CITY OF ALAMEDA ORDINANCE NO._____
New Series

AN URGENCY UNCODIFIED ORDINANCE (A) DECLARING THE EXISTENCE OF A LOCAL EMERGENCY IN RESPONSE TO THE COVID-19 PANDEMIC, AND (B) DIRECTING CITY STAFF TO RESPOND EXPEDITIOUSLY TO SUCH LOCAL EMERGENCY

WHEREAS, the Alameda Municipal Code (AMC) Chapter 2-24 defines a local emergency as "the actual or threaten existence of conditions of disaster or of extreme peril to the safety of persons and property within the jurisdiction"; and

WHEREAS, Government Code Section 8630 allows the City to declare a local emergency pursuant to an ordinance; and

WHEREAS, Section 3-12 of the City Charter authorizes the City Council, with a 4/5 vote, to adopt, as an urgency measure, an ordinance for the immediate preservation of the public health or safety without following the procedures otherwise required prior to adoption of an ordinance; and

WHEREAS, Government Code Section 36937 allows a city, including a charter city, to adopt an urgency ordinance to take effect immediately upon its adoption for the preservation of the public peace, health or safety upon a finding of facts constituting the urgency thereof; and

WHEREAS, conditions of extreme peril to the health, safety and welfare of persons have arisen in the world, the nation, the State, the County of Alameda and the City of Alameda due to the following:

A novel coronavirus (named COVID-19 by the World Health Organization) was first detected in December 2019. The Center 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 throughout the world, the United States, the State of California, the County of Alameda and the City of Alameda.

The exact modes of transmission of COVID-19, 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 CDC believes, at this time, the symptoms appear two to fourteen days after exposure. Currently, there are no vaccine or specific anti-viral treatment for COVID-19.

Actions are being taken to protect public health and limit the spread of COVID-19 but the whether those actions will be successful is unknown at this time.

Due to COVID-19, the President of the United States has declared a national emergency, the Governor of the State of California has declared a State of Emergency for

the State and for all the Counties in the State, and the City Council of the City of Alameda has declared a local emergency; and

WHEREAS, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable; and

WHEREAS, widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This ordinance necessary to slow the rate of spread and City Council will re-evaluate the required response measures as further data becomes available; and

WHEREAS, for reasons set forth above, this ordinance is declared by the City Council to be necessary for preserving the public welfare, health, or safety and to avoid a current, immediate and direct threat to the health, safety, or welfare of the community, and the recitals above taken together constitute the City Council's statements of the reasons constituting such necessity and urgency; and

WHEREAS, adoption of this ordinance is exempt from review under the California Environmental Quality Act: Section 15378 (not a project); and Section 15061(b)(3) (no significant environmental impact); and

WHEREAS, by the staff report, testimony, and documentary evidence presented at the March 17, 2020 City Council meeting, the City Council has been provided with additional information upon which the findings and actions set forth in this ordinance are based; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA does ordain as follows:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this ordinance.

SECTION 2. The City Council declares, as of the effective date of this urgency ordinance that a local emergency exists in the City of Alameda as a result of the COVID-19 pandemic.

SECTION 3. In response to this local emergency, from the effective date of this urgency ordinance and continuing until April 7, 2020, unless extended, the following measures are adopted:

1. The City Manager may evaluate the need for public meetings of the City Council and Boards and Commissions;
2. All public events hosted by the City of Alameda at City facilities are cancelled until April 7, 2020;
3. Non-essential activities, programs and classes held at the City's facilities are closed/cancelled until April 7, 2020;
4. The City Manager may evaluate and amend leases, licenses and other occupancy agreements applicable to City-owned residential and commercial properties in order to provide financial concessions to the tenants under such agreements for the months of April, May, and June (March rent is already paid);
5. The requirement in City labor agreements that employees may only use sick leave in the event of actual sickness or disability or medical appointments of the employee or family member is waived and employees may use sick leave to cover time away from work when an employee is unable to be at work due to the closure of their child's school or day care;
6. The rule in City labor agreements that limits the amount of sick leave an employee can use to care for a family member in a calendar year to half their annual accruals is waived;
7. All full and part-time employees will be provided with three weeks of paid administrative leave based on their scheduled workweek. For example, an employee working four-nine hour days per week would receive 36 hours of paid administrative leave for a total of 108 hours. For part-time employees who work a varied work schedule, the number of hours would be based on an average of hours, per week, worked in the past 12 months. The three weeks of administrative leave is available to employees who are unable to report to work because of office closures, lack of childcare, illness or quarantine of themselves or a family member or lack of work. Employees working a modified schedule will also be able to use this time to supplement any unassigned work-time. Employees will need to track the time they work from home. Any time preapproved to work~~ed~~ from home will be considered work-time and not deducted from their administrative leave bank. Any unused administrative leave time remaining once restrictions related to COVID-19 are lifted (as determined by the City Manager) at the end of the shelter in place period will be moved to an administrative leave bank for the employee to use in the next two years. This time would not have any cash-value and would not be eligible to be cashed out at termination. The amount of administrative leave granted may be increased with approval of the City Council if the County shelter-in-place directive is extended. The City Manager and City Attorney may adopt additional regulations to implement this administrative leave benefit; and

8. The City Manager will continue to review City services and take action for affected employees, including but not limited to redeployment to other locations, permitting remote and/or flexible work schedules.

SECTION 4: The City Manager is authorized to extend the expiration date of this ordinance so long as the State of California remains in a declared a State of Emergency relating to the COVID-19 pandemic and the City Council is unable to timely meet.

SECTION 5: This ordinance is enacted pursuant to the City of Alameda's general police powers, Alameda Municipal Code Chapter 2-24, Section 3-12 of the Charter of the City of Alameda, Article XI of the California Constitution, and Government Code Sections 36937 and 8630.

SECTION 6. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

SECTION 7. As an emergency ordinance, this ordinance becomes effective immediately upon its adoption at a first reading by a four-fifths vote of the City Council.

_____
Presiding Officer of the City Council

Attest:

_____
Lara Weisiger, City Clerk

* * * * *

I certify that the foregoing Ordinance was passed and adopted by the City Council of the City of Alameda at a regular meeting thereof held on March 17, 2020 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18th day of March 2020.

_____
Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

_____
Yibin Shen, City Attorney
City of Alameda