergency by the Director of Emergency Services Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus ("COVID-19").

FISCAL IMPACT OF RECOMMENDATION
To be determined.

CURRENT SITUATION AND ITS EFFECTS
Pursuant to California Government Code Section 8630 and Berkeley Municipal Code Chapter 2.88, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, Proclaimed an Emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency.

This item requests the Mayor and City Council to review and ratify a Resolution declaring the Proclamation of Local Emergency Issued on March 3, 2020, which empowered the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency.
BACKGROUND
On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City’s Director of Emergency Services proclaimed an Emergency due to the spread of COVID-19, including a confirmed case in in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

ENVIRONMENTAL SUSTAINABILITY
Not applicable.

RATIONALE FOR RECOMMENDATION
The Resolution would enable the Director of Emergency Services to efficiently allocate resources due to the ongoing and imminent threat to public safety.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Dee Williams-Ridley, City Manager, City Manager’s Office (510) 981-7000
Farimah Brown, City Attorney, City Attorney’s Office (510) 981-6998

Attachments:
1: Resolution
RESOLUTION NO.    -N.S.

RESOLUTION RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request the City Council to proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services, beginning on March 3, 2020 did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the City Council does find that the aforesaid conditions were of extreme peril and the City Council could not be convened at that time, and that these conditions did warrant and necessitate the proclamation of a local emergency.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the Director of Emergency Services, is hereby ratified and confirmed; and

BE IT FURTHER RESOLVED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the Charter, ordinances, resolutions and approved plans of the City of Berkeley.
PROCLAMATION OF LOCAL EMERGENCY
BY DIRECTOR OF EMERGENCY SERVICES

BE IT PROCLAIMED by the Director of Emergency Services of the City of Berkeley as follows:

WHEREAS, the California Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request the City Council to proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, she may issue a proclamation of local emergency which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with my authority under the above provisions of state and local law as Director of Emergency Services; and

WHEREAS, the circumstances of extreme peril to public safety described below are so severe and require immediate remedial action that there is not sufficient time to call an emergency meeting of the City Council; and

WHEREAS, as Director of Emergency Services, I have determined that the proclamation of a local emergency is warranted by virtue of the extreme peril to the safety of persons and property in the City caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency.

BE IT FURTHER PROCLAIMED that this proclamation shall be in effect for a period of seven days by which time it must be ratified by the Council of the City of Berkeley, pursuant to Government Code section 8630.
NOW, THEREFORE, I HEREBY PROCLAIM that, effective immediately, a local emergency now exists in the City as a result of the circumstances described above.

BE IT FURTHER ORDERED THAT all City officers and employees take all steps requested by the City Manager to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to the virus; and

BE IT FURTHER ORDERED THAT all City officers and employees take all steps requested by the City Manager to qualify the City for reimbursement from the Federal Emergency Management Agency and for other state and federal relief as may be available to reimburse the City for the expenses it incurs in addressing this emergency.

Dated: March 3, 2020

By: Dee Williams-Ridley
City Manager / Director of Emergency Services