



DATE: March 17, 2020

CATEGORY: New Business

DEPT.: City Manager's Office

TITLE: **Ratification of the Existence of a Local Emergency**

RECOMMENDATION

Adopt a Resolution Ratifying the Existence of a Local Emergency, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

A novel coronavirus (named COVID-19) was first detected in China in December 2019. The Centers for Disease Control and Prevention (CDC) considers COVID-19 to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death. COVID-19 is easily transmissible from person to person and has spread globally to over 118 countries, infected more than 125,000, and killed more than 4,000 individuals as of March 11, 2020, per the World Health Organization. As of March, 13, 2020, there have been 79 confirmed cases of COVID-19 in Santa Clara County.

In response, governments in the United States at all levels have recognized COVID-19 as an emergency, including the United States Department of Public Health and Human Services beginning on January 27, 2020; the Santa Clara County (County) Board of Supervisors on February 10; and the Governor of the State of California on March 4. On March 11, 2020, the World Health Organization made the assessment that COVID-19 can be characterized as a pandemic. On March 13, 2020, the President of the United States declared a national emergency, allowing the administration to utilize Federal law that governs disaster relief efforts to prioritize emergency funding to state and local governments.

Throughout the escalation of the threat associated with COVID-19, the City has coordinated with various public health officials, including the CDC and the County Public Health Department, to understand the risk to the community and our employees, the objectives for public health and safety, and the orders or guidelines for

the City as a public agency and employer. Requirements and guidelines have addressed cancellation of mass gatherings, social distancing in workplaces and public spaces or programs, and facility disinfection. On March 13, 2020, the County's Public Health Officer issued a mandatory order effective 12:00 a.m., March 14, 2020, prohibiting public or private gatherings of more than 100 persons and imposing specific risk mitigation requirements on public or private gatherings of between 35 and 100 persons. It was also announced on March 13 that the Santa Clara County Superintendent of Schools and all superintendents in the County have decided to close schools to students for three weeks beginning Monday, March 16, 2020.

The efforts required to prepare for, respond to, mitigate, and recover from the increasing spread of COVID-19 have imposed, and will continue to impose, extraordinary requirements and expenses on the City, requiring diversion of resources from day-to-day operations. The conditions or threatened conditions caused by COVID-19, including, but not limited to, potential isolation and quarantines of residents, employees, businesses, and public safety workers, give rise to conditions of extreme peril to the safety of persons and property within said City. These conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City of Mountain View, requiring the declaration of a local emergency.

ANALYSIS

Authorization for Declaration of Emergency and Associated Powers

The declaration of a local emergency is authorized under the California Emergency Services Act (ESA) and Chapter 11 of the Mountain View City Code (MVCC). The ESA sets forth that a local emergency may only be proclaimed by the governing body of a local agency or an official designated by ordinance by the governing body. MVCC Section 11.5 established the position of the Director of Emergency Services (Director), which is the City Manager, and consistent with the ESA, the Director is designated by ordinance to be empowered to proclaim local emergencies, which must be ratified within seven days by the City Council.

The Director declared a local emergency in the City relating to COVID-19 on March 12, 2020, and this empowers the City to exercise extraordinary police powers, such as evacuation; immunity for emergency actions; authorization of issuance of orders and regulations; activation of preestablished emergency provisions; and is a prerequisite for requesting State or Federal assistance. The proclamation, and its subsequent ratification, also provides the authority to:

- Provide and request mutual aid from State and other governmental agencies consistent with the provisions of local ordinances, resolutions, emergency plans, and agreements;
- Promulgate orders and regulations and exercise emergency police powers necessary to provide for protection of life and property;
- Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;
- Require emergency services of any City officer or employee and activate the use of disaster service workers who shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers; and
- Requisition of necessary personnel or material of any City department or agency.

Council's ratification of the Director's proclamation will keep the local emergency proclamation in effect until the local emergency is terminated. The ESA requires local emergencies to be reviewed every 60 days by the governing body until it is terminated; however, Governor Gavin Newsom's proclamation declaring a Statewide emergency, dated March 4, 2020, waived this provision while the Statewide emergency is in effect. Accordingly, the ratifying resolution authorizes the Director to terminate the local emergency when conditions warrant.

City Objectives and Actions in Response to the COVID-19 Emergency

City staff has been participating in regular briefings and planning sessions with the County Public Health Department and the County Office of Emergency Services regarding the status of requirements and guidelines for responding to the virus. Staff is coordinating with regional partners to learn about and quickly adopt best practices in the hopes of providing a comprehensive, strategic, and concerted approach to an

emergency that has no geographic borders. The leadership of all City departments has been holding regular meetings/teleconferences and working together for weeks to establish the City's plan with a focus on the objectives and actions outlined below.

Limiting the Spread of COVID-19

Declaration of a local emergency anticipates the continued and increasing community transmission of the coronavirus with a significant impact on residents, businesses, schools, health-care providers, and other institutions. While most people will experience only mild symptoms, some will become severely ill. Preventing exposure to the virus is a priority to protect high-risk populations and slow the spread of the virus so that health services and other critical systems are not overwhelmed. Following the guidance provided by public health officials, the City has and will continue to modify its operations. This includes: canceling community events; canceling or modifying Library, Recreation, and other programs to provide social distancing; enhancing facility cleaning protocols; instituting new methods of service delivery, such as video or teleconferencing or providing counter services by appointment only; finding ways to enable remote participation in City Council and advisory body meetings; and canceling nonessential business meetings and travel.

The current focus is on operations through April. The City's leadership team is continually assessing the risks, needs, and options for modifications to City events, programs, meetings, staffing, and facility access. Additional operational changes, beyond those already undertaken, are likely. More information is available and will continue to be updated on the City's website (www.mountainview.gov/virus) and through the City's social media channels.

The City anticipates increased costs associated with these modifications, including enhanced cleaning of City facilities and vehicles, new technology for remote work by City staff, and participation in public and business meetings. In addition, there will be immediate revenue impacts from cancellation of classes and facility rentals as well as impacts from reduced sales tax and transit occupancy tax due to a reduction in the number of visitors to Mountain View and patronage of local businesses. Other medium-term revenue impacts can be expected due to changes in the interest rate and the global, national, and regional economy.

Providing Essential City Services

The City's leadership team has been coordinating for weeks to plan for the continuation of essential City services. Essential services include emergency response by the Fire Department, which includes emergency medical services, and the Police Department. It

also includes utilities and core administrative functions, which are needed to allow the continued provision of payroll and personnel services for City employees and the purchase of essential goods and services. Plans and protocols have been developed for Fire and Police staffing, including precautions for minimizing the risk of exposure, quarantining in the event of exposure, and continuity of staffing in the event of widespread absences. Similar planning is under way in other essential service areas.

The Mountain View Emergency Operations Center has been partially activated to increase the City's ability to maintain situational awareness. The City's Office of Emergency Services conducts regular disaster planning and training and is prepared for full activation, during which City employees, serving in their capacity as disaster service workers, may be called upon.

Coordinating with Local, Regional, State, and Federal Partners to Provide for Vulnerable Populations

The City is aware of the tremendous impact that this virus will have on the community, which will, or may include: diminished incomes; threats to the viability of small businesses; over-taxed health-care systems; closure of schools, day-care programs and other care facilities; and shortages of food and supplies. Staff is working with our County, school, and nonprofit partners to assess the needs of vulnerable populations and identify/plan for resources to respond to these needs. City staff is also identifying opportunities to advocate for legislative efforts at the State and Federal level to provide relief to those in need and working to assure that we are aware of and have access to relevant funding opportunities. We are assessing current City programs and funding sources dedicated to serving vulnerable populations and will develop proposals for enhanced funding or services as appropriate.

Providing Access to Information and Resources

In addition to the particular consequences for vulnerable populations, the City recognizes the general community impacts of the COVID-19 emergency due to uncertainty, fear, and social isolation. Therefore, it is a priority during this local emergency to provide frequent, ongoing information to the public regarding the status of the virus, what the City is doing, what actions residents can take, and what resources are available to them. We will use a variety of existing methods (such as the City website, social media, and our multilingual outreach staff) as well as exploring and implementing new methods to provide information and keep the lines of communication open.

FISCAL IMPACT

Additional costs are anticipated associated with the City emergency response actions, including those listed above and those yet to be identified. The City Manager, acting as the City's Director of Emergency Services, is authorized to expend funds and enter into contracts as necessary to prepare for, respond to, mitigate, and recover from the COVID-19 emergency. The City's Municipal Code Sections 2.212 to 2.215 also address purchasing during periods of proclaimed emergencies. Funding sources for such needs are being assessed and may include the General Non-Operating Fund and General Fund Reserve.

ALTERNATIVES

1. Do not adopt the resolution ratifying the existence of a local emergency.
2. Provide other direction.

PUBLIC NOTICING – Agenda posting.

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Attachment: 1. Resolution