



# ***CITY COUNCIL AGENDA REPORT***

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MEETING DATE: MARCH 13, 2020    ITEM NUMBER: NB-2

**SUBJECT:    ADOPT RESOLUTION RATIFYING PROCLAMATION NO. 2020-01  
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY**

**DATE:        March 13, 2020**

**FROM:        LORI ANN FARRELL HARRISON, CITY MANAGER**

**PRESENTATION    LORI ANN FARRELL HARRISON, CITY MANAGER  
BY:**

**FOR FURTHER INFORMATION        JASON DEMPSEY, EMERGENCY SERVICES  
CONTACT:                                ADMINISTRATOR, 714/754-5333, BRENDA  
    GREEN, CITY CLERK, 714/754-5221, AND  
    TARQUIN PREZIOSI, ASSISTANT CITY  
    ATTORNEY**

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## **RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2020-09 ratifying Proclamation No. 2020-01, declaring the existence of a local emergency in order to enhance the City's emergency preparedness and overall readiness in as proactive a manner as possible.

## **BACKGROUND:**

A novel coronavirus (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 declared COVID-19 a public health emergency of international concern. Further, on of March 11, 2020, the World Health Organization has elevated the public health emergency to the status of a pandemic. On January 31, 2020, The United States Health and Human Services Secretary Alex M. Azar II declared this global outbreak a public health emergency for the United States. The Centers for Disease Control and Prevention announced on February 25, 2020 that community spread of COVID-19 is likely to occur in the United States. The County of Orange declared a local emergency and a local health emergency on February 26, 2020. The State of California proclaimed a State of Emergency on March 4, 2020. 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 12,

2020 the City Manager, as the City's Director of Emergency Services, issued Proclamation No. 2020-01 declaring a local emergency to protect public health and slow transmission of COVID-19.

As of March 13, 2020, the World Health Organization reported that, to date, there were 132,536 confirmed cases of COVID-19, 4,947 of which resulted in death, across 123 countries. On March 13, 2020, the California Department of Public Health (CDPH) reported that, to date, California has 198 confirmed cases of COVID-19, four of which have resulted in death. CDPH also reported that approximately 11,100 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.

While there are no reported confirmed, suspected or presumptive cases of COVID-19 in Costa Mesa, 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 U.S. Centers for Disease Control and Prevention (CDC) currently believes that symptoms appear two to 14 days after exposure; however, this is not certain. 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 of about two to three percent will become severely ill resulting in death.

Due to the threat to the health, safety and welfare of residents of Costa Mesa and Orange County from COVID-19, staff is requesting the City Council ratify Proclamation No. 2020-01 declaring the existence of a local emergency pursuant to Government Code section 8630 and Costa Mesa Municipal Code section 6-6(a)(1).

## **ANALYSIS:**

Government Code section 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*, 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.)

Under Government Code section 8630, the City Council can proclaim the existence of a local emergency. Under Costa Mesa Municipal Code (CMMC) section 6-6(a)(1), the City Manager, as the Director of Emergency Services, can also proclaim the existence of a local emergency. 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. Pursuant to Government Code section 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 has suspended the 60-day review requirement.

Accordingly, on March 12, 2020 the City Manager, as the City’s Director of Emergency Services, declared a local emergency as authorized by Government Code section 8630 and Costa Mesa Municipal Code section 6-6(a)(1). The proclamation 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. City Council needs to ratify the proclamation and the need for continuing the local emergency will be reviewed every 60 days or as otherwise required by state law. This may require calling one or more special meetings in the near future.

## **FISCAL REVIEW:**

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, including requested ambulance standby and transport services. Current City costs are being covered by existing department appropriations, but will be tracked separately in the City’s Disaster Fund. Staff will pursue federal and State reimbursement for all City costs incurred.

## **LEGAL REVIEW:**

The City Attorney’s Office has reviewed and approved the proposed proclamation and this report as to form.

**CITY COUNCIL GOALS & PRIORITIES:**

GOAL 1: Keep our Community Safe.

**CONCLUSION:**

Staff recommends that City Council adopt Proclamation No. 2020-01, declaring the existence of a local emergency.

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**LORI ANN FARRELL HARRISON**  
City Manager

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**KIMBERLY HALL BARLOW**  
City Attorney

- Attachments:
1. [Proposed Resolution No. 2020-09 including Proclamation 20-01](#)
  2. [County of Orange Proclamation of Local Emergency](#)
  3. [County of Orange Declaration of Local Health Emergency](#)
  4. [State of California Proclamation of State of Emergency](#)
  5. [Governor Newsom Executive Order N-25-20](#)
  6. [Governor Newsom notification on mass gatherings](#)