



# CITY OF PALO ALTO OFFICE OF THE CITY ATTORNEY

June 23, 2020

The Honorable City Council  
Palo Alto, California

## Adoption of a Resolution Continuing the Proclamation of Local Emergency due to COVID-19

### Recommendation:

Adopt the attached Resolution continuing the Proclamation of Local Emergency due to COVID-19 first issued by the City Manager, acting as the Director of Emergency Services, on March 12, 2020, and ratified by the Council on March 16, 2020.

### Background:

On March 12, 2020 the City Manager, acting as the Director of Emergency Services, issued a Proclamation of Local Emergency (Attachment A) regarding the presence and community spread of novel coronavirus, or COVID-19, in Santa Clara County and our region. The Council ratified the Proclamation on March 16, 2020. The City Council continued the Proclamation of Emergency on May 11, 2020.

The Proclamation allows the City to exercise extraordinary police powers, should these be needed; provides immunity for emergency actions; authorizes issuance of certain necessary orders and regulations; activates pre-established emergency processes; and is a prerequisite for requesting state or federal assistance related to the emergency, should such assistance become available. Under state and local law, Council must review the need for continuing the emergency at least once every 60 days and formally terminate the emergency when conditions warrant.

At this time, the State of California and Santa Clara County remain under public health orders requiring social distancing, wearing of face coverings, and regulating business and other activities. State and County officials have advised that regulations designed to limit the spread of COVID-19 will be revised as conditions evolve and that COVID-19 regulations, in some form, will be required for many months.

The City has been engaged in a comprehensive effort to respond to the COVID-19 emergency and associated economic contraction, including multiple initiatives to support community health and safety and assist local distressed business. To take one example, in order to support resumption of business and economic activity while complying with health orders, the City has relied on its emergency powers to temporarily close certain streets to vehicular traffic and waive Code requirements that would otherwise restrict outdoor dining and retail activity. We

anticipate further emergency actions will be needed as the pandemic and economic fallout continue to evolve.

**Discussion:**

State and County health orders restricting activities of businesses and the public remain in place at this time. While revisions are expected, health officials have advised that some restrictions and precautions are likely to remain in place for some time, and that there will be an ongoing need for significant public health activities including testing, tracing, isolation, and treatment.

The staff recommendation to continue the local proclamation of emergency reflects the continued volatility of the current public health emergency and uncertainty of issues to come. At this time, the City uses the state of emergency to address several continuing special needs for support to the community. This includes a moratorium on residential evictions and the requirement of face coverings away from home. The authority also allows for operational changes necessary through this timeframe including City staff reassignments and deployments as disaster service workers. To support the recovery of business and economic activity, the City references the Local Emergency in temporary business support programs such as street closures and the waiver of Code and Conditional Use Permit requirements that would otherwise restrict outdoor dining and retail activity. These programs, services and activities, and others like them, will be needed for some time. The continued Proclamation allows us to change and modify services in response to these continuing community needs. Throughout the extended emergency period, staff will exercise great restraint in the application of restrictions or actions that impact the public. For all the reasons stated, staff recommends that the Council adopt the attached Resolution continuing the Proclamation of Local Emergency.

Council can terminate the Local Emergency at any time when the need is no longer present. Staff will continue to regularly update Council on the COVID-19 situation and the City's response. If not terminated earlier, staff will bring an item to Council in approximately 60 days to revisit the need for continuing the Local Emergency.

**Environmental Review:**

This action is exempt from environmental review by statute. See CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency.

**Attachments:**

Proclamation of Local Emergency, issued March 12, 2020  
Resolution Continuing the Proclamation of Local Emergency

**ATTACHMENTS:**

- Attachment A: Proclamation of Local Emergency Covid 19 (PDF)
- Attachment B: Resolution Continuing the Proclamation of Local Emergency (PDF)

Department Head: Molly Stump, City Attorney





**City of Palo Alto**

**Proclamation of Local Emergency**

**WHEREAS**, Sections 2.12.050 of the City of Palo Alto Municipal Code empowers the Director of Emergency Services (City Manager) or the Assistant Director of Emergency Services (Office of Emergency Services Chief) to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity and the City Council is not in session; and

**WHEREAS**, the Director of Emergency Services (City Manager) of the City of Palo Alto does hereby find that conditions of extreme peril to the safety of persons and property have arisen within the City, caused by a novel coronavirus, designated "COVID-19," which was detected in Wuhan City, Hubei Province, China, in December 2019, and has spread globally to more than 118 countries, areas or territories; and

**WHEREAS**, the World Health Organization has designated COVID-19 a Global Pandemic; and

**WHEREAS**, COVID-19 has infected more than 125,288 people and caused more than 4,614 deaths worldwide, including a total of 177 positive cases and three deaths in California, 48 confirmed infections and 1 death in Santa Clara County; and

**WHEREAS**, many cases in California and the Bay Area have been contracted through community transmission; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) and the Santa Clara County Public Health Department have urged local government, employers, organizations and individuals to take preventative actions to slow the spread of the virus and mitigate its effects, including observing good personal hygiene practices, social distancing, cancelling unnecessary travel and large gatherings, and working from home where possible; and

**WHEREAS**, the City of Palo Alto has implemented daily communication to inform residents and connect them with County Public Health and the CDC guidance; urged residents to practice good personal hygiene and social distancing; cancelled or postponed large events; encouraged remote work where possible; and modified non-essential services to protect employees and the public, while maintaining City services; and

**WHEREAS**, these conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

**WHEREAS**, the City Council of the City of Palo Alto is not in session and cannot immediately be called into session;

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** that a local emergency now exists throughout the City of Palo Alto; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of said local emergency the powers, functions, and duties of the emergency organization of the City shall be those prescribed by state law and by ordinances and resolutions of this City; and that this emergency proclamation shall expire in 7 days after issuance unless confirmed and ratified by the governing body of the City of Palo Alto.

Dated: 3/12/2020

By:  F2DCA19CCC8D4F9...

Edward Shikada  
City Manager  
Director of Emergency Services

### Certificate Of Completion

Envelope Id: E3A02FD500E14DBD8E86E0E1BC4BF68E	Status: Completed
Subject: Please DocuSign: Emergency Proc covid 19.pdf	
Source Envelope:	
Document Pages: 2	Signatures: 1
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Judy Ng
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	250 Hamilton Ave
	Palo Alto , CA 94301
	Judy.Ng@CityofPaloAlto.org
	IP Address: 199.33.32.254

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### Signer Events

Ed Shikada  
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Ed Shikada, City Manager  
City of Palo Alto  
Security Level: Email, Account Authentication (None)

### Signature

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Meghan Horrigan-Taylor  
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Chief Communications Officer  
City of Palo Alto  
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Kenneth Dueker  
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Carbon Copy Events	Status	Timestamp
Molly Stump Molly.Stump@CityofPaloAlto.org City Attorney City of Palo Alto Security Level: Email, Account Authentication (None)	COPIED	Sent: 3/12/2020 2:37:48 PM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	3/12/2020 2:37:48 PM
Completed	Security Checked	3/12/2020 2:37:48 PM

Payment Events	Status	Timestamps
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## NOT YET APPROVED

Resolution No. \_\_\_\_\_

A Resolution of the City of Palo Alto Re-Confirming and Continuing the Proclamation of Existence of a Local Emergency Due to COVID-19

### RECITALS

A. Sections 2.12.050 of Chapter 2.12 (Emergency Organization and Functions) of Title 2 (Administrative Code) of the Palo Alto Municipal Code empowers the Director of the Emergency Services (City Manager or Designee) to proclaim the existence or threatened existence of a local emergency if the Council of the City of Palo Alto (“City”) is not in session, and requires that the City Council shall take action to ratify the proclamation within seven (7) days thereafter; and

B. Under 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; and

C. The purpose of a local emergency proclamation is to provide extraordinary police powers, immunity for emergency actions, authorize issuance of orders and regulations, and activate pre-established emergency provisions; and

D. A local emergency proclamation is a prerequisite for requesting state or federal assistance; and

E. Conditions of extreme peril to the safety of persons and property have arisen within the City, based on the following:

1. A novel coronavirus, designated “COVID-19,” was detected in Wuhan City, Hubei Province, China, in December 2019, and has spread globally. The World Health Organization has designated COVID-19 a Global Pandemic.
2. COVID-19 is highly transmissible from person to person and can cause serious illness and death. It has infected millions of people and caused hundreds of thousands of deaths worldwide, including many confirmed cases and deaths in California and in Santa Clara County.
3. The Centers for Disease Control and Prevention (CDC), State of California and Santa Clara County Public Health Department have issued numerous orders to limit the spread of COVID-19 including advising or requiring social distancing and the wearing of face coverings, and limiting and regulating business and other activities.
4. The efforts required to prepare for, respond to, mitigate, and recover from the emergency conditions caused by COVID-19 have imposed and will continue to impose extraordinary requirements and expenses on the City, which are or are

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likely to be beyond the control of the services, personnel, equipment and facilities of the City.

F. The City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate, and continue to warrant and necessitate, the proclamation of the existence of a local emergency in the City; and

G. California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the proclamation of a local emergency the City may seek financial assistance and may request reimbursement of the significant expenses incurred during response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation; and

H. On March 12, 2020, the Director of Emergency Services issued a proclamation, attached hereto, declaring the existence of a local emergency within the City, which was ratified by the City Council on March 16, 2020, and continued on May 11, 2020; and

I. The associated emergency conditions are on-going and the emergency should not be terminated at this time;

NOW, THEREFORE, the Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. The Proclamation of Existence of a Local Emergency, attached hereto, as initially issued by the Director of Emergency Services on March 12, 2020, and thereafter ratified, confirmed and continued, is hereby re-confirmed and continued.

SECTION 2. The City Council has reviewed the need for continuing the declaration of local emergency and finds based on substantial evidence that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.

SECTION 3. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Palo Alto.

SECTION 4. The Director of the Office 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.

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NOT YET APPROVED

SECTION 5. The Council finds that the adoption of this resolution is statutorily exempt from environmental review under the California Environmental Quality Act Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Emergency Operations

\_\_\_\_\_  
Director of Administrative Services