



Legislation Text

File #: 20-294, **Version:** 1

Report regarding a resolution amending and updating the City of South San Francisco's Local Health Emergency Declaration related to the Novel Coronavirus 2019 (COVID-19). (*Christina Fernandez, Assistant to the City Manager*)

RECOMMENDATION

It is recommended that the City Council amend and update the City of South San Francisco's Proclamation of a Local Health Emergency adopted on March 11, 2020.

BACKGROUND/DISCUSSION

The City of South San Francisco proclaimed a local State of Emergency related to the Novel Coronavirus (COVID-19) on March 11, 2020. (*Attachment 1*) At this time, both the State of California and the County of San Mateo issued emergency declarations regarding the COVID-19 pandemic. Chapter 2.72 of the South San Francisco Municipal Code provided the authority to declare a local emergency in response to:

"...the actual or threatened existence of conditions of disaster of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease or earthquake, or other conditions... which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this city, requiring the combined forces of other political subdivisions to combat." (Ord. 938 1, 1983; Ord. 622 2, 1971)

Conditions of extreme peril to the safety of persons and property have arisen in South San Francisco due to the following facts. These facts warranted the declaration of a local emergency for the City of South San Francisco and are quoted directly from the County of San Mateo's Declaration of Local Health Emergency Regarding the Novel Coronavirus (COVID-19), dated March 3, 2020:

A novel coronavirus (named "COVID-19" by the World Health Organization) was first detected in Wuhan City, Hubei Province, China, in December 2019. The Centers for Disease Control and Prevention ("CDC") has stated that COVID-19 is a serious public health threat, based on current information. Cases of COVID-19 have been diagnosed in the United States, primarily in individuals who have traveled to other countries, but there have been cases identified of "community spread" of COVID-19 involving individuals who have not traveled overseas and who have no known connections to overseas travel. In part, the virus is considered a very serious health threat because much is unknown. The exact modes of transmission, the factors facilitating human-to-human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation.

The best information to date suggests that the virus is spread between people primarily via respiratory droplets produced when an infected person coughs or sneezes. Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from

mild sickness to severe illness and death. The CDC believes at this time that symptoms appear two to fourteen days after exposure. Currently, there is no vaccine or specific antiviral treatment for COVID-19.

The number of reported cases of COVID-19 has escalated dramatically over a short period of time. As of March 1, 2020, the World Health Organization has reported 87,137 confirmed cases of COVID-19, with 79,968 cases in China and the remaining 7,169 cases in 58 other countries. There have been 2,873 deaths in China due to COVID-19, and another 104 deaths in other countries.

According to the CDC, as of March 2, 2020, there have been 43 cases of COVID-19 detected, tested and confirmed in the United States (not including 48 individuals who returned to the United States from overseas on State Department-chartered flights). The World Health Organization has declared the outbreak to be a global health emergency.

Actions are being taken to protect public health and limit the spread of COVID-19 in the United States. The CDC recommends that travelers avoid all nonessential travel to China, Iran, South Korea, and Italy. Moreover, media accounts report that the Federal Emergency Management Agency is preparing for the possibility that the President may make an emergency declaration at the federal level related to COVID-19.

Cases of COVID-19 have been identified in San Mateo County, as well as in other Bay Area counties and other counties, including the County of Santa Clara, the County of Solano, and the City and County of San Francisco, and these public entities have made declarations of local emergency and declarations of local health emergency.

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California Government Code section 8630 authorized the City Council to declare a state of local emergency as defined by Government Code section 8558. The South San Francisco City Council declared a public health emergency on March 11, 2020.

The County of San Mateo ratified and extended a declaration of a local health emergency on March 10, 2020. At the time of ratification, the County of San Mateo Public Health Officer had declared that there were forty three (43) confirmed cases detected, tested and confirmed in the United States. The County of San Mateo emergency declaration is still in effect. In the most recent Public Health Order, issued by the County of San Mateo Health Officer, dated April 29, 2020, provided that the emergency and the attendant risk to public health remain significant. The County of San Mateo Health Officer declared that, as of April 27, 2020, there were 1,099 confirmed cases of COVID-19 in the County (up from 41 on March 15, 2020), at least 7,273 confirmed cases (up from 258 confirmed 4 cases on March 15, 2020), and at least 266 deaths (up from 3 deaths on March 15, 2020) in the seven Bay Area jurisdictions. The State of California Proclamation of a State of Emergency due to the spread of COVID-19, issued on March 4, 2020, is still in effect. On the basis of this information, a local emergency continues to exist in the City of South San Francisco.

The proclamation of a local emergency in South San Francisco continues to exist until it is terminated by the

City Council. As required by section 8630, the resolution directs City staff to place this item back on the Council agenda at least every sixty (60) days from the effective date of the resolution to determine the need for continuing the local emergency.

On March 4, 2020, the Governor suspended the requirement under section 8630 as long as the Governor's Proclamation of a State of Emergency is in effect. The State of California Proclamation of a State of Emergency due to the spread of COVID-19, issued on March 4, 2020, is still in effect. If the local emergency extends beyond the Governor's Proclamation of the State of Emergency, the City Council will review the emergency at least every sixty (60) days.

Amendments

The City of South San Francisco City Council declared a local health emergency related to COVID-19 on March 11, 2020. The purpose of the amendment to the local health emergency proclamation is to fulfill requirements per *California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act* (CDAA) which allows local governments to seek financial assistance through a local proclamation.

California Disaster Assistance Act Funding

If a local government determines effects of an emergency are beyond the capability of local resources to mitigate effectively, the local government must proclaim a local emergency. Pursuant to California Government Code Section 8680.9, a local emergency is "a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster." The purpose of a local proclamation is to provide extraordinary police powers; immunity for emergency actions; authorize issuance of orders and regulations; activate pre-established emergency provisions; and **is a prerequisite for requesting state or federal assistance.**

A local emergency proclamation can only be issued by a governing body (city, county or city and county) or an official designated local ordinance. The Governor's Office of Emergency Services defines a local emergency as "The duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a county, city, city and county caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning or an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, 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...." (California Government Code section 8558 (c)).

Issued by Government Code 8630 (a):

- Governing body of a city, county, or city and county, or
- An official designated by an ordinance adopted by that governing body (e.g. Director of Emergency Services)

Purpose (Government Code sections 8625 and 8634):

- Authorizes the promulgation of orders and regulations necessary to protect life and property (e.g. special purchasing or emergency contracting)
- Describes the circumstances that exist that may support the need for issuance of a State of Emergency Proclamation and/or Executive Order
- Supports request for a Director's Concurrence, Governor's Proclamation of a State of Emergency,

Executive Order, California Disaster Assistance Act (CDAA) funding, and/or a Presidential Declaration of an Emergency or Major Disaster

Local governments should provide a description of the local efforts and identification of the specific type and extent of state emergency assistance needed. In evaluating a local government's request for financial assistance under CDAA, a number of factors are considered including severity, magnitude, and impact of a disaster event. Some factors considered include:

- Activation of Emergency Operations Plan and Emergency Operations Center
- Amount and type of damage (includes response costs, emergency protective measures, debris removal, number of businesses affected, etc.)
- Amount of available funding at the local level
- Available assistance or additional programs from other sources (Federal, state, local, voluntary NGOs)
- Imminent threats to public health and safety
- Impacts to essential government services and functions
- Per capita income and poverty level of the operational area

Emergency Operations Center

The City Council has found and pursuant to the proposed resolution would find that conditions of extreme peril to the safety of persons and property continues within the City of South San Francisco, caused by the COVID-19 pandemic. Since the initial declaration of a local emergency, the City has continued to monitor the development of conditions. Based upon its consideration of the severity, magnitude, and impact of the disaster event, as well as the amount and type of damage, the City determined that it should activate its Emergency Operations Plan and Emergency Operations Center (EOC).

The City of South San Francisco activated its EOC on April 3, 2020. Among the many priorities of the activation, the main objective is to "Ensure the health and safety of City staff, residents, and the public throughout the COVID-19 event."

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The Emergency Operations Center consists of approximately 57 city staff, led by our Director of Emergency Services, City Manager Mike Futrell. EOC staff works tirelessly to prevent city staff, residents, and the public's exposure to COVID-19. The EOC assists in limiting the spread of COVID-19 by providing PPE to all essential and frontline employees. In addition, the EOC manages, coordinates, and disseminates key information to all staff, the public, and other government entities.

The EOC is instrumental in preparing essential action plans known as weekly Incident Action Plans (IAP) for the City in addition to Event Action Plans for disaster relief programming including the bi-monthly Food Drive and the Community Learning Center (CLC) Unemployment Assistance hub. Much of the costs associated with recovery are being coordinated, managed, and captured through the EOC. The EOC's Recovery Unit is responsible for all state and federal submissions for financial relief.

FISCAL IMPACT

The amended declaration of local emergency and following the recommended actions could assist with receiving mutual aid resources from the State of California and neighboring jurisdictions to assist South San Francisco in containing the spread of COVID-19. The Governor has proclaimed a State of Emergency and requested a Presidential Declaration; the City of South San Francisco could be eligible for cost recovery funds related to response to the COVID-19 outbreak.

RELATIONSHIP TO STRATEGIC PLAN

This action is related Priority Area 3.0, Public Safety, under the goal of disaster response and crisis communication.

CONCLUSION

Amendment of the declaration of a local health emergency regarding the Novel Coronavirus (COVID-19) will align the City of South San Francisco with the County of San Mateo and the State of California, both of which have extended emergency declarations, and help to establish partnerships and mutual aid to contain and mitigate the impacts of COVID-19. The emergency declaration, as amended, could also strengthen South San Francisco's eligibility for cost recovery funds related to response to the COVID-19 outbreak.

Attachment:

1. Proclamation of a Local Health Emergency dated March 11, 2020