



CITY OF NEWARK CITY COUNCIL

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org

AGENDA and NOTICE
Special Meeting
Wednesday, September 2, 2020
5:30 p.m.

**THIS IS A MEETING BY ZOOM TELECONFERENCE ONLY.
THE CITY COUNCIL CHAMBERS WILL NOT BE OPEN.
REFER TO THE END OF THE AGENDA TO REVIEW OPTIONS FOR PARTICIPATING IN THE
MEETING REMOTELY OR TO SUBMIT PUBLIC COMMENTS VIA EMAIL.**

A. ROLL CALL

B. CITY MANAGER REPORT

B.1 Confirmation of the continued existence of a local emergency due to COVID-19 – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTION)

Members of the public are welcome to address the City Council, before the City Council takes action on this item. Please see the important notice section to review options. 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

IMPORTANT NOTICE REGARDING CITY COUNCIL MEETING

Due to the COVID-19 pandemic, the City of Newark made several changes related to City Council meetings to protect the public's health and prevent the disease from spreading locally. As a result of the COVID-19 public health emergency, including the Alameda County Health Officer and Governor's directives for everyone to shelter in place, **the City Council Chambers will be closed to the public**. Members of the public should attempt to observe and address the Council using the below technological processes.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. In accordance with Executive Order N-29-20, the public may only view the meeting on Zoom.

Mayor Nagy, Vice Mayor Freitas, and Council Members Collazo, Hannon, and Bucci will be attending this meeting via teleconference. Teleconference locations are not open to the public.

All votes conducted during the teleconferencing session will be conducted by roll call vote.

How to participate in the meeting remotely, via Zoom:

Provide live remote public comments, when called upon by the City Clerk:

From a PC, Mac, iPad, iPhone or Android device, join the Zoom teleconference meeting with the webinar link: <https://zoom.us/j/93722391714>

From a telephone dial: 1 669 900 9128, Webinar ID 937 2239 1714.

Submission of Public Comments:

Public comments received by 3:00 p.m. on the Council meeting date will be provided to the City Council and considered before Council action. Comments may be submitted by email to City.clerk@newark.org. Comments may also be submitted via e-mail to city.clerk@newark.org at any time prior to closure of the public comment portion of the item(s) under consideration.

Reading of Public Comments: The City Clerk will read aloud email comments received during the meeting that include the subject line "FOR THE RECORD" as well as the item number for comment, provided that the reading shall not exceed five (5) minutes, or such other time as the Council may provide, consistent with the time limit for speakers at a Council meeting and consistent with all applicable laws.

For those persons requiring hearing assistance, or other special accommodations, please contact the City Clerk at least two days prior to the meeting at 510-578-4266 or city.clerk@newark.org.

Addressing the City Council

You may speak once and submit written materials on any item listed on the agenda when called upon by the Mayor.

No question shall be asked of a council member, city staff, or an audience member except through the Mayor. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the Mayor for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

B.1 Confirmation of the Continued Existence of a Local Emergency due to COVID-19 – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTION)

Background/Discussion – The City Council ratified a proclamation of local emergency on March 17, 2020 as a result of the COVID-19 pandemic. The City Council on May 14, 2020 confirmed the continued existence of the local emergency due to the COVID-19 pandemic in accordance with state law. The City Council on July 9, 2020 again confirmed the continued existence of the local emergency in accordance with state law. City staff recommends that the City Council confirm the continued existence of the local emergency.

On March 16, 2020, the City Manager, acting as Director of Emergency Services, proclaimed a local emergency pursuant to California Government Code Section 8630 and Newark Municipal Code Chapter 2.16. The emergency declaration was based on conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of novel coronavirus 2019 ("COVID-19"), including confirmed cases in Alameda County. On March 17, 2020, the City Council adopted a resolution ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services.

On May 14, 2020, the City Council adopted a resolution confirming the continued existence of the local emergency due to the COVID-19 pandemic. Again on July 9, 2020, the City Council adopted a resolution confirming the continued existence of the local emergency.

Pursuant to Government Code Section 8630, the City Council must review and confirm the continued existence of a local emergency at least once every sixty (60) days.

In recent weeks, there has been progress in mitigating the spread of COVID-19. However, the conditions that prompted the original declaration of a local emergency continue to exist and health officials are still learning more information regarding the nature of COVID-19 and how it is transmitted. Community transmission of COVID-19 continues to occur, and the number of cases within Alameda County continues to rise. At the time of this writing there are now nearly 17,400 cases within the County, and 243 deaths (as of August 27, 2020). This displays a precipitous rise in the infection and death rates over the past month. Effective August 28, 2020, the Alameda County Health Officer updated the County shelter in place order, and extended the order for all residents to shelter at home until the health order is rescinded, superseded, or amended. Public health and safety concerns for persons and property within the City as a consequence of the global spread of COVID-19 continue to exist.

Declaring a state of emergency provides local governments with the power necessary to coordinate and implement plans aimed at protecting the community and property during a disaster. For example, a declaration of emergency is often necessary to secure mutual disaster aid from local, state, and federal agencies. This will also permit the Director of Emergency Services to promulgate orders and regulations necessary for the protection of life and property and ensures that the City and its officials and employees are immune from liability when exercising their official duties during this emergency.

If adopted, the declaration of emergency will continue to remain in place until the emergency conditions have ended. However, the City Council will be required to continue to review the declaration at least every 60 days.

Attachment – Resolution

Action – Staff recommends that the City Council, by resolution, confirm the continued existence of the local emergency due to COVID-19.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK CONFIRMING THE CONTINUED EXISTENCE OF
A LOCAL EMERGENCY DUE TO COVID-19

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 March 17, 2020, the City Council ratified and confirmed the proclamation of the existence of a local emergency issued by the Director of Emergency Services; and

WHEREAS, on May 14, 2020, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on July 9, 2020, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, pursuant to Government Code Section 8630 the City Council must periodically review the need for continuing the local emergency; and

WHEREAS, pursuant to Government Code Section 8630, the City Council must review the need for continuing the local emergency at least every sixty (60) days; and

WHEREAS, the conditions that prompted the original declaration of a local emergency continue to exist; and

WHEREAS, the recitals contained in Resolution No. 11031 adopted by the City Council on March 17, 2020, the recitals contained in Resolution No. 11048 adopted by the City Council on May 14, 2020, and the recitals contained in Resolution No. 11100 adopted by the City Council on July 9, 2020 are incorporated into this Resolution as if stated herein; and

WHEREAS, while there has been progress in mitigating the spread of COVID-19, community transmission of COVID-19 has continued to occur and health officials are still learning more information regarding the nature of COVID-19 and how it is transmitted; and

WHEREAS, the number of cases within Alameda County has continued to rise, and there are now nearly 17,400 confirmed cases of COVID-19 within the County, and 243 deaths as of August 27, 2020; and

WHEREAS, the Alameda County Health Officer effective August 28, 2020 amended the County shelter in place order, extending the order for all residents to shelter at home until the order is rescinded, superseded, or amended; and

WHEREAS, the public health and safety concerns for persons and property within the City as a consequence of the global spread of COVID-19 continue to exist; 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 conditions of extreme peril to the safety of persons and property within the territorial limits of the City related to COVID-19 pandemic continue in existence; 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; and

WHEREAS, the City Council desires to confirm the continued existence of a local emergency within the City of Newark due to COVID-19.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Newark hereby declares as follows:

1. The local emergency declared by Resolution No. 11031 due to the COVID-19 pandemic continues to exist within the City of Newark.
2. During the existence of the declared 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.

3. The declaration of local emergency shall remain in effect until such time that the City Council determines that the emergency conditions have been abated.
4. 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.