

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member \_\_\_\_\_

RESOLUTION ENDING THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, on March 17, 2020 the City Council of the City of Hayward adopted Resolution 20-036 proclaiming the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, on March 17, 2020 the City Council of the City of Hayward adopted Resolution 20-036 proclaiming that pursuant to Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, on March 17, 2020 the City Council of the City of Hayward adopted Resolution 20-036 proclaiming that Hayward Municipal Code section 3-2.12 provides that the City Manager, serving as the Director of Emergency Services, may request the City Council to proclaim the existence of a local emergency; and

WHEREAS, on March 17, 2020 the City Council of the City of Hayward adopted Resolution 20-036 proclaiming that under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, on March 17, 2020 the City Council of the City of Hayward adopted Resolution 20-036 proclaiming that the City Council did find that the City Council could not be convened at that time, and that these conditions did warrant and necessitate the proclamation of a local emergency.

WHEREAS on September 22, 2020 the City Council of the City of Hayward adopted Ordinance 20-16 proclaiming that the City Council did limit the per-order fees at 15 percent will achieve the public purpose of ensuring the continued operation of local restaurants and third-party platforms during the period of emergency; the 15 percent cap is based on the findings and experience of other California cities that have already adopted 15 percent fee ceilings as reasonable emergency regulations in collaboration with food delivery companies.

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on March 11, 2020 did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in the San Francisco Bay Area and Alameda County prompting the County to declare a local health emergency; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hayward that it is hereby proclaimed and ordered that on February 28, 2023 the Proclamation of Local Emergency, issued by the Director of Emergency Services, is hereby ended; and

BE IT FURTHER RESOLVED that after this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the Charter, ordinances, resolutions and approved plans of the City of Hayward.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
                  City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward