

RESOLUTION NO. 20-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON PROCLAIMING A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS, CALLED COVID-19

WHEREAS, the federal Centers for Disease Control and Prevention (“CDC”) has confirmed multiple 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 (“WHO”) declared COVID-19 a public health emergency of international concern, 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 Los Angeles and its Department of Public Health to proclaim a local and public health emergency; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20, ordering all residents to heed the orders and guidance of state and local public health officials; and

WHEREAS, Executive Order N-25-20 declares that the cancellation of such gatherings is not the fault or responsibility of the parties involved and is therefore ordered a force majeure event; and

WHEREAS, on March 15, 2020, the CDC recommended the cancellation or postponement of all in-person gatherings of fifty (50) or more people throughout the United States, and that events of any size should only be continued if they can be carried out with adherence to guidelines for protecting vulnerable populations, hand hygiene, and social distancing; and

WHEREAS, on March 15, 2020, the Mayor of the City of Los Angeles, exercised executive action and ordered the closure of all bars, nightclubs, entertainment venues, and gyms within the City of Los Angeles until March, 31st., and that restaurants shall remain open but will only provide takeout and delivery, as a preventative measure for the spread of Coronavirus; and

WHEREAS, on March 15, 2020, Governor Newsom issued new restrictions Statewide, calling for home isolation of everyone in California over the age of 65 and with chronic diseases, and also called for the closure of bars, wineries, nightclubs and brew pubs, and called for social distancing in restaurants; and

WHEREAS, on March 16, 2020, the Health Officer of the County of Los Angeles Department of Public Health issued an order requiring social distancing, closing all bars and nightclubs that do not serve food, as well as all gyms and fitness centers, live performance theatres, bowling alleys and arcades as well as limiting restaurants, bars and other facilities that serve food to preparing food to customers via delivery service, via pick up for take-out dining only or via drive through;

WHEREAS, the imminent and proximate threat of introduction of COVID-19 in the City of Avalon threatens the safety and health of City residents; and

WHEREAS, Avalon Municipal Code section 4-2.06, empowers the City Manager, as 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 such emergency in the event of the proclamation of a “state of emergency” by the Governor, provided, however such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, California Government Code Section 8630 and Avalon Municipal Code section 4-2.06(a)(1) empowers the City Manager to request the City Council to proclaim the existence of a “local emergency” if the City Council is in session, 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 will allow the City of Avalon to seek reimbursement for costs associated with the emergency; 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;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVALON AS FOLLOWS:

Section 1. Pursuant to California Government Code section 8630 and Avalon Municipal Code 4-2.06, the City Council hereby finds and proclaims and ratifies a local emergency

caused by conditions or threatened conditions of COVID-19 in Avalon, which constitutes extreme peril to the 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 Council shall seek reimbursement from available county, state and federal assistance programs to recoup costs associated with addressing emergency related conditions related to Coronavirus and be in contact with the County Office of Emergency Services, including those incurred prior to the adoption of this resolution and this declaration of emergency.

Section 4. The City Manager, acting as the Director of Emergency Services (“Director”), is hereby authorized to:

A. Appoint an Assistant Director of Emergency Services, who shall under the supervision of the Director, and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of the City and shall have such other powers and duties as may be assigned by the Director.

B. With the advice and consent of the City Council, appoint representatives of civic, business, labor, veterans, professional or other organizations as having an official emergency responsibility.

C. Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of Chapter 2, Title 4 of the Avalon Municipal Code.

D. Direct cooperation between the coordination of services and staff of the emergency organization of this City, and resolve questions of authority and responsibility that may arise between them.

E. Represent the City in all dealings with public or private agencies on matters pertaining as defined by Chapter 2, Title 4 of the Avalon Municipal Code.

F. Unless specifically undertaken by the City Council, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided however, such rules and regulations must be confirmed at the earliest practicable time by the City Council.

G. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer for the same for public use.

H. To require emergency services of any City officer or employee and in the event of the proclamation of a “state of emergency” in the County in which this City is located, to command the aid of as many citizens of this community as the Director deems necessary

in the execution of their duties, such persons shall be entitled to all privileges, benefits and immunities as provided by State law for registered disaster service workers.

- I. To requisition necessary personnel or material of any City department or agency.
- J. To execute her ordinary powers as City Manager, including those related to employment decisions and all special powers conferred upon her by Chapter 2, Title 4 of the Avalon Municipal Code, or by resolution or emergency plan hereto or hereafter adopted by the City Council, all powers conferred upon her by any statute, by any agreement approved by the City Council, and by any other lawful authority.

Section 5. 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 Avalon.

PASSED, APPROVED AND ADOPTED this 17th day of March, 2020, by the following vote:

AYES: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy, and Olsen.

NOES: None

ABSENT: None

ABSTAIN: None

Ann H. Marshall, Mayor

ATTEST:

Gabrielle Morones, Deputy City Clerk/Sr. Admin. Assistant