



**PINOLE CITY COUNCIL
SPECIAL MEETING AGENDA
VIA TELECONFERENCE**

**TUESDAY
MARCH 24, 2020**

6:00 P.M.

**Council Chambers
2131 Pear Street, Pinole, California**

**Roy Swearingen, Mayor
Norma Martinez-Rubin, Council Member
Peter Murray, Council Member
Vincent Salimi, Council Member
Anthony Tave, Council Member**

Pursuant to Executive Order N-25-20, teleconferencing restrictions of the Brown Act have been suspended
--

CORONAVIRUS DISEASE (COVID-19) ADVISORY INFORMATION

<http://pinoleca.hosted.civicle.com/cms/One.aspx?portalId=10947056&pageId=16544486>

Due to the COVID-19 pandemic, Contra Costa County, along with other Bay Area Counties has issued a health order for all residents to shelter in place effective through April 7, 2020. Please visit the link above for detailed information.

As a precaution to protect the health and safety of staff, officials, and the general public, Council members will not be physically in attendance, but participating via teleconference.

Limited City Staff will be present in the Council Chamber to facilitate the call. Seating will be spaced in order to ensure the mandated social distancing as required by the health order.

We strongly urge members of the public to shelter in place and submit comments via email. Any written comments will be read by the City Clerk during the meeting at the appropriate time and will remain limited to 3 minutes. Comments can be submitted by e-mail to hiopu@ci.pinole.ca.us.

THE MEETING AUDIO WILL BE BROADCAST LIVE

COUNCIL MEETINGS ARE TELEVISED LIVE ON CHANNEL 26. They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at www.ci.pinoles.ca.us. City Council meetings are video-streamed live on the City's website, and remain archived on the site for five (5) years

For those who choose to attend the meeting, you may address the City Council on any matter listed on the agenda or on any other matter within its jurisdiction subject to the rules of decorum described in Council Resolution 2019-03. If you wish to address the City Council, please complete the gold card that is provided at the rear entrance to the Council Chambers and hand the card to the City Clerk. City Council will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council will hear public comment on matters **not** listed on the agenda during Citizens to be Heard, Agenda Item 5.

Americans With Disabilities Act: In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. Assisted listening devices are available at this meeting. Ask the City Clerk if you desire to use this device.

Note: Staff reports are on the City Website at www.ci.pinoles.ca.us. You may also contact the City Clerk via e-mail at hiopu@ci.pinoles.ca.us

Ralph M. Brown Act. Gov. Code § 54950. *In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

2. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87105.

3. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes, and is subject to modification by the Mayor. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting.

We strongly urge members of the public to shelter in place and submit comments via email. Any written comments will be read by the City Clerk during the meeting at the appropriate time and will remain limited to 3 minutes. Comments can be submitted by e-mail to hiopu@ci.pinole.ca.us.

4. NEW BUSINESS

- A. Resolution Ratifying Proclamation of Local Emergency [**Action: Adopt resolution per staff recommendation (Casher)**]

5. ADJOURNMENT to the Regular City Council Meeting of April 7, 2020 In Remembrance of Amber Swartz.

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

POSTED: March 19, 2020 at 4:00 P.M.

Heather Iopu, CMC
City Clerk



CITY COUNCIL REPORT

4A

DATE: MARCH 24, 2020

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: ERIC CASHER, CITY ATTORNEY

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

RECOMMENDATION

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

BACKGROUND & DISCUSSION

On March 18, 2020 the City Manager, acting as Director of Emergency Services, proclaimed a local emergency pursuant to California Government Code Section 8630 and Pinole Municipal Code Chapter 2.32. The emergency declaration was based on public health and safety concerns for persons and property within the City as a consequence of the global spread of novel coronavirus 2019 ("COVID-19"), including confirmed cases in Contra Costa County, as well as, the Contra Costa County Department of Health's shelter in place order dated March 16, 2020.

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 from the adoption of the resolution ratifying a local emergency. However, the City will consider all options available to seek reimbursement for indirect expenses and fiscal impacts through the appropriate authorities.

ATTACHMENTS

- A. Resolution Ratifying Proclamation of Local Emergency
- B. Proclamation of Local Emergency

CITY OF PINOLE

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE RATIFYING
THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY BY
DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, Government Code Section 8630 and Pinole Municipal Code Section 2.32.060 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 Pinole Code Section 2.32.060, 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 18, 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, and 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 10, 2020, the Contra Costa County Board of Supervisors declared 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 13, 2020, the President of the United States, declared a state of national emergency in response to the COVID-19 pandemic; and

WHEREAS, state and local health officials report that sustained human-to-human transmission of the virus is occurring; and

WHEREAS, on March 16, 2020, the Contra Costa Health Officer issued an order for all individual living in the County to shelter at their home, except with limited exceptions to receive or provide essential services or engage in essential activities, in order to minimize the extent of community-acquired transmission of COVID-19; and

WHEREAS, the health, safety, and welfare of Pinole 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 Pinole Municipal Code Chapter 2.32 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 Pinole hereby ratifies and confirms the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services, dated March 18, 2020, attached to this Resolution as Exhibit A.

BE IT IS FURTHER RESOLVED by the Council that because a substantial threat to public health and safety exists that has a substantial likelihood that serious harm will be experienced unless immediate action is taken, the City will need to alter or cease certain services other than essential services in response to this emergency. The City Manager is authorized to take any lawful personnel action that protects the health and safety of the workforce or the community

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 Pinole.

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.

PASSED AND ADOPTED at a special meeting of the Pinole City Council held on the 24th day of March 2020 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on the 24th day of March 2020.

Heather Iopu, CMC
City Clerk

CITY OF PINOLE

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
BY DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Government Code Section 8630 and Pinole Municipal Code Chapter 2.32 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, Pinole Municipal Code Chapter 2.32 designates the City Manager as the Director of Emergency Services; and

WHEREAS, Government Code Section 8558(c) 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, 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, and 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 10, 2020, the Contra Costa County Board of Supervisors declared 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 13, 2020, the President of the United States, declared a state of national emergency in response to the COVID-19 pandemic; and

WHEREAS, State and local health officials report that sustained human-to-human transmission of the virus is occurring; and

WHEREAS, on March 16, 2020, the Contra Costa Health Officer issued an order for all individuals living in the County to shelter at their home, except with limited exceptions to receive or provide essential services or engage in essential activities, in order to minimize the extent of community-acquired transmission of COVID-19; and

WHEREAS, the health, safety and welfare of Pinole 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 Pinole Municipal Code Chapter 2.32 and as defined by State law; and

WHEREAS, the Director of Emergency Services of the City of Pinole 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 Pinole 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.

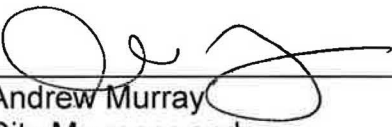
BE IT FURTHER PROCLAIMED AND ORDERED that all City officers and employees take all steps directed by the City Manager to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to COVID-19.

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 AND ORDERED that because a substantial threat to public health and safety exists that has a substantial likelihood that serious harm will be experienced unless immediate action is taken, the City will need to alter or cease certain services other than essential services in response to this emergency, and the City Manager can take any lawful personnel action that protects the health and safety of the workforce or the community. The City is authorized to postpone and/or delay any associated meet and confer obligations when taking actions in response to the 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.



Andrew Murray
City Manager and
Director of Emergency Services

3/18/2020
Date

3497140.1