



MEMORANDUM

TO: CITY COUNCIL

FROM: WHITNEY MCDONALD, ACTING DEPUTY CITY MANAGER
TIMOTHY J. CARMEL, CITY ATTORNEY

SUBJECT: ADOPTION OF RESOLUTION DECLARING A CONTINUED LOCAL EMERGENCY RELATED TO THE CORONAVIRUS (COVID-19) PANDEMIC

DATE: SEPTEMBER 8, 2020

SUMMARY OF ACTION:

Adoption of the Resolution will continue the declared local emergency related to the COVID-19 pandemic.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There are no direct fiscal impacts related to the proposed action; however, adoption of the Resolution will facilitate the ability for the City to request resources including financial support and reimbursement from the State Office of Emergency Services and the Federal Emergency Management Agency for costs incurred in preparation and/or response to the COVID-19 pandemic.

RECOMMENDATION:

It is recommended the City Council adopt a Resolution declaring a continued local emergency related to the Coronavirus (COVID-19) pandemic.

BACKGROUND:

As the City Council is aware, in accordance with Section 8.12.060 of the Arroyo Grande Municipal Code, the City Manager, in his capacity as the Director of Emergency Services, proclaimed a local emergency on March 16, 2020, regarding the COVID-19 pandemic. The City Council ratified the proclamation at its regular meeting on March 24, 2020.

ANALYSIS OF ISSUES:

Arroyo Grande Municipal Code Section 8.12.065(C) provides that the City Council is to "Review the need for a continuing emergency declaration at regularly scheduled meetings at least every twenty-one (21) days until the emergency is terminated." Accordingly, the City Council has adopted the appropriate Resolutions declaring a continued local emergency related to the coronavirus (COVID-19) pandemic within the required 21-day time period since the ratification of the proclamation at its March 24, 2020 meeting.

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RELATED TO THE CORONAVIRUS (COVID-19) PANDEMIC**

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This item is being presented to the City Council to satisfy the requirements of Section 8.12.065(C). Given the ongoing state of emergency proclaimed by the Governor, the ongoing public health orders issued by the State and local public health officers, and the ongoing work required of City staff to respond to the pandemic and these proclamations and orders, it is recommended that the City Council adopt the Resolution declaring the need to continue the emergency declaration.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Adopt the Resolution declaring the need to continue the declared local emergency; or
2. Provide other direction to staff.

ADVANTAGES:

Adoption of the Resolution will satisfy the requirement of the Arroyo Grande Municipal Code regarding the periodic review of the declared local emergency related to the COVID-19 pandemic.

DISADVANTAGES:

No disadvantages have been identified to adopting the Resolution.

ENVIRONMENTAL REVIEW:

Not required.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING A CONTINUED LOCAL EMERGENCY RELATED TO THE CORONAVIRUS (COVID-19) PANDEMIC

WHEREAS, in accordance with Section 8.12.060 of the Arroyo Grande Municipal Code the City Manager, in his capacity as the Director of Emergency Services proclaimed a local emergency on March 17, 2020, regarding the COVID-19 pandemic; and

WHEREAS, the City Council ratified the emergency proclamation through adoption of Resolution No. 4974 at its regular meeting on March 24, 2020; and

WHEREAS, Arroyo Grande Municipal Code Section 8.12.065(C) provides that the City Council is to review the need for a continuing emergency declaration at regularly scheduled meetings at least every twenty-one (21) days until the emergency is terminated; and

WHEREAS, the City Council has adopted Resolutions declaring a continued local emergency related to the coronavirus (COVID-19) pandemic on April 14, April 28, May 12, May 26, June 9, June 23, July 14, August 11, and August 25, 2020; and

WHEREAS, the Secretary of Health and Human Services Director issued a Determination that a Public Health Emergency Exists and has existed as of January 27, 2020; and

WHEREAS, the President of the United States declared a State of National Emergency; the Governor of the State of California has proclaimed a State of Emergency for the State of California and issued Executive Orders and direction regarding measures to mitigate the spread of cases of COVID-19 within the State of California; the San Luis Obispo County Emergency Services Director has proclaimed a local emergency; and the San Luis Obispo County Public Health Director has declared a public health emergency related to the spread of cases of COVID-19 within the State of California and all recitals set forth therein, are included as though fully set forth herein; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20, which suspends any State law that would preempt or otherwise restrict a local government's exercise of its police powers to impose substantive restrictions on residential or commercial evictions based on nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income or substantial out-of-pocket medical expenses caused by the COVID-19 pandemic, or any local, state, or federal government response to COVID-19 that is documented; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, including the Order of the State Public Health Officer mandating all individuals living in the State of California to stay home or at their place of residence except as needed to maintain

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continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly worldwide and in the U.S., continuing to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande that:

1. All recitals set forth above, are true, correct and incorporated herein.
2. A local emergency is declared to continue to exist throughout the City of Arroyo Grande, and the City has been undertaking, and will continue through termination of this emergency to undertake necessary measures and incur necessary costs, which are directly related to the prevention of the spread of COVID-19 and are taken in furtherance of: the Secretary of Health and Human Services' determination that a public health emergency has existed since January 27, 2020; the Governor's Proclamation of a State of Emergency on March 4, 2020; the President of the United States' Declaration of a National Emergency on March 13, 2020; the County Emergency Services Director's Proclamation of Local Emergency and the County Public Health Director's Declaration of a Public Health Emergency on March 13, 2020; and the City Director of Emergency Services' Proclamation of Local Emergency on March 17, 2020; and related orders and directives.

On motion of Council Member _____, seconded by Council Member _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was approved this 8th day of September, 2020.

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CAREN RAY RUSSOM, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

BILL ROBESON, ACTING CITY MANAGER

APPROVED AS TO FORM:

TIMOTHY J. CARMEL, CITY ATTORNEY

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