



# CITY OF NEWARK CITY COUNCIL

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## SPECIAL MEETING

## AGENDA

Tuesday, March 17, 2020

City Administration Building  
6:15 p.m.  
City Council Chambers

**NOTICE IS HEREBY GIVEN** that the City Council has called for a Special City Council Meeting to be held on March 17, 2020, beginning at 6:15 p.m. in the City Council Chambers located at 37101 Newark Boulevard.

### A. ROLL CALL

- B.1 Update on the City's response to COVID-19, Ratification of the Proclamation of the Existence of a Local Emergency by the Director of Emergency Services, and cancellation of the March 26, 2020 City Council meeting – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTION/MOTION)**

Members of the public are welcome to participate in the discussion and may do so by raising their hand when the Mayor invites public comment. Once recognized, you will be given an opportunity to speak once on the item under discussion. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor.

### C. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5<sup>th</sup> Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.

**B.1 Update on the City’s response to COVID-19, Ratification of the Proclamation of the Existence of a Local Emergency by the Director of Emergency Services, and cancellation of the March 26, 2020 City Council meeting – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTION/MOTION)**

**Background/Discussion** – City staff recommends that the City Council adopt a resolution ratifying a proclamation issued by the City Manager, acting as the Director of Emergency Services, finding the existence of a Local Emergency. In response to the Novel Coronavirus (COVID-19) pandemic, the City Manager issued the proclamation on March 16, 2020 finding 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. State law and the Newark Municipal Code require that the City Council ratify the proclamation within seven days.

Under State law and the Newark Municipal Code, the Director of Emergency Services can 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. In this instance, the Director of Emergency Services determined the existence of a local emergency caused by the COVID-19 pandemic. Various public health organizations have declared COVID-19 a public health emergency. Additionally, 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 the County of Alameda declared a local health emergency. Furthermore, on March 16, 2020, Alameda County and six other Bay Area health jurisdictions issued an order to residents to shelter at home for three weeks beginning March 17. The order limits activity, travel and business functions to only the most essential needs and remains in place through April 7.

The formal declaration of emergency allows the City to seek additional resources to preserve the health, safety, and welfare of Newark residents, businesses, visitors, and staff. In light of the above facts, staff and the City Attorney recommend that the City Council ratify the proclamation finding the existence of a Local Emergency. The proposed resolution provides that the City Manager, acting as Director of Emergency Services, shall have all powers prescribed by State law and by ordinances and resolutions of the City of Newark. The local emergency will remain in effect until such time that the Council determines that the emergency conditions have been abated and requires Council review at least every 60 days.

Staff also requests that the City Council formally cancel the March 26, 2020 City Council meeting.

**Attachments – Resolution**

**Action** – Staff recommends that the City Council by resolution ratify the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services and by motion cancel the March 26, 2020 City Council meeting.

RESOLUTION NO.

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.



## **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.

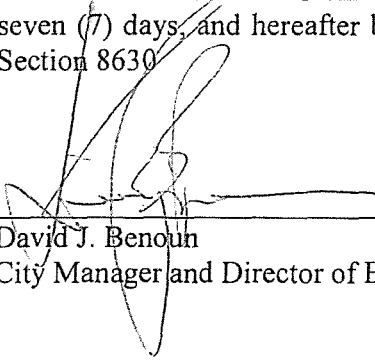
**NOW, THEREFORE, I HEREBY PROCLAIM** that, based on the circumstances identified above, a local emergency exists within the City of Newark due to the COVID-19 pandemic.

**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

  
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David J. Benoun  
City Manager and Director of Emergency Services

3-16-20

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Date