

**RESOLUTION NO. 6075-23**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY TERMINATING  
THE LOCAL EMERGENCY DUE TO COVID-19 EFFECTIVE FEBRUARY 28, 2023**

**WHEREAS,** Government Code Section 8630 and Union City Municipal Code Section 2.28.060 authorize the Director of Emergency Services to proclaim 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 if the City Council is not in session and provides that the City Council shall ratify the proclamation within seven days thereafter; and

**WHEREAS,** in accordance with Government Code Section 8630 and Union City Municipal Code Section 2.28.060, the Director of Emergency Services proclaimed the existence of a local emergency caused by the Novel Coronavirus (“COVID-19”), a respiratory disease that may result in serious illness or death that is easily transmissible from person to person, on March 16, 2020; and

**WHEREAS,** on March 16, 2020, the City Council ratified and confirmed the proclamation of the existence of a local emergency issued by the Director of Emergency Services; and

**WHEREAS,** the City Council adopted subsequent resolutions confirming the continued existence of the local emergency and, consistent with Government Code Section 8630, the City Council has periodically reviewed the need for continuing the local emergency at least every sixty (60) days and last reviewed the need for the local emergency on December 13, 2022; and

**WHEREAS,** on March 4, 2020, Governor Newsom declared a State of Emergency as a result of COVID-19; and

**WHEREAS,** while California continues to operate under a state of emergency, Governor Newsom has indicated that the California State of Emergency will expire on February 28, 2023; and

**WHEREAS,** on March 24, 2020, the City Council adopted Urgency Ordinance 877-20, enacting a temporary moratorium on evictions due to nonpayment of rent for residential and commercial tenants where failure to pay rent results from income loss resulting from COVID-19; and

**WHEREAS,** the City Council subsequently amended Urgency Ordinance 877-20 when it adopted Urgency Ordinance 879-20

**WHEREAS,** among other provisions, Urgency Ordinance 877-20, as amended, temporarily relieves the tenant of liability for unpaid rent, which the landlord may seek after the expiration of the eviction moratorium, and after expiration the tenant must repay past due rent in the amount of 25% after 120 days and 100% after 180 days; and

**WHEREAS,** Urgency Ordinance 877-20 remains in effect until the expiration of the local emergency proclamation or the Governor’s proclamation of a state of emergency, whichever is later; and

**WHEREAS,** on June 9, 2020, the City Council adopted Ordinance 878-20 authorizing the Zoning Administrator to issue temporary use permits and waive requirements of Title 18 of the Union City Municipal Code to facilitate business operations impacted by COVID-19, to remain in effect for the duration of the local emergency proclamation adopted by City Council; and

**WHEREAS**, one of the stated purposes of Ordinance No. 878-20 is to facilitate continued operation of existing businesses in compliance with applicable health orders; and

**WHEREAS**, COVID-19 vaccinations are now accessible to all; and

**WHEREAS**, within Alameda County 86.3% of residents are fully vaccinated and within Union City 84.5% of residents are fully vaccinated; and

**WHEREAS**, on June 25, 2022 , the Alameda County Health Officer lifted mask mandates, and mask mandates remain lifted for the eleven Bay Area counties; and

**WHEREAS**, Government Code 8630 provides that a local state of emergency shall expire at the earliest possible date that the conditions warrant; and

**WHEREAS**, based on current conditions and trend of COVID-19 data, the City Council desires to end the local emergency concurrent with the end of the California state of emergency; and

**WHEREAS**, to end the local emergency, advanced notice is necessary in order to provide ample time to continue to monitor conditions and to address temporary regulations tied to the local emergency.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Union City hereby declares that the local emergency declared by Resolution No. 5572-20 due to the COVID-19 pandemic shall terminate effective at 11:59 p.m. on February 28, 2023.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 24<sup>th</sup> day of January 2023, by the following vote:

AYES: Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None


APPROVED:

  
CAROL DUTRA-VERNACI  
Mayor

ATTESTED:

  
ANNA M. BROWN  
City Clerk

APPROVED AS TO FORM:

  
KRISTOPHER J. KOKOTAYLO  
City Attorney