



CITY COUNCIL AGENDA REPORT

Meeting Date: March 19, 2020

From: Clay Holstine, City Manager

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

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

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. The President has declared a national State of Emergency, the Governor has declared a Statewide Emergency, the County Board of Supervisors has declared a Countywide State of Emergency and the Brisbane City Manager, as Emergency Services Director, proclaimed a local emergency on March 16, 2020.

Discussion

Staff is recommending that the City Council confirm and ratify the Emergency Service Director's proclamation of a local emergency in the City of Brisbane and direct staff to respond accordingly. At this time, these actions would include:

1. Allow the City Manager to evaluate the need for public meetings of the City Council and advisory bodies between now and April 7;
2. Cancellation of all public events hosted by the City of Brisbane at City facilities for a minimum of three weeks ending on April 7;
3. Closure of non-essential activities, programs, and classes held at the City's facilities for a minimum of three weeks ending on April 7;
4. Waive the requirement in City labor agreements that only allow the use of sick leave in the event of actual sickness or disability or medical appointments of the employee or family member and allow the use of sick leave to cover time away from work when an employee is unable to be at work due to the closure of their child's school or day care;

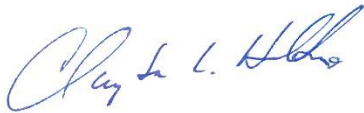
5. Waive rule in City labor agreements that limits the amount of sick leave an employee can use to care for a family member in a calendar year; and
6. Authorize the City Manager to continue to review “non-essential” City services and take action for affected employees, including but not limited to redeployment to other locations, remote and/or flexible work schedules.

Staff recommends that these actions take place through April 7. At that time, staff will review and make additional recommendations to the City Council, if necessary.

Financial Impact

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

This action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3) (common sense exemption) and 15321 (law enforcement activities).



Clay Holstine, City Manager

Attachment:

1. Resolution Confirming and Ratifying Proclamation of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic

RESOLUTION NO. 2020-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE CONFIRMING AND RATIFYING THE CITY MANAGER'S/DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF 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 act to ratify the proclamation within seven days 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 (WHO) – was first detected in December 2019. On January 30, 2020, the WHO declared the outbreak a public health emergency of international concern. 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. While the Centers for Disease Control and Prevention (CDC) believes, at this time, that symptoms of COVID-19 appear two to fourteen days after exposure, it allows that this window may change as more information is gathered. Currently, there are no vaccines or specific anti-viral treatments for COVID-19. Actions are being taken to protect public health and limit the spread of COVID-19, but whether those actions will be successful is unknown at this time.

On January 31, Secretary Alex M. Azar II, leader of the U.S. Department of Health and Human Services, declared that COVID-19 presents a public health emergency for the United States.

On March 11, the WHO characterized COVID-19 as a pandemic. A pandemic is a global outbreak of disease. Pandemics happen when a new virus emerges to infect people and can spread between people sustainably.

On March 13, Donald Trump, the President of the United States, declared a national State of Emergency due to the COVID-19 outbreak. Gavin Newsom, Governor of the State of California, declared a State of Emergency for the State and for all the Counties in the State.

WHEREAS, as a result of these various declarations and the threat to public health and safety due to the contagious nature of COVID-19, persons of a certain age and those with certain medical conditions are to self-quarantine, gatherings of persons have been prohibited, most schools, kindergartens, and day care centers have been closed, and many businesses have been closed or hours of operation curtailed; and

WHEREAS, for the reasons expressed above, conditions of extreme peril and a serious threat to the public health, safety and welfare have arisen in the City of Brisbane commencing on or about March 11, 2020, on which date the City Council was not in session; and

WHEREAS, the City Manager, acting as the Director of Emergency Services, did proclaim the existence of a local emergency on March 16, 2020; 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 proclamation of 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. That the “Proclamation of the Existence of a Local Emergency”, as issued by the Director of Emergency Services/City Manager, is hereby ratified and confirmed.

Section 2. 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 3. The local emergency shall continue to exist until the City Council proclaims its termination.

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

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on March 19, 2020.

Terry O’Connell, Mayor

I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on March 19, 2020 by the following vote:

AYES
NOES
ABSENT
ABSTAIN

Ingrid Padilla, City Clerk

Approved as form:



Thomas McMorrow, Interim City Attorney

Proclamation 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 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;

That conditions of extreme peril to the safety of persons and property have arisen within the City, caused by the rapid escalation of reported cases of the novel coronavirus (COVID-19), which resulted in the County of San Mateo proclaiming a local emergency on March 3, 2020, and the State of California proclaiming a state of emergency on March 4, 2020, and;

That these conditions are, or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

That the City Council of the City of Brisbane is not in session and cannot immediately be called into session;

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

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said 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 approved by the City Council on February 7, 2019.

That this emergency proclamation shall expire in 7 days after issuance unless confirmed and ratified by the governing body of the City of Brisbane.

Dated: 3/16/2020

By:  _____

Clayton L. Holstine

City Manager/Director of Emergency Services