

AGENDA/NOTICE
DUBLIN CITY COUNCIL
EMERGENCY MEETING

Wednesday, March 18, 2020, 12:00 p.m.
REGIONAL MEETING ROOM
100 CIVIC PLAZA, DUBLIN, CA 94568

- *Agendas and Staff Reports are posted on the City's Internet Website (www.dublin.ca.gov)*
- *Agendas may be picked up at the City Clerk's Office for no charge.*
- *A complete packet of information containing Staff Reports and exhibits related to each item is available for public review at least 72 hours prior to a Regular City Council Meeting or, in the event that it is delivered to the City Councilmembers less than 72 hours prior to a City Council Meeting, as soon as it is so delivered. The packet is available in the City Clerk's Office, the Dublin Senior Center, and at the Dublin Library.*

Notice is hereby given that an Emergency Meeting of the City of Dublin City Council will be held on Wednesday, March 18, 2020, at 12:00 p.m.

Pursuant to Executive Order N-25-20, Mayor David Haubert, Vice Mayor Arun Goel, and Councilmembers Hernandez, Kumagai, and Josey will be attending the Emergency Meeting via teleconference. All votes during the teleconferencing session will be conducted by roll call vote.

If the public wishes to provide comment on any of the agendized items they can appear in person in the Regional Meeting Room or join the meeting via teleconference.

To join the meeting via conference call, dial 1 (747) 200-1949 (Conference ID: 180 934 043#) from any telephone.

1. Call to Order and Pledge of Allegiance

2. Local Emergency Proclamation

The City Council will consider adopting a Resolution Ratifying and Extending the Proclamation of Existence of a Local Emergency, Cancelling Regular Meetings of the City Council and City Commissions and Committees During the Local Emergency, and Delegating Authority to the City Manager/Director of Emergency Services all as Related to COVID-19 Pandemic. The Resolution provides for several delegations of authority to the City Manager in order to continue essential governmental functions and to minimize any disruption to residents for the duration of the local emergency.

STAFF RECOMMENDATION:

Adopt the **Resolution** Ratifying and Extending the Proclamation of Existence of a Local Emergency, Cancelling Regular Meetings of the City Council and City Commissions and Committees During the Local Emergency, and Delegating Authority to the City Manager/Director of Emergency Services all as Related to COVID-19 Pandemic.

3. Discussion of City Actions to Comply with the 'Shelter in Place' Order

The City Council will receive an update from the City Manager regarding the ongoing efforts to maintain City service delivery and will have an opportunity to discuss the COVID-19 matter.

4. Adjournment

This AGENDA is posted in accordance with Government Code Section 54954.2(a)

If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please contact the City Clerk's Office (925) 833-6650 at least 72 hours in advance of the meeting.

AFFIDAVIT OF NOTICING AND POSTING:

I, Caroline Soto, City Clerk for the City of Dublin, declare that a copy of this agenda / notice was posted in the kiosk in front of the Civic Center and that the City of Dublin City Councilmembers and the Media were provided notice on Wednesday, March 18, 2020.

ATTEST:



Caroline P. Soto, City Clerk/Records Manager



STAFF REPORT

CITY COUNCIL

DATE: March 18, 2020

TO: Honorable Mayor and City Council

FROM: Linda Smith, City Manager/Emergency Services Director

SUBJECT: Ratification of Local Emergency Proclamation and Delegating Authority to the City Manager/Director of Emergency Services
Prepared by John Bakker, City Attorney and John Stefanski, Assistant to the City Manager

EXECUTIVE SUMMARY:

The City Council will consider adopting a Resolution Ratifying the Proclamation of Existence of a Local Emergency and Delegation of Authority. The Resolution also provides for several delegations of authority to the City Manager in order to continue essential governmental functions and to minimize any disruption to residents for the duration of the local emergency.

RECOMMENDATION:

Adopt the **Resolution** Ratifying and Extending the Proclamation of Existence of a Local Emergency, Cancelling Regular Meetings of the City Council and City Commissions and Committees During the Local Emergency, and Delegating Authority to the City Manager/Director of Emergency Services all as Related to COVID-19 Pandemic.

FISCAL IMPACT:

None.

DESCRIPTION:

Situation Status

Novel Coronavirus (COVID-19) first originated in Wuhan Hubei Province, China and began spreading among humans in December 2019. The Centers for Disease Control and Prevention (CDC) states that COVID-19 is a contagious respiratory illness that spreads mainly between people who are in close contact with one another or have touched a surface with the virus and then touched their own mouth, nose or possibly their eyes. At this time, there is no specific vaccine to protect against COVID-19, nor is there an antiviral treatment for COVID-19.

Cases of COVID-19 have been diagnosed throughout the United States, originally in individuals who traveled to other countries with COVID-19 outbreaks, however there has now been a proliferation of cases of “community spread” COVID-19 involving individuals who have not traveled overseas and who have no known connections to overseas travel.

The CDC, United States Health and Human Services Agency, California Department of Public Health, Alameda County Health Care Services Agency, and the Alameda County Office of Emergency Services are now working together to monitor and plan for the spread of COVID-19 to support and guide local actions to preserve public health.

As of the drafting of this staff report, there are 184,248 cases of COVID-19 in 162 Countries with 7,128 total deaths. There are 472 cases in California, with 258 cases in the Bay Area. Alameda County now has 18 positive cases of COVID-19. There is evidence of widespread community-acquired transmission.

Proclamation of Local Emergency

On January 31, 2020, the Secretary of the United States Department of Health and Human Services declared a public health emergency for the United States.

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

On March 4, 2020, the Governor of California issued a State of Emergency Proclamation for the State of California.

On March 16, 2020, the Alameda County Health Officer issued an Order (the “Order”) directing all individuals living in the County to shelter at their place of residence, subject to certain exceptions, from 12:00AM on March 17, 2020 through 11:59PM on April 7, 2020.

On March 16, 2020, in response to the Order and the evidence of community-acquired transmission within Alameda County, the City Manager acting in her capacity as Director of Emergency Services, proclaimed the existence of a local emergency within the City of Dublin pursuant to Dublin Municipal Code (DMC) Chapter 2.44.060(A).

Delegation of Authority

Section 10(d) of the Order authorizes the City to determine the “Essential Governmental Functions” that must continue. The City may designate appropriate employees or contractors to continue providing and carrying out said functions. These functions shall be performed in compliance with the Social Distancing Requirements promulgated by the Order. The City of Dublin has spent the last two weeks preparing the organization to operate in a remote work environment for functions which can be completed remotely. Core business operations authorized by the Order will continue, including employee payroll, residential and public work inspections, and permit issuance. Police and Fire services will continue their operations in a typical fashion and will make staffing adjustments as needed to address the emergency conditions.

The attached Resolution would, during the pendency of the emergency, cancel all regularly scheduled City Council, Commission and Committee meetings. The Order and

guidance and orders from other public health authorities limit the City's ability to conduct public meetings, necessitating this change in the City's day-to-day operations. Nothing in the Resolution would prevent the City Manager or the Council from convening a Special or emergency meeting as may be necessary.

In order to continue essential governmental functions and to minimize any disruption to residents, the attached Resolution delegates certain authority to the City Manager subject to later ratification by the City Council. It authorizes and orders the City Manager to take administrative actions necessary to conduct the routine municipal affairs of the City. This includes, but is not limited to, necessary budget adjustments, pay determinations for staff with work constrained by the Order, and other tasks that may arise during this extraordinary circumstance. Furthermore, the Resolution delegates, pursuant to DMC 2.04.190, to the City Manager the authority to approve contracts above \$45,000. This delegation shall be in effect for the length of the local emergency.

Next Steps

The Resolution provides that the local emergency will continue to exist until its termination is proclaimed by the City Council of the City of Dublin. Pursuant to Section 8630, Article 14 of the California Emergency Services Act, City staff is required to place an item on a future City Council agenda for review at least every sixty (60) days from the effective date of the Resolution to determine the need for continuing the local emergency. The City Manager will promptly present an item to the City Council seeking to terminate the emergency at such time as conditions warrant it.

Staff will monitor developments from the COVID-19 pandemic and will remain in contact with the Alameda County Office of Emergency Services and Alameda County Health Care Services Agency for the term of this local emergency.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH

None.

ATTACHMENTS:

1. Resolution Ratifying and Extending the Proclamation of Existence of a Local Emergency, Cancelling Regular Meetings of the City Council and City Commissions During the Local Emergency, and Delegating Authority to the City Manager/Director of Emergency Services All as Related to the Covid-19 Pandemic
2. Exhibit A to the Resolution, Proclamation of Existence of a Local Emergency by Director of Emergency Services

RESOLUTION NO. XX-20

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF DUBLIN**

RATIFYING AND EXTENDING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY, CANCELLING REGULAR MEETINGS OF THE CITY COUNCIL AND CITY COMMISSIONS DURING THE LOCAL EMERGENCY, AND DELEGATING AUTHORITY TO THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES ALL AS RELATED TO THE COVID-19 PANDEMIC

WHEREAS, Section 8630, Article 14, of the California Emergency Services Act empowers the City Council to proclaim the existence or threatened existence of a local emergency when the City of Dublin is affected or likely to be affected by a public calamity; and

WHEREAS, Chapter 2.44 (Disaster Preparedness) of the Dublin Municipal Code similarly empowers the City Manager, in his or her capacity as the Director of Emergency Services, to proclaim and/or request the City Council to proclaim the existence or threatened existence of a local emergency; and

WHEREAS, On March 16, 2020 the City's Director of Emergency Services proclaimed that a Local Emergency Exists throughout the City of Dublin as a result of the community spread of COVID-19; and

WHEREAS, Pursuant to Dublin Municipal Code Chapter 2.44.060(A)(1), whenever a local emergency is proclaimed by the Emergency Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect; and

WHEREAS, the City Council does hereby find that conditions of extreme peril to the safety of persons and property have arisen with the City of Dublin, caused by COVID-19; and

WHEREAS, the finding is supported by the following facts, which are described in further details 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, originally in individuals who traveled to other countries, and now cases identified as "community spread" of COVID-19 involving individuals who have not traveled overseas and who have no known connections to overseas travel.
- c. The United States Centers for Disease Control and Prevention (CDC), the United States Health and Human Services Agency, the California Department of Public Health, the Alameda County Health Care Services Agency, and the Alameda County Office of Emergency Services are each working to monitor and plan for the spread of COVID-19 to support and guide local actions to preserve public health.

- d. Whereas cases of COVID-19 have been identified in Alameda County, as well as in other Bay Area counties, including the Counties of Contra Costa, Santa Clara, San Mateo, Marin, Solano, and the City and County of San Francisco.
- e. 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.
- f. On January 31, 2020, the Secretary of the United States Department of Health and Human Services declared a public health emergency for the United States.
- g. On March 1, 2020, the Health Officer of Alameda County declared a public health emergency.
- h. On March 4, 2020, the Governor of California proclaimed a state of emergency exists in California related to the spread of COVID-19.
- i. On March 16, 2020, the City Manager acting in her capacity as Director of Emergency Services, proclaimed the existence of a local emergency within the City of Dublin pursuant to Dublin Municipal Code Chapter 2.44.060(A).
- j. On March 16, 2020, the Alameda County Health Officer issued an order (the "Order") directing all individuals living in the County to shelter at their place of residence, subject to certain exceptions, from 12:00AM on March 17, 2020 through 11:59PM on April 7, 2020.

WHEREAS, the danger to the public health is such that holding in-person public meetings during the pendency of the emergency is impossible and imprudent, but routine City business still needs to be conducted during the pendency of the emergency; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dublin that the proclamation of the existence of a local emergency issued by the Director of Emergency Services on March 16, 2020, attached hereto as **Exhibit A**, is hereby ratified; and,

BE IT FURTHER RESOLVED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the City Manager, in their capacity as Director of Emergency Services, and the emergency organization of this City shall be those prescribed by state law and by the City of Dublin Municipal Code; and,

BE IT FURTHER RESOLVED AND ORDERED that during the pendency of the emergency, all regularly scheduled City Council and Commission meetings are cancelled; and

BE IT FURTHER RESOLVED AND ORDERED that the City Manager/Director of Emergency Services is authorized, to the extent permitted by law, to take all administrative actions necessary to conduct the routine municipal affairs of the City of Dublin to minimize negative impacts, including but not limited to necessary budget change adjustments, pay determinations for staff with work constrained by the Order and any subsequent orders of public health authorities, including but not limited to the Alameda County Health Officer, the California Department of Public Health, and the Governor of the State of California, and other tasks that may arise. The City Manager shall promptly seek to have any such actions ratified by the City Council at the conclusion of the emergency; and,

BE IT FURTHER RESOLVED AND ORDERED that the City Council delegates, pursuant to DMC 2.04.190, to the City Manager the authority to approve routine contracts above \$45,000

during the pendency of the local emergency, to the extent permitted by law and provided such contracts are within existing budget authorizations. The City Manager shall promptly seek to have the approval of such contracts ratified by the City Council at the conclusion of the emergency; and,

BE IT FURTHER RESOLVED AND ORDERED that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Dublin; and,

BE IT FURTHER RESOLVED that City Manager is directed to present an item to the City Council within sixty (60) days of the effective date of this Resolution to determine the need for continuing the local emergency pursuant to Section 8630, Article 14, of the California Emergency Services Act; and,

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

PASSED, APPROVED AND ADOPTED this 18th day of March, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

**PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
BY DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, Chapter 2.44.060(A) of the Dublin Municipal Code, adopted on January 14, 1985, 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, as the Director of Emergency Services of the City of Dublin, I hereby find that conditions of extreme peril to the safety of persons and property have arisen with said City caused by an outbreak and community spread of COVID-19 in Alameda County; and,

WHEREAS, On March 16, 2020 the Alameda County Health Officer issued an Order directing all individuals living in the county to shelter at their place of residence, subject to certain exceptions, from 12:00AM on March 17, 2020 through 11:59PM on April 7, 2020; and,

WHEREAS, that the aforesaid conditions of extreme peril warrant and necessitate the proclamation the existence of a Local Emergency; and

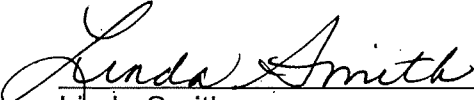
WHEREAS, that the City Council of the City of Dublin is not in session and cannot immediately be called into session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a LOCAL EMERGENCY now exists throughout said City; and,

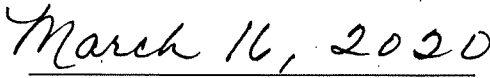
BE IT FURTHER PROCLAIMED that this proclamation shall be in effect for a period of seven days, by which time it must be ratified by the City Council, pursuant to Dublin Municipal Code Section 2.44.060 (A)(1); and.

BE IT FURTHER ORDERED THAT all City officers and employees take all steps requested by the City Manager to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to the virus; and,

BE IT FURTHER ORDERED THAT all City officers and employees take all steps requested by the City Manager to qualify the City for reimbursement from the Federal Emergency Management Agency and for other state and federal relief as may be available to reimburse the City for the expenses it incurs from this emergency.



Linda Smith
Director of Emergency Services



Date