

**AGENDA – SPECIAL MEETING
OF THE CITY COUNCIL
OF THE CITY OF BELVEDERE
MARCH 19, 2020, 1:30 PM
COUNCIL CHAMBERS
450 SAN RAFAEL AVENUE, BELVEDERE, CALIFORNIA**

CORONAVIRUS (COVID-19) ADVISORY NOTICE

On March 16, 2020 the Marin County Public Health Officer issued a legal order directing all residents to shelter at home for three weeks beginning March 17. This order requires residents to self-isolate in their places of residence to the maximum extent feasible except to perform essential activities. Additional information is available at <https://coronavirus.marinhhs.org/>.

This meeting is necessary so that the City of Belvedere can continue its business and is considered an essential activity.

Pursuant to Governor Newsom’s Executive Order 25-20, members of the Belvedere City Council may participate in this meeting via teleconference. In the interest of reducing the spread of COVID-19 and consistent with Marin County’s shelter in place order, **the City urges members of the public not to attend this meeting in person.** In order to maximize public safety while maintaining transparency, members of the public can attend the meeting by Skype using the following link;

<https://join.skype.com/MG80X2GzmqEw>

To submit a comment in writing, please email ccook@cityofbelvedere.org and write “Public Comment” in the subject line. Comments submitted one hour prior to the commencement of the meeting will be presented to the City Council and included in the public record for the meeting. Those received after this time will be added to the record and shared with City Councilmembers after the meeting.

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1. 1:30 Commencement of Meeting.
 2. [City Council consideration of Resolution Ratifying Proclamation of Local Emergency due to COVID-19, and appointment of Assistant Director of Emergency Services as Public Works Manager Robert Zadnik.](#)
 3. Adjournment.

NOTICE: WHERE TO VIEW AGENDA MATERIALS

Staff reports and other materials distributed to the City Council are available for public inspection at the following locations:

- Online at www.cityofbelvedere.org/archive.aspx
- Belvedere City Hall, 450 San Rafael Avenue, Belvedere.

(Materials distributed to the City Council after the Thursday before the meeting are available for public inspection at this location only.)

- Belvedere-Tiburon Library, 1501 Tiburon Boulevard, Tiburon.

To request automatic mailing of agenda materials, please contact the City Clerk at 415-435-3838.

NOTICE: AMERICANS WITH DISABILITIES ACT

The following accommodations will be provided, upon request, to persons with a disability: agendas and/or agenda packet materials in alternate formats and special assistance needed to attend or participate in this meeting. Please make your request at the Office of the City Clerk or by calling 415-435-3838. Whenever possible, please make your request four working days in advance.

**BELVEDERE CITY COUNCIL
SPECIAL MEETING**

March 19, 2020

To: Mayor and City Council

From: Craig Middleton, City Manager

Reviewed: Emily Longfellow, City Attorney

Subject: Consideration of Resolution Ratifying Proclamation of Local Emergency due to COVID-19 and Appointment of Assistant Director of Emergency Services, Public Works Director Robert Zadnik

Recommended Motion

1. Adopt Resolution Ratifying Proclamation of Local Emergency due to COVID-19 and Appointment of Assistant Director of Emergency Services, Public Works Director Robert Zadnik.

Discussion

In December 2019 reports began spreading of a flu-like illness first reported in China that was significantly more deadly than the seasonal flu, with the virus becoming known as the novel coronavirus, or “COVID-19.” From January 2020 to today, COVID-19 continues to spread at an exponential rate throughout the world with over 200,000 confirmed cases and thousands of deaths.

Numerous governmental orders and declarations have been issued to limit the threat of COVID-19.

On March 4, 2020 California Governor Gavin Newsom declared a State of Emergency due to the spread of COVID-19.

On March 10, 2020 the Marin County Board of Supervisors ratified a declaration of local health emergency and a declaration of local emergency due to the threat of COVID-19 in the County.

On March 11, 2020 the World Health Organization declared COVID-19 a global pandemic.

On March 13, 2020 the President of the United States issued an emergency declaration relating to the spread of COVID-19 within the United States.

On March 14, 2020 the Marin County Department of Health and Human Services confirmed that community spread of COVID-19 is occurring within the county.

On March 16, 2020, several Bay Area counties, including the County of Marin, issued a Shelter in Place Order (“County Order”) directing all individuals to shelter at their place of residence except to perform “Essential Activities.” Pursuant to the County

Order, failure to comply constitutes an imminent threat to public health, and is a misdemeanor punishable by a fine, imprisonment, or both. The County Order directs that the interpretation should effectuate the intent that individuals self-isolate at their place of residence.

On March 16, 2020, pursuant to Belvedere Municipal Code chapter 2.32, City Manager Craig Middleton issued a Proclamation of Local Emergency with respect to COVID-19. The City's Emergency Proclamation must be ratified by the City Council within seven days of issuance or else it lapses.

The City Manager is designated as the City's Director of Emergency Services and is empowered with broad authority to take necessary actions that protect the public health, including the authority to make and issue any rules and regulations on matters related to the protection of life and property as affected by such emergency. (Bel. Mun. Code, 2.32.030(A); 2.32.040(A)(6).) The Code also provides for the appointment of an Assistant Director of Emergency Services. (Bel. Mun. Code, 2.32.030(B).)

Ratification of the Emergency Proclamation will allow the City to become eligible to receive state and federal reimbursement for costs associated with the emergency, should those funds become available.

Staff recommends that the City Council ratify the Proclamation of Local Emergency and appointment of the Assistant Director of Emergency Services, Robert Zadnik, Public Works Director.

Environmental Review

The subject Resolution is not a "project" under the California Environmental Quality Act and is therefore not subject to environmental review.

Recommendation

1. Adopt Resolution Ratifying Proclamation of Local Emergency due to COVID-19 and Appointment of Assistant Director of Emergency Services, Public Works Director Robert Zadnik.

Attachments

Proclamation of Local Emergency
Proposed Resolution

**PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY
CITY OF BELVEDERE**

WHEREAS, the California Emergency Services Act (Gov. Code, §§ 8630, 8550, *et seq.*) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of activity, caused by conditions such as epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Section 2.32.020 of the Municipal Code of the City of Belvedere (“City”) defines emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Section 2.32.030(A) of the Belvedere Municipal Code designates the City Manager as the City’s Director of Emergency Services; and

WHEREAS, Section 2.32.040(A)(2) of the Belvedere Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as said proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, in December 2019 reports began spreading of a flu-like illness first reported in China that was significantly more deadly than the seasonal flu, with the virus becoming known as the novel coronavirus, or “COVID-19”; and

WHEREAS, from January 2020 and continuing today, COVID-19 has spread throughout the world with over 150,000 confirmed cases and over 3,000 deaths; and

WHEREAS, on or about March 4, 2020 California Governor Gavin Newsom declared a State of Emergency due to the spread of COVID-19; and

WHEREAS, on March 10, 2020 the Marin County Board of Supervisors ratified a declaration of local health emergency and a declaration of local emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020 the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020 the President of the United States issued an emergency declaration relating to the spread of COVID-19 within the United States; and

WHEREAS, on March 14, 2020 the Marin County Department of Health and Human services confirmed that community spread of COVID-19 is occurring within the county; and

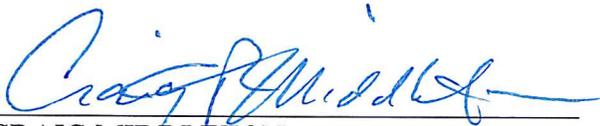
NOW, THEREFORE, the Director of Emergency Services finds and declares that:

- A. The United States Centers for Disease Control and Prevention (“CDC”) has determined that COVID-19 presents a serious public health threat requiring coordination among State and local jurisdictions to ensure public readiness for the public health threats of COVID-19 and to reduce community spread; and
- B. The State of California has found that COVID-19 presents a serious public health threat and has declared a state of emergency; and
- C. The County of Marin has found that COVID-19 constitutes a local emergency; and
- D. Pursuant to the California Emergency Services Act in Government Code section 8550 *et seq.*, including Section 8558(c), a local emergency exists because of the existence of conditions of disaster or of extreme peril to the safety of persons and property within the City caused by the above-mentioned conditions, which are likely to be beyond the control of the services, personnel, and facilities of the City, and require the combined forces of other political subdivisions to combat; and the proclamation of a local Emergency is necessary to enable the City and other local governmental entities to adequately plan, prepare, and position resources to effectively respond to the threat of COVID-19, and to warn City residents and visitors of the threat posed by COVID-19 and allow them sufficient time to prepare, plan, and take actions to reduce community spread; and
- E. In consequence of said conditions and pursuant to Government Code section 8630, and Belvedere Municipal Code section 2.23.040(A)(1) a local emergency now exists in the City of Belvedere; and
- F. At the time of this proclamation, the City Council is not in session.

NOW, THEREFORE, BE IT RESOLVED, a local emergency is hereby declared on March 16, 2020 within the City of Belvedere. During the local emergency, the powers and duties of the Director of Emergency Services and the Disaster Council of the City shall be defined as set forth in local, State, and Federal law; and

This proclamation shall be transmitted to the City Council within seven (7) days for ratification of this local emergency and shall continue until terminated by further declaration of the Director of Emergency Services or by resolution of the City Council.

SIGNED AND SUBSCRIBED on this 16th day of March, 2020.


CRAIG MIDDLETON
Director of Emergency Services, City of Belvedere

CITY OF BELVEDERE
RESOLUTION NO. 2020-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BELVEDERE RATIFYING PROCLAMATION OF LOCAL EMERGENCY
AND APPOINTMENT OF ASSISTANT DIRECTOR OF EMERGENCY
SERVICES**

WHEREAS, the California Emergency Services Act (Gov. Code, 8630, 8550, *et seq.*) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of activity, caused by conditions such as epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Section 2.32.020 of the Municipal Code of the City of Belvedere (“City”) defines emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Section 2.32.030 of the Belvedere Municipal Code designates the City Manager as the City’s Director of Emergency Services and authorizes the appointment of an Assistant Director of Emergency Services; and

WHEREAS, Section 2.32.040(A)(2) of the Belvedere Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as said proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, in December 2019 reports began spreading of a flu-like illness first reported in China that was significantly more deadly than the seasonal flu, with the virus becoming known as the novel coronavirus, or “COVID-19”; and

WHEREAS, from January 2020 and continuing today, COVID-19 has spread throughout the world with over 150,000 confirmed cases and over 3,000 deaths; and

WHEREAS, on or about March 4, 2020 California Governor Gavin Newsom declared a State of Emergency due to the spread of COVID-19; and

WHEREAS, on March 10, 2020 the Marin County Board of Supervisors ratified a declaration of local health emergency and a declaration of local emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020 the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020 the President of the United States issued an emergency declaration relating to the spread of COVID-19 within the United States; and

WHEREAS, based on the above-mentioned facts, the City Manager of the City of Belvedere issued a Proclamation of Local Emergency on March 16, 2020; and

NOW, THEREFORE, BE IT RESOLVED based on the findings stated above and incorporated herein, the City Council of the City of Belvedere hereby:

1. Ratifies the Proclamation of Local Emergency; and
2. Appoints Robert Zadnik, Public Works Director, as the Assistant Director of Emergency Services for Belvedere pursuant to Belvedere Municipal Code section 2.32.030; and
3. Said local emergency shall be deemed to continue to exist, and shall be reviewed at least once every 60 days until its termination if proclaimed by the City Council pursuant to Government Code section 8630; and
4. The Director of Emergency Services is authorized to take any action, and make all rules and regulations necessary, as authorized under the Belvedere Municipal Code, and state and federal law, consistent with this Resolution and in furtherance of its purposes.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Belvedere on, March 19, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Nancy Lemnitzer, Mayor

ATTEST:

Christina Cook, City Clerk