



City of San Leandro

Meeting Date: April 20, 2020

Staff Report

File Number: 20-155

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.G

TO: City Council

FROM: Jeff Kay
City Manager

BY: City Attorney and
Rich Pio Roda
City Attorney

FINANCE REVIEW: Liz Warmerdam
Interim Finance Director

TITLE: Staff Report for a Resolution of the City of San Leandro City Council Extending the Ratification of a Proclamation of Local Emergency and State of Emergency by the City's Director of Emergency Services Pursuant to California Government Code Section 8630 and Public Contract Code Section 22050(C) Because of the COVID-19 Pandemic

RECOMMENDATIONS

Staff recommends that the City Council approve the extension of the ratification of a proclamation of local and state of emergency by the City's Director of Emergency Services.

BACKGROUND AND SUMMARY

On March 16, 2020, the City Manager, acting as the City's Director of Emergency Services, proclaimed a local emergency and state of emergency in the City. At the City Council's regular meeting of March 16, 2020, the City Council ratified the Director's proclamation. San Leandro Municipal Code section 3-4-124(c) provides that the City Council shall review the need for continuing a local emergency at each regularly scheduled meeting until the local emergency is terminated. The City's Disaster Council has reviewed the conditions related to the emergency every week, and at the City Council's last regular meeting of April 6, 2020. This resolution continues the City Council's review of the emergency under California Government section 8630 and Municipal Code section 3-4-124.

In addition, California Public Contract Code section 22050 requires the City Council to find based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. There have been situations after the emergency proclamation where an emergency purchase for less than \$50,000 could not be delayed by competitive bidding. If situations arise where competitive bids, and/or City Council regular meeting timing hinder the need to make an emergency purchase greater than \$50,000, staff requests City Council approve

this resolution to allow the Director or his designee purchasing flexibility during the emergency.

PREPARED BY: Richard D. Pio Roda, City Attorney

City of San Leandro

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PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF SAN LEANDRO FINDING THE EXISTENCE OF A LOCAL EMERGENCY AND A STATE OF EMERGENCY (COVID-19)

WHEREAS, Ordinance No. 3-4-124 of the City of San Leandro empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency and/or a state of 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, the Director of Emergency Services of the City of San Leandro does hereby find:

That an outbreak of coronavirus disease 2019 (COVID-19) caused by the 2019 novel coronavirus (SARS-CoV-2) began in Wuhan, Hubei Province, China in December 2019, and has spread to numerous countries and territories, including the United States; and

COVID-19 is an infectious disease that causes respiratory illness. Experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions.

It is imperative to prepare for and respond to suspected or confirmed COVID-19 cases, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization.

The United States Center for Disease Control and Prevention (CDC), the United States Health and Human Services Agency, the California Department of Public Health, and the Alameda County Department of Public Health are each working to monitor and plan for the potential spread of COVID-19 to support and guide local actions to preserve public health.

On January 23, 2020 the CDC activated its emergency response system to provide ongoing support for the response to COVID-19 in the United States.

On January 31, 2020, the Secretary of the United States Department of Health and Human Services declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19.

On February 25, 2020, the Centers for Disease Control and Prevention announced that community spread of COVID-19 is likely to occur in the United States.

On March 1, 2020, the Health Officer of Alameda County declared a public health emergency throughout the County of Alameda.

Pauline Russo Cutter, Mayor

City Council:

Victor Aguilar, Jr.

Ed Hernandez

Pete Ballew

Bennett

Deborah Cox

Corina N. López



On March 4, 2020, the Governor of California proclaimed a state of emergency exists in California after making determinations that:

1. The conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and
2. Local authority is inadequate to cope with the threat posed by COVID-19.

On March 12, 2020, the Alameda County Department of Public Health confirmed evidence of community-acquired transmission;

On March 13, 2020, the President of the United States of America declared a national state of emergency in response to the spread of COVID-19 within the United States of America.

On March 16, 2020, the County of Alameda announced and invoked a shelter-in-place for three weeks.

San Leandro Municipal Code section 3-4-120 designates the City Manager as the Director of Emergency Services for the City of San Leandro.

San Leandro Municipal Code section 3-4-124 authorizes the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency in the event the City Council is not in session.

San Leandro Municipal Code section 3-4-105 defines emergencies as follows:

(a) A “local emergency” exists when duly proclaimed, where conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of this City are or are likely to be beyond the control on this City and require the combined forces of other political subdivisions. Such a “local emergency” may be caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than a labor controversy.

(b) A “state of emergency” exists, upon proclamation by the Governor where conditions of disaster or of extreme peril to the safety of persons and property within the State are or are likely to be beyond the control of any single county or city and will require the forces of a mutual aid region or response. This “state of emergency” may be caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than a labor controversy or a “state of war” emergency.

NOW, THEREFORE, I HEREBY FIND AND DETERMINE that:

1. The Alameda County Department of Public Health has confirmed community-acquired transmission of COVID-19 in the County of Alameda;

2. Based on the United States Department of Health and Human Services declaration and the Center for Disease Control and Prevention statements, and multiple cases of COVID-19 and evidence of community-acquired transmission in the region, there is an ongoing risk and likelihood of additional COVID-19 positive patients and community spread in the County of Alameda and the City of San Leandro;

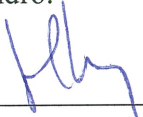
3. The conditions of San Leandro Municipal Code sections 3-4-124 and 3-4-105 are met for me to proclaim the existence of a local emergency and a state of emergency in the City of San Leandro; and

4. The San Leandro City Council is not in session.

NOW, BASED UPON THE FINDINGS AND DETERMINATION ABOVE, I HEREBY PROCLAIM, that a local emergency and state of emergency now exists throughout the City of San Leandro caused by an outbreak and community spread of COVID-19 in Alameda County.

BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of such local emergency and state of emergency, the powers, functions, and duties of the emergency organization of the City of San Leandro shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the City of San Leandro.

Date: 3/16/20



Director of Emergency Services

This declaration is subject to ratification by the City Council within seven days and is subject to reaffirmation every 30 days until such local emergency is terminated.

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City of San Leandro

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Resolution - Council

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WHEREAS, emergency conditions presently exist in the City of San Leandro in accordance with the City's Director of Emergency Services' March 16, 2020 proclamation of a local emergency and state of emergency, ratified by the City Council on March 16, 2020 by Resolution No. 2020-024, as a result of conditions described in the Director's proclamation, attached hereto; and

WHEREAS, Public Contracts Code Section 22050(c) requires that the City Council make a determination, at each subsequent regular City Council meeting until the emergency conditions terminate, the need for continuing emergency action; and

WHEREAS, Government Code section 8630(c) provides that the City Council must review the need for continuing the local emergency at least once every 60 days until the City Council terminates the local emergency; and

WHEREAS, the City of San Leandro City Council reviewed the need to continue the previously approved emergency action at its April 6, 2020 regular meeting; and

WHEREAS, the conditions described in the Directors proclamation, as ratified by Resolution No. 2020-024, continue to exist and are still deemed to warrant continued emergency actions to preserve and protect public health, safety, welfare, and property.

NOW, THEREFORE, IT IS RESOLVED that the City of San Leandro City Council does hereby determine, find, and declare that the emergency conditions described in the Director's

proclamation of a local emergency and state of emergency dated March 16, 2020, and ratified by the City of San Leandro City Council on March 16, 2020 by passage of Resolution No. 2020-024 continue to exist, and that said conditions justify the continuation of a local emergency and state of emergency in the City of San Leandro, and require that at the discretion of the Director of Emergency Services, or his designees, purchases related to the emergency only shall be performed without competitive bidding because the emergency will not permit a delay resulting from a competitive solicitation for bids for a particular purchase, and that actions are necessary to respond to the emergency.