

RESOLUTION NO. 11031

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEWARK RATIFYING THE PROCLAMATION OF
THE EXISTENCE OF A LOCAL EMERGENCY BY
THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Government Code Section 8630 and Newark Municipal Code Section 2.16.060 authorize the Director of Emergency Services to proclaim a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist if the City Council is not in session and provides that the City Council shall ratify the proclamation within seven days thereafter; and

WHEREAS, in accordance with Government Code Section 8630 and Newark Municipal Code Section 2.16.060, the Director of Emergency Services proclaimed the existence of a local emergency caused by the Novel Coronavirus (COVID-19), a respiratory disease first identified in China that may result in serious illness or death that is easily transmissible from person to person, on March 16, 2020; and

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak a “public health emergency of international concern”; and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary declared a public emergency for COVID-19;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency in the State of California due to the number of confirmed cases of COVID-19 in the State; and

WHEREAS, on February 25, 2020, the Centers for Disease Control and Prevention announced that community spread of COVID-19 is likely to occur in the United States; and

WHEREAS, on March 1, 2020, the Alameda County Health Officer declared a local health emergency; and

WHEREAS, on March 10, 2020, the Alameda County Board of Supervisors ratified the declaration of a local health emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, Governor Gavin Newsom issued a new executive order further enhancing State and local government's ability to respond to the COVID-19 pandemic; and

WHEREAS, on March 12, 2020, the Alameda County Department of Public Health confirmed evidence of a community-acquired transmission of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a state of national emergency in response to the COVID-19 pandemic; and

WHEREAS, World Health Organization officials report that sustained human-to-human transmission of the virus is occurring; and

WHEREAS, the health, safety, and welfare of Newark residents, businesses, visitors, and staff is of utmost importance to the City and additional future measures may be needed to protect the community; and

WHEREAS, the City may require additional assistance in the future, and a formal declaration of emergency allows the City to access resources in a timely manner in a timely fashion; and

WHEREAS, the City Council finds that the aforesaid conditions are of extreme peril to the safety of persons and property within the territorial limits of the City and existing conditions related to the COVID-19 pandemic did warrant the proclamation of emergency, as defined by Newark Municipal Code Chapter 2.16 and as defined by State law; and

WHEREAS, the City Council finds that extraordinary measures are required to protect the public health, safety, and of persons and property within the City that are or are likely to be beyond the control or capability of the services, personnel, equipment, and facilities of the City.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Newark hereby ratifies and confirms the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services, dated March 16, 2020, attached to this Resolution as Exhibit A.

BE IT FURTHER RESOLVED that during the existence of said local emergency the powers, functions, and duties of the City Manager, acting as Director of Emergency Services, and the emergency organization of this City shall be those prescribed by State law and by ordinances and resolutions of the City of Newark.

BE IT FURTHER RESOLVED by the Council that the local emergency shall remain in effect until such time that the Council determines that the emergency conditions have been abated.

BE IT FURTHER RESOLVED that City staff is directed to place an item on the agenda for review at least every sixty (60) days from the effective date of this Resolution to determine the need for continuing the local emergency pursuant to Government Code Section 8630.

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

I HEREBY CERTIFY the foregoing resolution was introduced at a special meeting of the City Council of the City of Newark held on March 17, 2020, by Council Member Bucci who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES: Council Members Bucci, Collazo, Hannon, Vice Mayor Freitas,
and Mayor Nagy

NOES: None

ABSENT: None

SECONDED: Council Member Collazo

APPROVED:


s/ALAN L. NAGY
Mayor

ATTEST:


s/SHEILA HARRINGTON
City Clerk

APPROVED AS TO FORM:


s/KRISTOPHER J. KOKOTAYLO
Interim City Attorney



CITY OF NEWARK

37101 Newark Blvd., Newark, CA 94560

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY BY CITY MANAGER & DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Government Code Section 8558(c) authorizes the declaration of a local emergency and defines a local emergency as “the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as . . . epidemic . . . which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat”; and

WHEREAS, Government Code Section 8558 and Newark Municipal Code Chapter 2.16 empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by conditions of extreme peril to the safety of persons and property within the City; and

WHEREAS, Newark Municipal Code Chapter 2.16 designates the City Manager as the Director of Emergency Services; and

WHEREAS, the Novel Coronavirus (COVID-19) is a respiratory disease first identified in China that may result in serious illness or death and is easily transmissible from person to person. As of March 15, 2020, it has been reported that COVID-19 has spread to over 144 countries and territories including the United States, and is spreading to a growing number of California cities and counties; and

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak a “public health emergency of international concern”; and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary declared a public emergency for COVID-19;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency in the State of California due to the number of confirmed cases of COVID-19 in the State; and

WHEREAS, on February 25, 2020, the Centers for Disease Control and Prevention announced that community spread of COVID-19 is likely to occur in the United States; and

WHEREAS, on March 1, 2020, the Alameda County Health Officer declared a local health emergency; and

WHEREAS, on March 10, 2020, the Alameda County Board of Supervisors ratified the declaration of a local health emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, Governor Gavin Newsom issued a new executive order further enhancing State and local government's ability to respond to the COVID-19 pandemic; and

WHEREAS, on March 12, 2020, the Alameda County Department of Public Health confirmed evidence of a community-acquired transmission of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a state of national emergency in response to the COVID-19 pandemic; and

WHEREAS, World Health Organization officials report that sustained human-to-human transmission of the virus is occurring; and

WHEREAS, the health, safety, and welfare of Newark residents, businesses, visitors, and staff is of utmost importance to the City and additional future measures may be needed to protect the community; and

WHEREAS, the City may require additional assistance in the future, and a formal declaration of emergency allows the City to access resources in a timely manner in a timely fashion; and

WHEREAS, existing conditions related to the COVID-19 pandemic warrant the proclamation of emergency, as defined by Newark Municipal Code Chapter 2.16 and as defined by State law; and

WHEREAS, the City Manager and Director of Emergency Services of the City of Newark does hereby find that extraordinary measures are required to protect the public health, safety, and of persons and property within the City that are or are likely to be beyond the control or capability of the services, personnel, equipment, and facilities of the City.

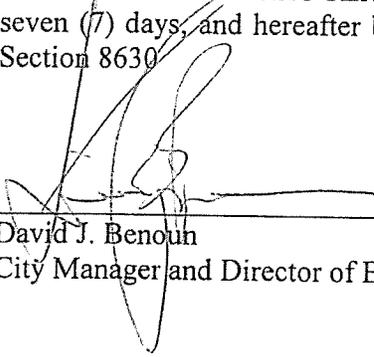
NOW, THEREFORE, I HEREBY PROCLAIM that, based on the circumstances identified above, a local emergency exists within the City of Newark due to the COVID-19 pandemic.

BE IT FURTHER PROCLAIMED that during the existence of said local emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by State law and the ordinances and resolutions of this City.

BE IT FURTHER PROCLAIMED AND ORDERED that all City officers and employees take all steps directed by the City Manager to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to COVID-19.

BE IT FURTHER PROCLAIMED AND ORDERED that all City officers and employees take all steps directed 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 in addressing this local emergency.

BE IT FURTHER PROCLAIMED that this Proclamation shall remain in effect for the next seven (7) days, and hereafter by ratification of the City Council pursuant to Government Code Section 8630



David J. Benoun
City Manager and Director of Emergency Services

3-16-20
Date