

Agenda Report Reviewed by:
City Manager/City Attorney:



CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: March 17, 2020
To: Honorable Mayor and City Councilmembers
From: City Administration
Fire Chief/Director of Emergency Services
Subject: Consideration of Approval of Resolution Ratifying an Emergency Proclamation issued by the Director of Emergency Services
Recommendation: That the City Council Approve the Resolution under Government Code Section 8630 ratifying an Emergency Proclamation issued by the Director of Emergency Services proclaiming the existence or threatened existence of a local emergency.
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
Net General Fund Cost:
Amount: \$

INTRODUCTION:

This item is to request that the City Council Approve the Resolution under Government Code Section 8630 and ratifying an Emergency Proclamation issued by the Director of Emergency Services proclaiming the existence or threatened existence of a local emergency.

Government Code Section 8630 States:

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

BACKGROUND

The United States of America has confirmed cases of individuals who have a severe acute respiratory illness caused by a novel (new) corona virus ("CO VID-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 approximately 89,000 confirmed cases of COVID-19 and the virus is present in 67 countries. The number of confirmed cases has continued to escalate dramatically over a short period of time. World Health Organization (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. On January 30, 2020, the 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. On March 11, 2020, WHO declared that the Novel Coronavirus COVID-19 Outbreak a

Global Pandemic. 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. The County's Public Health Officer has found that the conditions constituting a threat to community health, including a presumptive case of community infection, may be present in the County warranting a proclamation of a Local Health Emergency.

DISCUSSION:

The threat of the COVID-19 Coronavirus will last an indefinite period, and could significantly impact the health and safety of City employees and residents as well as critical public services. Conditions may require the provision of additional public safety and emergency services. The conditions of extreme peril warrant and necessitate the proclamation of a Local Emergency to enable the City of Sebastopol and other local 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 Sebastopol residents and visitors of the threat posed by COVID-19 and to enable them sufficient time to plan and prepare.

Section 2.36.060 (a) of the Sebastopol Municipal Code empowers the Director of Emergency Services to Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect.

Fire Chief Bill Braga, Acting as Director of Emergency Services, signed an Emergency Proclamation on March 12, 2020 (Attachment 1) which found that there are conditions within the City which could affect the safety of persons or property, caused by the Global Pandemic of the COVID-19 Coronavirus.

The Mayor and Vice-Mayor met and directed a number of measures be taken to safeguard the public, City staff, and Council members, including reducing or eliminating unnecessary travel, limiting large public meetings, limiting exposure and practice by what is being called "social distancing", and reducing Council meetings to essential items only. We feel that the prudent and responsible course of action is to do everything that we can to limit the spread of the virus.

The City Council is requested to adopt the attached resolution (Attachment 2) ratifying the Emergency Proclamation.

Fiscal Analysis:

There are no direct budget impacts associated with ratifying an Emergency Proclamation issued by the Director of Emergency Services proclaiming the existence or threatened existence of a local emergency. Declaration of a local emergency may provide the opportunity for the City of Sebastopol to get reimbursed by Federal or State Agencies for with costs associated with the COVID-19 Coronavirus related impacts.

RECOMMENDATION:

That the City Council adopt a resolution ratifying an Emergency Proclamation issued by the Director of Emergency Services proclaiming the existence or threatened existence of a local emergency.

Attachments:

1. Emergency Proclamation
2. Resolution Ratifying the Proclamation

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

WHEREAS, Chapter 2.36.050 of the Sebastopol Municipal Code designates the Fire Chief to be the Director of Emergency Services; and

WHEREAS, Chapter 2.36.060 (a) of the Sebastopol Municipal Code authorizes the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by conditions of disaster or of extreme peril to the safety of persons and property within the City, and the City Council is not in session; and

WHEREAS, California Government Code sections 8558 and 8630 empower the City of Sebastopol to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of disaster or of extreme peril to the safety of persons and property within the City's territorial limits; and

WHEREAS, on March 2, 2020, the County of Sonoma Department of Health Services (County DHS) confined two presumptive positive cases of novel coronavirus (COVID-19) in Sonoma County; and

WHEREAS, on March 2, 2020, the County DHS confirmed that it anticipates additional cases in Sonoma County from non-travel, community transmission due to the increase of these cases in the country, combined with the worldwide uncontrolled spread of COVID-19; and

WHEREAS, at or about 10:00 a.m. on March 2, 2020, the Sonoma County Health Officer declared a Local Health Emergency pursuant to Health and Safety Code section 101080 due to the potential introduction of COVID-19 in Sonoma County; and

WHEREAS, at or about 10:00 a.m. on March 2, 2020, the County of Sonoma Director of Emergency Services proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, the Director of Emergency Services of the City of Sebastopol does hereby find:

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 ("CO VID-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 approximately 89,000 confirmed cases of COVID-19 and the virus is present in 67 countries. The number of confirmed cases has continued to escalate dramatically over a short period of time; and

2. World Health Organization (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, the 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 on March 11, 2020, WHO declared that the Novel Coronavirus COVID-19 Outbreak a Global Pandemic; and

4. 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

5. The County's Public Health Officer has found that the conditions constituting a threat to community health, including a presumptive case of community infection, may be present in the County warranting a proclamation of a Local Health Emergency; and

6. Conditions of extreme peril to the safety of persons and property have arisen within the City caused by the threat of COVID-19 that will impact significant City and community operations, including critical public infrastructure and services, and which may require the provision of additional public safety and emergency services; and

7. The aforesaid conditions of extreme peril warrant and necessitate the proclamation of a Local Emergency to enable the City of Sebastopol and other local 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 Sebastopol residents and visitors of the threat posed by COVID-19 and to enable them sufficient time to plan and prepare; and

8. At the time of this Proclamation, the City Council is not in session (and cannot immediately be called into session).

NOW THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency exists throughout the City of Sebastopol; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by state law and the ordinances and resolutions of this City, and by the City of Sebastopol's Emergency Operations Plan; and

IT IS FURTHER PROCLAIMED AND ORDERED that this Proclamation shall remain in effect for the next seven (7) days, or until ratified City Council, whichever first occurs.

Signed By:



Bill Braga, Fire Chief/Director of Emergency Services

Date: 03/12/2020

RESOLUTION NUMBER: _____ -2020

CITY OF SEBASTOPOL

Resolution of the City of Sebastopol City Council Ratifying an Emergency Proclamation issued by the Director of Emergency Services

WHEREAS, the California Emergency Services Act (California Government Code sections 8630, 8550 et seq.) empowers the City Council to designate by ordinance a local official with the power to proclaim the existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven days; and

WHEREAS, Section 2.36.050 of the Sebastopol Municipal Code identifies the Fire Chief as the Director of Emergency Services; and

WHEREAS, Section 2.36.060 (a) of the Sebastopol Municipal Code empowers the Director of Emergency Services to Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session; and

WHEREAS, the emergence of the COVID-19 Coronavirus first detected in Wuhan, Hubei Province, People's Republic of China on December 31, 2019, and is ongoing world-wide, and on March 11, 2020, the World Health Organization (WHO) declared that the Novel Coronavirus COVID-19 Outbreak a Global Pandemic, which constitutes the existence of a condition of disaster or extreme peril to the safety of persons and property within the entire City of Sebastopol and County of Sonoma; and

WHEREAS, the impacts of these events are currently being evaluated and can result in an unknown and significant amount of city expenses to cover the supplies, equipment, staff hours, and potential overtime; and

WHEREAS, based on said event, the Fire Chief, Acting as Director of Emergency Services, of the City of Sebastopol declared the existence of a local emergency within the City on March 12, 2020, 2019, and

WHEREAS, the City Council has now been asked to ratify that Proclamation; and

WHEREAS, the City Council finds, based on the facts set forth above and in the attached proclamation, that the circumstances described do constitute an emergency pursuant.

NOW, THEREFORE, BE IT RESOLVED that the Proclamation of the Existence of a Local Emergency issued by the Fire Chief, acting as the Director of Emergency Services is hereby confirmed and ratified by the City Council of the City of Sebastopol; 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 Sebastopol; and

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to take whatever other action is authorized under the Sebastopol Municipal Code and state and federal law, subject to authorization required from the City Council, consistent with this Resolution and its basic purposes.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 17th day of March 2020, by the following vote:

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: _____
Mayor Patrick Slayter

ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Larry McLaughlin, City Attorney