



MEMORANDUM

TO: CITY COUNCIL

FROM: JAMES A. BERGMAN, DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER

SUBJECT: CONSIDERATION OF A RESOLUTION RATIFYING THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY

DATE: MARCH 24, 2020

SUMMARY OF ACTION:

Adoption of a Resolution ratifying the existence of a local emergency.

FINANCIAL IMPACT:

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

RECOMMENDATION:

It is recommended the City Council adopt a Resolution ratifying the existence of a local emergency as declared by the Director of Emergency Services/City Manager.

BACKGROUND:

In December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China. Since that time, COVID-19 has spread globally, and has been declared a public health emergency of international concern and a public health emergency for the United States.

ANALYSIS OF ISSUES:

On March 4, 2020, California Governor 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.

On March 13, 2020, the County of San Luis Obispo Health Officer declared a public health emergency and the County of San Luis Obispo Emergency Services Director proclaimed a local emergency due to the COVID-19 pandemic.

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On March 17, 2020, under the authority of Chapter 8.12 of the Arroyo Grande Municipal Code, which designates the City Manager as the Director of Emergency Services and empowers such official to proclaim the existence of a local emergency if the City Council is not in session, a proclamation of the existence of a local emergency was declared. The proclamation was issued in response to the COVID-19 outbreak in San Luis Obispo County and the ongoing risk and potential for widespread community transmission of COVID-19 occurring among the general public, and the imminent and proximate threat of introduction of COVID-19 in the City of Arroyo Grande.

A local emergency proclamation is a prerequisite for requesting a Governor's Proclamation of a State of Emergency and/or Presidential Declaration of an Emergency or Major Disaster. The City Council's ratification of the proclamation will: 1) further ensure legal immunities for emergency actions taken by the City; 2) facilitate requests by the City and other local governments for State and Federal assistance under the State and Federal Disaster Assistance Programs; and 3) allow the Director of Emergency Services/City Manager, or authorized official, to take preventive measures necessary to protect and preserve public health and safety.

Pursuant to Municipal Code Section 8.12.065(c), the City Council is required to review the local emergency at least once every twenty-one (21) days to determine whether the conditions surrounding the local emergency still exist. The City Council shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

ADVANTAGES:

Adoption of this Resolution keeps the local emergency proclamation in effect which allows the City to promptly procure services and supplies immediately necessary and to make and issue orders and regulations on matters necessary for the protection of health and life safety. This action may also provide the City with the opportunity for potential cost recovery for expenses incurred in this emergency.

DISADVANTAGES:

No disadvantages have been identified regarding this item.

ALTERNATIVES:

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

1. Adopt a Resolution ratifying the Proclamation of the existence of a local emergency; or
2. Provide other direction to staff.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

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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, CALIFORNIA, RATIFYING THE DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER'S PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY (COVID-19)

WHEREAS, Section 8.12.060 of the Arroyo Grande Municipal Code empowers the Director of Emergency Services/City Manager ("Director") of the City of Arroyo Grande to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the Disaster Council/City Council ("Council") is not in session and requires that the Council take action to ratify the Proclamation within seven days thereafter; and

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified and has spread globally, impacting more than 75 countries, including the United States; and

WHEREAS, since the federal Centers for Disease Control and Prevention ("CDC") confirmed the first possible case of community spread of COVID-19 in the United States on February 26, 2020, there has been a significant escalation of United States domestic cases and deaths from COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a state of emergency to exist in California due to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a "pandemic"; and

WHEREAS, on March 13, 2020, the County of San Luis Obispo Health Officer declared a public health emergency, the County of San Luis Obispo Emergency Services Director proclaimed a local emergency due to the COVID-19 pandemic, and local school closures went into effect; and

WHEREAS, on March 14, 2020, the County of San Luis Obispo Public Health Department announced the first confirmed case of COVID-19 in San Luis Obispo County after an individual in San Luis Obispo County tested positive for COVID-19; and

WHEREAS, the health, safety and welfare of City residents, businesses, visitors and staff are of utmost importance to the City and additional future measures may be needed to protect the community; and

WHEREAS, the spread of COVID-19 has created conditions that are or are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the State and Federal governments will be critical to successfully responding to COVID-19; and

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WHEREAS, the conditions and necessities listed above have arisen within this City due to the spread of COVID-19, which threatens extreme peril to the health and safety of persons and property, at which time the City Council was not in session; and
of the existence of a local emergency;

WHEREAS, the Director of Emergency Services of the City did proclaim the existence of a local emergency within this City on the 17th day of March 2020, as set forth in Exhibit A, a copy of which is attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande that the Proclamation of Existence of a Local Emergency, as issued by the Director of Emergency Services, is hereby ratified and confirmed.

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

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

AYES:

NOES:

ABSENT:

the foregoing Resolution was passed and adopted this ___ day of _____, 2020.

CAREN RAY RUSSOM, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

JAMES A. BERGMAN, CITY MANAGER

APPROVED TO AS FORM:

TIMOTHY J. CARMEL, CITY ATTORNEY

PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF ARROYO GRANDE, CALIFORNIA, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF ARROYO GRANDE (COVID-19)

WHEREAS, Section 8.12.060 of the Arroyo Grande Municipal Code empowers the Director of Emergency Services/City Manager ("Director") of the City of Arroyo Grande to proclaim the existence of a local emergency when the City is affected or likely to be affected by a public calamity and the Disaster Council/City Council ("City Council") is not in session; and

WHEREAS, the City Manager, as Director of Emergency Services of the City of Arroyo Grande, does hereby find that on March 16, 2020 an extreme threat to the health and safety of persons and property arose in the City of Arroyo Grande as a result of the presence of novel coronavirus (COVID-19) and that this situation necessitated the proclamation of the existence of a local emergency within the City of Arroyo Grande; and

WHEREAS, the City of Arroyo Grande acknowledges conditions existing within the County of San Luis Obispo and supports its proclamation of a local emergency; and

WHEREAS, that this situation warrants and necessitates that the City of Arroyo Grande proclaim the existence of a local emergency, and the Council is not in session and cannot immediately be called into session; and

WHEREAS, this Proclamation of Local Emergency will be ratified by the City Council within seven days of being issued.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Director of Emergency Services of the City of Arroyo Grande that a local emergency exists throughout the City, and that said emergency shall be deemed to continue to exist until its termination by the City Council.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by State law, ordinances, resolutions and approved emergency plans of the City.

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this Proclamation of Local Emergency be forwarded to the San Luis Obispo County Office of Emergency Services and to the State Director of the Governor's Office of Emergency Services with a request that:

1. The State Director find the Proclamation of Local Emergency acceptable in accordance with provisions of the Emergency Services Act; and that
2. The State Director forward this Proclamation, and request for a Presidential Declaration of Emergency, to the Governor of California for consideration and action.

Date: March 17, 2020


James A. Bergman, City Manager,
Director of Emergency Services

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