



## CONSENT CALENDAR

### Agenda Item # 1

#### AGENDA REPORT SUMMARY

**Meeting Date:** December 7, 2021

**Subject:** Emergency Declaration Resolution

**Prepared by:** Jon Maginot, Deputy City Manager

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

**Attachment(s):**

1. Resolution No. 2021-59

**Initiated by:**

Staff

**Previous Council Consideration:**

March 12, 2020 (Declaration of Emergency); March 17, 2020; August 24, 2021; October 12, 2021; November 9, 2021

**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 a resolution declaring a local emergency to emphasize the need for continued adherence to public health guidance?

**Summary:**

- AB 361 requires the City to adopt a resolution every 30 days extending a local emergency declaration to continue to allow legislative bodies to meet virtually

**Staff Recommendation:**

Adopt Resolution No. 2021-59 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

JE

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**Subject:** Emergency Declaration Resolution

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**Purpose**

To adopt a resolution extending the existing declaration of emergency

**Background**

On March 12, 2020, the City Manager issued an Emergency Declaration in response to the COVID-19 pandemic. On March 17, 2020, the City Council adopted Resolution No. 2020-08 ratifying the Emergency Proclamation. On August 24, 2021, October 12, 2021 and November 9, 2021, the City Council adopted resolutions continuing the declaration of the existence of a local emergency due to the COVID-19 pandemic.

The threat posed by COVID-19 continues to pose a serious risk to the public health and safety of the City of Los Altos.

**Discussion/Analysis**

Resolution No. 2021-46 states that the Director of Emergency Services (City Manager) is to report to the City Council within sixty (60) days on the need for further continuing the local emergency.

AB 361, signed into law on September 15, 2021, allows a public agency to continue to hold virtual City Council and Commission meetings while under a declaration of emergency without complying with certain elements of the Ralph M. Brown Act. The bill requires that a legislative body renew the declaration of emergency every 30 days in order to continue meeting in this matter. AB 361 applies to local agencies until January 1, 2024.

**Recommendation**

The staff recommends Council adopt the attached resolution extending the declaration of emergency due to the COVID-19 pandemic.

**RESOLUTION NO. 2021-59**

**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**, on August 24, 2021, October 12, 2021 and November 9, 2021, the City Council adopted Resolution No. 2021-46, Resolution No. 2021-51 and Resolution No. 2021-55 respectively extending the declaration of a local emergency; and

**WHEREAS**, by the beginning of December 2021, approximately 1,900 Santa Clara County residents had died of COVID-19; and

**WHEREAS**, due to the diligence of Los Altos residents in complying with health guidance Los Altos has one of the lowest rates of reported incidence of COVID-19 infection in Santa Clara County; and

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

**WHEREAS**, by the beginning of December 2021, approximately 77% of Santa Clara County residents 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**, AB 361 requires the City Council make findings every thirty (30) days reaffirming the existence of a local emergency; 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 the City 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 thirty (30) days on the need for further continuing the local emergency and, 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 7<sup>th</sup> day of December, 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