

**A PROCLAMATION BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY
OF EL PASO DE ROBLES DECLARING THE EXISTENCE OF A LOCAL
EMERGENCY**

City of El Paso de Robles
March 17, 2020

WHEREAS, the Paso Robles Municipal Code Chapter 2.24 empowers the City Manager, acting as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is exposed to an actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City and the City Council is not in session; and

WHEREAS, the City Manager, as Emergency Services Director of the City of El Paso de Robles, does hereby find that:

1. Threatened existence of conditions of extreme peril to the health and safety of persons in the City are present as a result of the increasing spread of novel coronavirus (COVID-19) across the state.
2. The World Health Organization (WHO) reports that coronaviruses are a large family of viruses that cause illnesses ranging from the common cold to more severe respiratory diseases. Coronavirus 19 is a new strain that has not been previously identified in humans, and has caused the current COVID-19 outbreak.
3. Since the discovery of the COVID-19 outbreak in December 2019, mainland Chinese authorities have identified thousands of human infections, resulting in thousands of deaths associated with this novel coronavirus which began in Wuhan City, Hubei Province. Since December, the virus has spread to every continent (except, perhaps, Antarctica).
4. 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.
5. On March 11, 2020, the World Health Organization made the assessment that COVID-19 may be characterized as a pandemic.
6. Additionally, 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. On March 11, 2020, the CDC issued recommendations for 30-day mitigation strategies based on the current situation with COVID-19 transmission and affected health care facilities including the recommendation to cancel large gatherings e.g., greater than 250 people or move to smaller groupings.

7. On March 11, 2020, the Governor of the State of California announced that California public health officials have determined that gatherings of more than 250 people should be postponed or canceled across the state until at least the end of March.
8. On March 13, 2020, San Luis Obispo County declared a Local Health Emergency due to the spread of COVID-19 cases.
9. On March 13, 2020, the President of United States declared a national emergency to address COVID-19.
10. On March 14, the first case of COVID-19 was confirmed in San Luis Obispo County. Several other cases have been confirmed since then.
11. The efforts required to prepare for, respond to, mitigate, and recover from the increasing spread of COVID-19 have imposed, and will continue to impose, extraordinary requirements and expenses on the City, requiring diversion of resources from day-to-day operations.
12. As contemplated in the Emergency Service Act contained in Government Code Section 8550 et seq., including Section 8558(c), 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 caused by the aforesaid conditions which are likely to be beyond the control of the services, personnel and facilities of the City and require the combined forces of other political subdivisions to combat.
13. At the time of this proclamation, the City Council was not in session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, effective 10:00 a.m. on March 17, 2020, that a local emergency now exists throughout the City; and

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, and resolutions of the City of El Paso de Robles, as well as by the Emergency Operations Plan and the Pandemic Continuity of Operations Plan, notwithstanding all otherwise applicable procedures, timelines, and methods of action, and the Emergency Services Director is expressly authorized to take any and all actions in furtherance of emergency powers to address the emergency.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the Emergency Services Director is expressly authorized to make any and all modifications to City purchasing and contracting policies, City paid and unpaid leave policies, as well as other related operational policies, as are deemed necessary to support the continuity of services.

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this order and regulation shall be posted in and outside City Hall and shall be made available to the news media and the general public.

IT IS FURTHER PROCLAIMED AND ORDERED that the City Manager shall request that the City Council ratify this order and regulation by resolution as soon as practicable.

IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency shall continue to exist until terminated pursuant to a resolution approved by the City Council of the City of El Paso de Robles.

March 17, 2020



Thomas Frutchey
Director of Emergency Services

RESOLUTION NO. 20-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES PROCLAIMING A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19) AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY BY THE CITY MANAGER

WHEREAS, the federal Centers for Disease Control and Prevention (“CDC”) has confirmed thousands of cases of individuals who have severe respiratory illness caused by a novel coronavirus, called COVID-19, as well as deaths caused by this illness; and

WHEREAS, the World Health Organization declared COVID-19 a pandemic, and the CDC announced that community spread of COVID-19 is likely to occur in the United States; and

WHEREAS, 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; and

WHEREAS, the increase of reported cases and deaths associated with COVID-19 has also prompted the County of San Luis Obispo to proclaim a local public health emergency on March 13, 2020 and there are approximately 500 confirmed cases of COVID-19 in San Luis Obispo County; and

WHEREAS, Governor Newsom further issued Executive Order N-25-20 on March 12, 2020 and Executive Order N-28-20 on March 16, 2020 related to the COVID-19 threat; and

WHEREAS, the imminent and proximate threat of introduction of COVID-19 in the City of El Paso de Robles threatens the safety and health of City residents; and

WHEREAS, California Government Code Section 8630 and Paso Robles Municipal Code Section 2.24.060(A)(2) empowers the City Manager and City Council to proclaim the existence of a local emergency to protect and preserve public welfare when the City is affected or likely to be affected by a public calamity; and

WHEREAS, a declaration of a local emergency will assist in a coordinated public health response to reduce transmission and illness severity, provide assistance to health care providers, coordinate and mitigate public services that may be disrupted from this emergency, and mitigate any other effects of this emergency on the citizens of the City; and

WHEREAS, under Government Code section 8630(b) and Paso Robles Municipal Code, Chapter 2.24, a proclamation of local emergency must be ratified by the City Council within seven (7) days to remain in effect; and

WHEREAS, Government Code section 8630 generally requires the City Council to review the need for continuing the local emergency at least every sixty (60) days, but as part of Governor Gavin Newsom's March 4, 2020 Declaration of a State of Emergency in California due to COVID-19, this provision has been waived for the duration of the statewide emergency, allowing the City to maintain its emergency in place until terminated by the City Council; and

WHEREAS, the City Council desires to declare a local emergency and ratify the proclamation of local emergency by the City Manager.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles resolves as follows:

Section 1. Pursuant to California Government Code section 8630 and Paso Robles Municipal Code section 2.24.060(A), the City Council hereby finds and proclaims and ratifies a local emergency caused by conditions or threatened conditions of COVID-19 in the City, which constitutes an extreme peril of health and safety of persons within the territorial limits of the City.

Section 2. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

Section 3. The City Manager, acting as the Director of Emergency Services, is hereby authorized to furnish information, to promulgate orders and regulations necessary to provide for the protection of life and property pursuant to California Government Code section 8634, to enter into agreements and to take all actions necessary to obtain State emergency assistance to implement preventive measures to protect and preserve the residents of the City within the scope of the local emergency hereby declared.

Section 4. Pursuant to California Penal Code section 396, it is unlawful for any person or business of the City of El Paso de Robles to charge more than 10% higher than the price charged by that person or business 30 days after the proclamation of this local emergency. The statute also authorizes the City Council to extend the price controls for an additional 30-day period as needed to protect the lives, property or welfare of the citizens.

Section 5. The City Council further orders that:

A. Pursuant to Paso Robles Municipal, the City Manager or Director of Emergency Services pursuant to Paso Robles Municipal Code section 2.24.060(A) is authorized to extend any and all agreements and contracts, regardless of dollar value, that may expire during the local emergency called pursuant to this Resolution and which

are immediately necessary for the continuing operation of City services or to protect the life and property of the residents of the City. Such extension shall not exceed sixty (60) days after the end of the local emergency. All contracts or agreements extended pursuant to this Resolution will be presented in a report to the City Council at the first meeting after termination of the local emergency.

B. The City Manager or Director of Emergency Services pursuant to Paso Robles Municipal Code section 2.24.060(A) is authorized to set the hours of City Hall and all other City buildings, including but not limited to, the Police Department, Community Centers, and Public Libraries during the local emergency including but not limited to closing City Hall, closing City Hall to all non-essential employees, and/or authorizing employees to tele-commute or work from home.

C. Consistent with Paso Robles Municipal Code Chapter 2.24 and the Governor's Proclamation of a State of Emergency and Executive Orders related to the COVID-19 threat, the City Manager shall have executive authority, during this local emergency, over fiscal and administrative matters, including but not limited to making decisions concerning:

- 1) the collection or waiver of late charges or fees for any City-provided service;
- 2) the shut-off and extension of any City-provided utilities;
- 3) direction to staff concerning the issuance of citations or enforcement of parking violations and the waiver thereof based on demonstration of hardship;
- 4) suspension of procurement procedures to authorize the Director of Emergency Services to procure goods and services that exceed \$35,000, as well as waiving competitive bidding procedures, provided that all goods and service procured pursuant to this Resolution and Paso Robles Municipal Code section 2.24.060(A)(8)(b) will be presented in a report to the City Council at the first available meeting after termination of the local emergency;
- 4) suspending Paso Robles Municipal Code prohibitions related to mobile food vendors; and
- 5) employee use of leave balances outside of current policy or MOU provisions if employees are experiencing hardships related illness or providing care to family members as a result of the COVID-19 virus.

D. City staff shall prepare and produce for the Council's consideration a urgency ordinance to provide eviction relief for residential tenants consistent with the Governor's Executive Order N-28-20.

E. Staff is directed to monitor and consult with state and federal officials and express support for the protection of business owners from foreclosures and creditors and to bring to the Council's attention any actions that can be taken in furtherance of such protections.

F. Staff shall consistently communicate with the Council and the public frequently through a variety of measures to re-assure the public and keep everyone informed of measures taken to protect public health and safety.

Section 6. 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, and resolutions of this City of El Paso de Robles.

Section 7. This emergency declaration is effective as of the date of the Statewide emergency – March 4, 2020.

PASSED, APPROVED and ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of the City Council held on March 17, 2020 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

City of El Paso de Robles

Steve Martin, Mayor

ATTEST:

Melissa Martin, Deputy City Clerk