



CITY COUNCIL AGENDA REPORT

Meeting Date: June 18, 2020

From: Clay Holstine, City Manager

Subject: Resolution Continuing the Proclamation of the Existence of a Local Emergency in Response to the COVID-19 Pandemic, Consistent with Government Code Section 8630(c).

Community Goal Result: Safe Community

Recommendation: Adopt the attached Resolution continuing the Proclamation of the Existence of a Local Emergency in response to the COVID-19 Pandemic

Background and Discussion:

A novel coronavirus (named COVID-19 by the World Health Organization) was first detected in December 2019. The Center for Disease Control and Prevention (CDC) has stated that COVID-19 is a serious public health threat, based on current information. The exact modes of transmission of COVID-19, the factors facilitating human to human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation. There are no vaccine or specific anti-viral treatment for COVID-19 at this time. As a result of this pandemic, the Governor declared a State of Emergency.

On March 19, 2020, the City Council ratified and confirmed the Director of Emergency Service's proclamation of a local emergency which allowed staff to expeditiously respond to the emergency circumstances caused by the pandemic. Since that time staff has regularly informed the City Council about items related to the City's response to the COVID-19 pandemic. In addition, the Health Officer of the County of San Mateo has issued several directives and orders to address efforts to curb the spread of the disease. Although such efforts show signs of promise, the COVID-19 pandemic continues to impact communities around the world, including Brisbane.

Government Code Section 8630(c) requires that, "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." As such, at this time, staff is recommending that the City Council adopt a resolution continuing the proclamation of a local emergency in response to the COVID-19 pandemic, and directing staff to continue to respond appropriately to such declaration.

Financial impact

There is no direct financial impact from the City Council continuing to proclaim a local emergency in response to the COVID-19 pandemic and authorizing staff to respond appropriately. Moreover, the proclamation of a local emergency could enhance the City's ability to recover funds that are expended in response to the pandemic.

A handwritten signature in blue ink, appearing to read "Clayton L. Holstine".

Clayton Holstine, City Manager

Exhibit 1. Resolution 2020-49

RESOLUTION NO. 2020-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE AFFIRMING THE CONTINUATION OF THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY IN RESPONSE TO THE COVID- 19 PANDEMIC

WHEREAS, the Brisbane Municipal Code, Section 2.28.020, defines a local emergency as “the actual or threatened existence of conditions of disaster or of extreme peril to safety of persons and property within a jurisdiction”; and

WHEREAS, Government Code Section 8630 empowers the City Council to proclaim a local emergency when the City of Brisbane is affected by a public calamity and/or serious threat to the public health, safety and welfare; and

WHEREAS, on March 19, 2020 the Council made findings that due to the COVID-19 pandemic, conditions of extreme peril to the health, safety and welfare of persons have arisen in the City of Brisbane and, based thereon, adopted a resolution (Resolution No. 2020-20) ratifying and confirming the Director of Emergency Service’s proclamation of a local emergency existing in the City of Brisbane as a result of the COVID-19 pandemic and that the local emergency should continue to exist until the City Council proclaims its termination; a

WHEREAS, the State of California’s COVID-19 Pandemic Emergency Declaration remains in effect at this time; and

WHEREAS, between March and June of 2020, the City Council has engaged in frequent and regular review of the COVID-19 local emergency, including staff presentations; and

WHEREAS, Government Code Section 8630(c) requires that, “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”; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BRISBANE DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:

Section 1. The City Council finds and determines that the foregoing recitals to be true and correct and hereby incorporates them into this resolution.

Section 2. The City Council declares that the continuation of the previously proclaimed local emergency is appropriate as a result of the COVID-19 pandemic and that this proclamation of local emergency shall continue until the State's declaration of emergency relating to COVID-19 is rescinded, or sooner should it be appropriate to lift the local emergency declaration prior to State action, and staff shall continue to update the Council on the status of the local emergency declaration every 60 days, consistent with Government Code Section 8630(c).

Section 3. This resolution is effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on June 18, 2020.

Terry O'Connell, Mayor

I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on June 18, 2020 by the following vote:

AYES

NOES

ABSENT

ABSTAIN

Ingrid Padilla, City Clerk

Approved as form:



Thomas McMorrow, Interim City Attorney