

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Friday, March 20, 2020

4:00 PM

VIA TELECONFERENCE - CITY COUNCIL CHAMBERS

SPECIAL CITY COUNCIL MEETING (not televised) - Audio of the meeting will be available on the City Website.

City Council

Mayor Roland Esquivias
Vice Mayor Chris Kelley
Council Member Dan Romero
Council Member Dion Bailey
Council Member Gerard Boulanger

David Biggs, City Manager
Patrick Tang, City Attorney
Lori Martin, City Clerk

To view webcast of meetings, live or on demand, go to the City's website at www.ci.hercules.ca.us

I. SPECIAL MEETING - 4:00 P.M.

PURSUANT TO EXECUTIVE ORDER N-25-20, TELECONFERENCING RESTRICTIONS OF THE BROWN ACT HAVE BEEN SUSPENDED.

CALL TO ORDER - ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

II. PUBLIC COMMUNICATION

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed as follows:

Public comment will be accepted by email to lmartin@ci.hercules.ca.us during the meeting, prior to the close of public comment on an item, and read into the record during public comment.

Individuals wishing to address the City Council are asked to provide the following information: 1. Subject Line to contain the words "PUBLIC COMMENTS". 2. Name, address and contact information of person providing comments. 3. General Topic or agenda item you wish to comment on. All public comments are allowed up to 3 minutes to relay their message or concern. All public comments are recorded and become part of the public record. A limit of 30 minutes will be devoted to taking public comment at this point in the agenda. If any speakers remain at the conclusion of the initial 30 minute period, time will be reserved at the conclusion of the meeting to take the remaining comments.

III. DISCUSSION AND/OR ACTION ITEMS

1. [20-201](#) **Resolution Ratifying Local Declaration of Emergency**
Recommendation: Adopt a Resolution confirming the City Manager/Director of Emergency Services' Proclamation of Existence of a Local Emergency.

Attachments: [Staff Report - Ratifying Emergency Declaration 03242020](#)
[Attach 1 - Resolution - Ratifying Emergency Declaration](#)
[Attach 2 - declaration of local emergency 03152020](#)
[Attach 3 - HMC 3-1.06](#)

IV. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, March 24, 2020 at 7:00 p.m. in the Council Chambers.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at www.ci.hercules.ca.us and can receive e-mail notification of agenda and staff report postings by signing up to receive an enotice from the City's homepage. Agendas and staff reports may also be obtained by contacting the Administrative Services Department at (510) 799-8215.

(Posted: March 19, 2020)

**THE HERCULES CITY COUNCIL ADHERES TO THE FOLLOWING POLICIES,
PROCEDURES AND REGULATIONS REGARDING CITY COUNCIL MEETINGS**

1. SPECIAL ACCOMODATIONS: In compliance with the Americans with Disabilities Act, if you require special accommodations to participate at a City Council meeting, please contact the City Clerk at 510-799-8215 at least 48 hours prior to the meeting.
2. AGENDA ITEMS: Persons wishing to add an item to an agenda must submit the final written documentation 12 calendar days prior to the meeting. The City retains the discretion whether to add items to the agenda. Persons wishing to address the City Council otherwise may make comments during the Public Communication period of the meeting.
3. AGENDA POSTING: Agendas of regular City Council meetings are posted at least 72 hours prior to the meeting at City Hall, the Hercules Swim Center, Ohlone Child Care Center, Hercules Post Office, and on the City's website (www.ci.hercules.ca.us),
4. PUBLIC COMMUNICATION: Persons who wish to address the City Council should complete the speaker form prior to the Council's consideration of the item on the agenda.

Anyone who wishes to address the Council on a topic that is not on the agenda and is relevant to the Council should complete the speaker form prior to the start of the meeting. Speakers will be called upon during the Public Communication portion of the meeting. In accordance with the Brown Act, the City Council may not take action on items not listed on the agenda. The Council may refer to staff any matters brought before them at this time and those matters may be placed on a future agenda.

In the interests of conducting an orderly and efficient meeting, speakers will be limited to three (3) minutes. Anyone may also submit written comments at any time before or during the meeting.

5. CONSENT CALENDAR: All matters listed under Consent Calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council or a member of the public prior to the time the City Council votes on the motion to adopt.
6. LEGAL CHALLENGES: If you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered at, or prior to, the meeting. Actions challenging City Council decisions shall be subject to the time limitations contained in Code of Civil Procedure Section 1094.6.



STAFF REPORT TO THE CITY COUNCIL

DATE: Special Meeting of March 20, 2020

TO: Members of the City Council

SUBMITTED BY: David Biggs, City Manager

SUBJECT: Resolution Ratifying Local Declaration of Emergency

RECOMMENDED ACTION: Adopt a Resolution of the City Council of the City of Hercules confirming the City Manager/Director of Emergency Services' Proclamation of Existence of a Local Emergency

FISCAL IMPACT OF RECOMMENDATION: The ratifying of the City Manager/Director of Emergency Services Declaration dated March 15, 2020 (Attachment 2), will ensure that the local state of emergency remains in effect and may allow the City to recover expenses associated from responding to the Emergency, and it also allows for expedited purchasing and acquisition of necessary supplies and services.

DISCUSSION: The United States is responding to a pandemic event with coronavirus disease 2019 (COVID-19) and the President has declared a National State of Emergency. Given orders and pronouncements from the State, County, and others, the City Manager/Director of Emergency Services issued a Declaration of Local Emergency on Sunday, March 15, 2020. This Declaration is provided for in Section 3-1.06 (1) of the Hercules Municipal Code which empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session.

The Municipal Code provides that the City Manager/Director of Emergency Services Declaration should be ratified by the City Council. This item has been prepared to provide for the required ratification of the Local Emergency Declaration.

ATTACHMENTS:

1. Resolution
2. Declaration of Local Emergency dated March 15, 2020
3. HMC Section 3-1.06

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES CONFIRMING THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY DUE TO INTRODUCTION OF CORONAVIRUS DISEASE 2019 (COVID-19) IN CONTRA COSTA COUNTY

WHEREAS, Section 3-106(1) of the Hercules Municipal Code empowers the Director of Emergency Services/City Manager to proclaim a local emergency if the City Council is not in session and requires that the City Council shall take action to ratify the proclamation within seven days thereafter; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City of Hercules due to the introduction of coronavirus disease 2019 (COVID-19), commencing on or about March 3, 2020 at which time the City Council of the City of Hercules was not in session; and

WHEREAS, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency in the vicinity of the City of Hercules; and

WHEREAS, the City Manager acting as the Director of Emergency Services did proclaim the existence of a local emergency within the City on the 15th day of March, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules that the Proclamation of Existence of a Local Emergency, as issued by the Director of Emergency Services/City Manager, is hereby ratified and confirmed.

BE IT FURTHER RESOLVED that the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Hercules.

The foregoing Resolution was duly and regularly adopted at a special meeting of the City Council of the City of Hercules held on the 20th day of March, 2020 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Roland Esquivias, Mayor

ATTEST:

Lori Martin, MMC
Administrative Services Director &
City Clerk

PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, section 3-1.06 (1) of the Hercules Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the City Manager, as Director of Emergency Services of the City of Hercules, does hereby find that:

1. Conditions of extreme peril to the safety of persons and property have arisen within the City of Hercules, due to the introduction of coronavirus disease 2019 (COVID-19), commencing on or about March 3, 2020; and
2. That the City Council of the City of Hercules 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; and

BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, ordinances, and resolutions of this City, and by the City of Hercules Emergency Plan.



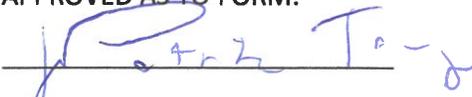
David Biggs, City Manager

Director of Emergency Services



Date and Time

APPROVED AS TO FORM:



Patrick Tang

City Attorney

HERCULES MUNICIPAL CODE SECTION 3-1.06

Sec. 3-1.06 Powers and Duties of the Director and Assistant Director of Emergency Services.



(a) The Director is hereby empowered to:

(1) Request the City Council to proclaim the existence or threatened existence of a “local emergency” if the City Council is in session or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.

(2) Request the Governor to proclaim a “state of emergency” when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.

(3) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this Chapter.

(4) Direct cooperation between the coordination of services and staff of the emergency organization of this City; and resolve questions of authority and responsibility that may arise between them.

(5) Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(6) In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the Director of the State Office of Emergency Services, or the existence of a “state of war emergency,” the Director is hereby empowered:

A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

B. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;

C. To require emergency services of any City officer or employee and, in the event of the proclamation of a “state of emergency” in the county in which this City is located or the

existence of a "state of war emergency," to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

D. To requisition necessary personnel or material of any City department or agency; and

E. To execute all of the special powers conferred upon him by this Chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

(b) The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his' duties during an emergency. Such order of succession shall be approved by the City Council.

(c) The Assistant Director shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this City; and shall have such other powers and duties as may be assigned by the Director.