



# Commission Staff Report

March 25, 2020

**COMMISSION MEETING DATE:** March 26, 2020

**SUBJECT:** Proclaiming the Existence of a Local Emergency Concerning the COVID-19 Virus, Authorizing the General Manager as the Director of Emergency Services to Coordinate Planning, Preparedness and Response Efforts Regarding COVID-19

**AGENDA CATEGORY:** Discussion/Action

<b>FROM:</b>	Randy S. Howard	<b>METHOD OF SELECTION:</b>
	General Manager	N/A
<b>Division:</b>	Executive Services	<i>If other, please describe:</i>
<b>Department:</b>	General Manager	

<b>IMPACTED MEMBERS:</b>		
All Members	<input checked="" type="checkbox"/>	
Alameda Municipal Power	<input type="checkbox"/>	
San Francisco Bay Area Rapid Transit	<input type="checkbox"/>	
City of Biggs	<input type="checkbox"/>	
City of Gridley	<input type="checkbox"/>	
City of Healdsburg	<input type="checkbox"/>	
City of Lodi	<input type="checkbox"/>	
City of Lompoc	<input type="checkbox"/>	
City of Palo Alto	<input type="checkbox"/>	
City of Redding	<input type="checkbox"/>	
City of Roseville	<input type="checkbox"/>	
City of Santa Clara	<input type="checkbox"/>	
City of Shasta Lake	<input type="checkbox"/>	
City of Ukiah	<input type="checkbox"/>	
Plumas-Sierra REC	<input type="checkbox"/>	
Port of Oakland	<input type="checkbox"/>	
Truckee Donner PUD	<input type="checkbox"/>	
Other	<input type="checkbox"/>	
<i>If other, please specify</i>		
_____		
_____		

## **RECOMMENDATION:**

Staff recommends the Northern California Power Agency (Agency) Commission adopt Resolution 20-30. Resolution 20-30 contains all of the following Commission actions to respond to the COVID-19 pandemic:

1. Recognizes the personal sacrifices and dedication of the Agency's employees who continue working to provide vital, essential electric service to the Agency's Members and customers during this global pandemic.
2. Declares that a State of Emergency exists in respect to COVID-19.
3. Authorizes during the existence of said State of Emergency, the General Manager to: 1) exercise the powers, functions and authority as the Director of Emergency Services including those prescribed by state law or by resolution of the Agency, and 2) take all other necessary actions to comply with existing and future emergency enacted federal legislation, executive orders, emergency enacted state legislation, directives of public health officials and similar laws, orders or directives so that the General Manager is hereby empowered to respond effectively to COVID-19.
4. Authorizes the General Manager to enter into such agreements with third persons as may be necessary to restore, repair, or maintain the essential electric services provided by the Agency.
5. Waives the provisions of NCPA Commission Resolution No. 13-79, limiting the purchasing authority of the General Manager to \$250,000 and increases that authority to 4 times the delegated authority, with respect to those purchases of goods and services necessary or required by the Agency during this State of Emergency.
6. Directs the General Manager to weekly, or more frequently as needed, following the approval of resolution through email or during a conference call of the Commission, provide updates, including but not limited to simultaneous updates: of 1) actions taken pursuant to the authority granted by this declaration of a State of Emergency, and 2) information relevant to the declared State of Emergency (including but not limited to, local government responses to COVID-19, and other aspects relevant to the declared emergency) from local, state and federal government officials, in order for Members of the Commission to stay apprised of emergency operations and the impact of the emergency within the Agency.
7. Declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, and/or property and finds, based on substantial evidence, that the emergency will not permit a delay resulting from competitive solicitation for bids, and that this action is necessary to respond to the emergency. Based thereon, it is delegated to the General Manager the authority to take such action as may be necessary regarding the repair or replacement of a public facility, including procuring the necessary equipment, services, and supplies without engaging in a competitive bid process.
8. Asserts pursuant to Government Code Section 3100 that all public employees are hereby declared to be disaster service workers (Essential Critical Infrastructure Workers)

subject to such disaster service activities as may be assigned to them by their superiors or by law.

9. Affirms pursuant to Executive Order, N-35-20, issued by Governor Gavin Newsom, and the Circular Letter from the California Public Employees' Retirement System (CalPERS), the work hour limitations for retired annuitants is suspended from the date of state of emergency was declared until the State of Emergency is lifted. Under the executive order, the 180-day break in service requirement under Government Code section 7522.56(f) is suspended for retired annuitants hired to ensure adequate staffing during the State of Emergency.
10. Authorizes the General Manager as needed to coordinate with the IBEW 1245, the Hydroelectric Employee Association and non-represented Agency staff to adjust work hours, work days, create temporary camps or lodging to isolate employees from the general population, expand the number of Agency employees or take any other action necessary to retain, restore, and maintain Agency operations to ensure the Agency can continue to provide essential electric service, and further and only if needed, direct Agency employees both represented and non-represented to report as Disaster Service Workers pursuant to California Government Code Section 3100 *et. seq.*
11. Declares the emergency declaration shall remain in effect until the California Proclamation of a State of Emergency is lifted.

#### **BACKGROUND:**

On January 30, 2020, the World Health Organization declared the COVID-19 outbreak to be a "public health emergency of international concern." On March 4, 2020, the Governor of California proclaimed a State of Emergency in the State of California. COVID-19 was declared a pandemic by the World Health Organization on March 11, 2020, and the Governor of California issued a new Executive Order further enhancing state and local government's ability to respond to the COVID-19 pandemic. On March 13, 2020, the President of the United States declared a state of national emergency in response to the COVID-19 outbreak.

Placer County reported community transmission of COVID-19, with multiple cases of confirmed patients, and there is an ongoing risk and likelihood of additional COVID-19 positive patients being identified in the county. There is currently no vaccine or medical treatment specifically for COVID-19, which is pandemic that is potentially beyond the control of the services, personnel, equipment, and facilities of the Agency. The health, safety, and welfare of the employees of the Agency are of the utmost importance. On March 19, 2020, the Placer County Health and Human Services Public Health department issued a shelter in place directive to their residence and restricted non-essential activities in response to COVID-19 pandemic, and many other counties in which NCPA has facilities and where our employees live have issued similar conditions. Finally, also on March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20 ordering all individuals living in the state of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors.

The Department of Homeland Security has identified the energy sector as one of 16 critical infrastructure sectors that are considered so vital to the United States that their incapacitation or destruction would have debilitating effects on security, national economic security and national

public health and safety. In addition Executive Order N-33-20 specified energy sector workers as essential critical infrastructure workers exempted from his directive to stay home or at their place of residence. Thus, the functions of the Agency including but not limited to its work to continue to operate, maintain and restore to operation its electric generation facilities including the contracting for and payment of third parties for services; the planning, scheduling and dispatch of electric energy to support Agency Member and customer loads; the prompt payment of bills including the calculation and payment of energy settlements as required by the California Independent System Operator and for bilateral transactions; and its work to inform and educate policy makers of the impacts of proposed emergency legislation and provide up to date information to the Agency and our Members of the obligations included in the emergency legislation are critical to maintain the Agency's ability to provide essential electric service to our Members and customers. The Agency's employees providing these vital services must continue to work either in their residence or at the Agency's offices, dispatch locations and power generation facilities.

**FISCAL IMPACT:**

The fiscal impact has yet to be determined.

**ENVIRONMENTAL ANALYSIS:**

The impacts from COVID-19 are new and the requirements adopted by federal and state entities, and public health officials create an ever evolving situation. As the need arises, the Agency may be availing itself of emergency exemptions from the California Environmental Quality Act as the Agency needs to take actions that qualify for these exemptions. California Public Resources Code Section 21080(b) (2), (3) & (4) and Title 14, California Code of Regulations Section 15269 provide exemptions from review under the California Environmental Quality Act for projects undertaken, carried out, or approved by a public agency to maintain, repair, restore demolish, or replace property or facilities damaged or destroyed as a result of a disaster, or complete emergency repairs to maintain service essential to the public health, safety or welfare, in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act (Cal. Gov. Code §§ 8550) or to take specific actions necessary to prevent or mitigate an emergency.

**COMMITTEE REVIEW:**

The recommendation will be reviewed by the Executive Committee on March 26, 2020, and is being considered for Commission approval.

Respectfully submitted,



RANDY S. HOWARD  
General Manager

**Attachments:**

- Resolution 20-30

## RESOLUTION 20-30

### RESOLUTION OF THE NORTHERN CALIFORNIA POWER AGENCY PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY CONCERNING THE COVID-19 VIRUS, AUTHORIZING THE GENERAL MANAGER AS THE DIRECTOR OF EMERGENCY SERVICES TO COORDINATE PLANNING, PREPAREDNESS AND RESPONSE EFFORTS REGARDING COVID-19

(reference Staff Report #140:20)

WHEREAS, the Commission of the Northern California Power Agency met on March 26, 2020, during its regular scheduled meeting; and

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak to be a public health emergency of international concern; and

WHEREAS, on January 31, 2020, the United States of America, Department of Health and Human Services declared a Public Health Emergency for the United States of America; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in the State of California due to the number of confirmed cases of COVID-19 in the State; and

WHEREAS, on March 11, 2020, the World Health Organization made the assessment that COVID-19 can be characterized as a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a state of national emergency in response to the COVID-19 outbreak; and

WHEREAS, on March 19, 2020, Placer County issued a Directive of Placer County Health Officer instructing individuals to shelter in place of residence and restricting non-essential activities in response to COVID-19 outbreak; and

WHEREAS, the World Health Organization reported COVID-19 is easily transmissible from person to person and has spread globally to over 198 countries, infected more than 374,714, and killing more than 16,350 individuals as of March 23, 2020; and

WHEREAS, conditions of extreme peril to the safety of person and property have arisen and are threatening health and safety within the Agency's jurisdiction resulting from the COVID-19 virus pandemic; and

WHEREAS, the threat of exposure to, and the spread of COVID-19, cannot be quarantined to one defined geographical area, and thus is likely to require the combined forces of multiple political subdivisions of the state to combat; and

WHEREAS, the Department of Homeland Security has identified the energy sector as one of the 16 critical infrastructure sectors that are considered so vital to the United States that their incapacitation or destruction would have debilitating effects on security, national economic security and national public health and safety; and

WHEREAS, California Governor Gavin Newsom in association with Executive Order N-33-20 specified energy sector workers as essential critical infrastructure workers and as an exception to his directive to stay home or at their place of residence; and

WHEREAS, the federal government as enacted emergency measures addressing COVID-19 including the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act, and may take further action; and

WHEREAS, California Governor Gavin Newsom has issued multiple executive orders addressing COVID-19 and may issue additional executive orders; and

WHEREAS, California Public Resources Code Section 21080(b) (2), (3) & (4) and Title 14, California Code of Regulations Section 15269 provide exemptions from review under the California Environmental Quality Act for projects undertaken, carried out, or approved by a public agency to maintain, repair, restore demolish, or replace property or facilities damaged or destroyed as a result of a disaster, or complete emergency repairs to maintain service essential to the public health, safety or welfare, in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act (Cal. Gov. Code §§ 8550) or to take specific actions necessary to prevent or mitigate an emergency; and

NOW, THEREFORE BE IT RESOLVED, that the Commission of the Northern California Power Agency:

1. Recognizes the personal sacrifices and dedication of the Agency's employees who continue working to provide vital, essential electric service to the Agency's Members and customers during this global pandemic.
2. Finds the recitals stated above are true, correct and are adopted herein as findings.
3. Declares that a State of Emergency exists in respect to COVID-19.
4. Authorizes during the existence of said State of Emergency, the General Manager to: 1) exercise the powers, functions and authority as the Director of Emergency Services including those prescribed by state law or, by resolution of the Agency, and 2) take all other necessary actions to comply with existing and future emergency enacted federal legislation, executive orders, emergency enacted state legislation, directives of public health officials and similar laws, orders or directives so that the General Manager is hereby empowered to respond effectively to COVID-19.
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8. Declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, and/or property and finds, based on substantial evidence, that the emergency will not permit a delay resulting from competitive solicitation for bids, and that this action is necessary to respond to the emergency. Based thereon, it is delegated to the General Manager the authority to take such action as may be necessary regarding the repair or replacement of a

public facility, including procuring the necessary equipment, services, and supplies without engaging in a competitive bid process.

9. Asserts pursuant to Government Code Section 3100 that all public employees are hereby declared to be disaster service workers (Essential Critical Infrastructure Workers) subject to such disaster service activities as may be assigned to them by their superiors or by law.
10. Affirms pursuant to Executive Order, N-35-20, issued by Governor Gavin Newsom, and the Circular Letter from the California Public Employees' Retirement System (CalPERS), the work hour limitations for retired annuitants is suspended from the date of State of Emergency was declared until the state of emergency is lifted. Under the executive order, the 180-day break in service requirement under Government Code section 7522.56(f) is suspended for retired annuitants hired to ensure adequate staffing during the State of Emergency.
11. Authorizes the General Manager as needed to coordinate with the IBEW 1245, the Hydroelectric Employee Association and non-represented Agency staff to adjust work hours, work days, create temporary camps or lodging to isolate employees from the general population, expand the number of Agency employees or take any other action necessary to retain, restore, and maintain Agency operations to ensure the Agency can continue to provide essential electric service, and further and only if needed, direct Agency employees both represented and non-represented to report as Disaster Service Workers pursuant to California Government Code Section 3100 *et. seq.*
12. Declares the emergency declaration shall remain in effect until the California Proclamation of a State of Emergency is lifted.

PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote on roll call:

	<u>Vote</u>	<u>Abstained</u>	<u>Absent</u>
Alameda	_____	_____	_____
San Francisco BART	_____	_____	_____
Biggs	_____	_____	_____
Gridley	_____	_____	_____
Healdsburg	_____	_____	_____
Lodi	_____	_____	_____
Lompoc	_____	_____	_____
Palo Alto	_____	_____	_____
Port of Oakland	_____	_____	_____
Redding	_____	_____	_____
Roseville	_____	_____	_____
Santa Clara	_____	_____	_____
Shasta Lake	_____	_____	_____
Truckee Donner	_____	_____	_____
Ukiah	_____	_____	_____
Plumas-Sierra	_____	_____	_____

\_\_\_\_\_  
 ROGER FRITH  
 CHAIR

ATTEST: \_\_\_\_\_  
 CARY A. PADGETT  
 ASSISTANT SECRETARY