



Urgency Agenda Item

DATE: **March 16, 2020**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **KRISTOPHER J. KOKOTAYLO, CITY ATTORNEY**

SUBJECT: **RESOLUTION RATIFYING PROCLAMATION OF LOCAL
EMERGENCY**

EXECUTIVE SUMMARY

The City Manager, acting as the Director of Emergency Services, proclaimed a local emergency due to Covid-19. City staff and the City Attorney recommend that the City Council ratify the proclamation of a local emergency.

BACKGROUND & DISCUSSION

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 Union City Municipal Code Chapter 2.28. 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.

Pursuant to applicable law, the proclamation by the Director of Emergency Services terminates after seven (7) days unless ratified by the City Council. This item requests that the City Council adopt a resolution ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services, and authorize the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency.

Declaring a state of emergency provides local governments with the powers necessary to coordinate and implement plans aimed at protecting people 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. A declaration of emergency also permits a local governing body to promulgate orders and regulations necessary for the protection of life and property, such as imposing a curfew and ordering use of facilities for governmental purposes. Additionally, declaring a state of emergency ensures that the local government and its officials and employees are immune from liability when exercising their official duties during an emergency.

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

FISCAL IMPACT

There is no direct fiscal impact for adoption the resolution ratifying a local emergency. However, the City will consider all options available to seek reimbursement for expenses through the appropriate authorities.

RECOMMENDATION:

Staff recommends that the City Council adopt the resolution ratifying the Director of Emergency Services' proclamation of a local emergency.

ATTACHMENTS

1. Resolution Ratifying Proclamation of Local Emergency
2. Proclamation of Local Emergency