



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Adopt a Resolution Ratifying the City Manager's Proclamation of a Local Health Emergency in Response to the 2019 Novel Coronavirus

BACKGROUND

An outbreak of pneumonia in Wuhan, China was reported to the World Health Organization (WHO) on December 31, 2019. An illness caused by a novel coronavirus called COVID-19 was soon identified as the cause. 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 Centers for Disease Control and Prevention (CDC) believes that symptoms appear two to fourteen days after exposure. There is currently no vaccine to prevent COVID-19.

CDC response guidance requires extraordinary efforts to manage ongoing COVID-19 risk, including limiting public gatherings. In the United States, there are nearly 1,000 cases across 38 states, including 29 deaths. In Santa Clara County, there are 48 confirmed cases and one death. Due to the number of confirmed cases of COVID-19, Governor Gavin Newsom declared a state of emergency in the State of California on March 4 and the County of Santa Clara declared a local state of emergency on March 5. As of March 11, the WHO publicly characterized COVID-19 as a global pandemic with cases detected in more than 100 locations internationally.

EXISTING POLICY

Council Policy 2.4.1, Policy 1 - Emergency Planning and Coordination: Provide an integrated approach to planning and management for emergencies and disasters.

Sunnyvale Municipal Code Chapter 2.16 Emergency Organization and Functions, which provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons. (Ord. 1792-75 § 1; prior code § 3-4.01).

Sunnyvale Municipal Code Section 2.08.190 (Emergency Procurements) - The city manager, the purchasing officer or a department head, or a designee of such individual, may make or authorize others to make emergency procurements, regardless of the cost, if there is an urgent necessity to do so for the preservation of life, health or property. Such emergency procurements shall be made with such competition as is practical under the circumstances and shall be limited to those goods and services necessary to satisfy the emergency need. In such circumstances, the purchasing officer or department head shall provide a written report of the procurement to the city manager, including a description of the emergency and the basis for selection of the particular contractor; and a copy of this report shall be included in the procurement records maintained by the purchasing officer. In the event that such emergency action is necessary and the procurement cost is greater than one

hundred thousand dollars in any one transaction, the city manager shall make a full and complete report to the city council at its next regularly scheduled meeting.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15320, 15378 and 15061 (b)(3) as it is an organizational structure change and does not have the potential to result in either a direct or reasonable foreseeable indirect physical change in the environment.

DISCUSSION

On March 12, City Manager Kent Steffens declared a local health emergency pursuant to the authority granted to him as the Emergency Services Director in Sunnyvale Municipal Code Chapter 2.16 (Emergency Organization and Functions) and applicable state law. The City further activated the City’s Emergency Operations Center (EOC) at level one, recognizing COVID-19 as an imminent and proximate threat in the City of Sunnyvale.

The health, safety and welfare of Sunnyvale residents, businesses, visitors and staff is of utmost importance to the City and extraordinary measures are likely needed to protect the public health of persons within the City as a result of this pandemic. These measures may be beyond the control or capability of the services, personnel, equipment, and facilities of the City. Declaring a local health emergency empowers the City to more effectively respond to COVID-19, reallocate resources to staff the EOC, coordinate with partner agencies, seek and utilize mutual aid, and pursue potential federal and state reimbursement for costs related to response efforts.

For the City Manager’s emergency declaration to remain in effect longer than seven days, the City Council must ratify it. Staff recommends City Council adopt the attached resolution ratifying the City Manager’s declaration of a local health emergency in response to COVID-19 and review the need for continuing the local health emergency at least every 30 days until the local health emergency is terminated. If the Council does not confirm the emergency declaration, it will expire. Without a valid declaration, the City will continue to follow and be guided by the actions and recommendations of the Santa Clara County Public Health Department. However, the City may be ineligible for any applicable reimbursements for its response costs.

FISCAL IMPACT

The City maintains contingency reserves, set by Council Policy, across all major funds for emergencies. In the General Fund, the reserve is 15% of operations and totals \$25.6 million. The City’s utility enterprises maintain contingency reserves of 25% of operations for water and wastewater, and 10% of operations for solid waste management. These reserves total \$19.3 million. In addition, each major fund carries stabilization reserves to absorb the effect of economic cycles and unexpected expenses. These reserves are available; however a Budget Modification would be required to appropriate the funding. Additionally, the Sunnyvale Municipal Code gives the City Manager, Purchasing Officer, and Department Directors broad authority for purchases in emergencies, essentially suspending regular procurement rules. If a transaction exceeds \$100,000, staff will return to Council with a full and complete report of the procurement.

The future costs of responding to COVID-19 are unknown at this time due to evolving conditions. With the State of California declaration of a health emergency, local COVID-19 response efforts may be eligible for state or federal reimbursement, although the details of potential

reimbursement are unknown at this point. All expenditures associated with the COVID-19 response will be recorded and tracked in the General Fund. Staff will return to Council within the fiscal year to appropriate funding (including identifying a reserve funding source) once a clear picture is established of the costs.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Adopt a Resolution Confirming the City Manager/Director of Emergency Services' Proclamation of Existence of a Local Emergency (COVID-19).
2. Do not ratify the City Manager's proclamation of a local emergency.

STAFF RECOMMENDATION

Alternative 1: Adopt a Resolution Confirming the City Manager/Director of Emergency Services' Proclamation of Existence of a Local Emergency (COVID-19).

Prepared by: Jaqui Guzmán, Deputy City Manager

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Draft Resolution (with City Manager's Proclamation attached as Exhibit A)