

RESOLUTION NO. 42-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA RATIFYING ORDER NO. 2020-03 OF THE DIRECTOR OF EMERGENCY SERVICES RELATING TO TEMPORARY CLOSURE OF BEACHES AND BEACH PARKING FACILITIES TO THE PUBLIC FROM SUNRISE ON JULY 3, 2020 TO SUNRISE ON JULY 6, 2020 WITHIN PACIFICA DUE TO COVID-19

WHEREAS, Government Code section 8630 and section 4-2.01 *et seq.* of the Pacifica Municipal Code (“PMC”) 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, on March 16, 2020, the City Manager in his capacity as Director of Emergency Services, issued a Proclamation of Local Emergency due to the global pandemic resulting from the novel coronavirus (“COVID-19”); and

WHEREAS, on March 18, 2020, the Proclamation of Local Emergency was ratified by the City Council through Resolution No. 18-2020; and

WHEREAS, on March 16, 2020, as a result of the widespread community transmission of COVID-19, the Health Officer of the County of San Mateo (“Health Officer”) issued an Order for all County residents to shelter in place except for certain essential activities. This mandate to shelter in place was extended and superseded by Order No. c19-5b dated March 31, 2020, Order No. c19-5c dated April 29, 2020, Order No. c19-5d on May 15, 2020 and Order No. c19-5e (collectively, the “County Health Requirements”); and

WHEREAS, on May 4, 2020, by Executive Order N-60-20, the Governor the State of California directed the public to continue to follow the directives of the State Public Health Officer and county health officers when more restrictive and noting the continued threat of the global COVID-19 pandemic, but allowing reopening of lower risk businesses to reopen pursuant to a framework developed by the State Public Health Officer; and

WHEREAS, the County Health Requirements specifically allow certain public gatherings such as protests, vehicle gatherings and religious activities but generally, public and private gatherings are discouraged to prevent the spread of COVID-19; and

WHEREAS, the threat of community spread of COVID-19 remains high, and although there have been a number of modifications to the original shelter in place order issued by the

County Health Officer, the virus continues to circulate in the community; and

WHEREAS, on July 1, 2020, the Governor announced that all parking facilities at state beaches will be closed over the Fourth of July holiday period in order to discourage travel and prevent congregating at beaches for the purpose of limiting further spread of COVID-19; and

WHEREAS, the City of Pacifica anticipates significant gatherings during the Fourth of July holiday period, which has the potential to generate large gatherings at Pacifica beaches and beach parking lots; and

WHEREAS, large gatherings at Pacifica beaches are likely to result in conditions which are conducive to the spread of COVID-19, and therefore, establishing rules and regulations to temporarily close public beaches and beach parking lots during the Fourth of July holiday period are necessary to minimize such gatherings, and is therefore necessary to protect the public; and

WHEREAS, the closure of municipal parking facilities in the vicinity of public beaches is necessary to discourage travel to beaches located within Pacifica and reduce crowding; and

WHEREAS, under authority contained in Sections 8610 and 8634 of the Government Code and PMC section 4-2.06(a) the City Manager is empowered, as the Director of Emergency Services, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; however, such rules and regulations must be confirmed by the City Council at the earliest practicable time; and

WHEREAS, the City Manager is also empowered, as the Director of Emergency Services to execute all ordinary powers as City Manager, all the special powers conferred upon him by any statute or agreement approved by the City Council or by any other lawful authority, and, in conformity with the provisions of Section 38791 of the Government Code of the State, to exercise complete authority over the City and all police powers vested in the City by Constitution and general laws of the State; and

WHEREAS, under conditions of the local emergency, it is deemed necessary to impose certain rules and regulations relating to the temporary closure of public beaches in Pacifica as well as beach parking facilities to discourage the gathering of crowds and ensure social distancing is maintained in the interest of public safety and health; and

WHEREAS, on July 1, 2020 at 7:45 p.m., the City Manager, in his capacity as Director of Emergency Services, issued an order pursuant to PMC section 4-2.06; and

WHEREAS, in accordance with PMC section 4-2.06(a) the City Council must confirm any rules and regulations promulgated by the Director of Emergency Services at the earliest practicable time after the issuance of the rules and regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pacifica hereby ratifies and confirms Order No. 2020-03 of the Director of Emergency Services Relating to Temporary Closure of Beaches and Beach Parking Facilities to the Public From Sunrise on July 3, 2020 to Sunrise on July 6, 2020 Within Pacifica Due to COVID-19, attached hereto.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 13th day of July, 2020, by the following vote:

- AYES**, Councilmembers: Martin, Beckmeyer, Vaterlaus, Bier, O'Neill.
- NOES**, Councilmembers: None.
- ABSENT**, Councilmembers: None.
- ABSTAIN**, Councilmembers: None.

Deirdre H Martin
Deirdre H Martin (Jul 24, 2020 10:47 PDT)

Deirdre Martin, Mayor

APPROVED AS TO FORM:

Michelle Marchetta Kenyon

Michelle Marchetta Kenyon, City Attorney

ATTEST:

Sarah Coffey

Sarah Coffey, City Clerk

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES RELATING TO
TEMPORARY CLOSURE OF BEACHES AND BEACH PARKING FACILITIES TO
THE PUBLIC FROM SUNRISE ON JULY 3, 2020 TO SUNRISE ON JULY 6, 2020
WITHIN PACIFICA DUE TO COVID-19 (ORDER NO. 2020-03)**

WHEREAS, Government Code section 8630 and section 4-2.01 *et seq.* of the Pacifica Municipal Code (“PMC”) 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, on March 16, 2020, the City Manager in his capacity as Director of Emergency Services, issued a Proclamation of Local Emergency due to the global pandemic resulting from the novel coronavirus (“COVID-19”); and

WHEREAS, on March 18, 2020, the Proclamation of Local Emergency was ratified by the City Council through Resolution No. 18-2020; and

WHEREAS, on March 16, 2020, as a result of the widespread community transmission of COVID-19, the Health Officer of the County of San Mateo (“Health Officer”) issued an Order for all County residents to shelter in place except for certain essential activities. This mandate to shelter in place was extended and superceded by Order No. c19-5b dated March 31, 2020, Order No. c19-5c dated April 29, 2020, Order No. c19-5d on May 15, 2020 and Order No. c19-5e (collectively, the “County Health Requirements”); and

WHEREAS, on May 4, 2020, by Executive Order N-60-20, the Governor the State of California directed the public to continue to follow the directives of the State Public Health Officer and county health officers when more restrictive and noting the continued threat of the global COVID-19 pandemic, but allowing reopening of lower risk businesses to reopen pursuant to a framework developed by the State Public Health Officer; and

WHEREAS, the County Health Requirements specifically allow certain public gatherings such as protests, vehicle gatherings and religious activities but generally, public and private gatherings are discouraged to prevent the spread of COVID-19; and

WHEREAS, the threat of community spread of COVID-19 remains high and although there have been a number of modifications to the original shelter in place order issued by the County Health Officer, the virus continues to circulate in the community; and

WHEREAS, on July 1, 2020, the Governor announced that all parking facilities at state beaches will be closed over the upcoming Fourth of July holiday period in order to discourage travel and prevent congregating at beaches for the purpose of limiting further spread of COVID-19; and

WHEREAS, the City of Pacifica anticipates significant numbers of gatherings during the Fourth of July holiday period, which has the potential to generate large gatherings at Pacifica beaches and beach parking lots; and

WHEREAS, large gatherings at Pacifica beaches are likely to result in conditions which are conducive to the spread of COVID-19, and therefore, establishing rules and regulations to temporarily close public beaches and beach parking lots during the Fourth of July holiday period are necessary to minimize such gatherings, and is therefore necessary to protect the public; and

WHEREAS, the closure of municipal parking facilities in the vicinity of public beaches is necessary to discourage travel to beaches located within Pacifica and reduce crowding; and

WHEREAS, under authority contained in Sections 8610 and 8634 of the Government Code and PMC section 4-2.06(a) the City Manager is empowered, as the Director of Emergency Services, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; however, such rules and regulations must be confirmed by the City Council at the earliest practicable time; and

WHEREAS, the City Manager is empowered, as the Director of Emergency Services to execute all ordinary powers as City Manager, all the special powers conferred upon him by any statute or agreement approved by the City Council or by any other lawful authority, and, in conformity with the provisions of Section 38791 of the Government Code of the State, to exercise complete authority over the City and all police powers vested in the City by Constitution and general laws of the State; and

WHEREAS, under conditions of the local emergency, it is deemed necessary to impose certain rules and regulations relating to the temporary closure of public beaches in Pacifica as well as beach parking facilities to discourage the gathering of crowds and ensure social distancing is maintained and are necessary to protect public safety and health.

NOW THEREFORE BE IT RESOLVED, that I, Kevin Woodhouse, as Director of Emergency Services of the City of Pacifica, declare that due to the continuing state of local emergency the following rules and regulations are issued:

SECTION 1. The recitals set forth above are incorporated herein as is fully set forth above, and are adopted as findings in support of this Order.

SECTION 2. The following beaches and beach parking facilities are temporarily closed to the public for any and all activities from sunrise on July 3, 2020 to sunrise on July 6, 2020:

- Pacifica State Beach (Linda Mar Beach) and north and south parking lots;
- Crespi Lot (Parking lot in front of the Pacifica Community Center);
- Rockaway Beach and north and south parking lots;
- Sharp Park Beach;

- Esplanade Beach and Fisherman's Lot in the 800 block of Palmetto Avenue.

SECTION 3. Any violation of this Order shall be subject to enforcement and penalties as provided for in PMC 1-2.01 or may be enforced through any other lawful means, including but not limited to, California Health and Safety Code Sections 101029, 120295, et seq. and 131082; Government Code Section 41601 and Cal. Penal Code Sections 15 and 836.

SECTION 4. This Order shall become effective on the date signed by the Director of Emergency Operations for the City of Pacifica.

SECTION 5. Severability. If any section, subsection, clause, or phrase of this Order is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portion or section of the Order.

SECTION 6. This order takes precedence over ordinances and resolutions in conflict herewith.

IT IS FURTHER ORDERED that the Director of Emergency Services shall request that the City Council confirm this Order at the earliest practicable time.

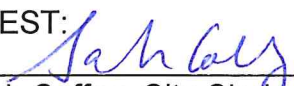
Date and time:

7/1/2020, 7:45 p.m.

By:


Kevin Woodhouse, Director of Emergency Services

ATTEST:


Sarah Coffey, City Clerk









ResolutionNo42-2020_RatifyingEmergencyOrder_ReBeachClosure-Approved

Final Audit Report

2020-07-24

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