

RESOLUTION NO. 18-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA RATIFYING THE
PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY REGARDING NOVEL
(NEW) CORONAVIRUS ("COVID-19") BY THE CITY MANAGER IN HIS CAPACITY AS
DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, Section 4-2.05 of the City of Pacifica Municipal Code ("PMC") designate the City Manager as the Director of Emergency Services; and

WHEREAS, Government Code section 8630 and PMC section 4-2.05(a) empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by an emergency, subject to ratification by the City Council; and

WHEREAS, Section 4-2.02 of the PMC 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 earthquake, hazardous materials, plane crash, landslide, tsunami, epidemic, flood, riot, fire, or other conditions, including conditions resulting from a labor controversy, which conditions are or are likely to be beyond the capability of control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat"; and

WHEREAS, section 8558 of the Government Code defines a local emergency as including an epidemic; and

WHEREAS, on March 3, 2020, the Director of Emergency Services of the County of San Mateo proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within San Mateo County resulting from the novel coronavirus (COVID-19); and

WHEREAS, on March 3, 2020, the San Mateo County Health Officer declared a Local Health Emergency pursuant to Health and Safety Code section 101080 based on the imminent and proximate threat to public health from the introduction of COVID-19 in San Mateo County; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19 following one official COVID-19 death; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") characterized COVID-19 as a global pandemic and the number of cases will tragically continue to increase across the United States and globally; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N 25-20, which provided, among other things, that non-essential gatherings must be limited to no more than 250 people, while smaller events can proceed only if the organizers can

implement social distancing of 6 feet per person. Gatherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people, while also following social distancing guidelines which provide a distance of 6 feet between people. The Executive Order also ordered certain requirements of the Brown Act relating to teleconferencing could be suspended if specified conditions were met by the public agencies; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, as of March 14, 2020, there are 2,726 cases of COVID-19 in the United States, including an estimated 340 reported cases of COVID-19 in California; and

WHEREAS, on March 14, 2020, the San Mateo County Health Officer, pursuant to Health and Safety Code sections 101040, 101085 and 120175 issued revised Order of the Health Officer No. c19-2b which among other things, prohibits all gatherings, as defined, of more than 50 persons and requires the implementation of specified COVID-19 risk mitigation measures for gatherings of 50 or fewer persons in San Mateo County until April 6, 2020, unless rescinded earlier or extended by further action of the Health Officer; and

WHEREAS, as of March 14, 2020, the San Mateo County Health Officer has reported 32 confirmed cases of COVID-19 within San Mateo County (including one death); and

WHEREAS, the City of Pacifica may need to promulgate emergency orders and regulations to facilitate the maintenance of order and reduction in potential loss of life and property; and

WHEREAS, on March 16, 2020, at 12:11 p.m., the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Pacifica, after determining that the rapidly widespread of COVID-19 is likely to create conditions of disaster or extreme peril which will be beyond the services, personnel and equipment and facilities of the City and executed the "Proclamation of the Existence of a Local Emergency Regarding Novel (new) Coronavirus ("COVID-19")" ("Proclamation"); and

WHEREAS, since the execution of the Proclamation, the San Mateo County Health Officer issued a new Order of the Health Officer of the County of San Mateo dated March 16, 2020, that, among other things, directs all individuals living in the County to shelter in their place of residence and directs all businesses and governmental agencies to cease non-essential operations within the County; and

WHEREAS, the March 16, 2020 Order from the San Mateo County Health Officer provides that "Essential Governmental Functions," as determined by the governmental entity, are not prohibited, however, the social distancing requirements must be complied with, to the extent possible; and

WHEREAS, since the execution of the Proclamation the number of confirmed cases in San Mateo has increased significantly and as of March 17, 2020, the San Mateo County Health Officer reports 64 confirmed cases of COVID-19; and

WHEREAS, in accordance with Government Code section 8630 and PMC section 4-2.05(a) the City Council must take action to confirm the proclamation within 7 days of the proclamation and therefore meeting to consider the Proclamation is essential to allow the City Council an opportunity to consider the Proclamation and the meeting will be conducted in conformance with the March 16, 2020 Order from the San Mateo County Health Officer.

NOW, THEREFORE, BE IT RESOLVED that said Proclamation of Existence of Local Emergency, as issued by said City Manager in his capacity as Director of Emergency Services, which is attached hereto, is hereby ratified and approved by the City of Pacifica City Council.

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

BE IT FURTHER RESOLVED that during the existence of this local emergency, the powers, functions and duties of the Director of Emergency Services, and the emergency organization of the City of Pacifica shall be those prescribed by state law, by the existing ordinances and resolutions of the City of Pacifica, as well as this resolution and any subsequent emergency orders of the City Council.

BE IT FURTHER RESOLVED that the Director of Emergency Services shall send a copy of this Resolution and the Proclamation City's Proclamation will be sent to San Mateo County Offices of Emergency Services and the California Governor's Office of Emergency Services (CalOES) and allow the City to prepare for the emergency and seek applicable state and federal funds relating to the emergency.

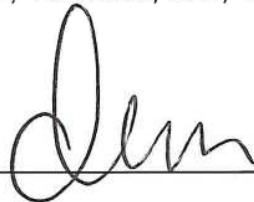
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PASSED AND ADOPTED at a special meeting of the City Council of the City of Pacifica, California, held on the 18th day of March, 2020, by the following vote:

AYES, Councilmembers: Martin, Beckmeyer, Vaterlaus, Bier, O'Neill.

NOES, Councilmembers: None.

ABSENT, Councilmembers: None.

ABSTAIN, Councilmembers: None.



Deirdre Martin, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney

**PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY REGARDING NOVEL
(NEW) CORONAVIRUS ("COVID-19")**

WHEREAS, Government Code section 8630 and section 4-2.01 *et seq.* of the Pacifica Municipal Code empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

WHEREAS, the City Manager is the Director of Emergency Services of the City of Pacifica; and

WHEREAS, on March 3, 2020, the Director of Emergency Services of the County of San Mateo proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within San Mateo County resulting from the novel coronavirus (COVID-19); and

WHEREAS, on March 3, 2020, the San Mateo County Health Officer declared a Local Health Emergency pursuant to Health and Safety Code section 101080 based on the imminent and proximate threat to public health from the introduction of COVID-19 in San Mateo County; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19 following one official COVID-19 death; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") characterized COVID-19 as a global pandemic and the number of cases will tragically continue to increase across the United States and globally; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N 25-20, which provided that non-essential gatherings must be limited to no more than 250 people, while smaller events can proceed only if the organizers can implement social distancing of 6 feet per person. Gatherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people, while also following social distancing guidelines; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, as of March 14, 2020, there are 2,726 cases of COVID-19 in the United States, including an estimated 340 reported cases of COVID-19 in California; and

WHEREAS, on March 14, 2020, the San Mateo County Health Officer, pursuant to Health and Safety Code sections 101040, 101085 and 120175 issued revised Order

of the Health Officer No. c19-2b which among other things, prohibits all gatherings, as defined, of more than 50 persons and requires the implementation of specified COVID-19 risk mitigation measures for gatherings of 50 or fewer persons in San Mateo County until April 6, 2020, unless rescinded earlier or extended by further action of the Health Officer; and

WHEREAS, as of March 14, 2020, the San Mateo County Health Officer has reported 32 confirmed cases of COVID-19 within San Mateo County, including tragically, one death.

NOW, THEREFORE, the City of Pacifica Director of Emergency Services finds that:

- A. The United States of America has confirmed cases of individuals who have a severe acute respiratory illness caused by COVID-19, first detected in Wuhan, Hubei Province, People's Republic of China ("China"). The virus was first reported in China on December 31, 2019; and
- B. WHO officials now report that sustained human-to-human transmission of COVID-19 is occurring. Transmission from asymptomatic individuals has been documented. Suspected community transmission of COVID-19 is occurring in the United States; and
- C. Although the majority of individuals infected with COVID-19 recover from the disease without special treatment, there is significant potential for serious infection and death; and
- D. On January 30, 2020, WHO declared the COVID-19 outbreak a public health emergency of international concern, and on January 31, 2020, the U.S. Department of Health and Human Services declared a Public Health Emergency for the United States of America; and
- E. The United States Centers for Disease Control and Prevention ("CDC") has determined that the virus presents a serious public health threat, requiring coordination among state and local health departments to ensure readiness for potential health threats associated with the virus; and
- F. Due to the significant transmission of the virus and the increased numbers of confirmed cases worldwide, the WHO declared a global pandemic on March 11, 2020 due to COVID-19; and
- G. The County's Public Health Officer has found that COVID-19 spreads easily from person to person and may result in serious illness or death, and it is essential that the spread of the virus be slowed to safeguard the public and protect healthcare resources considering the influx of new patients and has determined that these conditions constitute a threat to community health warrant a proclamation of a Local Health Emergency; and
- H. Conditions of extreme peril to the safety of persons and property have arisen within the City caused by the threat of COVID-19 that will impact significant City and community operations, including critical public infrastructure and services, and which will require the provision of additional public safety and emergency services; and
- I. As contemplated in the Emergency Service Act contained in Government Code Section 8550 et seq., including Section 8558(c) and as defined in PMC 4-2.02, 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 of Pacifica caused by the aforesaid conditions and warrant and necessitate the proclamation of a Local Emergency to enable the City of Pacifica and other local government entities to adequately plan, prepare and secure resources to be able to effectively respond to the threat posed by COVID-19, and to warn City of Pacifica residents and visitors of the threat posed by COVID-19 and to enable them sufficient time to plan and prepare; and

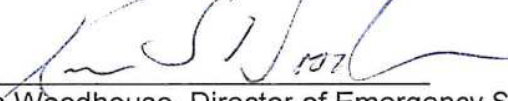
- J. At the time of this proclamation, the City Council is not in session (and cannot immediately be called into session).

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency exists in accordance with the findings set forth above, commencing on or about the time and date of the signature of the Director of Emergency Services below.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this local emergency, the powers, functions and duties of the emergency organization of this City shall be those prescribed by state law, by ordinances, including PMC section 4-2.01 *et seq.*, and resolutions of this City, and by the City's Continuity of Operations Plan.

IT IS FURTHER PROCLAIMED AND ORDERED that this local emergency shall continue to exist until ratified by the City Council. The City Council shall terminate the local emergency at the earliest possible date that conditions warrant.

IT IS REQUESTED that the Governor of the State of California include the City of Pacifica in any emergency declaration by the State; ensure the City of Pacifica is included in any emergency declaration that may be issued by the President of the United States of America; waive regulations that may hinder response and recovery efforts; and make available California Disaster Act and State Private Nonprofit Organizations Assistance Program funding and any other applicable funding.

Date and time: 3/15/2020 12:41pm By: 
Kevin Woodhouse, Director of Emergency Services

ATTEST: 
Sarah Coffey, City Clerk