

AGENDA DESCRIPTION:

Consideration and possible action to adopt a resolution declaring a local emergency in response to the novel coronavirus (COVID-19).

RECOMMENDED COUNCIL ACTION:

- (1) Adopt Resolution No. 2020- ___, proclaiming a local emergency in response to COVID-19

FISCAL IMPACT: The primary costs that would be incurred by the City are for administrative support staff in the coordination, surveillance, communication and management of the COVID-19 local emergency, as well as related services and supplies. Current City costs are being covered by existing department appropriations, but will be tracked separately in the City's Disaster Fund. Staff will pursue any available federal and State reimbursement for all City costs incurred.

ORIGINATED BY: William Wynder, City Attorney

REVIEWED BY: Kit Fox, AICP, Interim Deputy City Manager 

APPROVED BY: Ara Mhrianian, AICP, City Manager 

ATTACHED SUPPORTING DOCUMENTS:

- A. Resolution No. 2020-___, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, PROCLAIMING A LOCAL EMERGENCY IN RESPONSE TO COVID-19 (page A-1)

BACKGROUND:

The disease caused by novel coronavirus, currently designated COVID-19, was first detected in Wuhan City, Hubei Province in China in December 2019. Since then, on January 30, 2020, the World Health Organization (WHO) declared COVID-19 a public health emergency of international concern. On January 31, 2020, United States Health and Human Services (HHS) Secretary Alex M. Azar II declared this global outbreak a public health emergency for the United States. The Centers for Disease Control and Prevention (CDC) announced on February 25, 2020, that community spread of COVID-19 is likely to occur in the United States.

The State of California proclaimed a State of Emergency on March 4, 2020. On that same day, the County of Los Angeles declared a Local Health Emergency. On March

12, 2020, Governor Newsom issued Executive Order N-25-20, declaring that state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a *force majeure*. On March 13, 2020, President Trump declared a National State of Emergency.

As of March 15, 2020, the WHO reported that, to date, there were 153,648 confirmed cases of COVID-19, 5,746 of which resulted in death, across 146 countries. On March 15, 2020, the California Department of Public Health (CDPH) reported that, to date, California has 247 confirmed cases of COVID-19, five of which have resulted in death. CDPH also reported that approximately 11,400 Californians who returned to the United States after travel are self-monitoring. The CDC anticipates that widespread transmission of COVID-19 in the United States will occur.

As of the preparation of this report, there is one suspected or presumptive (but not yet confirmed) case of COVID-19 on the Palos Verdes Peninsula. The City's proposed actions will provide the City additional powers to coordinate local efforts and identify and procure resources needed to effectively address the emergency as needed. COVID-19 is a serious public health threat as it is highly contagious and may be spread by asymptomatic individuals.

Much is unknown about the nature of the virus such as the exact modes of transmission, the factors facilitating human-to-human transmission, the extent of asymptomatic viral shedding, mutations, basic reproduction number, and the case fatality rate. Experts disagree about the incubation period and appropriate quarantine period. Additionally, there is currently no vaccine to prevent COVID-19 or specific antiviral treatment that has been found to be effective.

What is known at this time is that the virus is spread between people primarily via respiratory droplets produced when an infected person coughs or sneezes. Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from mild sickness to severe illness. Based on experience with other coronaviruses that cause severe respiratory illness, the CDC currently believes that symptoms appear two to 14 days after exposure. While the vast majority of individuals (approximately 87 to 98 percent) will have mild to no symptoms, or will eventually recover if they do become significantly ill, a small portion of those infected—about two to three percent—will become severely ill, and may result in death.

Due to the risk to the health, safety and welfare of residents of Rancho Palos Verdes from COVID-19, Staff is requesting the City Council declare the existence of a local emergency pursuant to the Government Code section 8630, and Rancho Palos Verdes Municipal Code Chapter 2.24.

DISCUSSION:

Government Code §8558 defines a local emergency as “the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as air pollution, fire, flood, storm, **epidemic** (emphasis added), riot, drought, ... or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat.” (Emphasis added.) Section 2.60.20 of the Rancho Palos Verdes Municipal Code (RPVMC) defines “Emergency” in a substantively similar manner.

Under Government Code §8630, the City Council can proclaim the existence of a local emergency. Under RPVMC §2.24.060, the City Manager as the Director of Emergency Services, may request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session, or to issue such proclamation if the City Council is not in session. On March 14, 2020, the City Manager activated the City’s emergency operations center (EOC) at Level 3, the lowest level of activation.

Once the existence of a local emergency is proclaimed, neighboring jurisdictions and the State have the power to provide mutual aid to address the emergency conditions. Staff understands that most of our neighboring Peninsula cities have already or intend to declare local emergencies. Pursuant to Government Code §8630, once proclaimed, the City Council is required to review the need for continuing the local emergency at least every 60 days until the local emergency is terminated, and must proclaim the termination of the local emergency at the earliest possible date that conditions warrant. Currently, the Governor’s March 4, 2020, declaration of a State of Emergency waived the 60-day review requirements.

The proclamation recommended in this agenda report will enable the City to more effectively respond to the potential outbreak, put in place a framework that supports the continuity of essential public safety services, seek and utilize mutual aid, potentially obtain reimbursement for expenses incurred to address the pandemic, and ensure the City has all available tools at its disposal to keep the community safe.

ALTERNATIVES:

In addition to the Staff recommendation, the following alternative action is available for the City Council’s consideration:

1. Los Angeles County has already declared the existence of a County-wide Local Emergency. The City Council could if it wished, pursuant to Government Code §8630, simply operate under the County’s declaration of emergency. However, a City declaration of emergency increases the likelihood of federal or state reimbursement of expenditures incurred to mitigate the emergency.

RESOLUTION NO. 2020-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
RANCHO PALOS VERDES, DECLARING AND
PROCLAIMING A LOCAL EMERGENCY IN RESPONSE TO
COVID-19**

WHEREAS, in December, 2019, an outbreak of respiratory illness due to a novel coronavirus (COVID-19) was first identified in Wuhan City, Hubei, Province, China; and,

WHEREAS, the Center for Disease Control and Prevention (CDC) considers COVID-19 to be a very serious public health threat with outcomes ranging from very mild (including some with no reported symptoms) to severe, including illness resulting in death; and,

WHEREAS, according to the CDC, there is no vaccine to prevent COVID-19 and there is no specific antiviral treatment recommended for COVID-19 at this time; and,

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared a Public Health Emergency of International Concern over the global spread of the novel coronavirus (COVID-19); and,

WHEREAS, on January 31, 2020, Health and Human Services (HHS) Secretary Alex M. Azar II declared a Public Health Emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and,

WHEREAS, the California Department of Public Health has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and,

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency for the State of California; and,

WHEREAS, on March 4, 2020, the County of Los Angeles declared a Local Health Emergency in response to increased spread of COVID-19; and,

WHEREAS, on March 11, 2020, the WHO characterized COVID-19 as a "pandemic"; and,

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 regarding COVID-19; and,

WHEREAS, on March 13, 2020, President Trump declared a National State of Emergency in response to increased spread of COVID-19; and,

WHEREAS, there is one suspected (but as-yet-unconfirmed) case of COVID-19 on the Palos Verdes Peninsula, COVID-19 is easily transmissible from person to person and, as of March 15, 2020, has spread globally to over 146 countries and territories, has infected more than 153,000 individuals and killed more than 5,700 individuals per the WHO; and,

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases within the City, and to prepare to respond to an increasing number of individuals who may require medical care; and,

WHEREAS, strict compliance with certain Municipal Code and other City regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19, which issue cannot be timely addressed absent a declaration of emergency; and,

WHEREAS, per Government Code §8630 a declaration of a local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the City Council; and,

WHEREAS, Section 2.24.050 of the Rancho Palos Verdes Municipal Code appoints the City Manager as Director of Emergency Services, and empowers the Director request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session, or to issue such proclamation if the City Council is not in session; and,

WHEREAS, on March 14, 2020, the City Manager activated the City's Emergency Operations Center (EOC) at Level 3, the lowest level of activation; and,

WHEREAS, out of an abundance of caution to protect the health, safety, and welfare of the community, the Director of Emergency Services requested the City Council to proclaim a local emergency due to the public health threat caused by COVID-19.

WHEREAS, during the existence of the local emergency, and along with all State and County first response resources, all City first response resources, vehicles, and services shall be given first priority from shopkeepers and businesses located within the City, including, but not limited to, water, fuel and gasoline

NOW, THEREFORE, THE RANCHO PALOS VERDES CITY COUNCIL HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. The conditions of extreme peril to the safety of persons and property have arisen within the City of Rancho Palos Verdes, caused by the effects of COVID-19.

SECTION 2. The aforementioned conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency by the City, as the

means to resolve the conditions of extreme peril will probably exceed the capability of the City.

SECTION 3. The City Council does hereby declare and proclaim the existence of a local emergency.

SECTION 4. During the existence of such local emergency, the powers, functions, and duties of the City Manager as Director of Emergency Services and the Disaster Council of this City shall be those prescribed by State Law, Chapter 2.24 of the Rancho Palos Verdes Municipal Code, and ordinances and resolutions of this City, and approved plans of the City in order to mitigate the effects of the local emergency.

SECTION 5. In addition to the powers, functions, and duties already prescribed above, the Council desires to make clear the powers, functions, and duties include:

(a) As necessary for the public health, life, and property, entering into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19.

(b) Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, as well as any City procurement or related policy, are suspended to the extent reasonably necessary to address the effects of COVID-19.

(c) The Emergency Services Director is expressly authorized to assist with any lawful order, including the enforcement of an order of quarantine or curfew, as well as ordering potentially ill City employees to leave the workplace, authorizing certain City employees to work remotely, taking steps to limit non-essential contact by City employees, etc., to address the effects of COVID-19.

(d) The Emergency Services Director is expressly authorized at his or her discretion to invoke force majeure clause on any City agreements or obligations, to the extent reasonably necessary to address the effects of COVID-19.”

SECTION 6. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

SECTION 7. The Government Code § 8630 requirement that the Council review of the need for continuing the local emergency at least once every 60 days until the City Council terminates the local emergency has been waived for the duration of the statewide emergency declared by Governor Newsom. In the event this declaration of local emergency extends for more than the duration of the statewide emergency declared for COVID-19, City Staff are directed to thereafter return this item for Council review of the need for continuing the local emergency at least once every 60 days until the City Council terminates the local emergency.

SECTION 8. This Resolution shall take effect immediately. A copy of the Proclamation and this Resolution shall be forwarded to the Los Angeles County Operational Area for transmission to California Emergency Management Agency.

SECTION 9. The City Clerk shall certify to the passage and adoption of this resolution.

PASSED, APPROVED and ADOPTED on this 17th day of March 2020.

John Cruikshank, Mayor

Attest:

Emily Colborn, City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Emily Colborn, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 2020-__ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on March 17, 2020.

Emily Colborn, City Clerk