

Agenda Report Reviewed by:
 City Manager: 

CITY OF SEBASTOPOL
 CITY COUNCIL
 AGENDA ITEM

Meeting Date: September 1, 2020
 To: Honorable Mayor and City Councilmembers
 From: City Administration
 Fire Chief/Director of Emergency Services
 Subject: Extension of Emergency Proclamation of Local Emergency issued by the Director of
 Emergency Services (Fire Chief)
 Recommendation: That the City Council Approve the Resolution under Government Code Section 8630
 Extending the 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: \$

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION:

This item is to request that the City Council Approve the Resolution under Government Code Section 8630 and Extending and Continuing the Local Emergency as Approved by the City Council at their March 17, 2020 City Council Meeting and as issued by the Director of Emergency Services (Fire Chief) proclaiming the existence or threatened existence of a local emergency. This was also Extended on May 5, 2020, and July 7, 2020, due to the need to continue with our Local Emergency during the Coronavirus COVID-19 Pandemic.

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 conditions of extreme peril to the safety of persons or property within the City exist, which has been caused by the Global Pandemic of the COVID-19 Coronavirus. The Council first extended the emergency proclamation at their May 5, 2020 City Council meeting in accordance with the government code and further extended the declaration at the July 7, 2020 City Council Meeting.

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 3) Extending the Existence of a Local Emergency caused by the Novel Coronavirus COVID-19 Global Pandemic.

Public Comment:

No public comments have been received as of the writing of this staff report.

Public Notice:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

FISCAL ANALYSIS:

Extension of the 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 Novel Coronavirus COVID-19 related impacts.

RECOMMENDATION:

That the City Council adopt a resolution Extending the Declaration of a Local Emergency issued by the Director of Emergency Services.

Attachments:

1. Emergency Proclamation
2. May 5, 2020 and July 7, 2020 Resolution Extending the Existence of a Local Emergency
3. New Resolution Extending the Existence of a Local Emergency

RESOLUTION NUMBER: 6286--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:


ADOPTED this 17th day of March 2020.

VOTE:

Ayes: Councilmembers Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayter
Noes: None
Abstain: None
Absent: None

APPROVED: 
Mayor Patrick Slayter

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

APPROVED AS TO FORM: 
Larry McLaughlin, City Attorney

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) confirmed 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 ("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 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: 6292-2020

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL PROCLAIMING THE EXTENSION OF THE EXISTENCE OF A LOCAL EMERGENCY CAUSED BY THE NOVEL CORONAVIRUS COVID-19 GLOBAL PANDEMIC 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, based on said Novel Coronavirus COVID-19 Global Pandemic, 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 (Attachment 1); and

WHEREAS, the City Council ratified that Proclamation on March 17, 2020; and

WHEREAS, Section 8630 of the California Emergency Services Act requires that the City Council of the City of Sebastopol review, at least every 60 days until such local emergency is terminated, the need for continuing the local emergency; and

WHEREAS, the City Council of the City of Sebastopol has reviewed the need to continue the existence of a local emergency; and

WHEREAS, the impacts of these events are still 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 of all City Departments.

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol does hereby proclaim the Extension of the period of the Existence of a Local Emergency for an additional 60 days or unless sooner terminated; and

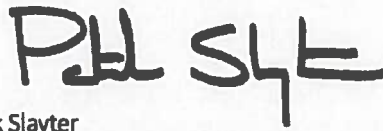
BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to take whatever other action is authorized under the Sebastopol Municipal Code and state and federal law, subject to authorization required from the City Council, consistent with this Resolution and its basic purposes.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 5th day of May, 2020, by the following vote:

VOTE:

Ayes: Councilmembers Carnacchi, Glass, Hinton, Vice Mayor Glass and Mayor Slayter
Noes: None
Abstain: None
Absent: None

APPROVED:
Mayor Patrick Slayter



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

APPROVED AS TO FORM: _____

Larry McLaughlin, City Manager/Attorney

RESOLUTION NUMBER: 6304-2020

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL PROCLAIMING THE EXTENSION OF THE EXISTENCE OF A LOCAL EMERGENCY CAUSED BY THE NOVEL CORONAVIRUS COVID-19 GLOBAL PANDEMIC 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, based on said Novel Coronavirus COVID-19 Global Pandemic, 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 (Attachment 1); and

WHEREAS, the City Council ratified that Proclamation on March 17, 2020; and

WHEREAS, Section 8630 of the California Emergency Services Act requires that the City Council of the City of Sebastopol review, at least every 60 days until such local emergency is terminated, the need for continuing the local emergency; and

WHEREAS, the City Council Adopted the first Extension of our Emergency Proclamation of Local Emergency on May 5, 2020, Resolution #6292-2020; and

WHEREAS, the City Council of the City of Sebastopol has reviewed the need to continue the existence of a local emergency; and

WHEREAS, the impacts of these events are still 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 of all City Departments.

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol does hereby proclaim the Extension of the period of the Existence of a Local Emergency for an additional 60 days or unless sooner terminated; 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 7th day of July, 2020, by the following vote:

VOTE:
Ayes: Councilmember Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayter
Noes: None
Absent: None
Abstain: None

PHL SLE

APPROVED: _____
 Mayor Patrick Slayter

Mary C Gourley

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

[Signature]

APPROVED AS TO FORM: _____
 Larry McLaughlin, City Manager/Attorney

RESOLUTION NUMBER: _____

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL PROCLAIMING THE EXTENSION OF THE EXISTENCE OF A LOCAL EMERGENCY CAUSED BY THE NOVEL CORONAVIRUS COVID-19 GLOBAL PANDEMIC 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, based on said Novel Coronavirus COVID-19 Global Pandemic, 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 (Attachment 1); and

WHEREAS, the City Council ratified that Proclamation on March 17, 2020; and

WHEREAS, Section 8630 of the California Emergency Services Act requires that the City Council of the City of Sebastopol review, at least every 60 days until such local emergency is terminated, the need for continuing the local emergency; and

WHEREAS, the City Council Adopted the second Extension of our Emergency Proclamation of Local Emergency on July 7, 2020, Resolution #6304-2020; and

WHEREAS, the City Council of the City of Sebastopol has reviewed the need to continue the existence of a local emergency; and

WHEREAS, the impacts of these events are still 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 of all City Departments.

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol does hereby proclaim the Extension of the period of the Existence of a Local Emergency for an additional 60 days or unless sooner terminated; 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 1st day of September, 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 Manager/Attorney