



AGENDA

**EMERGENCY CITY COUNCIL MEETING (not televised)
VIA TELECONFERENCE
March 13, 2020 – 4:00 p.m.
Hillside Conference Room**

Meeting Location:
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Members:
Mayor Gregory B. Lyman

Mayor Pro Tem Paul Fadelli; Councilmember Janet Abelson
Councilmember Rochelle Pardue-Okimoto; Councilmember Gabriel Quinto

Pursuant to Executive Order N-25-20, teleconferencing restrictions of the Brown Act have been suspended.

4:00 P.M. ROLL CALL - CONVENE EMERGENCY CITY COUNCIL MEETING

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only

2. DECLARATION OF LOCAL EMERGENCY

Pursuant to Government Code Section 54956.5

Proposed Action: Adopt a resolution proclaiming a local emergency in the City of El Cerrito in response to the pandemic COVID-19 Coronavirus.

Contact: Karen Pinkos, City Manager, City Management

3. ADJOURN EMERGENCY CITY COUNCIL MEETING

- Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 510-215-4305. The City makes reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.



AGENDA BILL

Date: March 13, 2020
To: El Cerrito City Council
From: Karen Pinkos, City Manager
Subject: Declaration of a Local Emergency

ACTION REQUESTED

Adopt a resolution proclaiming the existence of a local emergency in the City of El Cerrito in response to the pandemic COVID-19 Coronavirus.

BACKGROUND/ANALYSIS

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. On March 10, 2020 the Contra Costa County Board of Supervisors declared a local emergency within Contra Costa County. The Board of Supervisors' declaration is attached and provides the factual basis for the proposed City Council declaration. On March 12, 2020, the West Contra Costa Unified School District (WCCUSD) closed schools through April 6, 2020.

City staff is recommending that the City Council declare a local emergency in the City of El Cerrito and direct City staff to respond accordingly. At this time, these actions would include:

1. Cancellation of all public meetings for City Council and advisory bodies unless determined to be essential
2. Cancellation of all public events hosted by the City of El Cerrito
3. Closure of non-essential activities, programs, and classes held at the City's Community Center, Swim Center, Midtown Activity Center, Recycling Center, and other venues

City staff is reviewing non-essential City services and will take action for affected employees, including but not limited to remote work and/or flexible schedules.

Staff recommends that these actions take place through the end of the month of March. At that time, staff will review and make additional recommendations to the City Council, if necessary, whether the emergency should continue or terminate.

LEGAL CONSIDERATIONS

El Cerrito Municipal Code 2.28.030, empowers the City Council to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity. It also states that the Council will review the status of a proclaimed emergency at least weekly until it is terminated. It shall proclaim the termination of the emergency at the earliest possible date. Additionally, for the purposes of the Brown Act, holding a meeting on less than 24 hours' notice requires determinations by the City Council, which are included in the resolution.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution
2. County Staff Report and Resolution

RESOLUTION 2020-XX

A RESOLUTION PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY IN THE CITY OF EL CERRITO

WHEREAS, El Cerrito Municipal Code 2.28.030, empowers the City Council to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, the County of Contra Costa declared a local emergency within Contra Costa County on March 10, 2020; and

WHEREAS, the City Council has been requested by the City Manager to proclaim the existence of a local emergency therein; and

WHEREAS, conditions of disaster or extreme peril to the safety of persons and property have arisen within the City, commencing on March 13, 2020, caused by the introduction in Contra Costa County of coronavirus disease 2019 ("COVID-19"), an infectious disease to which there is no known natural immunity and for which there is currently no vaccine, which has become a pandemic, and which is contributing to a shortage of essential health care supplies; and

WHEREAS, the finding of extreme peril to the safety of persons and property is supported by the following facts, which are described in further detail in the accompanying staff report:

- a. A novel coronavirus (named "COVID-19" by the World Health Organization) was first detected in Wuhan City, Hubei Province, China, in December 2019. The Centers for Disease Control and Prevention ("CDC") has stated that COVID-19 is a serious public health threat, based on current information.
- b. Cases of COVID-19 have been diagnosed in the United States, primarily in individuals who have traveled to other countries, but there have been cases identified of "community spread" of COVID-19 involving individuals who have not traveled overseas and who have no known connections to overseas travel.
- c. In part, the virus is considered a very serious health threat because much is unknown. The exact modes of transmission, 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.

- d. The number of reported cases of COVID-19 has escalated dramatically over a short period of time. According to the CDC, as of March 12, 2020, there have been 1,215 cases of COVID-19 detected, tested and confirmed in the United States. The World Health Organization has declared the outbreak to be a global pandemic.
- e. Cases of COVID-19 have been identified in Contra Costa County as well as in other Bay Area counties and other counties, including the County of Santa Clara, the County of Solano, and the City and County of San Francisco, and the County of San Mateo, and these public entities have made declarations of local emergency and declarations of local health emergency.

WHEREAS, these conditions of disaster or extreme peril warrant and necessitate the proclamation of the existence of a local emergency; and

WHEREAS, on March 12, 2020, the City Manager and Assistant City Manager received a briefing from Contra Costa County Health Services, and based on that report, they determined to recommend that the City Council meet to declare a local public emergency.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that a local emergency now exists throughout the City of El Cerrito.

BE IT FURTHER RESOLVED that the City Council determines that the COVID-19 pandemic and related local conditions constitute an emergency that potentially severely impairs public health and safety and a dire emergency because of its potential to cripple the ability of the City to function normally, which is a peril so immediate that an emergency meeting of the City Council with less than 24 hours' public notice was warranted to protect against endangering the public health and safety.

BE IT FURTHER RESOLVED that during the existence of the local emergency, the powers, functions, and duties of the emergency organization of the City of El Cerrito shall be those prescribed by state law, by ordinances, and resolutions of this City, by the County of Contra Costa, and by the City of El Cerrito Emergency Operations Plan.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at an emergency meeting on March 13, 2020 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on March _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: March 10, 2020

Subject: COVID-19 - Declaring a Local Emergency

RECOMMENDATION(S):

1. RECEIVE a report from the Health Services Director and Public Health Director regarding the status of coronavirus disease 2019 ("COVID-19") in this County and its impacts on the availability of essential medical supplies.
2. ADOPT Resolution No. 2020/92, proclaiming the existence of a local emergency in this County caused by the introduction of COVID-19.
3. ADOPT Resolution No. 2020/91, requesting the Governor to proclaim the County to be in a state of emergency.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **03/10/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 10, 2020

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: David Twa, County Administrator

By: June McHuen, Deputy

cc:

FISCAL IMPACT:

No impact to the General Fund is anticipated by this action. Proclaiming a local emergency could give rise to state or federal assistance.

BACKGROUND:

COVID-19, an infectious disease in humans that is caused by a novel coronavirus first detected in Wuhan City, Hubei Province, China, in December 2019, has emerged as a world-wide pandemic. According to a March 3, 2020, situation report by the World Health Organization, the disease has spread to at least 72 nations across the globe, including the United States. As of March 3, there were 90,870 confirmed cases, 80,304 in China and 10,556 cases outside of China. In recent days, there have been more new cases outside of China than within China. Of 105 confirmed cases in the United States as of March 3, 43 were in California and 26 were in the San Francisco Bay Area. Five cases have been treated in Contra Costa County as of March 4, with the most recent determined to have been community-acquired. The public has no known natural immunity to the virus that causes COVID-19, and there is currently no vaccine to offer protection to the public. Treatment options are limited.

On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern. On January 31, 2020, the Secretary of Health and Human Services declared that the coronavirus presents a public health emergency in the United States, and President Trump issued a proclamation suspending entries into the United States by foreign nationals who had been present in China in the previous two weeks. As of February 2, 2020, U.S. citizens returning to the United States from Hubei Province have been subject to mandatory quarantines, and those returning from other areas in China undergo screening and monitored self-quarantines. Symptomatic persons are placed in federal quarantine at federal facilities, one being at Travis Air Force base in Solano County.

Test kits are being supplied by the Centers for Disease Control and Prevention (CDC) to local public health laboratories to test for presence of COVID-19. One of them – the only one in Contra Costa County – is the Contra Costa Public Health Laboratory in Martinez. Eighty test kits – sufficient to test 40 persons – arrived here on February 29, 2020. Another 100 test kits are on order. Staff expects rapid depletion of this supply of kits. If the Martinez laboratory runs out of test kits, samples will be sent to the CDC or a state public health lab, located in Richmond, which is also able to perform COVID-19 testing.

As of March 3, hospitals in Contra Costa County have treated five individuals with suspected or confirmed cases of COVID-19. Four were among travelers routed through federal quarantine at Travis Air Force Base. The majority of these travelers returned to the United States from Japan after being in quarantine on the Diamond Princess cruise ship. The fifth individual is a Contra Costa County resident. As noted above, the fifth case has been determined to have been community-acquired – i.e., transmitted in the absence of any association with travel or contact with other known cases. There are cases

of this type in Santa Clara, Solano and Alameda counties, the City of Berkeley, and other parts of the United States.

The emergence of person-to-person transmission gives rise to public concerns, impacting the capacity of health care facilities and causing shortages in essential health care supplies. In particular, in this County, there is now a shortage of personal protective equipment, including specifically surgical masks, which are typically issued to patients who present with viral symptoms, as a means to prevent transmission. Hand sanitizer is also in short supply. Health Services has searched for and been unable to obtain supplies of these materials locally. Staff has identified the Strategic National Stockpile as a potential source of assistance that might be available from the federal government should the State of California request it.

Proclaiming a local emergency and requesting the Governor to declare a state of emergency is a way for counties and other local jurisdictions to potentially obtain state financial assistance. (See Gov. Code, § 8680 et seq.) When a state cannot effectively respond to an emergency without federal assistance, upon request of the Governor, the President of the United States can declare an emergency, thereby triggering the authority to provide federal aid to state and local agencies. (See 42 U.S.C. §§ 5191-5192.) As of March 3, local emergencies related to COVID-19 have been proclaimed in Santa Clara, San Diego, Orange, Solano and Sonoma counties, and the City and County of San Francisco. Local health emergencies have been declared in Santa Clara, San Diego, Orange, Alameda and Sonoma counties.

CONSEQUENCE OF NEGATIVE ACTION:

A local emergency would not be declared, and the County may be unable to access state or federal assistance to respond to COVID-19.

ATTACHMENTS

Resolution 2020/92

Resolution No. 2020/91

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 03/10/2020 by the following vote:

AYE: ☒ **John Gioia**
 ☒ **Candace Andersen**
 ☒ **Diane Burgis**
 ☒ **Karen Mitchoff**
 ☒ **Federal D. Glover**

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2020/92

IN THE MATTER OF Proclaiming the Existence of a Local Emergency (Gov. Code, § 8630)

The Board of Supervisors of Contra Costa County RESOLVES as follows;

Contra Costa County Ordinance Code Chapter 42-2 empowers the Board of Supervisors to proclaim the existence or threatened existence of a local emergency when the County is affected or likely to be affected by a public calamity;

The Board of Supervisors has been requested by the Director of Emergency Services of the County to proclaim the existence of a local emergency therein;

The Board of Supervisors does hereby find:

1. That conditions of disaster or extreme peril to the safety of persons and property have arisen within the County, commencing on March 3, 2020, caused by the introduction here of coronavirus disease 2019 ("COVID-19"), an infectious disease to which there is no known natural immunity and for which there is currently no vaccine, which has become a pandemic, and which is contributing to a shortage of essential health care supplies; and
2. These conditions of disaster or extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the County; 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 county shall be those prescribed by state law, by ordinances, and resolutions of this County, and by the County of Contra Costa Emergency Operations Plan, as approved by the Board of Supervisors on June 16, 2015.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: David Twa, County Administrator

ATTESTED: March 10, 2020

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

cc: