

CITY OF ALAMEDA ORDINANCE NO. ____
New Series

AN URGENCY UNCODIFIED ORDINANCE (A) EXTENDING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY TO RESPOND TO THE COVID-19 PANDEMIC FOR THE DURATION OF THE STATE OF CALIFORNIA'S EMERGENCY DECLARATION (B) AUTHORIZING THE CITY MANAGER TO FOREGO THE COMPETITIVE BID PROCESS SUBJECT TO RATIFICATION BY THE CITY COUNCIL CONSISTENT WITH CITY CHARTER SECTION 3-15.2 FOR THE DURATION OF THE LOCAL EMERGENCY AND (c) APPROVING THE CITY MANAGER'S SPENDING AUTHORITY (UP TO TWO MILLION DOLLARS) TO ADDRESS THE LOCAL EMERGENCY

WHEREAS, the Alameda Municipal Code, Chapter 2-24, defines a local emergency as "the actual or threatened 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 empowers the City Council to proclaim a local emergency by ordinance when the City of Alameda is affected by a public calamity and/or a serious threat to the public health, safety and welfare; 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 peace, health or safety upon a finding of facts constituting the urgency thereof; and

WHEREAS, Section 3-15.2 of the City Charter authorizes the City Manager to forego the competitive bidding process, subject to City Council ratification, for the duration of the local emergency; and

WHEREAS, the City Manager has requested that he be authorized to spend up to two million dollars to address local and operational needs arising out of the COVID-19 local emergency; and

WHEREAS, on March 17, 2020, the City Council made findings that due to the COVID-19 pandemic, conditions of extreme peril to the health, safety and welfare of persons have arisen in the City of Alameda and, based thereon, adopted an urgency ordinance (Ordinance No. 3267) declaring that a local emergency exists in the City of Alameda as a result of the COVID-19 pandemic; and

WHEREAS, Ordinance No. 3267 adopted various measures in response to the local emergency; and

WHEREAS, Ordinance No. 3267 is in effect only until April 7, 2020, unless extended; and

WHEREAS, the Governor of the State of California, due to the COVID-19 pandemic, has declared a State of Emergency that is expected to continue beyond April 7, 2020; and

WHEREAS, for the reasons set forth in detail in Ordinance No. 3267, which reasons are incorporated herein by reference, there remains within the City of Alameda conditions of extreme peril to the health, safety and welfare to persons and the local emergency continues to exist by reason of the COVID-19 pandemic; and

WHEREAS, for the reasons expressed above and the reasons expressed in Ordinance No. 3267, this ordinance is declared by the City Council to be necessary for preserving the public health, safety and welfare and to avoid a current, immediate and direct threat to the health, safety and welfare of the community, and recitals above and the recitals in Ordinance No. 3267, taken together, constitute the City Council's statement of reasons constituting such necessity and urgency; and

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

WHEREAS, by the agenda reports, comments, and documentary evidence presented at the March 17, 2020 and April 7, 2020 meetings, the City Council has been provided with additional information upon which the findings and actions set forth in this ordinance are based.

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

Section 1. The City Council finds and determines that 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 continues to exist in the City of Alameda as a result of the COVID-19 pandemic and that this declaration of local emergency shall continue until the State's declaration of emergency is rescinded, or sooner should it be appropriate to lift the local emergency declaration prior to State action.

Section 3. The measures that were adopted in Section 3 of Ordinance 3267 are incorporated herein by reference, are adopted, and are to continue in full force and effect until the State's declaration of emergency is rescinded.

Section 4. As provided by Section 3-15.2 of the City Charter, the City Manager is authorized to forego the competitive bidding process, subject to City Council ratification, for the duration of the local emergency.

Section 5. The City Manager is authorized to spend up to two million dollars to address local and operational impacts arising out of the COVID-19 local emergency.

Section 6. 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, section 36937 and 8630.

Section 7. 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 or phrase, regardless that any one or more sections, subsections, sentences, clauses or phrases are found invalid.

Section 8. As an urgency 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

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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 this 7th day of April 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 8th day of April, 2020.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM

Yibin Shen, City Attorney
City of Alameda