



CITY COUNCIL AGENDA REPORT

Meeting Date: July 15, 2021

From: Clay Holstine, City Manager

Subject: Resolution Confirming and Ratifying the Proclamations Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic

Recommendation: Adopt the attached resolution.

Background

The COVID-19 Coronavirus has been declared a pandemic by the World Health Organization and has prompted various government agencies to take action in response. In March 2020, the Governor declared a Statewide Emergency, the County Board of Supervisors declared a County wide State of Emergency and the City Manager, as Emergency Services Director, proclaimed a local emergency on March 16, 2020. 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, the City Council has extended the local emergency numerous times as State law requires that such local emergencies be reviewed every 60 days. The last extension was May 6, 2021. Notwithstanding that most of the restrictions that were imposed since March 2020 have been lifted, the Governor has not rescinded the Statewide Emergency. In light of that staff continues to recommend that the local emergency, for now, remain in place.

Discussion

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." Because the City Council will not meet in regular session until July 15, 2021 and the declaration of local emergency would otherwise expire on July 5, 2021, the City Manager, in his role as Director of Emergency Services, proclaimed on July 3, 2021 and July 10, 2021, the continued existence of the local emergency as a result of the COVID-19 pandemic.

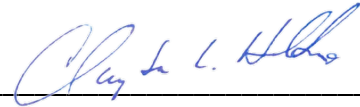
At this time, staff is recommending that the City Council adopt a resolution ratifying the Director of Emergency Services' proclamations continuing the existence of a local emergency in response to the COVID-19 pandemic, and directing staff to continue to respond appropriately to the local emergency. Staff is optimistic that this will be the last time that Council will need to adopt such a resolution in response to the COVID-19 pandemic.

Financial Impact

There is no direct financial impact from City Council taking this action. The attached resolution, however, will put the City in a better position to recover funds that are expended in response to the COVID-19 pandemic.

Attachment:

1. Proclamations Declaring the Continued Existence of a Local Emergency
2. Resolution Confirming and Ratifying the Proclamations of the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic



Clay Holstine, City Manager

Proclamation of Continuation of Local Emergency by Director of Emergency Services

WHEREAS, Section 2.28.060 of the City of Brisbane Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency, or to proclaim the continued existence of a local 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 Brisbane does hereby find;

Conditions of extreme peril to the safety of persons and property have arisen within the City, caused by the COVID-19 pandemic which began on about March 16, 2020; and

These conditions were, and are likely to continue to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

The Brisbane City Council ratified earlier proclamations of Local Emergency by the Director of Emergency Services, declared a Local Emergency, and on several occasions continued the declaration of the Local Emergency, which declaration has not been rescinded; and

Government Code, Section 8630 requires local agencies that have declared local emergencies to review the existence of such emergencies every 60 days to determine whether the local emergency continues to exist; and

The City Council of the City Brisbane most recently extended the local emergency on May 6, 2021; and

The City Council of the City of Brisbane is not scheduled to meet in regular session until July 15, 2021 and cannot immediately be called into session; and

Conditions of extreme peril to the safety of persons and property continue to exist within the City, caused by the COVID-19 pandemic.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency due to the COVID 19 pandemic continues to exist throughout the City; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by ordinances, and resolutions of this City, and by the City of Brisbane Emergency Operations Plan, as previously approved by the City Council.

This emergency proclamation shall expire on July 10, 2021 unless a further emergency proclamation is issued by the Director of Emergency Services by that date.

Dated: July 3, 2021



Clayton Holstine, Director of Emergency Services

Proclamation of Continuation of Local Emergency by Director of Emergency Services

WHEREAS, Section 2.28.060 of the City of Brisbane Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency, or to proclaim the continued existence of a local 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 Brisbane does hereby find;

Conditions of extreme peril to the safety of persons and property have arisen within the City, caused by the COVID-19 pandemic which began on about March 16, 2020; and

These conditions were, and are likely to continue to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

The Brisbane City Council ratified earlier proclamations of Local Emergency by the Director of Emergency Services, declared a Local Emergency, and on several occasions continued the declaration of the Local Emergency, which declaration has not been rescinded; and

Government Code, Section 8630 requires local agencies that have declared local emergencies to review the existence of such emergencies every 60 days to determine whether the local emergency continues to exist; and

The City Council of the City Brisbane most recently extended the local emergency on May 6, 2021; and

The Director of Emergency Services extended the local emergency by proclamation on July 3, 2021 because the City Council of the City of Brisbane is not scheduled to meet in regular session until July 15, 2021 and cannot immediately be called into session; and

Conditions of extreme peril to the safety of persons and property continue to exist within the City, caused by the COVID-19 pandemic.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency due to the COVID 19 pandemic continues to exist throughout the City; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by ordinances, and resolutions of this City, and by the City of Brisbane Emergency Operations Plan, as previously approved by the City Council.

This emergency proclamation shall expire on July 16, 2021 unless confirmed and ratified by the governing body of the City of Brisbane on or before July 15, 2021.

Dated: July 10, 2021



Clayton Holstine, Director of Emergency Services

RESOLUTION NO. 2021-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE RATIFYING THE PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES TO EXTEND THE LOCAL EMERGENCY AND CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Section 2.28.060 of the Brisbane Municipal Code empowers the City Manager/Director of Emergency Services to proclaim a local emergency if the City Council is not in session and requires the City Council to take action to ratify the proclamation thereafter; and

WHEREAS, conditions of extreme peril to the health, safety and welfare of persons have arisen in the world, the nation, the State, the County of San Mateo and the City of Brisbane due to the following:

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. Cases of COVID-19 have been diagnosed throughout the world, the United States, the State of California, the County of San Mateo and the City of Brisbane.

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 now approved vaccine or specific anti-viral treatment for COVID-19 but not all persons have chosen to be vaccinated and there is no approved vaccine for children 11 years old or younger.

Due to COVID-19 pandemic, in March 2020 the Governor of the State of California declared a State of Emergency for the State and the City of Brisbane's Director of Emergency Services declared a Local Emergency on March 16, 2020 and the City Council of the City of Brisbane ratified the Proclamation of a Local Emergency on March 19, 2020; and

WHEREAS, the City Council of the City of Brisbane has extended the Local Emergency on several occasions, most recently on May 6, 2021, extending the Local Emergency for an additional 60 days; and

WHEREAS, the City Manager, acting as the Director of Emergency Services, did proclaim on July 3, 2021, and on July 10, 2021 the continued existence of a Local Emergency because the City Council would not be in regular session until July 15, 2021; and

WHEREAS, for the reasons expressed above, conditions of extreme peril and a serious threat to the public health, safety and welfare have arisen, and continue to exist in the City of Brisbane; and

WHEREAS, the City Council does hereby find that the above described conditions of

extreme peril and serious threat to the public health, safety, and welfare did warrant and necessitate the existence of a Local Emergency in the City of Brisbane and those conditions continue at this time.

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

Section 1. During the existence of the Local Emergency, the powers, functions, and duties of the Director of Emergency Services and the Emergency Organization of the City shall be those prescribed by State law, ordinances and resolutions of the City of Brisbane, and by the City of Brisbane Emergency Operation Plan.

Section 2. The City Council ratifies the proclamations of the Director of Emergency Services to extend the Local Emergency.

Section 3. The Local Emergency shall continue to exist until the City Council proclaims its termination or the Local Emergency is not extended as provided by law.

Section 4. This resolution is effective immediately upon its passage and adoption.

Karen Cunningham, Mayor

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on July 15, 2021.

I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on July 15, 2021 by the following vote:

AYES:


NOES:

ABSENT:

ABSTAIN:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, Interim City Attorney