



**CONSENT CALENDAR**

**Agenda Item # 6**

**AGENDA REPORT SUMMARY**

**Meeting Date:** August 24, 2021

**Subject:** Emergency Declaration Resolution

**Prepared by:** Jolie Houston, City Attorney

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Resolution No. 2021-46

**Initiated by:**

City Manager

**Previous Council Consideration:**

March 12, 2020 (Declaration of Local Emergency)

March 17, 2020 Resolution No. 2020-08

**Fiscal Impact:**

None. However, a local emergency declaration is a prerequisite for requesting state or federal assistance.

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to renew its existing declaration by adopting Resolution No. 2021-46 declaring a local emergency to emphasize the need for continued adherence to public health guidance?

**Summary:**

The proposed resolution of the City Council declaring the existence of a local emergency due to the COVID-19 pandemic would renew the City Council's existing declaration of local emergency, make accompanying findings based upon changed circumstances since the original declaration of local emergency, and direct staff to report back to the City Council within 60 days on the need for continuing the local emergency.

**Staff Recommendation:**

Adopt Resolution No. 2021-46 extending the declaration of a local emergency due to the COVID-19 pandemic

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JM

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### **Background / Discussion / Analysis**

Government Code Section 8558(c) defines a local emergency as the “existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits” of a city due to epidemic, natural disaster, or similar circumstances. Government Code Section 8630 states that a city council may declare the existence of a local emergency. A designated officer of a city may also proclaim the existence of a local emergency, but the officer’s proclamation must be ratified by the city council within seven days. A declaration of local emergency should be terminated as soon as conditions warrant, and a city council should review the need for a declaration of local emergency at least every 60 days. This requirement for review every 60 days is currently suspended by the Governor for declarations of local emergency relating to COVID-19.

A declaration of local emergency provides a city with the power to suspend the operation of local ordinances or regulations as necessary to deal with the emergency. For example, the City of Los Altos relied on its emergency powers to suspend its rules for restaurant use of “parklets” in the downtown public right-of-way for outdoor dining to allow for expanded outdoor dining opportunities during the COVID-19 pandemic. A city council or designated official may also issue emergency orders during a declaration of local emergency. When appropriate, a city may enlist volunteers to address the emergency, and it may seek mutual aid from surrounding jurisdictions. Special public contracting rules apply to public works projects necessary to deal with a local emergency, and actions necessary to mitigate an emergency are exempt from review under the California Environmental Quality Act.

On March 12, 2020, the City Manager, in his capacity as the City’s Director of Emergency Services, proclaimed a local emergency in response to the COVID-19 pandemic. The City Council ratified the proclamation of local emergency on March 17, 2020, by adoption Resolution No. 2020-08. The threat posed by COVID-19 has decreased significantly in recent months because of the availability of vaccines against the virus that causes the illness. However, the spread of new variants of the virus, coupled with the fact that not everyone in the community is vaccinated, including children under 12 for whom vaccines are not yet approved, means that COVID-19 is still a concern.

Under these circumstances, it is appropriate for the City Council to consider the continuing need for a declaration of local emergency. Staff recommends that the City Council renew its existing declaration to emphasize the need for continued adherence to public health guidance. However, due to the constantly evolving nature of the pandemic, staff also recommends that the City Council monitor the situation and revisit its decision within 60 days. The proposed resolution of the City Council declaring the existence of a local emergency due to the COVID-19 pandemic would renew the City Council’s existing declaration of local emergency, make accompanying findings based upon changed circumstances since the original declaration of local emergency, and direct staff to report back to the City Council within 60 days on the need for continuing the local emergency.



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## Options

- 1) Staff recommends that the City Council renew its existing declaration to emphasize the need for continued adherence to public health guidance.

**Advantages:** A declaration of local emergency provides a city with the power to suspend the operation of local ordinances or regulations as necessary to deal with the emergency.

**Disadvantages:** None

- 2) Not adopt Resolution No. 2021- 46

**Advantages:** Staff would not have to report back to the City Council within 60 days on the need for continuing the local emergency.

**Disadvantages:** The City cannot rely on its emergency powers to suspend its rules for activities such as the use of “parklets” in the downtown public right-of-way for outdoor dining to allow for expanded outdoor dining opportunities during the COVID-19 pandemic.

## Recommendation

The staff recommends Option 1.

**RESOLUTION NO. 2021-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LOS ALTOS DECLARING THE  
EXISTENCE OF A LOCAL EMERGENCY DUE TO  
THE COVID-19 PANDEMIC**

**WHEREAS**, on March 4, 2020, the Governor issued a proclamation of a state of emergency relating to the respiratory illness known as COVID-19, which is caused by the novel corona virus SARS-CoV-2; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the existence of a pandemic due to the global spread of COVID-19; and

**WHEREAS**, on March 12, 2020, the Los Altos City Manager, in his capacity as the City's Director of Emergency Services, proclaimed a local emergency in response to the escalation of COVID-19 to a pandemic, and on March 17, 2020, the City Council adopted Resolution 2020-08 ratifying and continuing the proclamation of local emergency; and

**WHEREAS**, on March 16, 2020, the Santa Clara County Health Officer issued the first of successive orders requiring all individuals residing in the County to shelter in their places of residence as specified, to socially distance, and to take other measures to prevent community spread of COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor issued a statewide shelter-in-place order; and on August 28, 2020, the Governor announced a "Blueprint for a Safer Economy," which provided protocols for slowly reopening the state's economy following the initial shelter-in-place mandate; and

**WHEREAS**, by the beginning of August 2021, over 1,700 Santa Clara County residents had died of COVID-19; and

**WHEREAS**, due to the diligence of Los Altos residents in complying with health guidance, as of the beginning of August 2021, Los Altos had one of the lowest rates of reported incidence of COVID-19 infection in Santa Clara County, with a total infection rate of 2,338 cases per 100,000 residents; and

**WHEREAS**, vaccines provide proven protection against COVID-19; and

**WHEREAS**, by the beginning of August 2021, approximately 78 percent of Santa Clara County residents over the age of 12 had been vaccinated, and statewide vaccination rates were higher than the national average; and

**WHEREAS**, the Governor lifted the Blueprint for a Safer Economy on June 15, 2021, and local health restrictions have also been lifted due to sharp declines in COVID-19 case counts since vaccines first became available; and

**WHEREAS**, despite progress in addressing the pandemic, not all eligible individuals are fully vaccinated, and new, more virulent variants of the SARS-CoV-2 virus are spreading in California and throughout the world; and

**WHEREAS**, according to the California Department of Public Health, by July 21, 2021, nearly 85 percent of new COVID-19 cases in California were caused by the highly contagious “delta” variant; and

**WHEREAS**, although breakthrough infections are rare for fully vaccinated individuals, available COVID-19 vaccines have proven less effective against the delta variant than against prior strains of the SARS-CoV-2 virus; and

**WHEREAS**, due to the spread of the delta variant and because not all eligible persons are vaccinated yet, the incidence of COVID-19 infection is again on the rise in Santa Clara County; and

**WHEREAS**, according to the Santa Clara County Health Department, by July 1, 2021, the 7-day average of new COVID-19 cases reported in Santa Clara County was down to 37 cases per day, but three weeks later on July 22, 2021, the 7-day average was up to 188 cases per day; and

**WHEREAS**, as a result of rising case counts, on August 2, 2021, the Santa Clara County Health Officer issued a new health order requiring the use of face coverings indoors by all persons; and

**WHEREAS**, despite significant progress, COVID-19 remains a threat to public health and safety in the Los Altos community; and

**WHEREAS**, throughout the pandemic, the City of Los Altos has taken steps to address the health crisis, for example, by facilitating outdoor dining within the City; and

**WHEREAS**, in view of the ongoing health crisis, the City Council now desires to affirm its existing declaration of local emergency.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Los Altos that:

1. The City Council has reviewed the need for continuing the declaration of local emergency and finds, based on substantial evidence, that the foregoing recitals are true and correct and that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.
2. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Los Altos.
3. The Director of Emergency Services is hereby directed to report to the City Council within sixty (60) days on the need for further continuing the local emergency. At this If deemed appropriate the City Council may take further action.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 24<sup>th</sup> day of August, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Neysa Fligor, MAYOR

Attest:

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Andrea Chelemengos, MMC, CITY CLERK